

| **JOINT INDEPENDENT ETHICS COMMITTEE**  **MEETING MINUTES** |
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| 14:00hrs, 27th March 2019, Dyffryn Gardens Conference Room |

| **1a. Attendance** |
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| Attendance:  Professor Mike McNamee (Chair)  Mr Mike Lewis  Dr Harriet Pierpoint  Jacqueline Gantley  Joga Singh  ACC Jeremy Vaughan  C/Supt Andy Valentine  C/Supt Phil Ashby  Lee Jones, Chief of Staff, Office of the Police and Crime Commissioner  Nia Brennan  Carol Woodward  D/Insp Huw Thomas  C/Supt Joanna Maal  Jacqui Trow  Sgt Matthew Hicks  DC Sian O’Shea  Amy Thomas  Presenting Ethical Dilemmas:  Insp Matthew Codd, Louise Emmitt, Sgt Steve Knight  Apologies:  Professor Duncan Lewis  Ceri Channon  D/C/Supt Danny Richards  D/C/Insp Mark Kavanagh  Sgt Claire Bradbury-Evans  Sgt Sarah Nagle |

| **2. Minutes and actions** |
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| The minutes from the previous meeting held on 12th December 2018 were agreed as an accurate record. |

| **Action Number** | **Action** | **Owner** | **Status/Update** |
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|  | An aide memoire has been drafted regarding on/off duty and will be placed on the agenda for the next meeting. | C/Supt Edwards | C/Supt Edwards has drafted a version and will meet with C/Supt Valentine before the next meeting. Action ongoing. |
|  | Professor McNamee to raise at the National Committee collaborative work with the ambulance service. C/Supt Edwards to also raise at the All Wales JESG. | C/Supt Jon Edwards/ Professor McNamee. | C/Supt Edwards will liaise with CC Julian Williams regarding this item and this will be presented to the next JESG. Action ongoing. |
|  | Nicola Williams agreed to undertake some investigation of what policy materials existed in other professions with regards to ‘touch’ and to bring this back to the Committee.  *Professor McNamee to contact Nicola Williams.* | Nicola Williams/ Professor Mike McNamee | Item discharged. |
|  | Take the ethical dilemma on the officer capturing an indecent image on his electronic pocket notebook to the National Ethics Committee for further guidance. | Professor McNamee | Amy Thomas is taking this to the Regional Ethics meeting on 2nd April and will report back to the next meeting. |
|  | Results from the police staff and police officer ethics survey will be pulled together in one report and provided to next meeting. | Amy Thomas | Completed. |
|  | Check Terms of Business and link in with Nia Brennan regarding the term of appointment for the Chair of the Committee. | Amy Thomas/Nia Brennan | Completed. Discussed in agenda. |
|  | Inform the Committee of any relevant governance discussions taking place at the Silver Board on 13th December 2018 and thereafter as these impact upon the terms of business of the Committee. | Lee Jones | Completed. Agenda item. |
|  | Send out an email asking for nominations to sit on the Task and Finish Group to be held mid-February 2019. | Amy Thomas | Completed. Agenda item 5. |
|  | Arrange next meeting for March 2019. | Amy Thomas | Completed. |

**3. Chair of Committee**

Mike Lewis stated that the current terms of reference for the Independent Ethics Committee state that independent members at their first ordinary meeting in each year will elect one of their number to chair meetings. Expressions of interest had been requested from all independent members and there was one expression of interest received, which was from the current Chair Professor Mike McNamee. Professor McNamee left the room and independent members voted unanimously for Professor McNamee to remain as Chair for the next year.

**Action: Amy Thomas to agenda at the first meeting in 2020 for the next vote for Chair of the Independent Ethics Committee.**

**4. Introduction & Welcome**

Professor McNamee welcomed ACC Jeremy Vaughan, Chief Superintendent Andy Valentine and Chief Superintendent Phil Ashby to their first meeting.

Professor McNamee informed members that Nicola Williams has tendered her resignation to the Committee and he extended his thanks to her on behalf of members for her contribution to the Committee. He also expressed his thanks on behalf of the Committee to Chief Superintendent Jon Edwards for all his hard work in setting up and contributing to the Committee since its inception and wished him well for his future.

Professor McNamee stated that he had recently met with ACC Vaughan and C/Supt Valentine regarding the role of the Independent Ethics Committee and the link with the Internal Ethics Group. C/Supt Valentine stated that the Internal Ethics Group had met on 19th March 2019 and that the breadth of representation will be evaluated to follow the structure and format of the Independent Ethics Committee. His initial views were that mechanisms for the ethical dilemmas for staff discussion were over engineered and colleagues were looking for a sophisticated animation, which may be better through an accessible web-based solution. He stated that the Internal Group could triage and trial issues which could be escalated to this forum. C/Supt Valentine stated that he was keen to discuss items such as Firearms and Pursuits. Professor McNamee asked to have a pursuit style scenario for discussion at the next meeting and that maybe there was a cold case that could be reviewed.

**Action: Internal Ethics Group to consider a pursuits scenario for potential escalation to the Independent Ethics Committee.**

**5. Update from Task and Finish Group**

Professor McNamee stated that a Task and Finish Group met on 27th February 2019, which he attended along with Jacqui Gantley, Lee Jones, C/Insp Mark Kavanagh and Amy Thomas. The group discussed the throughput of ethical dilemmas coming through the Independent Ethics Committee and the need for a fix for getting localised problem(s) referred to the Committee.

**6. Ethical Dilemmas**

6a. Voluntary attendance whilst on bail

The below ethical dilemma was presented by Inspector Matthew Codd who is leading the Voluntary Attendance (VA) programme for SWP, Sgt Steve Knight (Custody Trainer) and Louise Emmitt (Senior Solicitor in the Joint Legal Services Department).

A question has been raised from within the custody environment regarding the ethical considerations surrounding a (hypothetical) individual (who has been arrested, detained, and subsequently released from detention with police bail conditions) being invited for a voluntary interview during the currency of the police bail period.

There are specific rules around the necessity for arrest, detention, and interviews which are contained within the Police and Criminal Evidence Act 1984 (“PACE”).

There are no legal provisions contained within PACE which would preclude an individual who has been arrested, detained and subsequently bailed with conditions being invited to voluntarily attend a location for a further interview.

The potential difficulty surrounding this potential process is the subjective decision that the officer in the case or custody officer can make a regarding the suitability of voluntary attendance

There are ethical considerations regarding further detaining an individual who is prepared to voluntarily attend an interview, and these must be weighed against the potential that a voluntary interview whilst an individual is on bail may be seen as an attempt to circumvent the custody clock or that voluntary attendance could be viewed as a parallel system of police custody. The latter point was raised in that whilst the requirement to remain in custody does not apply (it is a voluntary attendance) the point was raised that an individual may feel pressured to remain given the (potential) threat of formal detention in the event that they wished to leave during the currency of the interview. Despite the disadvantages of police custody (stringent detention principles to protect and safeguard detainees which may be considered intrusive), its strengths are the application of due process, safeguards and the protection of legal rights. While the safeguards/legal rights are the same, the relevance of the non- application of the detention/PACE clock may be important. Further initial challenges from the Committee members concerned the “quality” of the consent of the individual to attend voluntarily and an understanding of the finer subtle details between the two distinct processes. Importantly, no national guidance exists with regard to this process and there are no substantive legal authorities dealing with this issue which may be of assistance.

The critical questions considered by the Committee were:

1. Is the use of voluntary interview while an individual is on conditional Police bail ethical?
2. If we utilise the voluntary attendance procedure in such cases, what are the necessary and individual considerations which need to be catered for in our policy and procedure to ensure that each individual and set of circumstances are catered for? Should each case be considered on a case by case basis or should one procedure be utilised irrespective of the individual circumstances in order to afford clarity of process?

Inspector Codd gave some further background as below:

* Prior to making a decision as to arrest, an officer would firstly consider whether the criteria for arrest as set out in section 24 PACE applies and also consider the necessity test (Code G).
* A Custody Officer needs to consider grounds for detaining in order to authorise detention (which should be considered a last resort). Expediency or convenience is insufficient.
* The initial PACE detention clock allows for a 24 hour period of initial detention in order for enquiries to be expedited. This can be increased to 36 hours if authorised by a Superintendent, 48 hours with Magistrates Consent or up to 96 hours if serious offence and necessary.
* Generally, officers would seek to interview the suspect during their period of detention. This may be achieved in whole, in part or not at all. Dependent on the position of the investigation, consideration would then be given to the suspects release and the nature of that release. Since 2017 and the amendments to the Bail Act, the presumption is that where possible suspects will be released without bail.
* If a suspect is released on conditional bail terms, the initial period of bail may be no longer than 28 days. It must be a proportionate measure and reasonable to impose the bail conditions.
* Harriet Pierpoint asked for clarification concerning the rights and safeguards between interview in detention and interview as a voluntary attendee. It was noted that technically and legally such an interview can take place anywhere including the suspect’s own home. However, it was clarified that the force have established specialised Voluntary Attendee suites so VA’s are not attending custody suites Sgt Knight clarified that the HMICFRS Guidance was that VA interviews should not take place in custody suites and should be held somewhere else in the police station. He also noted that there is currently a national project ongoing for VA and SWP are compliant with such principles.
* Joga Singh queried whether individuals are made aware of their rights when attending as VA’s. Inspector Codd confirmed that they are informed of their rights in exactly the same way as they would be if they were in police custody.
* D/Inspector Thomas noted that the detention clock is designed to ensure we deal with prisoners expeditiously and in a timely manner. We have an initial 24 hours, the right to ask a Superintendent to extend that period up to a maximum of a further 12 hours if certain criteria are met and then potentially a further 56 hours via two warrants of further detention from a sitting magistrate. There are different detention clocks and timescales for the most serious of terrorism cases. Whilst the voluntary attendee process does afford the individual the same rights under the Police and Criminal Evidence Act whilst they are with us (ie the right to legal representation, inform someone of where they are, consult our code of practice etc) there is no detention clock running, as by definition they are there voluntarily and in principle free to leave at any time.
* Inspector Codd added that body worn video may also be used for VAs. The interviews undertaken are subject to the same safeguards and protections and indeed weight as those taken from a suspect in police detention. .
* Professor McNamee queried how officers check the suspects’ understanding of the VA process. Inspector Codd stated that a full record is created when they come in, they are told that they are free to leave at any time and that once the interview is commenced, rights and entitlements are reiterated. They are also encouraged to attend with legal support.
* Members asked the process that officers have with VA to determine that the person may not be fit to be interviewed and would be offered legal advice, appropriate adult offered and sourced, medical professional contacted. It was clarified that this was the same as a detainee in police custody.
* Inspector Codd confirmed that South Wales Police dealt with approximately 230 – 330 persons per month by VA. In May 2017 with the new process around Bail, this increased to 385 for that month which was the highest recorded since 2014. However, this has generally increased to more than 300 times each month. ACC Vaughan confirmed that there was no annual data return requirement and therefore the number of VAs could not be compared with other forces. He noted, however, that there was a general increase nationally.
* Harriet Pierpoint queried whether the custody record is the same within VA. It was confirmed that the only difference would be the care plan prepared when in custody. It was confirmed that they would both be recorded on Digital Evidence Capture.

**Scenario 1**

Two males aged 24 (suspect 1) and 26 (suspect 2) are arrested on suspicion of assault on a 30 year old male victim known to suspect 1.

Both suspects are booked into custody and their detention is authorised to secure and preserve evidence and to obtain evidence by questioning.

The reason for the arrest was to prevent the suspects causing physical injury to the victim, and to obtain relevant samples from the suspects.

Both suspects remain in custody for a number of hours while officers carry out enquiries.

At the conclusion of these enquiries both suspects are interviewed with their legal representatives being present.

The investigating officer (OIC) is unable to complete all lines of enquiry within the initial period of detention, and requests that the custody officer releases suspect 2 under investigation. (No conditions applied.)

The OIC however requests that suspect 1 is released with bail conditions as he lives in close proximity to the victim.

Suspect 1 is released on initial police bail (ABP) with conditions not to approach or contact the victim, and to reside at an alternative address.

Suspect 2 is released under investigation.

Both suspects were released from detention with over 6 hrs remaining on their initial detention clocks.

A week after the suspects were released a witness comes forward with information that requires further questioning of both suspects.

Both suspects and their legal representatives are contacted and agree to attend Cardiff Bay Police station where they will be voluntarily interviewed.

Options are if Code G applies then they get a brand new detention clock. Code G applies. For the second suspect, the officer can also set an additional bail time. You can change the bail date and add an additional bail date but if they fail or decline to attend, they can be arrested.

Key points discussed at the Committee with regard to scenario 1 were:

* Professor McNamee queried whether the offer of VA may be considered a coercive offer. Would individuals receive identical treatment as those detained? A concern was expressed that a failure to explain comprehensibly the ramifications of VA may be ethically considered as an issue which mitigated consent and therefore could be considered coercive. Inspector Codd indicated that the risk of arrest was always an issue given the nature of the investigative process. This was an attempt to offer a less intrusive means of interview process to those who were able to engage with Police in this manner and have the benefit of doing so outside of the custodial process and the significant effect on the liberty of the individual.
* It was noted the necessity for arrest has been satisfied in relation to their first attendance and the safeguarding conditions for Bail are already in place.
* It was also noted that the take up of legal advice is about 30% for arrests and legal advice for VAs is at a slightly lesser percentage.
* ACC Vaughan added that it must be borne in mind that arrest was often a necessity given the wish of those sought for police questioning to avoid detection.
* Joga Singh expressed his concerns that the individual is not given a voluntary decision to make if scenario was presented as their being a decision is either to attend at a mutually convenient time or be arrested. Sgt Hicks noted that the person may be keen to come in to avoid the potential for bail.
* It was noted by Inspector Codd that other forces had been scoped to consider this issue and there was no common approach.
* Members stated that they were concerned with the possible exploitation of the custody clock if interviews were lengthy and repeated. Where individuals attended to clarify a small number of issues in a short period, this was felt not to be problematic. However, lengthier and repeated interviews could be seen as an exploitation of the detention clock. Reference was made again to the fact that the PACE clock is a detention clock and VA’s are not within police detention.
* It was noted that one force re-start the relevant detention clock when dealing with a VA interview. It was noted that there was no legal or other compelling reason for this to be done, and that this was considered an inappropriate application of the detention clock.
* It was noted that Suspect 2 has no detention clock as such as he was released under investigation. If he were to be re-arrested, this would start a new PACE detention clock.
* It was noted that PACE guidance directed officers to use the less intrusive means where possible. Indeed, the changes to PACE over the last thirty years moved towards a less detention-based approach to investigation.
* Members queried the repeated. Or successive use of voluntary interviewing, again mindful of the clock avoidance scenario. ACC Vaughan noted that a judgement on the proportionality of this would be dictated by the application of the necessity test for arrest and the engagement of the individual with the process. It was noted that in large scale fraud and other enquiries requiring significant and lengthy document based interviews, VA attendance was likely to be used following discussion between the Investigating Officer and the Solicitor for the individual.

**Scenario 2**

A female is arrested for an offence of assault on her daughter.

The arrest necessity is made out and her detention is authorised.

Due to issues obtaining witness statements and medical reports detailing the victim’s injuries, the suspect is given an initial interview having been in detention for 22 hours.

The investigation cannot be completed within the initial period of detention and the investigating officer (OIC) requests that the custody officer release the suspect with bail with conditions (ABP).The matter is reviewed by the duty Inspector who authorises the (ABP).

The suspect is bailed with conditions.

At the time of being bailed the suspect has 35 minutes left on her detention clock.

The bail conditions are implemented to protect a vulnerable person (the victim) while the outstanding enquiries are carried out.

As a result of further enquiries the officer in the case requires a further interview with the suspect during the initial period of bail.

The officer does not believe the new information gained necessitates a further arrest, and invites the suspect and her legal representative to attend Swansea Central Police station to be voluntarily interviewed.

The suspect agrees and attends the station with her legal representative.

The interview takes 1hr 45 minutes and all necessary records are made.

A file of evidence is submitted to the CPS and a charging decision is obtained the day before the suspect answers bail.

The suspect answers her bail as required and is charged to court with conditions.

Key points discussed at the Committee with regard to scenario 2 were:

* It was confirmed that the individual had been told of her options.
* It was noted in this scenario that the interview had taken longer than the initial PACE detention clock would allow. If the individual had attended only at her bail date and been interviewed at that stage, it would have been open to the Investigating Officer to seek a Superintendents extension. In the event however, that the individual was content to come in voluntarily there was nothing that would prevent this from occurring. If the individual was willing to come in voluntarily, there would be no need to extend the detention clock.
* If we assume that the information does not necessitate a new arrest the question posed by the Committee was why wouldn’t the individual get up after 35 minutes and say they are going? Technically, the individual need not wait for the 35 minutes. They are not in police detention.
* C/Supt Maal stated that information has been published online by solicitors whereby they are suggesting to their clients that it is better to attend voluntarily as such attendance does not show on their record.
* Louise Emmitt stated that the purpose of bringing this issue to the Committee was to consider all of the ethical and relevant factors in order to formulate policy and guidance to officers in considering such options. PACE was initially crafted in 1984 to make provision in relation to the powers and duties of the Police, persons in detention and criminal evidence. The mainstay of the Act was to place safeguards in place to ensure parity in relation to periods of detention and the circumstances of such detention, search and interview. The impact of changes to PACE and the Bail Act in recent years has been to offer a less intrusive manner by which individuals can engage with Police to allow for the efficient and effective investigation of crime. As of the date of the meeting, there was no helpful case authority considering these issues and therefore it was incumbent on forces to undertake their own due diligence, of which seeking the views of the Committee is one part. The advantages for the individual of attending as a VA cannot be underestimated. This is particularly the case in relation to those persons who have not had experience of police custody. An interview whilst in detention is accompanied by the remainder of the safeguards applicable to custody including, but not limited to, search protocols, seizure of property, detention in a cell etc. A VA interview affords the same rights protection but within a more pleasing environment where the VA is free to leave at any point.
* Louise Emmitt further observed that throughout the extensive consideration of this issue, only one factor had remained constant insofar as it will be vital for each individual circumstance to be considered on a case by case basis. However, it is also imperative that force policy offers support and guidance to those officers tasked with making such considerations. This needed to be substantive and not merely a consideration of a ‘tick box’ in each cash. The Committee discussed some of the benefits of repeated attendances as a VA and ACC Vaughan referenced one force who, in dealing with a complex fraud enquiry, had VA’d the suspects on repeated occasions with such interviews fitting around the suspects’ work and family lives.
* Professor McNamee stated that a jurisprudential principle was that, other things being equal, justice should be swift and that matters should be progressed in as few attendances as possible.
* It was noted that, in this scenario - if the individual’s bail was reviewed, discharged and the person was released under investigation, whereupon further information was then obtained necessitating further interview, the individual would normally be invited for interview as voluntary attendees. The argument being posed was whether an individual should be prejudiced from not being offered the benefits of VA as they are technically on police bail.
* Joga Singh stated that as long as the individual is informed of their rights and understands the same, he felt that there is no reason why VA should not be offered.
* Harriett Pierpoint reiterated her view that the detention clock should be running as this can be seen as a form of detention. She noted that there was no issue with VA as a concept but rather the potential that, if there is a mechanism outside the detention clock, this could be a method to allow lengthy interviews potentially against the interest of the individual. Two points were reiterated by the presenting team (1) the person is not in detention and (2) the VA process was voluntary and the person could refuse to attend. This would leave Police to consider more intrusive options. It was noted that any offer of VA attendance would be ethical and in accordance with the National Decision Model (NDM).
* D/Insp Thomas observed that officers could decide that if the individual did not attend voluntarily that they could be compelled to attend at their bail time. If officers uncovered additional evidence and there is insufficient time to interview then the decision for the Custody Sergeant would be to charge them and release or allow them to leave. In such a case, the way forward would be to approach the CPS for a charging decision.
* Sgt Knight added that the reasons for arrest could be negated before they come into the custody suite.
* C/Supt Ashby stated that if VA is in the interests of justice and the individual then why would we not offer it. There was no harm in inviting VA. Nevertheless, how, precisely, individuals were approached, whether they were “threatened” with being bailed to attend, was thought to be a critical consideration. A further point, however, was that it is important to remember that in many cases there is a victim and their position to consider. He also noted that re-attendance on VA in these circumstances would have enabled a fulsome file with further evidence to be submitted to the CPS.
* Inspector Codd stated that a VA does not show on an individual’s record as would an arrest for the same purpose. This has clear benefits, for example, a person who wished to travel to the USA and had been arrested would require a VISA. Someone subject of VA, could travel on an ESTA.
* It was noted that with VA a suspect can attend with their preferred legal representative as opposed to a duty solicitor for an unplanned detention
* It was also noted that when in detention (given the significant safeguards of PACE), an individual is not able to take medication and is required to disclose medical and mental health issues and be seen by a medical professional if there is a need to take medication
* The group agreed with the Presenting Panel that no one answer could be applied to this issue and each case would need to be considered on a case by case basis.

Professor McNamee summarised that there are two pressure points. Officers who invite individuals to VA must be clear that:-

* VA must not be, or be seen as, a coercive offer or threat;
* Individuals invited are making an informed decision to attend voluntarily and are aware of the implications of the same.

This is the space in which general policy advice can be given.

A critical ethical point, therefore is the quality of communication between the officer and the person - and it has to be down to the individual making an informed choice.

**Action: Inspector Codd, Sgt Knight and Louise Emmitt to take away what points they took from the discussions and suggestions that can be used, then to report back to the Committee.**

**7. New Governance and Structure**

Lee Jones gave a presentation on the governance arrangements and made the following points:

* The Police and Crime Commissioner’s role is to represent the views of the public and to hold the Chief Constable to account for efficient and effective policing.
* The governance structure was changing, however this was still to be ratified at the Chief Constable’s Gold meeting and the Commissioners Strategic Board.
* The Independent Ethics Committee plays a critical role in providing independence as the independent boards bring a different perspective e.g. providing an annual programme of scrutiny, overseeing HMICFRS monitoring and responses, reviewing the annual programme of engagement and informing the public.
* Automated facial recognition was one example of work that the Independent Ethics Committee has conducted to challenge new practices, which is a reassurance to the public. A lot of this work has gone onto the national stage. This has also assisted the Police and Crime Commissioner in engagement with the public and other bodies. The IEC scrutiny on such issues has also been presented to the Commissioners Strategic Board and the Police and Crime Panel. It was noted that there is an ongoing judicial review of facial recognition and that the scrutiny and oversight provided by IEC is part of the evidence. The Committee were thanked for their input and their contribution.

Professor McNamee asked whether the Police Accountability and Legitimacy Group (PALG) could also be a source of future ethical dilemmas. Lee Jones stated that this Group used to specifically address Equality and Diversity issues but that the remit has now been extended. Recent issues have concerned interaction with sex workers - which could raise some ethical dilemmas.

**Action**: **Lee Jones to consider whether the Police Accountability and Legitimacy Group can be a source of ethical dilemmas.**

**8. Updates from Ethics Meetings**

Update from the National Ethics Committee

Professor McNamee stated that there was a National Ethics Meeting held on 26th and 27th November and that he and Inspector Scott Lloyd presented on Automated Facial Recognition. He also noted the following points from the meeting:

* They discussed the Appropriate Relationship guidance, which was going to be further amended.
* An extraordinary ethical dilemma meeting had taken place at the request of Chief Constable Vaughan (Dorset Police). The minutes stated that this was the first of its kind and represented a key milestone in ethical policing.

Amy Thomas added that the force had received a request from the UK Police Ethics Group to identify how many police forces publish their minutes both internally and externally. It was confirmed that South Wales Police minutes are now published internally and externally and that this had been agreed by the Chief Constable. It was noted that we were the only force to date in the Wales and West region that had published their minutes.

**Action: Amy Thomas to include in the Annual Report for 2018/19 that the minutes from this meeting were now published externally.**

Update from Regional Ethics Committee

Professor McNamee stated that the last Regional Ethics Committee was held on 8th January 2019, no-one from South Wales was in attendance, however, the following points were noted from the minutes:

* The regional meeting had seen significant growth and development and agreed that there would be a separate Chair and Vice Chair for each part of the meeting. DCC David Lewis is the Principle Executive of the meeting and the NPCC representative and will have oversight of the regional meeting.
* They discussed how to promote and develop understanding in operational policing. They discussed the benefit in exploring how an Independent Advisory Group can bring ethics and a moral component to their forefront in their work with the police.
* In Gwent Police, a video is being produced by the Chief Officer Team for distribution across the force to re-invigorate the ethics agenda.
* The next meeting will be held on 2nd April in Bath Spa University and Amy Thomas will attend this meeting.

**Action: Amy Thomas to request a copy of the ethics video being produced by Gwent Chief Officer Team and bring to next meeting.**

**9. National Ethics Conference**

The Committee noted that on 26th June 2019, the College of Policing are hosting a conference called, **“SHARING ETHICAL GOOD PRACTICE FROM THE POLICE AND PRIVATE SECTOR”** at Ryton.

Speakers will include:

* CC Julian Williams, the NPCC lead for ethics.
* HMICFRS, who will present on the PEEL inspections assessments of ethics.
* Balfour Beatty, sharing learning on the implementation of an ethical culture in a large infrastructure organisation.
* Ch Supt Sam De Reya, who has led on the development of a Police Ethics network and who is collating examples of national ‘good practice’.
* An interactive workshop with BTP based on their programme for embedding ethics.

**Action: Attendees interested in attending the National Ethics Conference on 26th June 2019 in Ryton to inform Amy Thomas.**

1. **Any Other Business**

Police Staff/Police Officer Survey

Amy Thomas stated that the police staff snap survey on ethics was published in May 2018 and a police officer snap survey at the end of 2018. The police staff survey received 476 responses after re-opening and the police officer survey received 126 responses. Highlights from the responses are:

* 100% of police officers and 98% of police staff stated that the Code of Ethics was either very relevant or quite relevant to their role.
* Over half of the respondents stated that they had a good understanding of the Code of Ethics and 12% said they had an excellent understanding.
* However, both police staff and police officer respondents stated that more work can still be undertaken to increase the understanding of the Code of Ethics by staff.
* 54% of police officers and 62% of police staff respondents stated that they would like regular discussions with supervisors on ethical dilemmas, however 58% of police staff and 48% of police officers stated that these do not take place.
* 52% of respondents stated that they had not received any training or input in relation to the Code of Ethics.
* 84% of respondents overall stated that if they wanted to find out information on the Code of Ethics they would search on Bob.
* 58% of respondents were not aware that the force had an Independent Ethics Committee and the majority were not aware of the role of the Committee.
* 71% thought that more needed to be done to advertise the work of the Committee.
* 72% of police staff and 59% of police officers were not aware how they would submit an ethical dilemma.

Amy Thomas stated that further to the discussion at the Independent Ethics Committee in September 2018 regarding awareness raising of the Independent Ethics Committee amongst staff members, Professor McNamee had since produced a short briefing video, which was published on the South Wales Police intranet site ‘Bob’.

**Action: Amy Thomas to check with the Communications Department to see how many views the briefing video on the Independent Ethics Committee had received.**

Professor McNamee recommended that “checking” questions are asked in future surveys to test whether the Code of Ethics is understood. The Committee stated that ethical discussions should be part of day-to-day business without being 'badged' as Code of Ethics. Carol Woodward stated that the HMICFRS undertook a PEEL Inspection in February 2019 and found that there is a strong focus on ethical behaviour amongst staff.

Annual Report 2018/19

Professor McNamee stated that a draft of the Independent Ethics Committee annual report will be prepared for the next meeting.

**Action: Amy Thomas to prepare a draft of the Annual Report 2018/19 from the Independent Ethics Committee.**

**10. Date and Time of Next Meeting**

The next meeting to be re-arranged from 26th June to 10th July 2019 at 14:00hrs.

**Action: Amy Thomas to send out meeting invite to attendees for the next meeting.**

| **Action Number** | **Action** | **Owner** | **Status/Update** |
| --- | --- | --- | --- |
|  | An aide memoire has been drafted regarding on/off duty and will be placed on the agenda for the next meeting. | C/Supt Edwards | C/Supt Edwards has drafted a version and will meet with C/Supt Valentine before the next meeting. Action ongoing. |
|  | Professor McNamee to raise at the National Committee collaborative work with the ambulance service. C/Supt Edwards to also raise at the All Wales JESG. | C/Supt Jon Edwards/ Professor McNamee. | C/Supt Edwards will liaise with CC Julian Williams regarding this item and this will be presented to the next JESG. Action ongoing. |
|  | Take the ethical dilemma on the officer capturing an indecent image on his electronic pocket notebook to the National Ethics Committee for further guidance. | Professor McNamee | Amy Thomas is taking this to the Regional Ethics meeting on 2nd April and will report back to the next meeting. |
|  | Agenda at the first meeting in 2020 for the next vote for Chair of the Independent Ethics Committee. | Amy Thomas | First meeting of 2020. |
|  | Internal Ethics Group to consider a pursuits scenario for potential escalation to the Independent Ethics Committee. | C/Supt Andy Valentine | Next Meeting |
|  | Consider what points they took from the discussions around Voluntary Attendance on Bail and let the Committee suggestions that can be used. | Inspector Codd, Sgt Knight and Louise Emmitt | Next Meeting |
|  | Consider whether the Police Accountability and Legitimacy Group can be a source of ethical dilemmas. | Lee Jones | Next Meeting |
|  | Include in the Annual Report for 2018/19 that the minutes from this meeting were now published externally. | Amy Thomas | Next Meeting |
|  | Request a copy of the ethics video being produced by Gwent Chief Officer Team. | Amy Thomas | Next Meeting |
|  | Attendees interested in attending the National Ethics Conference on 26th June 2019 in Ryton to inform Amy Thomas. | Members | ASAP |
|  | Check with the Communications Department to see how many views the briefing video on the Independent Ethics Committee had received. | Amy Thomas | Next Meeting |
|  | Prepare a draft of the Annual Report 2018/19 from the Independent Ethics Committee. | Amy Thomas/Professor McNamee | Next Meeting |
|  | Arrange next meeting for 10th July 2019. | Amy Thomas | New Action |