



Cleveland Independent External Ethics Committee

Minutes

Date: Tuesday 8 June 2021

Time: 16:00

Venue: Via MS Teams

Attendees:

Name	Role
Dave Smith	Committee Chair
Richard Smith	Committee Vice Chair
Craig Marshall	Committee Member
Georgina Fletcher	Committee Member
Craig Wright	Committee Member
Ian Arundale	Deputy Chief Constable – Cleveland Police
John Dodsworth	Inspector, DSE – Cleveland Police
Louise Drummond	Head of Performance, Quality & Review – Cleveland Police
Rachelle Kipling	Assistant Chief Executive – Cleveland OPCC
Jenni Salkeld	EDI Manager – Cleveland OPCC
Isaac Holmes	EDI Officer – Cleveland OPCC (Minutes)

Apologies:

Name	Role
Kim Stewart	Committee Member
Tresor Bukasa	Committee Member

No.	Discussed	Outcome/Decision/ Attachment
1	Welcome & Introduction LD introduced herself to the Committee members. DS reminded members to keep microphones muted when not speaking, use the 'raise hand' and chat functions, and to challenge the use of acronyms.	

<p>2</p>	<p>Apologies for Absence</p> <p>Apologies for absence were received from Kim Stewart and Tresor Bukasa.</p> <p>The Committee was informed that Irene Kabuye has decided to withdraw due to new work commitments.</p>	
<p>3</p>	<p>Declarations of Conflicts of Interest</p> <p>DS declared his interest as being a member of the Internal Ethics and Standards Board.</p> <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>4</p>	<p>Independent External Ethics Committee Development</p> <p>Recruitment</p> <p>JS noted that information about joining the committee is still available on the OPCC website, but that recruitment is not being actively pushed at this time. DS requested that this be discussed at the next Triage Meeting due to withdrawal of IK.</p> <p>Development Work</p> <p>DS reminded members that the development work is being done for the benefit of both the committee and the force and stressed the importance of lay members completing post-meeting surveys to ensure they are contributing to the direction of the committee.</p> <p>IH explained that as a result of feedback from the previous survey, the decision has been made not to go forward with the 'link member' role idea at this time. DS agreed that it was the right decision to step back for now as little appetite for this was shown by members.</p> <p>JS noted that she would bring an update on the development needs feedback and 2021-22 action plan at the next meeting.</p> <p>Face-to-Face Meetings</p> <p>JS noted that she is looking to have the next Committee meeting face-to-face, with a blended approach if any members are not comfortable meeting in-person at this time. JS noted that this would likely be at the CSH using Cleveland Rooms 1 and 2 which together allow social distancing. DS and CM both expressed that they are looking forward to meeting in-person.</p> <p>Cleveland Youth Commission</p> <p>JS provided an update on the Youth Commission Ethics Group that will be run through the OPCC and Leaders Unlocked. JS explained that the Terms of Reference has been agreed, and that it will be commencing</p>	<p>Consideration to be given to actively pushing recruitment at next Triage Meeting; decision to be reported back.</p> <p>JS to provide update on development needs and action plan at next Committee meeting.</p>

	<p>in September/October time with a review point in February 2021.</p> <p>CM asked about the anticipated group size. IH explained that the hope was for around eight members.</p> <p>DS noted that this may be of interest for university study. JD mentioned that he recently raised it with the PCDA students and asked them to get in touch if they were interested in the topic for their thesis.</p> <p>Chair & Vice Chair Protocol</p> <p>DS explained that both himself and RS are happy to continue as Chair and Vice Chair respectively for now as no other members have expressed an interest in the roles at present. However, RS explained that he would be looking to stand down from the role in the very near future but would stay on until work agreed with IA is complete. JS noted that some interest was expressed in regard to standing as Vice Chair in future, so a gradual handover could be considered.</p> <p>Submission Form</p> <p>DS asked CM how the submission form worked from a lay member perspective. CM had submitted an ethical dilemma, but discussion is deferred pending an outcome in the relevant legal case. CM responded that he felt the form worked fine and was both simple and flexible to use. DS thanked CM for his feedback and added that the form will therefore be used going forward and can be amended as needed in future.</p>	
5	<p>Minutes of the Previous Meeting and Matters Arising</p> <p>RS proposed that the minutes of the previous meeting were an accurate record; CM was the seconder to this proposal. The minutes of the meeting of 13 April 2021 were approved.</p> <p>DS asked if JD had an update regarding a question raised about savings through the BP Fuel Discount at the last meeting. JD stated that savings amounting to £140,000 had been invested in frontline services.</p> <p>DS noted that the Gifts and Gratuities Policy would be discussed at the next Committee meeting.</p>	
6	<p>Submissions</p> <p>Measuring Response Time Performance</p> <p>LD provided additional context around the submission. The current methodology was devised in 2018 in conjunction with HMIC. The Force has since engaged with consultancy firm Process Evolution who looked at the methodology. Process Evolution found that although the methodology was not 'wrong', it was inconsistent with other forces due to the use of the opening rather than closing code limiting the ability for meaningful comparison, and that the use of case closure</p>	<p>IA/JD to report back to Committee on right to protest process development</p>

time where arrival time was absence lead to inaccuracies in the data as this could be hours or even days after the real arrival time. There are no national standards for measuring response time.

DS invited questions of clarification. CM asked about the purpose of measuring response times. LD replied that this gives an insight into how well the Force is managing demand and safeguarding victims. It also feeds demand management models to ensure the right resources are allocated in the right places and the right times. CM asked if the data is primarily for internal use. LD confirmed that it is. CM asked if comparison with other forces is secondary to these purposes. LD replied that comparison provides additional insight and helps to identify potential performance issues. IA explained that this type of data is scrutinised by the PCC and Police & Crime Panel; this was seconded by RK. IA also mentioned that it is essential that the data is accurate for it to be useful. IA expressed that some people may say the Force is doing it to look better and that they must be sure they are doing it ethically and for the right reasons. LD noted that calculations show that although the revised methodology would lead to a 2% increase in Emergency performance, it would lead to a 3-8% decrease in Priority performance. LD clarified this was about creating an accurate picture, not gaming the system.

CM stated it was strange that there was no national conformity in response time performance. LD noted that target times are set locally depending on factors such as area size and rural/urban split. CM queried how useful comparison would be if target times were different.

DS and CM both expressed the concern that not including cases where no arrival time was recorded could create an incentive not to record if the target time was not met. LD replied that the number of incidents with no arrival time would be reported on and taken to the Local Policing Delivery and Assurance Group. Any emerging trends would be highlighted and appropriate action taken. This number will also be displayed on daily performance dashboards.

RS explained that he was fairly happy with the proposal and that he could see the benefit in being able to compare performance to other forces. CM expressed that he was also relaxed about the proposal, but did still have concerns about comparing across differing standards and methodologies. CM stated it was clear that cases with no recorded arrival time should be excluded from performance statistics for accuracy. GF noted it did not seem to be motivated by the desire to manipulate figures, and that if it makes the data more useful it will lead to better outcomes for the public. KS provided written feedback to say that if performance measuring couldn't be set nationally it would be best to fall in line with other forces.

DS noted that the changes would mean the Force wouldn't be able to compare performance historically over time, but LD clarified that past data can be changed to be calculated on the new methodology, so they will still be able to do this.

DS summarised that the Committee agreed the proposed changes would make the data more accurate and useful. The Committee would like to see national standards in performance measuring but accepts this is out of the Force's hands. DS stressed that there must be an insistence on recording arrival times to prevent the changes to methodology being abused. DS also considered it vital to improve accuracy in determining the initial grading of an incident through training/increased capacity.

Right to Protest

JD summarised the dilemma and explained that the submission came about following a Thames Valley Police report on officers and staff attending protests. Force approaches vary from the extremes of banning attendance at all protests to allowing attendance entirely at the discretion of the individual, with many forces falling in between. JD clarified that attendance would never be allowed at protests linked to prohibited groups.

DS asked if anyone had any questions for clarification. CM asked which staff roles are politically restricted. IH answered that all members of the OPCC are politically restricted, as are certain roles within Cleveland Police, usually those that are higher profile or particularly sensitive. RS asked what was meant by 'crowd within a crowd'. JD replied that there will be people at the same protests with different approaches; some may protest peacefully, and others may cause damage. DS noted that these people may have the same outcome in mind but perceive different means as being necessary. GF asked if prohibited groups included international terrorist organisations. JD confirmed that these would be prohibited, whether through explicit reference or through other parts of legislation. IA noted that the list can be a grey area with new groups constantly emerging.

DS questioned how far human rights can be curtailed by contracts of employment. The terms state officers cannot act in a way that could bring the police service into disrepute, or engage publicly in politics, but these things would likely be defined differently by different people. DS noted that the Thames Valley report erred on the side of saying that restrictions should only be implemented where they can be fully justified.

GF noted another clause that states police officers should abstain from activity that could impair the impartial discharge of duties. GF said this was significant as members of the public could view an officer as inherently biased if they are known to campaign on an issue. DS mentioned that this point related to a previous item around police officers 'taking the knee' at Black Lives Matter protests. DS noted that it will be the case that some members of the public will be on the opposite side of any issue that a protest is held in relation to.

CW referenced the Elie Wiesel quote "Neutrality benefits the

oppressor". CW added that in the 80s it was illegal to teach or raise awareness of gay rights and experiences; at that time many LGBT+ were forced to live a life of protest. Nowadays police take part in pride marches and generally acknowledge that police actions in the past were wrong and harmful. CW ended by saying that what some people might view as controversial or political today might be viewed as fundamental human rights in a few years' time.

RS said he felt it was clear the Force should place some restrictions on attending protests but wasn't sure what those restrictions should look like. He mentioned that all circumstances around the issue and event should be considered when making a decision. DS asked what the process should look like. RS replied that he didn't have a clear view, but that it should rely on the professional judgment of those involved.

CM noted that legislation in the field of freedom of expression is often unclear and can be interpreted in different ways. CM added that freedom of expression is a qualified right, and that other professions also have limitations on activity such as protesting. CM said that as a member of the public he would want to view the police as impartial.

JD questioned whether being 'neutral' did actually mean being on a side - the side of the status quo. JD mentioned that he would want police officers to stand up for what is right, and to be people led by their morals. GF agreed with JD's comments and added that the Force needs to provide guidance on the subject rather than leave it as a grey area which could lead to inconsistency in application. GF said she would like the guidance to include case studies with explanations of why attendance would or would not be permissible.

CM mentioned that there was an interesting separation between being a police officer and being an individual who happens to be a police officer. CM said that for senior or high-profile officers this separation might not be perceived by the public.

IA explained that he receives ethics referrals where officers have engaged in protests and has to decide whether action should be taken. IA said that considerations for protests are in line with the National Decision-Making Model and consider issues such as likelihood of police deployment for reasons other than public/road safety, and any intelligence that may have been received.

DS raised that not all members of the public are accepting of equality and diversity. DS questioned whether someone would be free to attend an anti-immigration march in the same way as someone being free to attend an anti-racism march. IA replied that it's not possible to have a fixed view. IA mentioned that the Force also has to be conscious of the potential for legal challenges. IA said that individuals need to have an internal barometer, and this is something that could be worked on with student officers.

RS said although a policy wouldn't be able to deal with all circumstances and nuances, it would be helpful to have a defined

process. IA noted that reasons for preventing attendance should be clearly laid out rather than having arbitrary decisions. DS agreed that a structured process would be the way forward.

JD noted that the Forces is recruiting a younger generation who may be more used to activism, including social media activism, and not view it as inherently political. JD added that it is important to get right to ensure impartiality is not compromised.

DS asked what should happen should disorder happen at a protest where an officer is present. IA said that the officer should extricate themselves from the situation immediately. JD added that a police officer is never really off duty and would always be expected to take action or report if witnessing crime.

GF noted the potential for officers at protests being mistaken for undercover officers if others are aware of their profession. GF added that she didn't see a way around that but that it is something to be cognisant of. IA agreed and noted potential risk if attendees are identified as police officers.

DS summarised that this is a very complex issue and that restrictions on human rights even if written into contract should only be used where there is legitimate reason for those restrictions to be needed. There needs to be a system that recognises rights and freedoms but that is measured with an understanding of potential consequences and risk. DS added that responsibility to make the right decision sits both on the Force and the individual. Rationale should be clearly documented, and there should be a written process to give clarity both to individuals and supervisors.

IA said that he and JD would do some further work on this matter and report back to the Committee

Property Stores & Arrests

JD presented the dilemma and clarified that Property Store workers are employed by Tascor and have access to the Force's NICHE intelligence system. The Property Store Manager raised the issue of whether or not it is ethical for Property Store staff to lie about returning property in order to facilitate arrest.

CM asked if Property Stores are always contracted out. JD replied that this depends on the Force.

GF queried whether it was necessary for Property Store staff to directly contact the Force to facilitate the arrest, and whether instead this could be 'flagged' on Force systems. JD stated this is not possible. JD added that the staff could go through Force Control Room but that this would be an inefficient and convoluted use of resources.

	<p>IA asked how it would be viewed if it was for a very serious offence such as murder or firearms offences. IA added that historically tactics such as fake prize draws have been used by police forces to facilitate arrests. IA noted that the main difference with this case is the involvement of an externally contracted Property Store.</p> <p>RS said that this practice could be justified in the interests of protecting the public. RS asked if the final decision about whether or not to release property could be made once the individual arrives in order to prevent staff from lying. JD replied that this would often not be possible as belongings may be needed for an ongoing investigation or have been sent away for testing.</p> <p>GF stated that on balance she could see the need for the tactic in certain circumstances. GF questioned whether it was part of the outsourcing contract that they would supply intelligence and not just facilitate the return of property. DS agreed and added that it would be for the company to decide whether they wished to take the contract using their own ethical framework.</p> <p>JS raised that this tactic could negatively impact groups that historically have low trust in the police, such as Gypsy, Roma and Traveller communities or homeless people. IH added that suspects could also be victims, and that there may be associated vulnerabilities. IA mentioned that this could lead to people from these groups not wanting to engage with the police as victims or witnesses for fear of getting into trouble.</p> <p>CM stated that as a minister of religion he believes that lying is unethical. CM added that he can however see that unethical means can be used to achieve a just outcome, and that it is a very complex area. KS provided written feedback to state she did not think having police staff lie to facilitate arrest could be ethical.</p> <p>RS stated that the public would expect the police to do everything possible to catch suspects.</p> <p>IH queried what would happen in the instance an employee was not comfortable with lying. DS replied that this part of the role should be laid out within both the outsourcing and employment contracts. IA noted that having this within contracts would help to avoid a potential constructive dismissal case if a Property Store employee was pressured to lie against their will. IA also raised that lying to achieve a public good is a tactic largely accepted by the public with undercover policing.</p> <p>DS summarised that there were mixed responses to this issue. A slight majority of those who put forward views were of the view that the benefit to the public good of arresting suspects outweighs the ethical wrong of lying. Two Committee members were of the view that the practice is unethical.</p>	
7	Any Other Business	

	<p>JS provided an HMIC update. JS provided the background to the two Causes for Concern that related to ethics, and the work that has been done by the Service Improvement Team to remedy this. JS noted that HMIC have been regularly reviewing progress and the discussion of ethical dilemmas was highlighted as a particular improvement.</p> <p>IA informed the Committee that JD had been recommended for promotion and is now a Temporary Inspector on the fast-track programme. All present congratulated JD.</p> <p>RS mentioned that he was very disappointed in the turn out for the Committee meeting, with only five lay members attending. RS added that we must ensure Committee members are fulfilling their duties and that if unable to attend they should send in their apologies.</p> <p>The next Committee meeting date was confirmed as Tuesday 10th August 2021.</p>	
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