



**MINUTES OF THE JOINT INDEPENDENT AUDIT and ETHICS COMMITTEE
(POLICE AND CRIME COMMISSIONER FOR WEST YORKSHIRE
AND WEST YORKSHIRE POLICE)
HELD ON 12 APRIL 2019**

ETHICS SESSION

MEMBERS PRESENT

Trevor Lake (Chair)
Julie Talbot
Julie Winham

OFFICERS PRESENT

Carl Galvin, Supt, WYP (for items 1 – 4, item 5.25 and item 6)
Oz Khan, C/Supt, PSD, WYP
Anita Patel, Sgt, WYP
Julie Reid, Governance Manager, OPCC
Neil Rickwood, Head of Audit & Risk, Shared Services
Jayne Sykes, Interim Chief Executive, OPCC

1. WELCOME & APOLOGIES

Trevor Lake welcomed all to the meeting. Apologies were received from Temporary Deputy Chief Constable (D/CC) Russ Foster.

2. DECLARATION OF INTEREST

None declared.

3. RECORD OF ATTENDANCE

Details of member and officer attendance at previous meetings of the Committee were circulated for information and were noted.

4. MINUTES

The minutes of the meeting held on 4 January 2019 were agreed as an accurate record.

Trevor Lake noted that apologies had been received from the T/DCC for this meeting and the last meeting and informed the committee that he had agreed to meet with the T/CC, John Robins, to provide him with an update.

ACTION: Julie Reid to coordinate to arrange briefing update for Trevor Lake with T/CC John Robins

5. MATTERS ARISING

Item 25 – Lessons learned from the investigation into the former Chief Constable

Jayne Sykes presented a report of actions taken following a private meeting with members on 28 September 2018 which considered the lessons learned exercise carried out by the Police and Crime Commissioner (PCC) and Chief Constable.

Members were informed that the Anonymous Messenger confidential reporting system had been amended to allow direct reports to the PCC. A request has been made for intelligence received via this route to be shared with Professional Standards Department (PSD), which is being considered in view of data protection issues.

Julie Talbot noted that the Whistleblowing Policy allows reports to be made to the Treasurer and not to the Head of Audit and Risk. Members recommended that the policy should be amended to allow reports to both.

ACTION: Oz Khan to arrange for the Whistleblowing Policy to be amended to allow reports to be made to the Treasurer and to the Head of Audit and Risk.

Item 23.1 Representation of Independent Custody Visitors

Jayne Sykes presented members with a report of the steps to be taken by the OPCC to improve the representation of Independent Custody Visitors.

Members noted a good report.

Item 23.2 Business Interests Internal Audit Report

Members had previously received the Internal Audit report on Business Interests and were informed by Oz Khan that, following an HMICFRS inspection, business interests are now discussed with all staff and officers on an annual basis through the Performance Development Review (PDR).

Trevor Lake noted the importance of assessing PDR completion rates in deciding whether this is an effective way to check and review business interests declarations and was advised that completion rates are reported to the Force's Local Accountability Meetings.

Item 23.4 Body Worn Video Business Benefits Report

Members were previously provided with a body worn video business benefit report. Trevor Lake queried the extent of usage and was advised by Oz Khan that there is an expectation that all officers will use the system except for those in covert roles (because the system is designed to be used overtly).

Julie Talbot asked whether there was a standard Force approach to measuring benefit realisation and was advised by Neil Rickwood that there isn't a standard approach, however, benefit realisation processes will be subject to internal audit review this year.

Julie Talbot queried the accuracy of evidential recordings uploaded in November 2017 (33,676) which appeared to be far greater than the uploads for the other months reported.

ACTION: the number of evidential body worn video recordings uploaded in November 2017 to be clarified for members (Deputy Chief Constable).

On a related matter, Trevor Lake sought assurance as to the governance of the extended stop and search powers which West Yorkshire had recently been granted. Oz Khan advised that the extended powers to widen stop and search (under S60 of the Criminal Justice and Public Order Act 1994) now allows approval by Inspectors. In West Yorkshire, however, use of the extended powers requires ACC approval, is included on the Chief Constable's daily log and is also subject to liaison with Independent Advisory Groups.

6. ETHICAL ISSUES ASSOCIATED WITH OVERSEAS INTERACTION

Carl Galvin presented a report to members on international police liaison and engagement and the potential impact of exiting the EU in terms of the complexity and range of statutory instruments that will need to be agreed. Members were advised of Force preparations for BREXIT, particularly in relation to missing persons.

Julie Winham asked about expenses claimed for international work and was advised that officers are paid against a national hourly rate which is set by the Home Office, travel arrangements are pre-booked wherever possible and, at times, extra payments may be authorised, for example, to buy suitable clothes for detainees to travel in.

Trevor Lake asked about extraditions on visa expiries and was informed that the UK Border Agency dealt with these.

7. USE OF SPIT AND BITE GUARDS

Oz Khan presented a report on the use of spit and bite guards and noted that, in West Yorkshire, the type of guard used is paper based and less oppressive than material based guards. The Spit and Bite Guards policy requires officers to deliver warnings before using and report their use to the Force Control Room, complete a 'use of force' form and inform the duty inspector. The use of spit and bite guards is reviewed by the Silver Cadre with no incidents being identified as disproportionate or inappropriate. Officers wearing body worn video are required to film the use of spit and bite guards and retain footage for evidential purposes.

Julie Winham asked how the Force is planning to deliver training to officers and was informed by Oz Khan that only police officers may use spit and bite guards and training is being rolled out as part of the annual officer safety training.

8. CHIEF OFFICER GUIDANCE FOR HOSPITALITY AND CIVIC EVENTS

Oz Khan presented a report which outlines the expectations on Chief Officers in terms of civic/charity or organisational functions outside of their normal daily work and the policies and regulations governing these. This report is part of the lessons learned following the investigation into the former Chief Constable.

Trevor Lake noted the expectation that Chief Constables self-authorise against the Code of Ethics and notify the PCC in line with the gifts and hospitality policy where appropriate.

9. REVIEW OF POLICY

Members received a draft Acceptable Use policy and the Force Inclusion Strategy for review and were advised that two previous computer usage policies had been combined to create a single Acceptable Use policy and the Inclusion Strategy replaces the previous Equality and Diversity policy.

Members provided the following observations:

A combined Acceptable Use and IT Security Policy would be less confusing for officers and staff, and

An Equality and Diversity Policy is still required (additional to the Inclusion Strategy) in order to comply with ACAS recommendations and in order to evidence best practice for such a large organisation.

ACTION: Oz Khan to provide member recommendations to Digital Policing Department, that the Acceptable Use and Information Security Policy should be combined, and to the People Directorate, that an Equality and Diversity Policy is required in addition to the Inclusion Strategy in order to meet with ACAS recommendations.

10. USE OF DRONES

Members received an update report on the use of drones that identified the capacity, capability and strategic direction of the Force as well as partnership work.

Trevor Lake noted the ethical issues associated with recording images of individuals who may feel they are being targeted and was advised by Oz Khan that the use of drones is subject to the Data Protection Act 2018, the European Convention on Human Rights and the Regulation of Investigatory Powers Act 2000.

Julie Winham queried whether there was a risk associated with a small number of suppliers of equipment and was advised by Neil Rickwood that Internal Audit had recently undertaken an audit of the use of drones. It was agreed that this point should be directed to the next Audit Committee.

ACTION: Nigel Brook to report on the purchasing arrangements and supplier availability for drones (July 2019 Audit Committee).

Julie Winham stated that the report refers to and recognises the need for drone technology to be developed at a national level and asked if that would take advantage of military expertise in this area. Members requested a verbal update.

ACTION: Members to be provided with a verbal update on development of drone technology at a national level and whether this will involve the MoD.

11. DATA ANALYTICS IN POLICING

Members received a report on data analytics in policing which noted that West Yorkshire is one of seven Forces involved in a Home Office proof of concept project, the National Data Analytics Solution (NDAS). Members were informed that the datasets used exclude ethnicity and geography to reduce the risk of bias but do include information relating to previous offending and links to other offenders.

Members requested an update to the April 2020 meeting.

ACTION: Members to receive an update at the April 2020 meeting on data analytics in policing following the NDAS project.

12. ETHICAL ISSUES ARISING FROM THE GOOD GOVERNANCE GROUP

Jayne Sykes informed members that Independent Office for Police Conduct (IOPC) directions to Forces to find a case to answer were discussed in a meeting between the PCC and the IOPC Regional Director. This matter has been raised in the Good Governance Group in terms of the impact on morale and risk appetite in the Force and the cost of legal representation at hearings which subsequently produce no finding of misconduct.

The impact of a recent ruling on firefighter and judiciary pensions was also discussed in the Good Governance Group in terms of the potential impact on police pension schemes and the financial burden that will arise.

13. INTERNAL ETHICS COMMITTEE

Oz Khan informed the meeting that a Chair and Deputy Chair have now been appointed to the Internal Ethics Committee and the first meeting will take place later in April.

14. PCC RESPONSIBILITY UNDER THE POLICING AND CRIME ACT

Jayne Sykes presented a report to members outlining the changes which will be introduced in the Policing and Crime Act 2017 and the options for the PCC to take a greater role in handling police complaints.

Trevor Lake noted that the Committee could only provide an opinion rather than a recommendation, pointing out that the decision fell to the OPCC and that resourcing and capability would be factors to take account of in reaching a decision.

15. PUBLIC COMPLAINTS, GRIEVANCES, DISCIPLINARY, FRAUD AND MISCONDUCT MATTERS

Oz Khan presented a report to members outlining PSD's strategic threat assessment for December 2018 – February 2019 and the IOPC performance bulletin for April 2018 – December 2018 and drew members' attention to the favourable performance of West Yorkshire in the IOPC report.

Julie Winham queried attendance at PSD training events and was advised that all new starters have a mandatory induction training input from PSD, which lasts 4 hours. This is supplemented by PSD's attendance at various internal and external engagement events and web-based training inputs.

Julie Winham asked about the learning points from complaints data analysis and was informed that a monthly PSD newsletter is published which identifies the top three complaints and conduct matters and the outcomes of misconduct hearings. A change in the complaints database, Centurion, which is planned for September will also assist with analysis of complaints data.

Julie Talbot asked how many IOPC investigations are presently taking place and was informed that there are presently 31 – both voluntary and mandatory referrals.

16. ANY OTHER BUSINESS

Trevor Lake thanked Oz Khan for his work with the Committee and congratulated him on his promotion to District Commander in Bradford. It was noted that Simon Bottomley will become Head of PSD after Oz departs.

Date of the next meeting: 19 July 2019, 13:30, Ploughland House.