



west midlands
police and crime
commissioner

ETHICS COMMITTEE

Notes of meeting held Wednesday 03 April 2019, 10:00 – 14:00 hrs

Room LH 1.8/LH 1.9, First Floor, Lloyd House, Colmore Circus Queensway, Birmingham, B4
6NQ

Present:

Marion Oswald (MO)	Chair
Malcolm Fowler (MF)	Ethics Committee
Peter Fussey (PF)	Ethics Committee
Jamie Grace (JG)	Ethics Committee
Janine Green (JGr)	Ethics Committee
Rebecca Hemmings (RH)	Ethics Committee
Jennifer Housego (JH)	Ethics Committee
Jonathan Jardine (JJ)	Chief Executive (OPCC)
Thomas McNeil (TM)	Strategic Adviser to the PCC & Board Member (OPCC)
Claire Paterson-Young (CPY)	Ethics Committee
Louisa Rolfe (LR)	Deputy Chief Constable (WMP)
Rachel Skett (RS)	Secretariat (OPCC)
Tom Sorell (TS)	Ethics Committee

Other Attendees:

Richie Evans (RE)	Chief Inspector
Lucy Hulston (LH)	OPCC
Esther Martin (EM)	Head of Strategy and Direction WMP
Davin Parrott (DP)	Principal Data Scientist
Christopher Todd (CT)	Chief Superintendent

Apologies:

Anindya Banerjee (AB)	Ethics Committee
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1 -	The Chair welcomed everyone to the first formal Ethics Committee meeting.
2 -	Apologies Apologies were received from Anindya Banerjee
3 -	Explanation of the IOM (Integrated Offender Management) Model DP and RE attended the meeting and provided an explanation of the IOM model. The following points were highlighted: <ul style="list-style-type: none">- Offender management practice already, without the use of a sophisticated algorithm, applies a risk scoring to those being managed due to the perceived risk of reoffending. This model seeks to do so in a far more rigorous and reliable way- The main business questions are; is it possible to measure harm arising from an offence, are there different levels of harm, can harm in society be reduced and can the Offender Management route help prioritise resources to reduce risk of harm?- The model is designed to help inform who should receive supportive interventions such as jobs training, mental health support, substance and alcohol misuse treatment and other integrated help, and not punitive action or sanctions- Project split into two parts; definition of harm and predictive model of those who are known to have offended who may be at risk of transitioning to committing more serious offences in the future- The model selected was number 17 (i.e. a number of models were tested for accurately predicting future higher risk offending based on past data) and this was based on a number of non-statistical criteria and model performance measures- DP provided copies of the legal opinion at the meeting and provided a brief summary <i>Action: DP to amend the 2 typing errors in the IOM paper and resend to RS for distribution to committee members.</i>
4 -	Committee Discussion The following points were raised and discussed by the committee: <ul style="list-style-type: none">- While the intention behind the model is welcomed (i.e. trying to efficiently allocate supportive programmes to those who need them most), there were a lot of unanswered questions giving rise to the potential for ethical concerns- How does this model differ from HART (Harm Assessment Risk Tool) which is used by another police force? It was concluded that it differs significantly; whereas HART relates to certain custody decisions, this relates to providing supportive interventions to those considered to be at high risk of reoffending and transitioning to higher harm crimes- Privacy impact assessments were expected to be seen, and their absence noted, as well as the notable gaps in legal analysis around human rights and detailed data protection queries- No evidence of thought processes that relate to Cambridge crime harm index – more analysis would be required to substantiate the use of this harm index



	<ul style="list-style-type: none"> - 'Harm' appeared to be correlated with particular crimes although harm in the general context could be dependent on context - Section on consideration of public views needed more detail, including further consideration around the kind of public engagement that will need to be pursued to secure public trust and confidence in the model going forward – it was acknowledge that public perception should not, in its own right, be the main determining factor for whether or not the model meets high ethical standards - Questions and concerns about the proposed use of intelligence (such as the process for deciding which intelligence should be deemed reliable enough for inclusion in the model, which potentially could at times risk wrongly implicating people simply by association with other people known to offend) and concerns over other data sets including Stop & Search and that this might entail disproportionality and elements of police bias, particularly when using stop & search data that did not provide a positive result, i.e. no illegal items were found - It was noted that the model did not include all relevant factors that would be required to make an assessment of risk or to make prioritisation decisions - Access to the information and the potential for this to cause bias, i.e. who has access to this within and outside the police, and what are the potential implications of labelling someone as high-risk? - Concerns regarding the age of the data being used, and indeed the use of data relating to young people, which had the potential to unfairly taint the model's predictions of future criminality - Report contained by necessity a high level of technical detail. Consideration needed to be given to increasing comprehensibility and readability for committee members and generally. <p><i>Action: JG to send RS a copy of his summary of the legal issues for distribution to committee members.</i></p>
5 -	The meeting was paused for lunch.
6 -	<p>Committee Advice & Recommendations to be provided to the Police & Crime Commissioner and Chief Constable:</p> <p>The following positive comments were noted in relation to the proposed IOM model:</p> <ul style="list-style-type: none"> - Commitment to dissemination and transparency – including willingness for proposal and advice to be published online - Trying to avoid false positives and bias in the method used, i.e. significant focus on avoiding people being wrongly identified as being high risk of transitioning to serious offences - Consideration given to biases in the data around ethnicity - The committee were in agreement that having DP and RE present to explain the model and answer questions was useful <p>While the committee were generally supportive of the overall aim of the IOM model (i.e. seeking to identify those individuals who could stand to benefit from supportive interventions most) the following questions need to be addressed:</p> <ul style="list-style-type: none"> - Can the underlying variables and patterns being identified be described more clearly, so there is a greater understanding of what kinds of offences may be a reliable predictor of later more serious offences, and what



variables are present in explaining that trajectory and why?

- Can more details be provided about who the target cohort is, including offence types, and how 'harm' is defined?
- Can more detail be provided about data reliability including an assessment of why data is not considered too old, or how, for example, the assessment of intelligence data is deemed reliable and does not inadvertently label someone by association with other people's criminality?
- How is the model going to be used operationally and what will be the benefit to policing purposes?
- Far more detail is required around what interventions might be applied to those individuals identified, bearing in mind that potential adverse consequences of inaccurate predictions will be largely dependent on the type of intervention carried out, and as regards associated policies and procedures to ensure all relevant information taken into account and weighted appropriately
- It was suggested that future meetings would benefit from additional contextual explanations regarding the use of risk assessment and prediction in offender management and safeguarding
- How is effectiveness going to be measured, both in terms of model accuracy and outcomes achieved from supportive interventions?
- Will the use of the model by WMP officers/staff be obligatory?
- How will the tool be incorporated into the overall decision making process? Far more detail is required on the balance between who will use the model, when, and how it fits in with their professional discretion
- As ethnicity has been removed as a factor from the model, what other proxy measures might there be for ethnicity, such that the model risks perpetuating ethnic stereotypes or confirming historic biases?
- Who will have access to the information, where will the outputs be communicated and stored, and is there a potential for this to cause bias?

The committee therefore makes the following recommendations for the Lab:

- The proposal comes back with answers to the questions raised above including more information on the proposed benefits of the model, the interventions that would follow and other context that justifies the reasons for establishing the model in the first place
- The language used in the report has the potential to cause unconscious bias. The committee recommends the Lab looks at the language used in the report, including the reference to propensity for certain ethnic minorities to be more likely to commit high-harm offences, given the statistical analysis showed ethnicity was not a reliable predictor
- All factors are looked at again individually and justification for their inclusion provided. Consideration should be given to the possibility of other proxy measures for ethnicity and how these will be addressed.
- Effective safeguards need to be looked at and concerns about how the information could be used in other contexts needs to be addressed, such as the risk that other agencies could make decisions that negatively impact on the individuals identified as a result of model's decisions being made known
- Data protection impact assessment needs to be included, not just as a matter of legal compliance, but also to help work through some of the other ethical issues already identified
- Separate public engagement plan needs to be included and ensure the opinions are sought from and representative of the community
- Legal advice needs revisiting and re-commissioning in full, and necessity and proportionality considered in light of proposed operational uses



	<ul style="list-style-type: none">- Further information is required on how decisions were made including the rationale behind it <p>Based on the questions and recommendations, the committee unanimously voted in favour of option 'E' under the Terms of Reference meaning it is not yet able to advise the Police & Crime Commissioner and Chief Constable on approval or otherwise of the model in respect of the ethical standards expected and has therefore requested more information from the Lab in order to be able to provide further advice. In turn, the Police & Crime Commissioner and Chief Constable are therefore advised to request West Midland's Police Analytics Lab come back with more information as suggested above.</p> <p>As this was the first formal meeting, the committee noted the following recommendations for future meetings:</p> <ul style="list-style-type: none">- Where statements are made without explicit or apparent justification or explanation in reports the committee have requested examples or evidence to be given- More operational information is requested where benefits of proposed models have been stated- All documents are to be received in advance of the meeting, such as the legal opinion, which on this occasion was provided on the day of the meeting- Further training may be beneficial for ethics committee members to aid their understanding of data science in the policing context
7 -	<p>Any other business</p> <p>CT noted a non-data analytics ethics committee is being arranged and asked if anyone would like to volunteer for the role of chair or sit on the committee.</p> <p>The chair noted a request had been made for an external observer to be present at the meeting. It was agreed an 'Observer Policy' needs to be in place going forward. <u>Action:</u> Tom McNeil to draft an email regarding observers.</p>
8 -	<p>The meeting closed at 13:58.</p>