



ETHICS COMMITTEE

Friday 05th March 2021, 10:00 – 13:45 hrs

Meeting held virtually via Zoom

Present:

Marion Oswald (MO)	Chair of Ethics Committee
Thomas McNeil (TM)	Strategic Adviser to the PCC & Board Member - OPCC
Andrew Howes (AH)	Ethics Committee
Anindya Banerjee (AB)	Ethics Committee
Claire Paterson-Young (CPY)	Ethics Committee
Derek Dempsey (DD)	Ethics Committee
Janine Green (JG)	Ethics Committee
Malcolm Fowler (MF)	Ethics Committee
Peter Fussey (PF)	Ethics Committee
Tom Sorell (TS)	Ethics Committee
Rachel Skett (RS)	Secretariat - OPCC
Davin Parrott (DP)	Data Analytics Lab – WMP
Samantha Todd (ST)	Data Analytics Lab – WMP
Karl Shutes (KS)	Data Analytics Lab – WMP
Chris Todd (CT)	Assistant Chief Constable - WMP
Matthew Tite (MT)	Superintendent (NDAS SRO) - WMP
Mandeep Dhensa (MD)	Accenture
Luke Robertson (LR)	Accenture

Apologies:

Jamie Grace (JG)	Vice Chair of Ethics Committee
Jennifer Housego (JH)	Ethics Committee



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Welcome and Updates

The Chair welcomed everyone to the meeting and noted apologies from Jamie and Jennifer. The Chair stated Rebbecca Hemmings has stepped down from her role on the committee and wished her well in the future. The Chair expressed her thanks on behalf of the committee to Rebbecca for her time and input. Tom McNeil will be looking at member recruitment going forward.

Two updates were provided at the start of the meeting, one from CT and one from TM.

CT noted HMICFRS published a report on 26th February, *'Disproportionate use of police powers - A spotlight on stop and search and the use of force'*. The report highlights that HMICFRS considers there is still a long way to go for policing in this area, but that West Midlands Police are arguably one of the exceptions to that. The examples highlighted in the report showing best practice cite West Midlands Police the most, using them in 245 examples. The report looks at areas including, the recognition of handcuffing individuals during stop and search and how this is perceived to be routine in some regions. CT indicated West Midlands Police are now recording the compliant use of handcuffing during stop and search. The report also highlights reflections on the use of Section 60 Stop and Search powers. The Government have recently reduced authority levels for that power, however West Midlands Police have chosen not to adopt that and instead use higher level of scrutiny. CT noted that prior to the report West Midlands Police have done a lot of work around the governance of stop and search and this has seen a very significant reduction in searches between 2014 and 2018, while maintaining the same rate of positive searches, i.e. where something illicit is found. The report also references the stopping of vehicles and noted that there is currently no legislative requirement to record this data. However West Midlands Police piloted the collection of this data and continue to do so and has been nationally leading in that regard. The recommendation in the report is for other forces to do this. The report also acknowledges the good work West Midlands Polices Fairness in Policing Team have done.

TM provided an update on the proposal to develop the West Midlands ethics committee model into a national model providing advice to other police agencies across the UK and stated the proposal would be circulated after the meeting. TM noted the proposal indicates what this work would look like for a national body on a national scale and highlights best practice based on this Ethics Committee. One of the key proposals is the degree of transparency along with the level of scrutiny and the diversity of perspectives. TM noted it has been really hard to manage the array of stakeholders to put the proposal together which is why this has not been raised with the committee sooner, however TM looks forward to committee's comments. TM noted that a roundtable meeting was convened with lots of key organisations represented, including the Home Office who spoke during the meeting. There was a vote on the proposal resulting in very strong endorsement



	<p>and TM will circulate this following the meeting. There is a meeting scheduled with the Home Office to take this forward.</p>
2	<p>A response to the questions posed in relation to the paper ‘Predicting the Volume of Demand from Mental Health Related Police Incidents’</p> <p>The Chair noted as a reminder from the last meeting, the committee was impressed by the ambition of the project and the initiative taken by the force to understand mental health related incidents. This update has been requested to answer some of the questions raised.</p> <p>DP provided an update on the project and noted an analysis has been completed and a model has been built. The next step is to create a dashboard that would be made available to the mental health triage team (i.e. the police team that responds with mental health practitioners to suspected mental health incidents). As new information becomes available it is expected the model will be rebuilt to incorporate this along with any new systems brought in by the force.</p> <p><u><i>The committee had the following questions:</i></u></p> <ul style="list-style-type: none">- Some of the terminology in the paper was hard to understand and an example would be beneficial to aid understanding. DP advised an unrelated example can be produced to help with this.- From the survey that was conducted only 23% of the incidents were flagged which is a relatively small percentage of the incidents being captured. How will this number change with the suggested improvements in recording, and, given that a small number of incidents are flagged how does this effect confidence in the current model? KS noted the quality of data will be improved as currently the data is split between different systems. It was noted the changes in data collection inspired as a result of this project, is a good result and higher ranking officers have assisted with this initiative. Overall the recording of data will be improved.- Is there a difference in the interpretation in people’s behaviour in terms of ethnicity and could behaviour be interpreted as criminal when it is a mental health issue or people’s behaviour being interpreted as a mental health issue based on biased perspectives on what ‘normal’ is, e.g. wrongly considering someone as being aggressive when it is a cultural difference in communication style/expression? It was noted that this could be an ethical concern if interpretations are deemed as being discriminatory and could the force think about this in the future and perhaps feed this in to officer training or an area to explore further. DP noted that the force currently do not have the information to ascertain this but would feed this back and ensure this is taken higher as this should be monitored, and



	<p>assurances were given that this issue would be taken seriously and considered at a very senior level within WMP.</p> <ul style="list-style-type: none">- It was noted that this is a really good project for the team to be looking at however there could be further ethical issues in the future with the development of the dashboard.- KS suggested that information could be recorded after and arrest or detention is made by medical practitioners, however this is currently unavailable, but is something that should be looked into. ST added that an incident is flagged as a mental health incident when the initial call is made to police and is based on the information provided by the caller to the call handler and that is when the mental health team are deployed. Further questions were asked in relation to this as there could be discrepancies in the numbers of recorded mental health incidents based on the information provided by the caller and the assessment made by officers. CT noted this was a valuable observation and added there is currently a group chaired by ACC Ward which looks at fair and effective use of intrusive powers and how they affect legitimacy and this issue would feed into this area of work. CT will ensure ACC Ward is cited on the paper and the issued raised.
3	<p>Committee Advice and Comments on response</p> <p>The committee emphasised that this is a really positive project and one that is already producing a lot of useful information that could have a national impact, such as in terms of how mental health incidents are recorded.</p> <p>It was noted that this project was much easier to follow and the accompanying documents were very clear.</p> <p>Some areas of concern include the issues raised around biases when looking at ethnicity and gender and this should be taken into account when looking at the data. Other comments included the need for this issue to be tackled holistically as it is very complex and there is a need to bring in other groups that are working on associated challenges. It was also noted that there is a lot of research in psychology & mental health studies regarding the way culturally shaped reactions become interpreted as aggression and the process of acknowledging something may occur, actively monitoring and reflecting seems like a good approach.</p> <p>The committee continues to recommend that this project proceeds but emphasises that there could be additional areas to explore and they would encourage the force to do so.</p>
4	<p>Discuss Self-Assessment Feedback</p> <p>The self-assessment feedback forms (which involved WMP staff and committee members reflecting on the performance and functioning of the ethics committee)</p>



raised some issues for discussion including the practicalities of the amount of projects coming to the meetings. Secondly, although there is a wide variety of specialisms amongst committee members this could be widened out further. Finally, the need for keeping in mind the purpose of the committee when discussing projects.

The committee offered some general comments in relation to the feedback forms and the following was noted:

- With regards to having a young person representation on the committee, members suggested consideration be given to having a young member on the committee or finding other avenues for young people to participate in some way, such as provide feedback on a proposed AI model. It was discussed how this is a good idea provided the logistics are well considered. For example, could they attend for only part of the meeting to offer their views as opposed to attending the whole meeting? Are there organisations that could be approached? TM noted the PCC has elected youth commissioners who represent all areas of the West Midlands and there are other local and national youth councils that could be approached. During the initial interview process for the recruitment of the ethics committee, there were some young people who applied, but there was a robust expectation that appointed members would have extensive knowledge in different areas or could demonstrate they could get up to speed with the committee's content quickly, which at that stage proved a challenging threshold for younger applicants to meet. However going forward there are mechanisms available to make information more accessible, which might present new opportunities.
- TM also noted the potential to have people with lived experience perspectives attending the meetings. The consensus from the committee is that this is a good idea as it would help when understanding wider contextual issues – this is also a proposed mechanism for the national ethics proposal. However it is important to keep in mind the impact this could have on the timings of the meetings if there were other people attending to give presentations, and so again there needs to be a clear rationale and careful consideration around the timing of bringing these components into play.
- Some members asked if there could be additional sessions for data scientists to attend, to look through the project proposals prior to the full committee meeting.
- And finally if there is any scope in having more frequent meetings with a smaller agenda, although recognising this could be problematic for some.

TM highlighted the four potential options for new governance proposals going forward and noted that an options paper would be circulated following the meeting. The four proposals seek to present options to prevent too many agenda items at quarterly meetings, help to avoid delay in project proposals moving forward, ensuring the committee's time is used appropriately and always maintaining the integrity of the ethics process. The four options include:

- 1) Proposals in Principle – this would ensure that projects only come to the full committee meeting once data analysis has begun, but that there would still be an initial review of 'concept papers' by some committee members. The idea is that a small number of members would discuss the projects in



the initial stages of development and report back to the full committee meeting in due course.

- 2) Interim Sub-Committees – this option looks at the possibility of having separate smaller meetings for members to attend and would look in detail at the project proposals as they progress. This would be optional for members to attend or another option is for members to attend certain meetings depending on their areas of expertise.
- 3) Commenting on projects in between meetings via email - as was done for one of the full committee meetings at the start of the pandemic, this proposal is to review certain project papers over email exchange and comment and follow-up comment submission.
- 4) Pairing of committee members to look at one or two project proposals - this would involve members pairing off in groups of two members to review interim projects and then reporting back to the committee on these project updates and the queries, comments and advice they provided, in brief summary form.

The committee made the following comments in relation to the four proposals above:

- Commenting on project proposals over email should be a last resort as the debate is less open and you can't have the same dialogue you would have during a meeting.
- Members were supportive of the idea of involving people in a pre-assessment of project proposals and sub-committees but this would be a large time commitment to be able to adequately prepare for the meeting as well as attend and provide a summary of the outcomes to the full committee meeting. It was also noted that accurate minutes are needed from sub-committees and if there is the resource available to do this.
- It was noted that additional administrative support would be needed in the formation of sub-committees.
- It was suggested core questions are developed so all members are asking the same sorts of things at the sub-committee meetings to ensure an ethical perspective is being considered.
- It is important that agendas and papers are circulated in good time if sub-committees are created and this should be noted in the development of the proposals.
- Currently ethics committee members are unremunerated. The national ethics proposal however proposes payment for experts' time, given the growth in expectation and commitment. With regards to monetary payments for committee members going forward, it is important to ensure the committees credibility is not undermined by this.
- Could there be an IT system put in place where documents can be shared to members and commented on, rather than circulating things via email.

TM noted on a separate point that the national proposal is separate issue to the proposals for this committee, however, the core principles could be converted with additional resource to create a national function.

A further observation was made about how data scientists could provide summaries of data science issues, what to look for in the papers from a data science perspective and if training could be put in place to help members develop their knowledge. TM noted he would speak to the lab with regards to this and also



	<p>if the data scientists on the committee could help other members. The Chair suggested this be fed into future agendas.</p> <p>It was noted that the committee had not received any legal advice on some of the projects for a long time and if this had been missed. TM noted West Midlands Police are aware of this and he has received assurances from them that this is being addressed.</p> <p>The Chair noted that all the options in the proposal should be implemented going forward, but committee members are asked to provide feedback once the document has been circulated.</p>
5	Coffee Break
6	<p>NDAS Violent Crime Use Case</p> <p>MT attended the meeting for this item only to present the new NDAS Violent Crime Use Case (started from scratch following previous predictive model on Most Serious Violence being discontinued) and highlighted the following six points, some of which overlap:</p> <ul style="list-style-type: none">- Firstly the purpose of this violent crime use case. MT noted there are two purposes for this case. Firstly, to assist in the compiling of strategic insights around violent crime and secondly to provide insight to guide operational users on key factors, nominals or networks that contribute to harm in hotspot areas.- Secondly, the benefits of the case. MT noted that overall the hope is for better understanding of the scale of violent crime networks, to improve the intelligence picture for police, to guide investigations and inform the delivery of interventions. The use case demonstrates the ability to see the networks in an interactive manner (i.e. through visualisation of connected individuals to help in police disruption of serious violent crime, which might otherwise have taken a long time to manually draw up). MT noted a lot of the data insights being discussed here do often already exist within the police, but it is currently difficult and time consuming to obtain. The use case is developed to give an understanding of locations, people and networks, and can identify, for example, individuals who based on existing policing data currently have the greatest impact (i.e. existing police data shows certain individuals who have already committed high harm offences or serious violence), and in turn can help the police and partners put safeguards in place to prevent further crime. Conversely, the dashboard could assist in identifying those most at risk, so that the police and partner response to safeguard these individuals is as effective as possible, and efforts can be made to understand the risks to vulnerable people and put measures in place to prevent the recruitment of other vulnerable people to the network. MT noted that by utilising this case there is an expectation that a qualitative improvement will be seen by the force as there will be an ability to tackle the threat of violent crime in a more timely and informed way, as compared to when data hasn't been analysed due to capacity limitations, or data hasn't been analysed in a consistent or up to date way. There is also an expectation to see quantitative improvements as it is estimated that the ability of NDAS to visualise a



network or crime trends could save analysts a lot of time and free it up for other productive activities.

The third point highlighted what is new in relation to this case. MT noted the use case will be quicker and more efficient in terms of analysing & visualising data. It will provide more detail about hotspot areas and provide an understanding of specific components in relation to a hotspot area (e.g. granular detail about specific types of violent crime, and in relation to more specific areas). This also includes questions such as where the offenders responsible for that harm are travelling from and whether there are factors in those areas, e.g. deprivation, organised crime which might be contributing to violence, rather than just the hotspots themselves. The NDAS model allows for filters to be applied so data is easily accessible and looked at in different ways, which was much harder to do with manual reporting. It will also give a clearer understanding of how networks and people are connected in relation to hotspot areas which might otherwise be too time consuming or based on more informal inferences. The use-case is also able to quantify harm, not just through a count of offences but through identifying harm caused using the Office of National Statistics' Crime Severity Score, to ensure that resources are focussed best where the harm is likely to have most effect on communities.

- The fourth point discussed was automation and MT noted this is not an automated approach. There will still be a police officer in between the dashboard output and any action taken. There will be a screen added to the dashboard to remind officers of this (i.e. that any linking between individuals in a visualised 'crime network' would need to be interrogated so connections made in error or for unsubstantiated reasons would not be pursued). MT also noted the dashboard will not replace any existing processes (i.e. professional standards) within the force but will incorporate these into the model. Ultimately the dashboard will augment decision making and not replace existing processes and decision making.
- The fifth point MT highlighted was categorisation. MT stated that no one will be in the high harm group unless they are linked, as a suspect or offender, to a violent crime offence. He added that there are three categories on the dashboard in terms of how individuals are categorised in terms of risk; primary, secondary and tertiary. Primary categorisation includes nominals who haven't been a suspect or offender of violent crime but have a direct connection to someone who has had a recent violent crime event. There is an additional requirement that the nominal must also have been the offender or suspect of a non-violent crime offence. This is added to ensure victim only individuals are not placed in a violent crime category. The secondary & tertiary categories include nominals who have had at least one violent crime event considered within the identified timeframe. In order to differentiate between these two categories, the cohort is split based on their recency scaled violent crime harm. In this context, violent crime harm is defined as the ONS severity associated to their violent crime events. This is scaled such that recent violent crime events receive a higher weighting. Tertiary population then consists of the top 10% of nominals by this metric. MT noted there are potential risks around bias in who features in these categories due to the focus on violent youth crime and also the focus on place based violent crime as this could lead to over policing in a certain area (i.e. the risk that certain areas are



policed more due to unintended potential bias). However, a key mitigation here is that firstly, there are clearly violence hotspots in any force area, usually in town and city centres, and this needs to be addressed to prevent harm. Secondly, the insights will be used for a partnership approach through the systematic, public health approach to violence – which means that interventions will not necessarily be police led. Such responses might for instance be through investments in supportive interventions made by the Police & Crime Commissioner's Office and its Violence Reduction Unit. Finally, in seeking to provide a broader geo-spatial understanding of violence, not only focussing on hotspots but also locations where other violent offences are committed by the same people, the use case seeks to take the focus away from the hotspot to form a wider understanding of the problem. However, if individuals are shown to have committed high harm violent crime and are categorised as such, then it is possible a more robust law enforcement response could be taken by the police, but this would be no different than from when these individuals are identified ordinarily and suspected of serious violent crime.

- The final point MT noted was data reliability & accuracy. He added the use case uses data already available in force systems and this data is subject to data quality standards that are reviewed regularly.

Accenture colleagues attended the meeting for this item only to provide a visual demonstration of how the dashboard works. LR demonstrated how to apply filters on the dashboard and how this sorted the information and explained that different filters can be applied depending on the criteria.

The committee had the following comments and questions:

- This model is quite different from other models presented previously as it is more about the visual presentation of existing data in ways that the police would already do but which take a long time. This model looks to be much more ethically sound in the sense it is not seeking to predict an individual's crime, but is mainly seeking to highlight existing violent crime events, individuals involved, areas involved and potential networks of people involved in violent crime.
- The dashboard looks good in terms of presenting information in a way that could plausibly aid policing activities, particularly if there are currently gaps in this kind of data and data presentation/visualisation day to day.
- Similar concerns to other network models previously considered by the committee were raised here, and committee members sought assurance that individuals were only being linked to each other when there was good reason to do so, as otherwise there was a risk of criminalising or labelling individuals for no good reason. In terms of a connection (i.e. how two individuals are linked in the network modelling) what defines a connection between two nominals? LR noted that connections between nominals is based on structured information (e.g. both having been recorded as committing a crime together) and there are checks that take place prior to connections being made or pursued.
- If a user wanted to see the information that generated the connection can they view that? LR noted yes nominal details are provided in the network screen.
- Assurances were sought about the kinds of interventions that would follow individuals when they are placed in the categories of primary, secondary



and tertiary. It would be useful not just to follow a nominal but to see what type of intervention would be suggested and could an example or a case study be presented in the future? MT stated a case study could be provided however the interventions are so vast that providing one case study might not be helpful. The tool doesn't change what interventions are already in place as the data is already available it just makes it easier to view the data. The committee suggested that what's important is for there to be transparency over more robust police responses (e.g. someone categorised as high risk because data shows they are suspected of committing three serious violent offences in the last week might undergo a formal police intervention), so the public is aware how this data might ultimately be used.

- Cases brought to the committee previously predicted an individual's criminality however this model is using the existing data to suggest interventions and therefore less controversial. However the ethical issue is how the nominals are being categorised and if this would provoke a particular response and lead to certain links being made, i.e. would it still have the effect of 'predicting' those who go on to commit crime, or might it be interpreted as that? If so, this risks major ethical issues, such as if one receives a robust law enforcement response because they are predicted to commit crime, when in fact the modelling was incorrect or cannot be reliably proved to be correct. MT noted the visualisation of networks used in the modern slavery use case is similar to the networks used in this particular case. The safeguards in place are similar or almost identical to the ones in place in the modern slavery use case, i.e. great care is taken that any law enforcement approach is well substantiated in evidence and not simply because they are flagged in a network or category of risk.
- Interested to see on the screen the ability to see crime records and also the factors indicating one's vulnerability to exploitation or other risks, and this is potentially useful to the user to get an idea of an individual's background and complexity around their circumstances. The Chair noted that as the data is showing a safeguarding issue, this raises larger questions around safeguarding alerts on the system and ensuring there is a plan in place to follow through with safeguarding risks identified.
- Concerns were raised about the possibility of biased inferences being made based on the connections and networks. LR noted this is a fair observation, however there is a comprehensive training programme delivered to end users so they are made aware of these potential biases and caveats. MT noted that potential bias is an issue for the force in general and not just in relation to the use of the model and there are professional national standards and processes in place to address this. The committee argued that the visualisation of the model is very important to ensure correct conclusions are made. It was argued that the visualisation appears to identify individuals with large networks due to large amounts of data, and the inference could be that a large criminal networks exists, however the data is just showing large criminality in a certain area and the amount of data is not a reason to criminalise someone. MT noted the data presented is the data that already exists within the force and added he would have to provide a more detailed answer following the meeting when other considerations have been thought about.



	<ul style="list-style-type: none">- There is a marked distinction in the model presented today compared to models presented at previous meetings as the data is presented in a more understandable easy to use way. It was noted that this could be used in early intervention and prevention work going forward, but provided the right caveats were made to officers using the data, to ensure it was not inadvertently used as a predictive model.- The committee noted that just because there is more data or more data visualisation this does not mean there is more information or accurate information. There needs to be caution when using the model to ensure biases and inferences are not made, i.e. the risk that decisions made around how this data is visualised inadvertently and erroneously lead officers to wrongful or unsubstantiated conclusions. Specifically it was raised that policing data might be very incomplete or contain varying degrees of accuracy. Some committee members suggested a potential redesign of the model could help with this. However, the committee's overall advice outlined below was around the need for further engagement on the issue of design, rather than necessarily considering that any redesign was definitely or likely to be required to address concerns. There is thinking to be done around how technology can impact police making a decision and how information from the model can impact this.- Specifically, comments were made regarding the way in which information is imported into the model and if an inference then becomes a fact due to how the data is presented. Additionally, how information becomes manifested in the model that then creates suggestions and links and if this then effects police discretion.- Where is this tool going to be used and be who? MT notes conversations are currently on going to identify who the end users of this will be. It could be potentially used by specialised officers who are looking to use this in a specific way e.g. intelligence officers looking at specific geographical areas. This could be fed back to the committee in future meetings once the feedback from this meeting has been considered. The committee expressed support for a more restricted and limited range of end users, like with the modern slavery NDAS use case, to help ensure: the model wasn't inadvertently used as a predictive model; that visualisation of crime trends and mapping was approached with a healthy scepticism or ongoing scrutiny; or that erroneous links are not made between individuals (and therefore wrongful criminalising) by those not equipped to use the networking analysis.
7	<p>Committee Advice and Comments on NDAS</p> <p>The Chair noted that this was a useful discussion and a clear presentation was provided. It was also useful to see the visualisation of the dashboard and to be given a demonstration of how it works.</p> <p><u><i>The committee noted the following general comments:</i></u></p> <ul style="list-style-type: none">- The general mood of the committee was positive about the model, although some members were more concerned about how data was presented.- Ethical concerns were raised about which individuals will be flagged up to the end users - for example someone who may have not committed a crime but are a suspect. This also raised safeguarding concerns.



- It was noted that fundamentally assurances are needed to be made that the analytics are sound.
- Clear benefits of the project were demonstrated from the fact the data presented brings crime trends and locations to light and flagging up cases is really important for early intervention and prevention work.
- It was noted that this technology could potentially focus an end user on the wrong person or groups, and this could lead to potentially negative outcomes.

The committee recommended the following:

- The Committee are cautiously supportive of the project and recommends option C and that the proposal proceeds with major amendments.
- Ultimately, much of the model is about visualising data the police already has and which it already visualises but in a much less efficient way due to time and resource limitations. This model therefore stands to radically improve policing efficiency in how it looks at existing violent crime data, including how it informs strategic decisions with partners around public health crime prevention. However, there are some risks involved.
- The Chair noted a sub-committee should meet to discuss this further to ensure a more detailed scrutiny of the project is completed. This sub-committee can also provide an assessment of the way the visualisation might influence decision making.
- The committee suggested there should be detailed protocols put in place about how information from the model is then actioned, and who has access to the model's outputs, to address concerns over the model wrongly being used as a predictive tool.
- There should be additional work completed with the NDAS team to understand more detail on the categories of nominals, and ensuring that the model's functionality carefully ensures officers and staff are not considering the categories as predictive or definitive, but as a statement of knowledge around one's offending history or reasonable and scrutinised suspicion of serious violent crime. Qualitative case studies (non-exhaustive) that help understand how someone in the high harm category might be treated by the police as a result would potentially help provide assurances.
- The committee also request legal advice and a DPIA for this project be shared with it on a confidential basis.

No additional items were raised and the meeting closed at 13:45.