

**Minutes of a meeting of the Ethics, Integrity and Complaints Committee  
held at Police Headquarters, Enderby  
at 2:00pm on Friday 22 September 2017**

**Present**

Members:

Ms Linda James (Deputy Chair)  
Dr Steven Cammiss  
Mrs Karen Chouhan  
Mrs Lois Dugmore  
Ms Lynne Richards

Officers:

Mrs A Perry, Executive Director  
Ms S Blair, OPCC Communications Advisor  
Mr R Bannister, Deputy Chief Constable  
Mr M Tapp, Director of Strategic Communications and Engagement

**21/17 Election of Chair**

It was agreed that this item be deferred until the Ethics Meeting in December 2017 and that the current Chair continue in their role until that time.

**22/17 Election of Vice Chair**

It was agreed that this item be deferred until the Ethics Meeting in December 2017 and that the current Vice Chair continue in their role until that time.

**23/17 Apologies**

Apologies were received from:  
Professor Cillian Ryan  
Dr Mark Peel  
Supt M Ball

**24/17 Urgent Business**

There were no items of urgent business.

**25/17 Declarations of Interest in Items on the Agenda**

The Chair invited attendees to make any Declarations of Interest regarding any of the agenda items.

Lois Dugmore declared an interest in agenda item Child Sexual Exploitation and the second ethical scenario, Community Speed Enforcement due to her role as a Nurse Consultant with Leicestershire Partnership NHS Trust.

**26/17 Minutes of the meeting held on 23 June 2017**

The minutes of the meeting held on 23 June 2017 were discussed and confirmed as an accurate record with the following amendments:

Dr Cammiss' name spelt incorrectly and likewise for Ms Richards' title on page 1.

### **27/17 Schedule of Meeting Dates 2018-2019**

The Committee received a written report from the Police and Crime Commissioner proposing a Schedule of future Meeting Dates. A copy of the report marked 'A' is filed with these minutes.

With the amendment of the date of 16 March 2018 being moved to 23 March 2018, the proposed schedule of meetings was approved.

### **28/17 Forward Workplan 2018**

The Committee received a proposed Forward Workplan and training schedule for 2018 from the Police and Crime Commissioner. A copy of the report marked 'B' is filed with these minutes.

Ms James requested a report to the December 2017 meeting on how Prevent worked with Counterterrorism.

Ms Richards requested a future report on recruitment and promotion processes from a diversity point of view. Ms Richards asked for this information to be broken down by police officers, police staff and officers allocated to neighbourhoods. Information would not be available at a Neighbourhood level however, the other areas would be included in a future report on positive action.

Members requested further information on the following areas: the work of the crime and intelligence directorate, Organised Crime Groups, Criminality and Cybercrime and covert policing and firearms from a training point of view.

Mr Bannister stated that covert policing was an area where ethical dilemmas frequently were addressed.

The Committee APPROVED the contents of the report.

### **29/17 Review of Terms of Reference**

The Committee received a written report from the Police and Crime Commissioner for member consideration of the working arrangements and terms of reference for the Committee. A copy of the report marked 'C' is filed with these minutes.

Ms James pointed out that she would like to amend the wording of 'to dip sample a minimum of 25 files each quarter' to 'we aim to dip sample around 25 files each quarter.'

The Committee APPROVED the terms of reference with the amendment as discussed and the working arrangement for the Committee.

### **30/17 Stop & Search Equipment**

The Committee received a written report from the Deputy Chief Constable about complaint CO/489/15. A copy of the report marked 'D' is filed with the minutes.

Mr Bannister briefly outlined the report and presented the work around Stop & Search in December 2016. Mr Bannister mentioned that in reference to paragraph 5, the electronic reporting tool had been increased from 500 characters to 4000 characters and that the equipment was now fit for purpose.

The Committee NOTED the contents of the report.

### **31/17 Dip Sampling of Complaint File**

The Committee received a written report from the Chief Constable addressing the Dip Sampling Complaints. A copy of the report marked 'E' is filed with these minutes.

Ms James confirmed that the Panel were satisfied with the outcomes.

The Committee NOTED the contents of the report.

### **32/17 Police Approach to Hate Crime & Terror Attacks**

The Committee received a written report from the Chief Constable about the Police Approach to Hate Crime & Terrorist Attacks. A copy of the report marked 'F' is filed with these minutes.

Mr Bannister provided an overview on the Force's approach to addressing Hate Crime and explained how the report set out the action that the Force and the Police and Crime Commissioner implement when there was a terror attack. Mr Bannister explained that after a terrorist attack, a Gold Group meeting would be convened to address the strategic response.

Ms Chouhan commented that after Brexit, high levels of Hate Crime were reported but that the police response had been excellent. Mr Bannister informed the Committee that a new post at Superintendent level had been introduced with the main responsibility of managing strategic partnership arrangements.

Ms Chouhan asked how to differentiate between Hate Crime and Terrorism and Mr Bannister briefly answered that Hate Crime was racially motivated and Terrorism was a complex issue and part of it stemmed from ideology.

The Committee NOTED the contents of the report.

### **33/17 Child Sexual Exploitation**

The Committee received a written report from the Chief Constable on Child Sexual Exploitation. A copy of the report marked 'G' is filed with these minutes.

Mr Bannister stated that there had been an increase in the level of training around Child Sexual Exploitation and child abuse. In 2015, Mr Bannister held a meeting with the three directors of Children Services and Health and an action plan was put into place to move forward with opportunities to develop.

Ms Dugmore stated that there were criticisms around police response and when working with young people, they were not being taken serious and one of the factors was due to race. She questioned whether cultural issues were addressed in training. Mr Bannister expressed that training around cultural issues had been completed to help officers and staff to understand the whole Victim perpetrator aspect and professional curiosity. Some training around professional curiosity has been completed however, there is a need to do more. Mr Tapp added that he was organising a training day here at Force Headquarters regarding these issues.

Ms Dugmore asked how the Force tackle Child sexual Exploitation and raising awareness where the children have been abused in their own home. Mr Tapp confirmed that there will be 2 more videos to be produced in Leicester and Rutland where there will be victims of Child Sexual Exploitation and rape within a domestic setting.

Ms Dugmore added that with the younger age group, it is more difficult to tackle this issue with a 5 year old when the parents are the perpetrators. Mr Bannister stated that there are communications around serious case reviews. Mr Tapp said that there are campaigns in primary school programmes however, this is not always appropriate for young children and that other ways of communication offer a better impact. Mr Dugmore asked about adult survivors if there are any links with their children. Mr Bannister did not know the answer to this but would look into it.

**ACTION: Mr Bannister to investigate the issue around adult survivors and their children.**

The Committee NOTED the contents of the report.

### **34/17 Ethical Scenarios**

The Committee received a joint report written by the Police and Crime Commissioner and the Chief Constable containing two ethical dilemmas for members' consideration. A copy of the report marked 'H' is filed with these minutes.

#### **Scenario 1**

##### Criminalisation of Children

##### Introduction

Within this scenario, I would invite the Ethics Committee to consider what can be done when Leicestershire Police receives reports of crime where:-

- The suspects are children,
- The common sense approach may be to take no further action,
- The Home Office counting rules require that a crime report be completed with the child recorded as a suspect

##### Legislation / Guidance

##### Home Office Counting Rules for Recorded Crime (HOCR) - Section H - Recorded crime outcomes - Outcome Type 11

“Where a child who is under the age of criminal responsibility commits a crime, the crime must be recorded and the following outcome applied:

Prosecution prevented – named suspect identified but is below the age of criminal responsibility”

##### Protection of Children Act 1978 Sec 1

(1) It is an offence for a person:-

- a. To take, or permit to be taken or to make, any indecent photograph or pseudo-photograph of a child; or
- b. To distribute or show such indecent photographs or pseudo-photographs; or
- c. To have in his possession such indecent photographs or pseudo-photographs, with a view to their being distributed or shown by himself or others; or
- d. To publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photographs or pseudo-photographs, or intends to do so.

Example given in HO CR:

A 15 year old boy whilst online asks a 14 year old girl that he knows at school to send him pictures of her breasts and she does so.

*One crime of sexuality activity involving a child under 16 against the male. One crime of take/distribute an indecent image of a child in respect of the female who forwarded the images unless she was unduly forced into doing so.*

Criminal Justice Act 1988 Sec 39 - Common assault and battery – this includes common assault with no injury

Where battery results in injury, other wounding should be recorded (e.g. Actual Bodily Harm/Grievous Bodily Harm) even if the injury amounts to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a 'black eye'.

Hypothetical circumstances for consideration

1 - A parent calls the police and reports that her 8 year old son was in the playground at school when another 8 year old threw a stone at him. The stone hit her son on his bare arm, causing redness at the time, which was seen by a teacher. The redness went away within an hour. The mother feels the school should exclude the boy who threw the stone but the school has refused. The mother wants the police to intervene and take the strongest possible course of action

2 – A 14 year old girl is in a relationship with a 15 year old boy. The girl's parents do not approve of the relationship. The girl's parents find a photograph on her phone of her own naked breasts, and see in the sent messages section that she has sent it to her 15 year old boyfriend.

In both examples above, it can be assumed that there are no apparent wider safeguarding issues, and none of the children involved have had any previous contact with the police.

Questions:

What action should the police take in each case?

Should the police record those who have committed the relevant acts as criminal suspects? (This may include the 14 year old girl for distribution of an indecent image, the 15 year old boy for possession of that same image, and an 8 year old boy, below the age of criminal responsibility, for an assault occasioning actual bodily harm)

If recorded officially as a crime, how might this affect those people in the future, if they are asked if they has ever been in trouble with the police in the course of college applications or job interviews

Mr Bannister explained that when reports of crime are made, under the Home Office Counting Rules, the Police either choose to record or not record the crime. Mr Bannister presented a scenario where young people were sexting and a young person broke the law by sending inappropriate pictures in response to a request. Should the Police comply with the Home Office Counting Rules and record the young person's crime or not. If this crime is recorded, there may be a risk of labelling the young person in a way that could cause an issue in later life.

Ms James asked if the Force record or have a lay file and do not record. Mr Bannister answered that the data is stored within the Home Office Counting Rule intelligence so if a young child reported being a victim, their details would be available on intelligence system.

Ms Chouhan presented her point of view in saying that young children are not always aware of the offence and such acts cause them to get a criminal record. Ms Chouhan believed this to be harsh unless there was a pattern in their behaviour.

Mr Bannister outlined the hypothetical scenarios on page 4, to which Ms James said that young people explore sexual people and would agree to not record it as a crime as it could be dealt with in a different manner such as a discussion.

Ms Chouhan agreed with Ms James regarding finding a different approach rather than treating this as a crime.

The Ethics Committee agreed that the criminalisation of Children could be avoid and approached in a different way.

## **Scenario 2**

### **Community Speed Enforcement**

#### **Purpose of Report**

1. The purpose of this report is to consider support or otherwise for proposals made by Leicestershire County Council for piloting the extended use of Road Safety cameras within seven sites within the County. The proposed extension is for average speed camera sites within the pilot areas.

#### **Recommendation**

2. It is recommended that members:-
  - a. Support Leicestershire County Council's pilot of average speed cameras within seven County locations.

#### **Background**

3. Road Safety Camera Schemes are well established and published evidence corroborates that they contribute to improving road safety. Leicester, Leicestershire and Rutland have an established Road Safety Camera Partnership that operates effectively. It is a self-funding entity as income is generated through the provision of Driver Education Programmes. Its primary purpose is to reduce death and injury on the roads.
4. Leicestershire Police provide the enforcement resource on behalf of the Road Safety Partnership. This includes the deployment of the mobile Camera vans, and the management of the static cameras (that identify offences around speed and non-compliance with traffic signals).
5. Leicestershire Police also provide enforcement resource for those cases that lead to Prosecution. Leicestershire County Council provides the resources for the delivery of respective Driver Education Programmes.
6. Fixed camera sites and mobile camera deployments are identified through analysis of road traffic collision data. National Department of Transport provides guidance around the criteria for the location of these sites (Appendix B). These are in accordance with the primary purpose to reduce death and injury on the roads.
7. In March 2017, Leicestershire County Council agreed proposals for the introduction of a pilot across seven locations within the County. The proposal is for average speed cameras at those locations. These cameras are different from the existing cameras within the Partnership in that they measure the average speed of a vehicle

over a distance. It is proposed that the pilot will be evaluated throughout its twelve month period.

8. The sites chosen for this pilot are sites of community concern, but are sites that would not meet the Department for Transport recommended thresholds for camera locations. County Council enquiries with the Department for Transport confirm that their guidelines are recommendations only and that there is no reason in law why the pilot at these sites should not be implemented.
9. Should Leicestershire Police support this pilot (through enforcement activity for those motorists that exceed the speed limit), there is a risk that the public may perceive that offending motorists are being unnecessarily penalised, and that Leicestershire Police are using offending motorists in support of income generation activity (as many offending drivers will be eligible for Driver Awareness Courses).

Mr Bannister asked the Committee for their views on whether the Force should or should not support Leicestershire County Council's pilot in using speed cameras where evidence has been provided from the community but does not meet the standard requirements around seriously injured. Mr Bannister confirmed that there would not be any financial implications but there would be a challenge that the public would think that is money making.

Ms Richards exclaimed that the community would think that this would be money making exercise.

Ms James agreed that this was a good idea as in villages and rural areas, such as her own, policing is low so this would be a way to reduce crime.

Ms Richards explained that there was not enough communications around the community not wanting this to take place. People would need to understand the good reason behind this and so a message should go to the public as to why this is happening and where the money is going.

Ms James asked that Ms Richards' comments were taken into consideration and that the panel agree to support the Force in supporting Leicestershire County Council in this approach.

**Chair**  
**2:00 pm – 3:30 pm**