

| **INDEPENDENT ETHICS COMMITTEE**  **MINUTES** |
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| Wednesday 11th December 2019 at 13:00hrs in the Docklands Conference Room |

| **1a. Attendance** |
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| **Attendance:**  Professor Mike McNamee (Chair)  Mr Mike Lewis (Vice Chair)  Dr Harriet Pierpoint  Joga Singh  Dr Jacqueline Gantley  Lee Jones, Chief of Staff, Office of the Police and Crime Commissioner  DC Sian O’Shea  PS Sarah Nagle  T/ACC Andy Valentine  Jacqueline Trow  D/Supt Richie Jones  D/Insp Huw Thomas  Insp Matthew Hicks  Supt Martyn Stone  Vicki Ash  **Presenting Ethical Dilemmas:**  D/Supt Marc Lamerton  C/Insp Karl Eenmaa  Supt Mark Hobrough  **Apologies:**  C/Supt Joanna Maal  Professor Duncan Lewis  PS Claire Evans-Bell  D/C/Insp Mark Kavanagh  Carol Woodward  C/Supt Phil Ashby  Nia Brennan |

| **2. Introductions and Welcome Chair** |
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| The Chair welcomed everyone to the meeting and made the necessary introductions. |

| **3. Minutes and Actions 3/10/2019 Chair** |
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| **Minutes:**  The minutes were reviewed and following discussion during the update for action 03102019.5 the minutes were amended to reflect the agreed changes. These will be recirculated.  Minutes were then agreed as accurate.  **Action Updates:** The actions were updated as outlined in the table below.  Actions relating to the use of **Naloxone** and the evidence of it being carried widely are noted here due to the detail included in the updates:  Actions 03102019.5 / 03102019.7 / 03102019.8   * The evidence appears to be that whilst distribution of THN is increasing (Public Health Wales publish data on this), carrying is another matter. Some research shows that people often leave it at home rather than carry it all the time.   [www.wales.nhs.uk/sitesplus/documents/888/Harm%20Reduction%20Database%20Mortality%20Report%202019.pdf](http://www.wales.nhs.uk/sitesplus/documents/888/Harm%20Reduction%20Database%20Mortality%20Report%202019.pdf)  <https://www.sciencedirect.com/science/article/abs/pii/S095539591830077X>   * The caveat was that there was limited research and that anecdotally it was not always carried even when it had been issued. * The question of funding, and whether it should be commissioned as research, was raised by the Chair with a suggestion that this issue be escalated to UKPEGG. * It was confirmed that the reason for there being no research could be due to rehab centres not keeping records of naloxone usage and so, no data was available. * The suggestion to record its use when issuing a stop search form was noted but as there was no offence to carrying naloxone it may not be appropriate. * Dr Pierpoint’s view was that police officers should be carrying naloxone but Huw Thomas confirmed the national stance was that officers did not carry it. * The minutes were revisited in particular to Page 5; Item 4; Bullet point 4. Dr Pierpoint discussed the inaccuracy in the minutes during the break with Huw Thomas and Jackie Gantley and agreed the following amendment: ***‘****Secondly, if undercover as a drug user, it would be normal for a drug user to have been at least provided with naloxone and therefore carrying this would not compromise the officer’s undercover status.’*   **Action: Vicki to amend the minutes from 3/10/2019 and recirculate. – ACTION COMPLETED**   * Dr Gantley provided a specific update on new guidance as to who naloxone should be distributed to, which included ‘any individual working in an environment where there was risk of an overdose….’   The link to the full guidance can be found here:  <https://www.gov.uk/government/publications/widening-the-availability-of-naloxone/widening-the-availability-of-naloxone>  **Action: Professor McNamee to consider escalating to UKPEGG the issue of funding for research into the use of Naloxone and the guidance given for police officers.**  Update: 12/12 – Mike McNamee has contacted the Chair of UKPEGG and is awaiting a response. |

| **Action Number** | **Action** | **Owner** | **Status/Update** |
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| 1 | Internal Ethics Group to consider a pursuits scenario for potential escalation to the Independent Ethics Committee. | C/Supt Andy Valentine | C/Supt Valentine to gather further information and relevant parties for next discussion at meeting on 11th December 2019.  Update 2/12: AV had met with colleagues from the Metropolitan Police and it was evident they are not utilising pursuits of off road motorcycles. MM agreed he was happy to have an “in principle” discussion at the meeting. FOR DISCUSSION ON 11/12/2019  **Update 11/12/2019: Our purpose for discussion was around the anti social behaviour element of off-road motorcycles. In the absence of Andy Valentine – agreed to carry over to next meeting.**  **Action Carried Forward.** |
| 2 | Raise at the National Ethics meeting whether any work has been undertaken nationally on giving a different service to different organisations. Continue dialogue with ACC Vaughan/Sgt Maund. | Professor McNamee | Ongoing. Professor McNamee unable to meet with ACC Vaughan  Update 2/12: MM has made contact with David Morgan on this.  Vicki to check if T/DCC Jeremy Vaughan was still picking up this work.  **Update 11/12: The Chair will discuss with Andy Valentine the position now that Jeremy Vaughan is DCC.**  **Action Discharged.** |
| 03102019.5 | Dr Pierpoint is aware of evidence supporting that Naloxone is carried widely and will share with Professor McNamee. | Dr Harriet Pierpoint | **Update 11/12: Full update at item 3 above.**  **Action Discharged.** |
| 03102019.6 | Share NICE guidance on CPR. | Dr Jacqueline Gantley | Update 18/10: the latest clinically recommended guidelines on CPR are available on the website of the Resuscitation Council. This clearly states that compression only CPR is recommended where there are good clinical reasons to omit mouth to mouth. This would be the case when administrating resus to known drug users. In practice currently, compression only CPR is widely used, except for children where evidence suggests mouth to mouth can be more effective than compression alone.  **Update 11/12: Dr Gantley advised of the change to guidance from the Resuscitation Council in which they refer to rescue breaths. The term rescue breaths is now frequently used in place of 'mouth to mouth', as external chest compression alone is increasingly common practice**  **Further Action: Andy Valentine to cascade this new guidance from the Resuscitation Council to Nia Hughes in L&D and the College of Policing.** |
| 03102019.7 | Naloxone: (1)Alert UK PEGG group that we’d like to raise it at the next meeting due to the wider national significance and (2)also to raise with Chief Constable and Commissioner | Professor McNamee | **Update 2/12: MM met with the Commissioner and Lee Jones today and this would be discussed at a further meeting being arranged in the New Year.**  **Further information at 3 above.**  **Action Discharged.** |
| 03102019.8 | Naloxone: Share video footage from back of the car with the committee. | D/Insp Huw Thomas | **Update 11/12: The video clip showed the incident with a regular drug user going into a drug induced heroine coma and the undercover officer not being in possession of naloxone.**  **Further information at 3 above.**  **Action Discharged.** |
| 03102019.10 | Off road motorcycles: Lee Jones to gather more data on public perceptions of such behaviours. | Lee Jones | **Update 11/12: The number of complaints involving off road motorcycles were in single figures, with 4 being received in the Commissioner’s office in the last few months. This issue was now back in the media following the young death in Ely recently. It was agreed to monitor the situation and to keep under review whether to take up specifically in the future.**  **Action Discharged.** |
| 03102019.11 | Revisit dilemma 5 (sex worker/Article 8) at pre-December meeting with an agenda in the future. | Professor McNamee | **Update 11/12 – This matter is ongoing.**  **Deferred to a future meeting**  **Action Discharged.** |
| 03102019.12 | Contact Professor McNamee if available to attend on Friday 11th October | All | **Action Discharged** |
| 03102019.15 | Send out an invitation to Thames Valley and Oxford University. | Professor McNamee | **Update 11/12: The invitation was extended to Dr Hannah Maslen, Deputy Director of the** [**Oxford Uehiro Centre for Practical Ethics**](http://www.practicalethics.ox.ac.uk/) **but she was unable to attend this meeting.**  **Further Action: Vicki to send out another invitation to the March 2020 meeting.** |

| **4. Ethical Dilemmas** |
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| **Ethical Dilemma 6: Speed Camera Exemptions Presented by Superintendent Mark Hobrough.**  The proposal was to change the speed camera activation procedure for emergency service vehicles so there is a natural exemption process for Emergency Service vehicles. This would initially be limited to Roads Policing Unit (RPU) officers.  Under the current system camera activation automatically generates a Notice of Intended Prosecution (NIP) and the officer completes exemption forms for the breach. This was leading to a vast amount of bureaucracy when the overwhelming majority of these cases are relating to attending G1 type calls (immediate response calls).  The suggestion being that 4 times a year the Central Ticket Office run a week long dip sampling process whereby the NIP’s will be sent out to explain rationales etc. This will be unannounced to the Roads Policing Unit and not under their control or knowledge – results will be monitored and checked to ensure there is no decline in standards.  This dilemma was tabled at Gold and also the Internal Ethics Group where it was received in understanding. At that meeting the suggestion for more random dip sampling was raised by Claire Evans and has since been researched and deemed to be manageable.  Currently the two Roads Policing Unit Inspectors undertake 1200 reports on each side of the force annually.  Over the past 5 years there have only been 2 instances where G1 (immediate) urgent response calls were not used appropriately.  **Key Points discussed by the Committee were:**   * Roads Policing has reduced by 10 posts across the organisation (now 80 officers). * Currently, response times for other incidents can be hindered by the time spent completing the administration for the reviews. * Any time spent by the RPU Inspectors completing the reviews for each of the 1200 cases, is time spent not out on the road. * IR3 is the mapping system in place to record officers driving speeds and when they are using blue lights in all marked vehicles (not covert vehicles). It is monitored by the PSC and also locally, albeit not continually. * Speed cameras and traffic light cameras would be included in the proposal. * Any police accident, a complaint from a member of the public or dip sampling would be mandate reasons to review the data. * The proposal refers at this time to Roads Policing Officers only. Response Officers and those in unmarked cars are currently not included in this proposal (and will continue with the current NIP process), but there is the potential for this to be rolled out in due course. * When IR3 was introduced some years ago there was a cultural change in officer driving and the improvement in driver standards has been sustained since that time. * Accountability is not to be diminished by this proposal and a change in culture is not going to change. * Whilst Response officers do attend more urgent calls, there are limits on the speed at which those officers can drive, compared to RPU officers who do have higher accountability and are the only officers authorised to conduct a pursuit.   **Summarise:**   * No expected culture changes * Time saved in administration * More efficient and effective way of managing the fleet. * There will be a review after 12 months following the 20 days of ad hoc dip sampling * A critical incident would trigger a review, as would any complaint. * The sanction for speeding when outside of the criteria, is the same as for a member of the public. Over the last 5 years, 2 officers were issued a NIP and received driving awareness courses. * The IR3 data is retained for 12 months, so the accountability for an officer being identified as committing a driving offence after the required NIP 14 day period means that the officer is still liable, whether that be a speeding offence or the manner in which they were driving.   Professor McNamee summarised by saying that there were no potential threats, harms or additional risks to the proposal, it was seen as an administrative burden, which could be minimised, whilst not mitigating any service or introducing any new risks.  **AGREED: That the proposal is proportionate, efficient and effective depending on the oversight system in place.**  **Ethical Dilemma 5: Sale of Seized Firearms presented by Chief Inspector Karl Eenmaa**  Weapons are often surrendered to the force which end up being melted down at TATA steel. Some of the weapons when stripped down have component parts such as stocks, telescopic sights, gun slips etc.  The suggestion is for the onward sale of such equipment to recoup some of the costs for the administration function that is required to dispose of the items concerned.  Some forces sell the steel once crushed and chopped for scrap value. Is there an appetite in SWP to consider this proposal?  The issues around this would be the facilitation of stripping the parts and managing the sale of items once complete; the resource requirement to facilitate this function in addition to the day job and cost recovery percentage of selling parts compared to the time taken to strip the weapons in terms of resource cost.  From an ethical perspective due to the weapon being surrendered in the first instance and the fact that others forces are regarding this as performing a cost recovery exercise, this suggestion is being proposed for thoughts.  Professor McNamee made it clear that as this request had initially been received from another force, the Committee had no authority to issue guidance for other forces and in any event, did not know what best practise looked like.  Key Issues discussed at the committee were:  Karl Eenmaa’s proposal was for all guns to be melted down by Tata Steel:   * Firearms are currently only retained by South Wales Police for training purposes or for historic reasons and passed to a historical society in a decommissioned state. * All other firearms are recorded and taken to Tata Steel for destruction. * This is unique and in line with drugs etc. that could cause harm to our community. * Component parts such as sights, triggers and gun slips could be sold off to off-set police costs. * A decommissioned firearm is always able to be recommissioned. * Other property seized can go to police auctions and funds raised go into a central fund. * Karl Eenmaa added that members of the public surrender firearms to the police for destruction, not to be sold on. The value of the gun would be explained when surrendering so that the owner could make an informed decision as to whether they want to sell the gun on by taking it to a dealer themselves. The force would not want to recycle guns but if an owner wanted to then that was their choice. * The small risk of a gun we have sold killing or injuring someone and the public perception that would result was one to consider. Once the gun was sold on the force would not have control over what happened to it and the reputational damage could be huge. * The idea of the force effectively becoming a gun dealer was not acceptable. * The value of the guns were deemed to be minimal in terms of resale for the type of guns being surrendered.   Marc Lamerton proposed that guns be recycled through legitimate means:   * Guns recovered would not be from a murder scene – generally they are from someone who has died or is infirm etc. – because of the highly regulated nature of firearms they would not go into illegal gun markets. * The proposal is for these guns to go to a reputable gun dealer to sell on. * To obtain a gun in this country entails a rigid number of checks. * A legitimate gun holder would buy a gun via legitimate means – most of the illegal guns enter this country via other means. * Gun crime is exceptionally low and is a credit to firearms licensing. * The environmental issues of melting down guns is also an issue. * The suggestion that no new guns would be introduced to the market as legitimate buyers would buy them anyway was challenged. * The risk of a gun getting into illegal hands was extremely rare and could in part be evidenced by there being only one murder in the force area in the past 4 years involving a shot gun, albeit there have been other offences where weapons have been discharged, particularly in Cardiff. * NABIS is the national register for firearms. * If a weapon was used in a suicide it would not be run through NABIS. * Other weapons such as knives would be melted down at Tata steel as they are not regulated in the same way as guns are. * The profit from selling on guns would be undertaken in the same way as other items under the proceeds of crime act. * The estimated cost recovery could involve a gun worth £25k, with the average gun costing £2k. * Any disclaimer would involve the owner being advised of their value and told that the gun may be sold on to a reputable dealer. * AV provided a flavour of the routes of firearms into the UK as outlined in the national strategic assessment. <https://nationalcrimeagency.gov.uk/who-we-are/publications/296-national-strategic-assessment-of-serious-organised-crime-2019/file> * Confirmation that any guns sold to reputable gun dealers would be received by legal means from registered owners. * This does not apply if the gun was used in crime – it only applied to those legally registered. * Mike McNamee disagreed stating that a gun could still be used to cause harm regardless of where it came from. He questioned whether it was relevant as to what type of gun it was and whether there was a need to differentiate between them, adding that this was a relevant concern. * Discussion regarding weapons being used for sporting such as clay pigeon and target shooting. Suggestion that a crossbow would not be sold by police as it was not regulated. * The impact of placing more units in the market by selling to dealers… makes guns cheaper and more accessible.   **Summary: The proposal was not introducing a new market, but merely carrying it on and benefitting from the profit.**  **Objections noted at this point:**   * This was outside the objectives of policing and the force should not be engaging in activities beyond their scope. * If the public were not well informed the reputational damage could be significant. * Whilst emotionally and reputationally there was an issue with selling a gun on, Mike McNamee advised that the rational basis for a decision was required rather than the emotional * The cost of the additional administration could not be accurately outlined by C/Supt Eenmaa. The cost of the value of guns currently retained could not be given, but some thought the resale value was minimal and therefore had little cost benefit. * The economic case was not convincing as the detail around cost benefits etc was unknown. Dr Gantley said in terms of domestic homicide and suicides anything that does not minimise such incidents should not be considered. * What price do you put on someone’s life should it be at the cost of a gun sold on by the police.   The Chair summarised by saying that he had not heard anything to say that the policy should be changed. He invited Karl Eenmaa and Marc Lamerton back to the next meeting to outline a fuller schedule of facts.  **Action 1: Karl Eenmaa and Marc Lamerton to attend the next meeting with the supporting facts in relation to the selling on or destruction of firearms.**  **Action 2: Andy Valentine and Lee Jones to seek the views of the Commissioner and Chief Constable.** |

| **5. Knowledge Hub - UK Police Ethics Guidance Group C/Supt Valentine** |
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| Police Knowledge Hub <https://knowledgehub.group>  David Morgan had confirmed that the main reason UKPEGG was chosen as opposed to POLKA was that non ‘pnn ‘ addresses cannot use POLKA. Members are therefore invited to access the hub via the attached link and David Morgan will add them when their notifications come through.  **To be retained on the agenda for next meeting.** |

| **6. UK PEGG Chair / Nia Brennan** |
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| * 1. **South West; Conference Ethical Leadership**   The chair outlined the three dates for the next meetings of the UKPEGG and requested any volunteers to attend the meetings due to his unavailability. The meetings are held in London.  31st January 2020 – Mike Lewis attending  23rd April 2020  9th July 2020  **Action 3: For any volunteers to advise the Chair or Andy Valentine if they can attend the UK PEGG Meetings.**  **6.2 UK PEGG Terms of Reference**  In the absence of Nia Brennan, the Chair outlined the suggested changes to the terms of reference.  In terms of the independent members, the Chair asked that those members whose renewal was due in 2020 let himself or Vicki know if they intended to continue. The Chair noted that Ms Ceri Channon had not attended the meetings for some time and he would be making contact via a third party and would pass on the Committee’s thoughts to her.    The Chair will seek clarity on the reference to the publication of minutes being open and closed, as his view was that the minutes had always been open.  Those present then agreed the redrafted terms of reference.  **Action 4: MM to liaise with Nia Brennan regarding the minutes being open/closed. Once finalised, they will be forwarded to UKPEGG.** |

| **7. Update from Ethics Meetings** |
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| **Update from Internal Ethics Committee C/Supt Valentine**  At the last internal meeting on 20th November 2019 five dilemmas were discussed:   1. The abolition of single crewing following the tragic death of PC Andrew Harper. It related to a petition by serving police officers to abolish single crewing and whether that was a step to far in terms of impartiality.   Sensitive discussions took place and more detail would be worked up in terms of conditions on police.  **Action 5: Andy Valentine to bring the new police regulations to the next meeting for information.**   1. Public Social Media Profiles – Vetting. This was an ongoing case and remains closed. 2. Divisionary Schemes – women and young people being diverted away from the criminal justice system which operated in certain areas of the force which led to an ethical disparity. This has now been rolled out across the force. 3. The Sale of Seized Firearms – discussed at the Independent Ethics Committee. 4. Removal of exemption process for Emergency Service Vehicles – discussed at the Independent Ethics Committee.   The Chair thanked Andy Valentine for gathering the momentum and encouraging good discussions with the internal ethics group and asked the committee to submit any dilemmas for discussion. |

| **8. “Ethically Speaking” Video Series Chair** |
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| The Chair was extending an invitation to ACC Nathan Briant Herts Constabulary and Professor John Lippitt University of Hertfordshire to attend one of the meetings to discuss their videos in more detail.  Those present had been provided with the links to the videos and the first one was played during the meeting for information.  Sarah Nagle referred to the PEQF Level 6 (degree level covered at Trinity St Davids) and the module looking at ethics and suggested that there may be scope in the curriculum for this to be incorporated into the training.  It was Andy Valentine’s view that the focus seemed to be on the ethics side and as such was more in the PSD sphere, whereas the Internal Ethics Group looked at operational and difficult challenges, which he would prefer to retain.  The Chair suggested that members review the video clips to consider whether any should be adopted by South Wales Police or discussed further at the Internal Ethics Group or other suitable forum. He would then invite Professor Lippit to the March meeting based on the views of members.  **Action 6: Members to review the video clips and be prepared to provide their views as to which should be adopted by South Wales Police. Feedback and qualitative detail to be provided by the end of January 2020 so the Chair can brief Professor Lippett before the meeting in March.**  **Action 7: Professor McNamee to write to Professor Lippett to invite him to the next meeting on 25th March.** |

| **9. Any Other Business** |
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| Taser  The Commissioner had queried at a recent meeting whether we had committed any time or reference to Taser use and its apparent expansion, following a question he had received from the Police and Crime Panel.  It was confirmed that Taser use was monitored regularly at Use of Force meetings and in detail by the force with age gender ethnicity all being recorded. The oversight arrangements are robust.  It was noted that there was an increase in carrying but not in its use.  As a force, we came second in the country for submissions because we are ethically recording everything we do and have a more robust regime for authorising it than other forces.  Jackie Trow had dip sampled complaints in the last year for Taser and whilst only 6 incidents had been recorded, 4 were used on those suffering mental health crisis, suggesting that this may require scrutiny. Andy Valentine felt that there would need to be a good reason as there was already strong governance oversight in place for Taser.  The guidance for Taser use on a person with mental health issues was the same as for anyone else. Taser was regularly used on self-harming because it was an intervention using less force in real terms. Use of other forms of force have dropped dramatically- CS and Baton use particularly  Those present agreed that it was proportionate to make an intervention using Taser rather than another method.  **Action 8: Vicki to arrange a meeting in February and invite Andy Valentine. Mr Michael and Lee Jones.** |

| **10. Date of Next Meeting** |
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| 1300hrs Wednesday 25th March 2020 Docklands Meeting Room HQ |

| NEW ACTIONS | | | |
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| Action Number | Action | Owner | Status/Update |
| 03102019.6 | Further Action: Andy Valentine to cascade this new guidance from the Resuscitation Council to Nia Hughes in L&D and the College of Policing. | Andy Valentine | Ongoing |
| 03102019.15 | Update 11/12: The invitation was extended to Dr Hannah Maslen, Deputy Director of the [Oxford Uehiro Centre for Practical Ethics](http://www.practicalethics.ox.ac.uk/) but she was unable to attend this meeting.  Further Action: Vicki to send out another invitation to the March 2020 meeting. | Vicki Ash | Ongoing |
| 11122019.1 | Karl Eenmaa and Marc Lamerton to attend the next meeting with the supporting facts in relation to the selling on or destruction of firearms. | Karl Eenmaa & Marc Lamerton | Invitation sent |
| 11122019.2 | Andy Valentine and Lee Jones to seek the views of the Commissioner and Chief Constable on the sale of seized firearms dilemma | Andy Valentine & Lee Jones | For discussion at the meeting being arranged in February? |
| 11122019.3 | For any volunteers to advise the Chair or Andy Valentine if they can attend the UK PEGG Meetings. | ALL | Mike Lewis attending UPPEGG 31/1/2020 |
| 11122019.4 | MM to liaise with Nia Brennan regarding the minutes being open/closed. Once finalised, they will be forwarded to UKPEGG. (referenced in the Terms of Reference) | MM |  |
| 11122019.5 | Andy Valentine to bring the new police regulations to the next meeting for information. | Andy Valentine |  |
| 11122019.6 | Members to review the video clips and be prepared to provide their views as to which should be adopted by South Wales Police. Feedback and qualitative detail to be provided by the end of January 2020/Early February so the Chair can brief Professor Lippett before the meeting in March. | ALL | PRIORITY ACTION |
| 11122019.7 | Professor McNamee to write to Professor Lippett to invite him to the next meeting on 25th March. | Mike McNamee |  |
| 11122019.8 | Vicki to arrange a meeting in February/March and invite Andy Valentine. Mr Michael and Lee Jones. To further discuss Taser and Naloxone. | Vicki Ash | Ongoing |