

**PROFESSIONAL STANDARDS AND INTEGRITY COMMITTEE OF THE CITY OF
LONDON POLICE AUTHORITY BOARD
Monday, 14 September 2020**

Minutes of the meeting of the Professional Standards and Integrity Committee of the
City of London Police Authority Board held via Microsoft Teams on Monday, 14
September 2020 at 11.00 am

Present

Members:

Alderman Alison Gowman (Chair)
Douglas Barrow
Nicholas Bensted-Smith
Tijs Broeke
Mary Durcan
Alderman Emma Edhem
Deborah Oliver

Observing:

Natasha Lloyd-Owen

City of London Police Authority:

Oliver Bolton	- Deputy Head of Police Authority Team
Rachael Waldron	- Compliance Lead
Alistair MacLellan	- Town Clerk's Department
Richard Holt	- Town Clerk's Department
Ellen Wentworth	- Chamberlain's Department
Tarjinder Phull	- Comptroller and City Solicitor's Department

City of London Police Force:

Alistair Sutherland	- Assistant Commissioner
Angie Rogers	- Head of Professional Standards Directorate
Richard Galvin	- Police Inspector

1. APOLOGIES

Apologies were received from Caroline Addy and Deputy James Thomson.

The Chair welcomed the appointment of Mary Durcan and Alderman Greg Jones to the Committee, and placed on record the Committee's thanks to Mia Campbell, who had stepped down as external Member.

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

There were no declarations.

3. **TERMS OF REFERENCE**

RESOLVED, that the terms of reference of the Committee as agreed by the City of London Police Authority Board at its 29 July 2020 meeting be received.

4. **MINUTES**

RESOLVED, that the public minutes and non-public summary of the meeting held on 29 November 2019 be approved.

5. **REFERENCES**

Members considered a late joint report of the Town Clerk and Commissioner regarding references and the following points were made.

8/2019/P – Force Communications Plan to be reviewed to reassure public regarding Stop and Search

- The Assistant Commissioner noted that both the Force internal and external communications plans incorporated data on the use of stop and search. Moreover there was a report later on the agenda that gave a breakdown of stop and search statistics.
- A Member Observer noted that a quarterly public report on the Force website noted that there was a technical error preventing the display of data with regards to ethnicity. The Assistant Commissioner committed to rectifying the issue in time for the November 2020 meeting of the Committee.
- Members noted that the reference had arisen as a means to provide public reassurance on the use of stop and search, and that it could now be closed.

12/2020/P – Response on potential use of predictive policing methods

- The Assistant Commissioner noted that the Force did not use predictive policing or artificial intelligence at present and there would be consultation with the Authority in advance of those methods being adopted. Members were asked to note, nevertheless, that there was some discussion nationally regarding the ethics of predictive policing.
- A Member highlighted a 11 August 2020 decision by the Court of Appeal against South Wales Police's use of automated facial recognition and encouraged the Force to ensure issues within that judgement be factored into the decision making process towards adoption of any predictive policing methods.
- Members agreed that the reference could be closed.

14/2019/P – Future meeting dates of London Police Challenge Forum

- In response to a question, the Assistant Commissioner replied that the Forum was a joint meeting between London Forces and partners, which

the Force's Head of Strategic Development led on. Meetings of the Forum had been disrupted by COVID-19 and when further information was available this would be provided to the Committee.

17/2019/P – New Review Panel process to be reviewed after three months

- The Chair noted that the new process was in operation, with an update report later on the agenda. Members agreed that, due to COVID-19, the review should be deferred until January 2021.

18/19/2019/P – File failure rate and analysis to be provided outside of meeting

- The Town Clerk noted that a detailed report on this issue had been submitted to the inquorate March 2020 meeting. Members agreed that the report be made available on request, alongside 1:1 debriefs by the Force, and that the reference could be closed.

20/2019/P – Ethical Economic Partnerships Report

- The Deputy Head of the Police Authority noted that a report at the October 2020 meeting of the City of London Police Authority Board would go into some detail on ethical economic partnerships that the Force was involved in. the report would then come to the November 2020 meetings of this Committee.
- In response to a request, the Deputy Head of the Police Authority committed to reviewing the report and feeding back on whether it included an overview of the process through which partnerships were agreed.

1/2020/P – London Police Challenge Forum Case Studies

- The Chair noted that the Forum had not been meeting due to COVID-19 and therefore there was no update under this reference.

2/2020/P – Victim Satisfaction Survey

- The Chair noted the next survey would be conducted in November 2020 with a report to this Committee in early 2021.

3/2020/P – Statistics on temporary promotions at all levels of Force

- Members noted that this reference would be dealt with at the November 2020 meeting.

RESOLVED, that the report be received.

6. COVID-19 FIXED PENALTY NOTICES

Members considered a report of the Commissioner regarding COVID-19 Fixed Penalty Notices (FPNs).

- The Chair noted that the figure on FPNs given at the Court of Common Council meeting in early September 2020 was different, in the number of FPNs issued had been revised down to 19. However since the report had been produced a further 8 FPNs had been issued during Extinction Rebellion protests in the City, all to white males. In total this meant 27 FPNs had been issued.
- A Member requested that the way in which data was presented be reviewed. It was not clear to him whether the data referred to Force officers, but acting wider than the City area. A more detailed breakdown on officer-based and geographical-based data would be welcome.
- A Member welcomed the data, noting that it showed interesting patterns emerging. Specifically it appeared that outside of the City it was more likely for BAME persons to be issued fines, and the Member queried why this was the case. Moreover if both fines and warning figures were combined that BAME were typically given fines whereas older white persons typically received a warning. It would be interesting to have some context on why this might be the case.
- The Assistant Commissioner replied that the demographics of fines and warnings reflected areas of London where the Force was typically deployed in support of partners. For example the boroughs surrounding the City were very diverse and it was therefore more likely to encounter BAME persons. On the issue of fines versus warnings, each encounter with a member of the public was a clear phased process commencing with a request for compliance, with progression through the phases dependent on how the individual reacted.
- A Member queried whether interactions with younger BAME persons were escalating in such a way that prompted fines being issued and noted that the Force and Authority needed to reflect on why this might be the case.
- The Assistant Commissioner noted that there was work ongoing in both the Force, Metropolitan Police and British Transport Police on how Forces engaged and educated the various communities they encountered. The Assistant Commissioner was confident that the Force's approach to COVID FPNs was proportionate.
- In response to a question, the Assistant Commissioner confirmed that the COVID FPNs issued during Extinction Rebellion protests in the City were due to breach of COVID guidelines, and not to counter the individuals' right to protest.
- The Chair highlighted the National Police Chiefs' Council report *Policing the Pandemic* and suggested that the Town Clerk circulate it to Members outside of the meeting. The report confirmed a disparity in the issuing of

FPNs to BAME persons compared to other ethnic groups, although NPCC statistics were compiled differently to Force statistics.

- In response to a question the Assistant Commissioner confirmed that Body Worn Video (BWV) was used during encounters that could lead to the issuing of a COVID FPN or warning. The BWV of Force officers recorded passively and therefore captured the prior 30 seconds to any occasion when the officer commenced recording an encounter.
- In response to a question, the Deputy Head of the Police Authority Team confirmed that the 8 COVID FPNs issued recently were the only FPNs issued since the figures detailed within the report on the agenda, which dated to May 2020.

RESOLVED, that the report be received.

7. STOP AND SEARCH QUARTER 1 2020/21 - 1 APRIL 2020 - 30 JUNE 2020

Members considered a report of the Commissioner regarding the Stop and Search Quarter 1 2020/21 – 1 April 2020 – 30 June 2020 and the following points were made.

- The Chair noted that the Force's 35% positive outcome rate was significantly more than the national average of 21%, which reflected the fact the Force had worked hard to ensure there were strong grounds for stop and search tactics being used.
- The Assistant Commissioner noted that the conversion rate for Metropolitan Police stop and search tactics during 2019/20 was 15%.
- In response to questions, the Assistant Commissioner replied that of 584 stop and searches, 235 had taken place outside of the City, and agreed to review whether a breakdown in terms of age and ethnicity could be provided for the 235 stops outside the City.
- In response to a question, the Assistant Commissioner confirmed that the Force stop and search statistics incorporated stop and searches conducted by Op Servator trained officers. Not all officers were Servator-trained and the Force was looking at how Servator stop and search techniques could be rolled out among the Force as a whole. The Force's Transform programme involved a consideration of how Servator numbers could be uplifted. Her Majesty's Inspector of Constabulary, Fire and Rescue Services had noted that the Servator officers actually had a slightly higher failure rate when completing stop and search paperwork, which was being reviewed.
- The Assistant Commissioner, for the benefit of any members of the public watching the meeting, noted that Servator was a Force initiative dating to 2014 that used behavioural analysis as part of intelligence-led deployments to crime hot spots and areas deemed at high risk of terror attack. It involved both overt and covert deployment of officers, and public communication via leafleting and social media. Servator had been

successfully rolled out to 27 Forces nationally, as well as giving greater focus to officers and improving stop and search outcomes.

- In response to a question, the Assistant Commissioner replied that over the past eight to nine years the positive outcome rate from stop and search had increased significantly, with more scrutiny, focus, tasking and intelligence-led deployments. Over the same period the number of stop and searches conducted had declined. Stop and search was not an exact science, but it was a tactic that was applied in response to intelligence provided by victims of crime and members of the public. There would of course be occasions when officers would come across suspicious behaviour during the course of routine deployment that would require engagement that could result in a stop and search.
- An Observing Member was heard, noting that she hoped that officers underwent de-escalation training for when they engaged with young people, given the statistics underpinning both COVID FPNs and stop and search. Secondly, there appeared to be differing approaches to statistics within the quarterly report varying between self-identified ethnicity and perceived ethnicity, which could give rise to misleading statistics. There was also a differing approach to using either graphic presentation of data versus narrative descriptions where a direct comparison of like with like would perhaps be more helpful. Thirdly, it would be helpful if data could be presented in a more qualitative way e.g. breaking drug stops down into whether the arrest was for Class A, Class B, and either supply or possession. Lastly, the Member queried how many of the 106 drug stops conducted were done for the reason that cannabis could be smelled, which was bad practice.
- The Chair noted that these points and queries were quite detailed and might benefit from a written response outside of the meeting but invited the Force to provide an initial response at the meeting.
- The Assistant Commissioner agreed to review how best data could be broken down and presented in reporting. In terms of drug stops, the Force did have a stated priority to disrupt the supply of Class A drugs and so officers were tasked accordingly. HMICFRS had assessed 92% of Force stop submissions to be of a high standard, with the reasons for the remaining 8% under review and often for technical reasons. Officers were trained to engage with young persons and moreover in addressing unconscious bias. The Force also convened an independent Stop and Search Scrutiny Group. Lastly, Members were welcome to engage with the Assistant Commissioner directly on stop and search matters although were requested to provide email feedback in the first instance.
- The Town Clerk agreed to ensure the written response to the Member's comments and questions were published in the public domain. The Assistant Commissioner added that the Force's independent Stop and Search Scrutiny Group would also be briefed on the points raised.

RESOLVED, that the report be received.

8. **SUMMARY OF RECENT REVIEWS OF POLICE COMPLAINTS**

Members considered a report of the Town Clerk providing a summary of recent reviews of Police complaints and the following points were made.

- The Chair noted that a review of the new process had been planned after three months of operation but, due to COVID, would now take place in January 2021. The Review Panel was meeting on a monthly basis and training would be made available to Members.
- The Deputy Head of Police Authority Board highlighted that there was a bias towards reviews of complaints relating to Action Fraud, and not many complaints regarding the Force's core business, which was positive. Of the complaints made regarding Action Fraud, the Review Panel was seeing about a third. The Review Panel generally felt that the Force could make better explanations of the process through which cases were referred on for investigation or not, and that explanations should be presented in layman's terms as far as was possible. Complaint responses were often a comprehensive end to end summary of process, but with scant detail on the key areas concerning the complainant. The Authority would welcome the opportunity to work with the Force to improve this.
- A Member noted he was present at the June 2020 Review Panel and requested the record be updated accordingly.
- The Chair noted that she was concerned that feedback from the Force had not been received on the recommendations put to the Force by the Panel, particularly recommendations arising from the July 2020 panel meeting. This was particularly important as the new process was designed to foster a learning culture rather than one of blame – lack of response from the Force suggested that the learning culture had yet to be embraced. Lastly, a Member of the Panel had flagged the potential GDPR issue around the use of algorithms to analyse crime reports and refer them on for investigation. Timely feedback from the Force on Panel recommendations would be welcome going forward.
- The Head of the Professional Standards Directorate noted that the Directorate had only recently taken on responsibility for managing Action Fraud complaints and recruited a new member of staff for that purpose. Panel recommendations were taken seriously and the Directorate was working with both Action Fraud and the National Fraud Intelligence Bureau to make improvements. The new member of staff would attend the November 2020 meeting to brief Members on their role.
- The Chair requested a report at a future meeting outlining other avenues of appeal open to complainants e.g. the Ombudsman.

RESOLVED, that the report be received.

9. **INTEGRITY AND CODE OF ETHICS UPDATE**

Members considered an update report of the Commissioner regarding Integrity and Code of Ethics. The Chair noted that a version of the report had been considered by the City of London Police Authority Board at its July 2020 meeting.

RESOLVED, that the report be received.

10. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

Recruitment of External Member

- In response to a question regarding the process of recruiting an external Member of the Committee, the Town Clerk noted that the intention was to advertise and recruit ahead of the Committee's November 2020 meeting, although this would be offset by wider Authority governance work on drawing up Member role profiles and job descriptions. The process would also be aligned with the work of the City's Tackling Racism Working Party.
- A Member encouraged the Authority to be as creative as possible in advertising the vacancy and cited the example of recruiting young alumni on to Local Governing Bodies of academies in the City of London Academies Trust. The Member suggested that the Committee may benefit from hearing from a speaker from an independent organisation on this issue. Moreover greater use, particularly for recruiting City of London Police Authority Board external Members, could be made of professional head hunters.

External Scrutiny

- In response to a question, the Deputy Head of the Police Authority Team noted that the Community Scrutiny Group and Independent Advisory Group had been amalgamated to form the Independent Advisory and Scrutiny Group (IASG) in December 2019. The new group arrangements were working well, and the Chairman of the City of London Police Authority Board would be attending a meeting of the IASG and vice versa. The Chair of the Professional Standards and Integrity Committee would also be attending a meeting of the IASG to better understand how the work of the two bodies could align. The reports on the work of the IASG that were submitted to the City of London Police Authority Board could also be submitted to the Committee for information.
- The Deputy Head of the Police Authority Team confirmed that the Independent Custody Visitors' Scheme (ICV) was Authority-led whereas the IASG was Force-led.

11. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**
There were no questions.
12. **EXCLUSION OF THE PUBLIC**
RESOLVED, that under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.
13. **NON-PUBLIC MINUTES**
RESOLVED, that the non-public minutes of the meeting held on 29 November 2019 be approved as a correct record.
14. **NOTE OF INQUORATE MEETING - 2 MARCH 2020**
RESOLVED, that the non-public note of the inquorate meeting held on 2 March 2020 be received.
15. **NON-PUBLIC REFERENCES**
Members considered a late joint report of the Town Clerk and Commissioner regarding non-public references.
16. **EMPLOYMENT TRIBUNAL AND OTHER LEGAL CASES**
Members considered a report of the Comptroller and City Solicitor regarding Employment Tribunal and Other Legal Cases.
17. **PROFESSIONAL STANDARDS STATISTICS - QUARTER 1 - 1 APRIL 2020-30 JUNE 2020**
Members considered a report of the Commissioner regarding Professional Standards Statistics – Quarter 1 – 1 April 2020 – 30 June 2020.
18. **PROFESSIONAL STANDARDS DIRECTORATE CASES**
Members considered a report of the Commissioner regarding Professional Standards Directorate Cases.
 - 18.1 **No Case to Answer / Not Upheld**
Members considered cases with no case to answer or were not upheld.
 - 18.2 **Local Resolution**
Members considered cases dealt with by local resolution.
 - 18.3 **Death or Serious Injury**
Members considered cases involving death or serious injury.
 - 18.4 **Cases dealt with under Complaint and Conduct Regulations 2019**
Members considered cases dealt with under Complaint and Conduct Regulations 2019.

19. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no non-public questions.

20. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There was no other business.

The meeting ended at 12.58 pm

Chairman

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