



## Cleveland Police Ethics Committee

### Minutes

**Date:** Tuesday 15 September 2020

**Time:** 16:00

**Venue:** Via Zoom

#### Attendees:

Name	Role
Dave Smith	Committee Chair
Richard Smith	Committee Vice Chair
Khan Hanif	Committee Member
Craig Marshall	Committee Member
Stuart Green	Committee Member
Jenni Salkeld	EDI Manager – Cleveland OPCC
Isaac Holmes	EDI Officer – Cleveland OPCC
Ian Arundale	Temporary Deputy Chief Constable – Cleveland Police
John Dodsworth	Operational Ethics Lead Sergeant – Cleveland Police
Charlotte Rumins	Community Hub Advisor – Cleveland OPCC (Minutes)

#### Apologies:

Name	Role
Lisa Oldroyd	Assistant Chief Executive – Cleveland OPCC
Tresor Bukasa	Committee Member
Georgina Fletcher	Committee Member

No.	Discussed	Outcome/Decision/ Attachment
1	<b>Introduction and Apologies</b>  Apologies for absence were noted from Lisa Oldroyd, Tresor Bukasa and Georgina Fletcher.	
2	<b>Declarations of Conflicts of Interest (if any)</b>  DS declared his interest as being a member of the Internal Ethics and Standards Board.	

	<p>It was noted that all external lay members have signed a confidentiality agreement and the matters discussed within this meeting are protected by that agreement.</p>	
<p><b>3</b></p>	<p><b>Minutes of the Previous Meeting and Matters Arising</b></p> <p>The minutes of the previous meeting were approved as an accurate record.</p> <p>It was noted that the gifts and hospitality register was discussed within the previous meeting, it was asked what progress has been made in respect of this since the previous meeting. JD confirmed that this is being progressed by DSE and he would follow up in relation to publication. When the policy is complete it is to be brought to the Cleveland Police Ethics Committee for consideration. Scrutiny in respect of gifts and hospitality has had further consideration since the last meeting and it has been stressed that those items which have been declined are also required to be declared.</p> <p>DS noted that he has updated the ToR since the previous meeting and the updated version has been circulated for discussion under the closed session.</p>	
<p><b>4</b></p>	<p><b>Submissions</b></p> <p><b>Hate Incidents That Are Not Deemed to be a Crime</b></p> <p>CM provided a document for circulation prior to the meeting in respect of the submissions he wished to raise. The first of which related to hate incidents which are not deemed to be a crime, CM noted that he had a number of queries in relation to the submission which he gave an overview of.</p> <p>JD noted that best practice guidance is given to officers in respect of hate crimes and hate incidents, it was noted that the National Crime Recording System provides guidance which aims to bring consistency to the recording of crimes. It was noted that incidents are recorded with facts and evidence if they don't necessarily equate to a crime in itself. For example, racially motivated incidents which occur in private dwellings are not considered a hate crime when taking into account the NCRS guidance, this would instead amount to a hate incident but would still be recorded if it were to be reported.</p> <p>KH queried what the purpose is in recording the incident if it is not a crime and what the role of the police would be in these circumstances? IA noted that much of what the force deal with is non-crime but what is reported by members of public can build up with other intelligence reports and could potentially equate to a crime. He noted that there is not much discretion in relation to what amounts to a crime, but the action taken in respect of reported incidents is a decision for the force. IA noted that if somebody is offended and the issue is reported, the force is required to record it based on the evidence which has been presented to them.</p>	

RS noted that the police are experienced at dealing with incidents in domestic circumstances which do not amount to crimes and he would be confident to apply his trust to officer's judgement in those circumstances but stressed that it is a matter which officers should be expected to take additional care in relation to.

CM queried whether any figures are available in respect of hate crimes and hate incidents, JD noted that he does not have specific figures to hand but the force have a dedicated Hate Crime Unit in place. Any significant issues in relation to hate crimes would be brought to the attention of the Executive and it was noted that this has not been required.

SG noted that the distinction between intelligence and undue recording defines the issue clearly. IA noted that there are safeguards in place to ensure that information is recorded under the person's name who has reported the issue and there are clear distinctions in place in relation to what constitutes a hate crime or hate incident.

KH asked whether the person making the report is able to have access to the information they have provided, IA noted that any person who provides information to the force is entitled to make a Subject Access Request to the force to request this information. The only caveat to this is that any third party information within the data would be redacted. IA noted that if an offence is committed out of a private premises and placed into the public domain the rules would not apply as outlined within the example given in respect of private dwellings.

It was noted that it could be the case that the person who the report has been raised in relation to would not be aware that this has been done. However, all individuals are entitled to request a copy of any information the force hold in relation to them. It was noted that if the individual applies for a sensitive post, the information could potentially be released depending upon the level of security check which is required for the role.

IH noted that the wording within the submission by CM refers to the recording of words, beliefs and thoughts, it would be an action itself which would be recorded. The use of public social media profiles was also noted as people can fall into the trap of thinking that posting things on public social media profiles is no different to speaking to your friends and family at home but if it is publicly visible it can potentially be viewed by a much wider audience than anticipated.

#### **Conflict Between Protected Characteristics**

CM declared an interest as a minister of religion. He asked whether any guidance is given to officers on the protected characteristics and asked whether there is any hierarchy between the different protected characteristics. The conflict of opinions held by some religious groups in respect of same sex marriage and gender reassignment was discussed and it was noted that statements in relation to these

opinions may be expressed within religious ceremonies and he queried whether this could potentially amount to a hate incident and whether the views held by either side would be held above the other.

DS queried whether any of the protected characteristics are perceived to be more important than others and whether they are dealt with differently. IA noted that police officers and staff are humans themselves and will hold their own beliefs and may adopt their own filters from time to time as a result of this, the official position of the force however would be to treat the list of offences equally regardless of the characteristic in question. IA noted however that in some areas specific drives may occasionally take place with a focus on incidents related to one of the protected characteristics which are considered to be of significant impact to the particular community the force are serving (e.g. if a number of racially motivated incidents are taking place in an area there would be a focus on resolving this).

KH asked what the position would be if material is distributed, IA noted that any form of media which features those beliefs would potentially amount to a crime. IH provided an overview of statements made in religious processions and noted that the distinction would need to be made as to whether the statements amount to hate speech or a hate incident. The general view would be that people visit Church or a Mosque by choice and are likely to be aware of the types of views which are likely to be expressed there, it is therefore accepted that this differs to other public spaces such as handing out leaflets in the street to members of the public who are not likely to hold the same views.

JS noted that the forces stance in relation to this is that there is a responsibility to promote community cohesion and one of the principles the force operates around is the prevention of crimes not just handling incidents once they have already occurred. Force engagement with communities aims to lead to the prevention of future incidents.

RS noted that the commentary on the legal position is that the law is struggling to catch up in this country, from reading commentary on judgements it is recognised that there will inevitably be conflicts between the protected characteristics and there must be a focus on the rights of others. It was noted that by law there must not be a hierarchy of the protected characteristics.

IA noted that there has been particular cases in the West Midlands in respect of the delivery of their sex education programme in schools, it was noted that it is not a police issue ordinarily but the police do have a responsibility to ensure there is not a disruption within the community.

SG noted that he had considered this by reflecting upon his own professional experience, he noted that there is not a hierarchy of presidency for anything done in accounting, they would always seek to aim for a rounded and balanced application of a set of principles.

### **Community Scrutiny Panels' Viewing of Body Worn Video**

IH provided an overview of the submission for discussion. RS noted that the risk of bias and the data protection risks are rightly identified, he noted that any protections which can be put into place would be of benefit even though it is unlikely that all risks of identification can be entirely eliminated.

JD noted that although faces are able to be blurred, individuals may be readily identifiable and this could potentially cause tensions within the community. IH noted that the panels which are in place at present have consistent static membership, a dip sample of cases is taken and the information from the cases is currently redacted of personal data and shared with those members, the body worn video would add to the information provided to the panel. The purpose of the panel is to review each Stop and Search to decide whether the action taken was appropriate and proportionate and whether any issues are identifiable in relation to the officer's behaviour, the findings are used to identify areas of learning. It was noted that the force do not currently have the technology to enable them to anonymise videos, it was acknowledged that there will always be limits as to how far the footage is able to be anonymised.

RS noted that he hadn't realised the case selection would be randomised, the footage should be selected to achieve the purpose of the meeting without creating unnecessary risks. If the footage is not able to be anonymised, it should not be used.

KH noted that under the Human Rights Act, would the police seek consent from the person whose footage is being used before using it as this could potentially reduce the risk of community tensions? IH noted that this is not something which would currently be done, members are recruited to the panel as volunteers and it is shown to a restricted audience for a specific purpose. CM noted that no matter how carefully the panel is selected, it is possible that this may inflame the issue as opposed to helping to settle it.

IA noted that the force follow the principle that they will be as transparent as they can in relation to showing the footage, however, in some instances there may be a requirement to blur some officers' faces, for example if they are in sensitive roles. It was noted that all of the surrounding evidence of the action would be required to be shown to the panel in order to provide an accurate perception of what had taken place as the body worn video only shows a small fraction of what has taken place, the information provided prior to acting would inform the officers' action upon arrival.

DS queried whether the contextual information is currently provided to the panel, IH noted that his understanding is that the panel are provided with information which is linked to the Stop and Search on the system. For example if there is a call associated to the incident, the typed transcript of that call would be included within the

workbook, this is wholly dependent on this being linked to it on the system. Intelligence does not tend to be included as a result of the level of confidentiality associated.

DS noted that there are significant risks with sharing information from the body worn video where the individual or officer concerned can be identified, there are risks for the officer, individual and their family, DS noted that he therefore cannot see the reasoning for showing body worn video without the agreement of those participating or alternatively the effective anonymisation of those concerned. The body worn video is also partial and further contextual information would need to be provided in addition to the video footage.

### **Parameters and Expectations Surrounding Officers' Business Interests**

JD provided an overview of the submission. IA noted that the old regulations used to prohibit officers, their partners and close relatives from being license holders but the newer regulations have been amended to no longer include this. It was noted that there is an application, approval and rejection process in respect of business interests. A record of business interests and requests is maintained.

SG noted that he started from the perspective of the officers, every officer he has encountered is keen to tell him how many years' service they have and they are proud of their career in the police service, his concern would be if they are intending to move on to alternative recruitment after their role, how far should the force be entitled to restrict their employment experience whilst they are serving. SG also queried whether officers are able to be made redundant and if not should they be encouraged to recognise that they have this benefit of secure employment.

IA noted that the main changes to the business interest guidance relates to the anonymity available to them when running businesses online. In response to the comments made by SG, IA noted that if the application were to be made in the last 6 months of the officers service the response may be wholly different to those requests for business interests made by officers with 20 years plus remaining to serve. He confirmed that officers are not able to be made redundant.

DS noted that his concern in respect of this particular business interest is that it relates to alcohol as there are specific rules and regulations in place relating to officers and alcohol. RS noted that he doesn't have any difficulty with the primacy of the police force employment, if the committee were asked to decide the particular matter further information would be required. However, he feels that police force employment must still take primacy as there is particular sensitivity in respect of alcohol.

JD provided further context in relation to the submission. DS noted that it strikes him that there needs to be a set of principles by which each application is judged, he added that if the principles are fit for

	<p>purpose they should answer the question posed. The principles would have leeway for judgement but they are in place as they are able to be defended.</p> <p>KH asked why the rules have been relaxed, IA noted that the guidance had been refreshed and in general they were amended to meet factors relating to the Human Rights Act. IA noted that the regulations previously prevented any business interest with a relation to alcohol, including where those premises are owned by a partner or a close family member.</p> <p>DS noted that he felt there must be clarity in the decision making process and if Cleveland were to make the decision that anything to do with the selling and distribution of alcohol would not be appropriate in line with their role as an officer then he feels that would be an ethical decision. He added however that the force will need to be very careful when making these decisions. CM noted that he wonders whether you are able to legitimately separate being the licensee, keeping the books and working behind the bar. KH queried whether it would differ if there was a financial investment in another force area, IA noted that it would differ if the establishment was in another force area and they were unseen as having a role within the establishment.</p> <p>Overall, the committee felt that this would be unethical for this to be agreed to.</p>	
5	<p><b>Development Action Plan</b></p> <p>IH provided an overview on the progress that has been made to date in relation to the action plan, the plan was produced in order to develop the panel and ensure it is sustainable going forward.</p> <p>It was noted that there is currently an issue with the digital platforms available to the committee. There was previously a platform being considered for members to utilise between sessions but the process is now a bit more complicated than first anticipated and it has been confirmed that in order to implement a platform a position paper and a procurement process would be required.</p> <p>IH sought members' views on action numbers 8 and 9 from the plan and asked that feedback be provided. DS noted that one of the key areas the committee need to move forward with is recruitment and in particular recruitment which ensures the committee is diverse. DS requested that recruitment be progressed prior to the November meeting of the committee.</p> <p>JD provided an overview to members in relation to the Ethics Committee report which has recently been discussed at the Audit Committee. It was noted that in last years' report, three submissions had been discussed under the committee arrangements, however since the development plan has been established, there have been 22 items discussed at the Internal Standards &amp; Ethics Board and then</p>	

	<p>subsequently referred to the External Cleveland Police Ethics Committee. JD noted that an additional Internal Ethics Committee has been established which considers matters in addition to the Internal Standards &amp; Ethics Board. The Internal Ethics Committee considers the same submissions as the External Cleveland Police Ethics Committee and provides an operational perspective on the matters which are brought.</p> <p>IH discussed the South Yorkshire Ethics Committee Link Member role and asked whether it is something that panel members would be interested in locally. Members are given a particular specialist area and have significant training and direct links to the force on the area allowing them to give a specialist input on some discussions within the committee. DS suggested that this be discussed within the closed session.</p>	
<p><b>6</b></p>	<p><b>Any Other Business</b></p> <p>No items were raised for discussion under any other business.</p>	