

## Ethics Committee Proposed Advice May 2020

### NDAS

- The committee thanks the NDAS team for another clearly laid out submission and for the legal advice.

### ***Modern Slavery (MS) use case***

#### Comments

- The committee continues to be supportive of the aims and objectives behind this use case as addressing existing limitations in policing around a very complex issue.
- Due to the error rate identified, there remains a risk that some MS cases will be missed, and others will be misidentified. It may not be possible to police all risks identified.
- The committee asked for more information on the use case examples referred to.
- The committee notes that NDAS has engaged with relevant charities, and will be engaging with the Office of the Independent Anti-Slavery Commissioner. It was noted that, on a more local level, each force where the model is implemented will be part of a multi-agency anti-slavery network and the engagement with these networks will lead to developments in the model.

#### Advice

- Outcome b) – proceed with minor amendments (see below).
- Care should be taken, when operationalising the tool, to ensure that it is designed to augment rather than replace the identification of cases and allocation of resources, and that the potential error rate is highlighted to decision-makers.
- The committee requests that the NDAS team returns to the committee once plans for operationalising have been developed for further advice, and at this point, provide more information about the planned use cases.
- The committee recommends a modern day slavery stakeholder advisory group as a priority, to gain the opinions and perspectives of the third sector and other experts at this early stage, to feed into the development of the model.
- In order to ensure that communications around the use cases are accessible, the committee recommends that the following format is used:
  - Out of a population of N (people in our data) we would expect to identify X people as involved in MS;
  - Of those people, Y will have been falsely identified;
  - Within this population, there will be Z people involved in MS who the model will not identify.

### ***Most Serious Violence***

#### Comments

- The committee noted that it was positive to see the team having evaluated its own work and identifying flaws from which to start again.
- The committee suggests that further thought is given to why, with the current data available, the model did not work, as there is considerable value in knowing what doesn't work as what does.

## Advice

- Outcome e) – further information required (see below).
- As it is currently unclear how this use case will be developed (if at all), the committee requests that the NDAS team returns to the committee once a plan of action has been developed.
- The committee advises a need to assess whether there could be some underlying issue with these types of models in these 'violence prediction' contexts e.g. that the police data available does not represent all the relevant information that needs to be taken into account (and not necessarily through data science/algorithmic methods). The committee advises that this exercise is undertaken alongside consideration of any new MSV use-case(s) and the results discussed with the committee.

## ***Ethics framework***

- The committee notes the proposed work to develop a project-based ethical framework for NDAS and advises that much can be taken from existing legal and ethical frameworks (in particular the human rights law framework and the police service Code of Ethics) and processes which can already be applied to tactical interventions resulting from data analytics. The committee would be happy to stay engaged as this work develops.

## **WMP Analytics Lab**

- The committee thanks the WMP team for the comprehensive set of papers and responses, and for the useful glossary, separated into 'policing' terms and 'data science' terms which will be carried forward into future papers.

## ***Serious organised crime network***

### Comments

- As well as validating the model using historical data, inaccurate data should be notified to the Lab and incorporated into any future runs of the analyses. Findings from initial runs of the analyses should be subject to checking by the Intelligence department.
- While the committee understands the motivation behind the use of a mathematical harm index, the committee would like to understand the ramifications of the use of either or both or neither of the harm indexes in terms of how the harm index informs the model. For instance, the CHI index is based on sentencing guidelines which may not reflect the severity of the harm caused to a community/society or victim impact.
- The committee notes the use of prison data in the model.
- The committee notes that operationalising this model will need to ensure that victims, who are also offenders, are identified.
- The committee notes that it is not intended that findings from this analysis would be shared with anyone outside of WMP as it is aimed at feeding into relevant decision making regarding ongoing operations only.
- The committee notes that WMP uses the following definitions of 'gangs':
- It was noted that where people are linked to a SOC Network through an intelligence log; but do not appear as an offender in the crimes data because they have not previously committed a crime, they will not feature as prominently in the output. An ethical issue could arise if the research inadvertently focussed on vulnerable people rather than genuinely seasoned offenders.

## Advice

- Outcome b) – proceed with minor amendments (see below).
- The committee requests that the Lab clarifies its rationale for using both harm indexes mentioned, and considers whether the ONS index could be said to be fairer as it draws on actual sentencing information.
- The committee requests that the operational guidelines once drafted are returned to the committee for advice, and advises that these should deal with the rights of victims who have gone onto become offenders, and should contain a clear commitment (rather than an intention) regarding the sharing of the analysis as mentioned above.
- The committee requests confirmation of the data sharing arrangements that are in place with the prison service regarding the use of prison data.
- With regard the definition of gangs being used, the committee advises that more clarity is needed in respect to the focus on OCGs, rather than USGs who are mostly under 18, and the different forms of intervention that are intended to be deployed.
- In respect of vulnerable people, and individuals who have not committed a criminal offence, the committee requests further information as the project develops as to how a safeguarding approach will be taken in respect of such individuals who may appear within a network analysis.
- As the project proceeds, the committee requests further information as to the measures of centrality being used and which data are most indicative of centrality.

## Child sexual exploitation network

### Comments

- The term ‘Boyfriend Model’ has received significant criticism, specifically in excluding the abuse of young male victims.
- It was noted that there is potential for previously unknown victims to be identified by this analysis. It is also acknowledged that some nominals linked to CSE networks as ‘offenders’ will also have been victims and that an element of this exploitation may include forcing vulnerable individuals to act as facilitators. There is an argument to say that a failure to actively look for a potential pattern of wider victimisation would be an ethical issue in its own right, i.e. willingness to ignore potentially relevant information around actual levels of abuse.
- The papers indicate some lack of clarity as to the ultimate aim behind the model, in particular its operational use and the extent to which individual data may be shared with other agencies for safeguarding and investigatory purposes.

### Advice

- Outcome b) – proceed with minor amendments (see below).
- It is recommended that the ‘Boyfriend Model’ terminology and any assumptions behind it are reviewed, and the conclusions returned to the committee.
- The committee recommends increased clarity as to the operational uses of the model, in particular around the sharing of individual data where required for safeguarding purposes. The committee can envisage some beneficial uses but these need to be specifically articulated.
- The committee requests that the operational guidelines once drafted are returned to the committee for advice, and advises that these should deal with the rights of victims.



## ***Community Tensions***

### Comments

- The committee requested further information regarding the processing of individual data, source/accuracy of intelligence logs and the interventions/results that would follow predictions.
- Concern was expressed that the links being explored are likely to be very fuzzy – what is meant by ‘community tensions’ and what is meant by ‘violence’? What violence? Why should community tensions be related to knife crime for example? Both input and output need to be defined more precisely.
- The committee queried whether thought has been given as to whether the community tension is a proxy for some other activity? What if it is police activity causing tension? That could create a self-fulfilling prophecy.

### Advice

- Outcome e) – further information required (see below).
- The committee advises the Lab to undertake an exploratory exercise, so that the ethical issues can be considered on a more granular level at future meetings should results indicate the potential for a predictive model. The committee advises the Lab to take into account the various questions raised by committee members in this exploratory stage.

## ***Domestic abuse***

### Comments

- Since this proposal builds on earlier RASSO analysis project works, there needs to be a similar focus on addressing how the use of victim data will result only in positive outcomes for victims, not the use of the explanatory findings to ‘streamline’ investigative policing work away from difficult-to-address cases/scenarios type by type, as the models built under this proposal reveal them to be.
- The committee acknowledges that the focus of this project is to understand the elements which are in WMP control – for example how long it takes WMP to arrest an offender – and the impact they might have, as opposed to external events which will affect a victim’s decisions about whether or not to pursue a prosecution.

### Advice

- Outcome b) – proceed with minor amendments (see below).
- The committee advises the Lab to ensure that the aim of this project is to inform policy by identifying areas for improvement in the way WMP conducts DA investigations. WMP should ensure that it will not now or in the future be used as a tool for determining whether or not particular investigations should be pursued.
- It is understood that the Lab will return to the committee for further discussion once methods of research have been determined.

## ***Knife Crime***

### Comments

- The committee understands the proposal to be a form of hot-spot policing, with the aim to predict where and when knife crime is more likely to occur, based on knife-related crime data.
- The committee also understands that the proposal links to a new out-of-court disposals pilot, with details still to be further discussed.
- In terms of interventions that may follow, the committee understands that the results of this analysis would be used to inform resource allocation via Project Guardian every 4 weeks, using a range of policing tactics as appropriate. The focus will be on prevention and enforcement activities in hotspot areas; in particular providing more capacity for neighbourhood officers to engage in preventative work with young people.
- It is not specified what would go into the model, what the predictive output would be, what methods will be used. Is this intended to find links such as if X & Y happen in one location on Monday, then A & B is likely to happen in another location on a Thursday? Or if certain organised crime activity happens in one location, it is also likely to happen in another location?

### Advice

- Outcome e) – further information required (see below).
- The Lab is asked to provide more details of its proposed model including what would go into the model, what the predictive output would be, what methods will be used, and the potential interventions that would follow including the proposed out-of-court disposal.
- The Lab is asked to clarify in particular the range of example objectives that they hope to develop or discover from the data in terms of the reasons behind certain hot-spots occurring.
- The Lab is also asked to clarify the evidence of efficacy around this type of hot-spot policing.

## **Home Office**

### **Retrospective Assisted Facial Recognition (FR) - Trial on Historic Criminal Case Data**

#### Comments

- The committee thanks the Home Office for the clarity of the written papers.
- The committee regards the trial process proposed for this FR tool as a positive step, in particular the thought given to basing it on historical footage rather than on current operational environments.
- The committee can envisage the potential for clear operational benefits from a FR tool that performs well and can increase the efficiency and effectiveness of the retrospective review of footage in serious crime investigations, provided the impact on rights is not disproportionate.
- The committee notes the good practice of the Home Office's stated intention to work with the ICO on the Data Protection Impact Assessment (DPIA), and with Cardiff University to review the robustness of the research protocol.
- The committee notes that a) the Memorandum of Understanding relating the possibility of uncovering new evidence, b) the DPIA and c) the legal opinion are awaited.

- In seeking to understand "performance" or "accuracy" based on a limited number of subjects, the committee considers that the efficacy of the commercial tool for all populations should be reviewed i.e. the technology could not be considered "accurate" if it generates significant errors for certain groups.
- The committee notes that this trial is exploring a limited set of research questions and is not at this stage exploring any particular operational use. Should this be proposed, the committee understands that further trials would be implemented and that papers would return to the committee for further consideration.

#### **Advice**

- Outcome e) – more information required (see below).
- The committee awaits further information in the form of the DPIA, the legal opinion and the Memorandum of Understanding relating to the possibility of uncovering new evidence.
- The Home Office is also requested to consider the following initial advice, which will be supplemented once further information is provided:
- The committee advises further investigation of the selected commercial tool's performance in respect of all populations, including disclosure of details of how the tool was trained, and known biases/errors. The Home Office is advised to explore expanding the study in terms of footage analysed so that issues of bias do not have to be 'heavily caveated'.
- The committee advises exploring using new manual reviews as part of the study which would help address the crucial question of how other (incorrect/uncertain) alternatives/matches were dealt with in the manual process; as the Home Office acknowledges, viewing logs are unlikely to hold this kind of data. Otherwise, the research would struggle to compare the two methods. Furthermore, the research protocol indicates that a major focus of the trial will be 'review time' and 'time on task'. However, issues around false positives (particularly as the confidence threshold has been set at 55%), and how these are dealt with, are missing from the trial. Therefore, the trial would be unable to draw any conclusions around whether the technology 'works' in a wider sense.