

| **INDEPENDENT ETHICS COMMITTEE**  **MINUTES** |
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| Wednesday 24th June 2020 ( Via Microsoft Teams / Docklands Conference Room) |

| **1a. Attendance** |
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| **Attendance:**  Professor Mike McNamee (Chair)  Mr Mike Lewis (Vice Chair)  Dr Harriet Pierpoint, Associate Professor Criminology  Professor Duncan Lewis  Dr Jacqueline Gantley  Assistant Chief Constable Mark Travis  Mr Lee Jones  Ms Nia Brennan  Detective Constable Sian O’Shea  Detective Inspector Huw Thomas  Inspector Matthew Hicks  Superintendent Martyn Stone  Sergeant Claire Evans-Bell  Detective Chief Inspector Mark Kavanagh  Ms Carol Woodward  Ms Vicki Ash  Sergeant Kevin Richards  **Guest:** Dr John William Devine, Swansea University  **Presenting Ethical Dilemmas:**  ACC Mark Travis  Detective Superintendent Phil Sparrow  Sergeant Colm McNelis – Police Liaison Officer to Welsh Government  Ms Teresa Ciano – Go Safe Partnership Manager  **Apologies:**  C/Supt Joanna Maal  Mr Martyn Jones  Mr Joga Singh  Ms Jacqueline Trow  Detective Superintendent Richie Jones – sent his apologies but would like to continue as a member |

| **2. Introductions and Welcome Chair** |
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| The Chair welcomed everyone to the meeting being conducted via Teams. Introductions were made and apologies noted. It was noted that where members are unable to attend consecutive meetings – consideration may be given to inviting an alternative person to attend.  Assistant Chief Constable Mark Travis was welcomed to his first meeting. He explained that he had recently taken over as the new ACC Operational Support covering public order, firearms, dogs and horses and public contact. He also has responsibility for ethics issues, use of force and stop and search. He is married with 2 children and is delighted to be moving his family to the force area and becoming part of the community. He previously worked for West Mercia police where he undertook work on various Gold Groups and Independent Advisory Groups. A notable challenge was working on the separation of the alliance between Warwickshire and West Mercia forces, which was fairly significant around governance/integrity issues as it involved public money.  On behalf of the Committee, the Chair recorded his sincere thanks to T/Assistant Chief Constable Andy Valentine who had worked tirelessly on the Internal Ethics Group and also this group. The Chair said we had been lucky so far to have very committed people from senior ranks to join the committee and help to enrich the conversations and bring such conversations up to the senior management of the force.  The Chair also introduced his guest, Dr John William Devine, a lecturer of Sports Ethics and Integrity at Swansea University. Dr Devine, whilst having observer status in the group in accordance with the Terms of Reference was invited to participate in the meeting should he feel it appropriate. |

| **3. Minutes and Actions 11/12/2019 Chair** |
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| **Minutes:**  The minutes from 11/12/2019 were agreed as accurate. No meeting took place in March 2020 due to Covid 19.  **Action Updates**  All previous actions agreed as discharged. |

| **4. Black Lives Matter Mr Lee Jones & ACC Mark Travis** |
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| The Chair introduced this item and said that whilst the force had not had any particular incidents and no strategic response was required of the IEC, he felt that some information on the response of South Wales Police on the Black Lives Matter (BLM) issue was something that he felt may be of interest to the committee.  ACC Mark Travis expressed his views firstly on the footage that led to a tragic death and his concern re how in modern policing that could have happened in terms of (1) the tactics used and (2) the outlook taken. The Chief Constable had shared that it had presented some real challenges in terms of what was said about policing at a national and international level, the response to the death and the subsequent protests.  Addressing first the issues of perceived institutional racism and ethical management in terms of how we support our BAME communities, it was noted that we, as a force, have some ethical challenges not least in terms of disproportionality of representation (albeit that proactive measures have been adopted by SWP), and also in terms of the ‘use of force’ by the police service nationally. As a consequence of this, ACC Travis confirmed that he would bring an item to the Autumn IEC meeting around the continuing challenge of disproportionality and the ethical use of data. ACC Travis recognised that the force continued to face a challenge to improve our representation and that this group was seen as a fantastic place to support and guide activity in relation to that.  ACC Travis noted that he had not viewed the BLM issues as an ethical dilemma as, whilst the global pandemic and the restrictions on gatherings needed to be enforced, the engagement with organisers of planned protests was relatively straightforward as police have traditionally facilitated lawful protest to allow people the chance to express their views. So, with the exception of needing to ensure that the Coronavirus Regulations were being complied with, it was not the police’s place to influence or take a position as regards the protest itself.  From a command point of view SWP were able to police any BLM protests through maintaining a consistent policing style of engaging, explaining and encouraging (and enforcing as last resort where necessary, throughout this public health emergency). This was done in multiple locations without resorting to enforcement which could have presented its own community engagement challenges. ACC Travis noted that the force were fortunate to receive support from the community which included advice and guidance from a large Independent Advisory Group, which helped in relation to BLM, but also following specific community engagement exercises.    ACC Travis confirmed that the force had managed to understand and respond to the ongoing community concerns in this area but had seen a significant increase in tension. The force recognised it had ongoing challenges in relation to diversity issues, but that the management of BLM protests was not one that had presented an ethical challenge. He confirmed that had South Wales Police faced significant ethical dilemmas or other issues concerning the same, he would of course, have considered the ability to draw on the urgent protocols for the IEC in order to seek advice and input.  ACC Travis also emphasised that the link between the Chief Constable and the Commissioner was very active throughout the process, to ensure that conduct and behaviour was falling in line with public expectations. It was also noted that the Home Secretary’s remarks were fairly strident regarding criminal activity at lawful demonstrations.  Lee Jones added to ACC Mark Travis’s comments and confirmed the strong responses from the Commissioner on this issue would be circulated to the IEC with these minutes. This had also led to considerable focus from South Wales Police in relation to oversight and scrutiny of discrimination and disproportionality issues; with national statistics showing that someone was still seven times more likely to be stopped and searched if a member of BAME community, and it was noted that this is a national issue upon which the Chief expects to be challenged.    It was noted that the ongoing work would include issues relevant to this committee, and that disproportionality and discrimination were also a key part of the scrutiny and oversight role of the Commissioner, along with engagement with the public particularly in relation to those hard to reach communities. The current BLM protests had, quite rightly, put a significant focus on the issue and discussions were already starting in terms of forward planning and how to address some of the wider issues - training, unconscious bias, how we engage with the public will remain priorities, and these will in turn lead to further issues to bring back to this committee. But the BLM protests as a distinct issue, Lee Jones agreed, was not an ethical dilemma.  Duncan Lewis said that in the case of George Floyd, the other three officers had been complicit in what happened and so the observance of discrimination of others was also an internal stakeholder issue as was development and training opportunities etc. ACC Travis said that this was a fair observation and that South Wales Police were fortunate to have a strong reputation for being an ethical force where conduct was good. In the 3 weeks since he had arrived (and as the lead for PSD) he had seen that the force has a very proactive stance in relation to seeking poor behaviour and addressing it. His personal preference was always to try and help people make good decisions, and in the main people come into policing to do things correctly in very complicated circumstances and so there was an opportunity to have a mature debate to understand unconscious bias and to help staff make the right decisions in potentially difficult circumstances.  He said it would be wrong for him to comment on the specific incident in the USA, but that he was absolutely convinced that if an officer from SWP saw someone kneeling on somebody’s neck that their colleagues would be pulling that person off anybody, regardless of their race. Such officers would undoubtedly know that, at some point in the future, they may have to account for whether or not someone did not take that action. He genuinely believed that with training and awareness of the implications of such activity, and the lessons learnt painfully through cases nationally, that this force would not face those circumstances.  However, ACC Travis also accepted that there were other things that take place around decision making, all sorts of things where the force may have to up their game and think harder about how it manages particular issues. As part of his role with PSD, ACC Travis said the aim was to drive up performance and encourage the right behaviour, whilst supporting staff to make good decisions and open up an honest debate such as this, which is probably one of the healthiest ways to progress these issues, so that staff feel comfortable when struggling with any dilemmas.  Mr Duncan Lewis responded by saying that there were 40-50 years of data on discriminatory behaviour in this country in various organisations, particularly towards BAME individuals. Recent activity had brought to a head an opportunity to take this in the round and not see it simply as an externally facing issue but an internal one too. He highlighted issues around employment and the internal processes in South Wales Police and the opportunities that could be identified and addressed. Mr Lewis said he would welcome the opportunity to have a conversation, having written fairly extensively on discrimination at work, and the chance to sit down with colleagues in South Wales Police and maybe produce timed action plans as to how to address certain matters. That would really present the force with an opportunity to take the lead on this. ACC Travis welcomed that support. He mentioned that he had recently attended a meeting in Swansea with the local senior policing team consisting of 3 female commanders - which was very positive in terms of gender balance, albeit not BAME balance. There was no question that the police service had an issue with the latter and much of the IEC discussion was how the force could be inclusive in relation to recruitment, and promotion development.  ACC Travis welcomed Mr Lewis’ support and said that yesterday he had been given responsibility for support and retention of BAME people in force, from a leadership development perspective. The entire journey of a member of staff in South Wales Police has however, been shared amongst the command team so that all have assumed a responsibility in relation to this issue to ensure that all are leaders in relation to inclusion and diversity. The Chief Constable had been keen to take each element of the organisation and allocate it amongst the team to give it that executive leadership and visibility. ACC Travis stated that he would be seeking people to work with him in relation to the promotion, development and retention of BAME members of staff and would welcome Mr Lewis’ involvement and input in relation to this.  **Action 1: Duncan Lewis and ACC Travis to discuss working together on the Support and Retention of BAME people in force.**  The data currently produced is to be tabled at the Autumn meeting to ensure that ethically, the force was using the right information, because in general terms (and ethically) there is a real risk of choosing data that suits an organisation’s position (rather than the data that gives a clear indication of the evidence needed to drive future activity). ACC Travis explained, for example, that the census data on which we rely can be 10 years out of date and not reflective of our communities, in particular the younger community in South Wales which has fortunately developed significantly in terms of its BAME representation. The current data (or the external open source data which we access), would indicate a significantly reduced footprint in relation to BAME discrimination but it was noted that there are still issues to be addressed, albeit that the footprint would change.  ACC Travis said he would like to ensure that the starting point for how the force saw itself was ethical, which would then be the benchmark for how it made progress. The Chair noted that there was very little diversity within the committee itself and he wondered if part of that conversation could also include IEC recruitment and how best to reflect diversity as a committee, with a view to discussing this issue further at the September meeting. Jacqui Gantley asked if the committee could have sight of any data on recruitment and retention of BAME recruits, including promotions and comparative data with most similar forces. Lee Jones confirmed that this data was available as it was received by the Commissioner and that he would discuss this further with ACC Mark Travis outside the IEC meeting. |

| **5. Ethical Dilemmas** |
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| **Welsh Government Speed Enforcement (ED48)**   1. **50mph restrictions for environmental reasons** 2. **Reduction to 20mph in all areas currently at 30mph limits**   ACC Mark Travis with PS Colm McNelis and Ms Teresa Ciano- Partnership Manager from Go Safe.    **(a) 50mph restrictions for environmental reasons**  **Questions for consideration by colleagues on the ethics committee:**   1. *Should policing in Wales continue to maintain the NPCC position which is not to enforce speed limits imposed for purely environmental purposes?* 2. *Looking at the current 50mph zones, as currently established, from the perspective of the public is there a risk that we could undermine enforcement elsewhere if we don’t enforce these?* 3. *What are the factors tending towards a change in policy and what are those that support the current approach?* 4. *What are the possible unintended consequences of a change in policy?* 5. *What are the likely consequences on policing legitimacy of either enforcing, or not enforcing, speed limits imposed for environmental purposes?*   Background  ACC Travis introduced the issue which involved the force being asked to support Welsh Government’s position in changing speed enforcement to support a significant change from a policy perspective. Firstly, it was assumed for the purposes of the IEC consideration that the legislative changes undertaken was vires (i.e. the relevant measures and authorities were in place), so the legality of whether we should take this forward was not under debate. Secondly, it was noted that this the proposal would sit outside the NPCC guidance which drives activity towards enforcing speed limits on the basis of statistical casualty data. It was emphasised that any enforcement would not be on the basis of revenue generation, but rather on the basis of need/compliance, and that the force would maintain their relationship with the public by policing by consent.  Sergeant Colm McNelis and Ms Teresa Ciano had been raising concerns on this issue for some time and it was to their credit that they raised this with ACC Travis even before he joined South Wales Police. Their ethical concerns were from a very balanced perspective in relation to the requirements of the Wellbeing of Future Generations Act (WFG Act) but also the requirements of national NPCC/COP policy and they were wrestling with those issues, which was the reason for tabling the matter at this group.  PS McNelis explained the legal requirement on Welsh Government to reduce the harmful impact of various road vehicle emissions on local communities (part of the WFG Act). 5 locations were identified by modelling from the Dept of Transport in London as likely to be over the legal limit for European emission measurements. Real time data had proven this to be the case and Welsh Government had been taken to the High Court and received instructions to take steps to reduce the harmful emissions.  The quickest method of achieving this is to reduce the speed limit as slower vehicles produce less emissions. The dilemma being that traditionally the focus of the National Police Chiefs Council (NPCC) policy was on enforcement activity based purely on casualty reduction. The 5 sites are not sites with high incidents of road casualties and to date the police service across England and Wales have not had a policy for enforcing these speed limits because they are purely for environmental reasons. That has created the tension for colleagues in Welsh Government but is consistent with the overarching NPCC position for England and Wales.  Transport Policy is devolved to Wales and Welsh Government, whereas Policing is not devolved and falls under Westminster/the Home Office - and there is slight tension between UK government policy and Welsh Government policy, which on this issue some would say is more progressive and forward looking especially in the context of the WFG Act.  Who would have decisive authority in view of the devolved nature of this issue?  ACC Travis confirmed that policing in terms of governance and leadership cascades from the Home Secretary down through NPCC into the force, with the Commissioner holding the Chief Constable to account for delivery against the Police and Crime Plan.  Legislation in relation to the policy setting for policing is determined in the main, by UK Government but Welsh Government/Senedd have devolved powers to legislate on areas which can impact upon policing and in this way they can influence and make separate decisions. The policy that sits around that legislation is driven by the NPCC and the issue relates to the ability for a force to opt out and go against that policy where there is a legislative or good operational reason to do so. Therefore, the decision to make a blanket traffic order across Wales by Welsh Government could be done but not without some complexities for policing.  The Chief Constable of each force area has operational autonomy to deliver against the Strategic Policing Requirement as set by the Home Office and the local Police and Crime Plan. They determine how to balance their limited resources against the policing priorities that are national, regional and local in nature.  PS McNelis outlined the issues to consider as being:   * How much to diverge from England in terms of policy but, perhaps more fundamentally, is this the right thing to do - and if so what are the possible consequences for public perception about why we are doing it. * Either pro or against, many members of the public will think that enforcing the speed limit for environmental reasons is the right thing to do but many other people who would frame it along the lines of this being another opportunity for the police to impose fines to increase revenue and it could have a negative impact on public perception as to why we are doing it.   Ms Ciano outlined some practicalities   * How we do it is simpler than should we do it as the technology is already installed in relation to speed cameras. * There is no issue over the legality of it. * Public perception and reputational risk is significant but in terms of the volume of offences, this could be done. * £2.5million grant from Welsh Government annually for Go Safe, which covers approx. 40% operational costs. * We could absorb the capacity now as the number of offences are less due to the coronavirus lockdown and reduced traffic volume * Welsh Government would provide a resource if required and there is a precedent for doing that for the M4 and Newport also. * In terms of average speed cameras – because compliance is good then the offence level is low, but there is a risk that without enforcement, compliance may decrease over time. * In terms of the legality of it, there is nothing in the constitution of Go Safe that would prevent the enforcement by them - it would be a resourcing issue. * ACC Travis said the force would not want to take resource away from casualty driven enforcement to tackle environmental issues on the basis that we have a very strong need to reduce the number of persons Killed and Seriously Injured (KSIs) on our roads.   Comments from Dr Jacqui Gantley (covering Q1)   * As pollution in the UK causes 40,000 deaths each year, much more than road traffic injuries, Dr Gantley viewed this as being a public health emergency rather than an environmental one. * It reduces average life expectancy by 7-8 months and it disproportionately affects children and older people much more than road traffic injuries. * In Wales we spend a £billion on the effects of air pollution in the health service. * Therefore, it is about moving from the idea of road casualties to the phenomenally appalling ill health effects of driving our cars around before we even add in the immense health benefits of active travel * The idea that we are not going to have public health issues included as a fundamental duty of policing and only think about KSI health issues which are very immediate, is of concern.   Responses:   * Lee Jones said that in relation to the public response, a lot of partnership work from the Commissioner’s perspective was very much focussed on the public health approach taken to early intervention, and so this fits within that remit. Although in terms of the public engagement undertaken, there was probably some confusion in terms of what the key driver was and whether it was a public safety or a health issue. Communication and clarity of messaging is important. * ACC Mark Travis said there were many examples where the police service were supporting health issues significantly. South Wales Police were one of the forces that had looked at the significant challenges of drug deaths and supported and embraced the approach taken by Portugal by treating drug deaths as a medical not a criminal issue.   + The reason for bringing this dilemma to the IEC was because the force recognises it has a long term responsibility. We support an agenda of long-term health in support of the WFG Act but, as a non-devolved service, must balance this with other demands on our service - noting that we may be the only people that can service elements of this response (albeit that enforcement should not be the only tool in achieving compliance).   + This also represents a divergence from a UK national policy to an All-Wales policy and in doing that, we place competing demands on resources albeit that in acting outside of policy this accords with the agenda within Wales to address medical issues urgent, medium or long term.   Response from Dr Jacqui Gantley:   * Clearly we have to be reasonable and look at what is reasonable and manageable and (as in the health service) deal with enormous competing priorities. I still very strongly think that sometimes we have to start leading public opinion and setting the agenda rather than reacting. If people understood how dangerous driving is in terms of health and the effects it has on health, it is a huge education programme out there and as you say very difficult when you have competing priorities. The argument is to be made at a political level by Welsh Government and the resources have to follow this type of change of enforcement.   Those present noted the views of Dr Gantley whose response had answered the question in relation to whether police in Wales should enforce speed limits imposed for purely environmental purposes.  Dr Harriet Pierpoint was convinced by the pros of implementing this measure but was interested in others’ views to the contrary.  Cons: ACC Travis   * From public perspective, long has been established that police enforcement on the road has been on the basis of casualty statistics so we are changing our dialogue to the public. * Changing revenue generated streams and the way in which we do that, it would not be lost on this committee that the enforcement issue and income therefrom can be very contentious. * Speed enforcement is not just to be done by the police – it requires engineering and education as primary drivers and enforcement should be not be the primary tool. The ability to re-engineer roads means that damage to environment and risk to people can be ameliorated by engineering without the need to get into the potentially negative aspects of enforcement. One of the cons to the proposals it that whilst government are looking at all aspects, the plan in terms of investment in engineering solutions is very limited and it looks like we have gone straight to the more draconian option of enforcement, rather than maintaining a suite of response options.   Lee Jones agreed that this required a partnership approach and we cannot ‘arrest our way out of the problem’. He agreed that the enforcement element should be seen as a last resort. In relation to the Future Generations Act, the Commissioner would look to use that evidence base of local planning, education around schools etc. This needs to be seen within the parameters of policing.  Current sites – the scale of the problem in South Wales Police area   * 2 sites - M4 Port Talbot and A470. * Possibility of 2 more sites required because of exceedances around Corryton on M4 * Numbers likely to increase in the future - based solely on vehicle emissions. * Department of Transport did computer modelling to identify sites of concerns which led to the above – but over the last year, roadside measurement kits have given actual readings, which are sometimes higher than the modelling suggested so the problems in some sites are more severe than modelling suggested. * PS McNelis clarified this point and said that ‘compliance’ means the EU limit rather than driver behaviour. So emissions at the sites are worse than UK modelling, whereas driver behaviour compliance has been good but there are still a significant number of road users not complying with the speed limits. Because of the very high traffic volumes on these roads even a small percentage of non-compliant drivers gives a high absolute number of drivers failing to comply with the speed limits. * The average speed camera scheme in Port Talbot was installed due to the build for the road and is enforceable. * The environmental scheme joins immediately after the average speed cameras in Port Talbot. The data Go Safe receive indicate that some drivers on this stretch non-compliant. * The environmental speed limits are lawfully in place. The key issue being that until now no force in the UK has enforced for environmental reasons alone as this conflicts with national guidance for the police service. It depends to some degree on whether the deployment of resources is based on the immediate (reducing road casualties) or looking longer term by reducing level of pollution. * Following discussions with Welsh Government over last 18 months, agreed that Go Safe would send warning letters to drivers breaking the speed limit in environmental areas to warn them of the potential for enforcement action. These letters would explain the importance of compliance and would be drafted with the assistance of independent academics to ‘nudge’ drivers to change their behaviour in the first instance. Welsh Government would also run an education campaign so that if and when we go to enforcement, there would have been good effective education of the public as to why the limits were enforced and errant drivers would have their poor driving highlighted. * As none of the Committee were aware of these proposals, the education by Welsh Government had not been as effective as expected and so other steps would be required prior to going to enforcement. * Claire Evans-Bell asked whether it was worth surveying the public for their views on enforceability to ensure transparency as to the reasons why we may enforce this. * (Post Meeting note: WG intends to use the Wales Omnibus Survey to assess public attitudes to these issues)   Nia Brennan – Legal Perspective   * As a Police Service we are politically neutral, but through various forum and the Police Liaison Unit we actively engage with the Senedd and Welsh Government in relation to proposed legislative changes that impact upon policing e.g. lawful chastisement, Coronavirus Regulations. We have traditionally adopted the approach of identifying key delivery issues that could arise as a result of proposed changes * The Wales Act 2017 devolved further executive powers to the Senedd which included transferring responsibility for speed limits. Whilst we seek to comply with relevant NPCC guidance there have been examples recently (e.g. during the COVID 19 response period) where NPCC guidance has not reflected Welsh Legislation and in such instances we seek to secure compliance with the legislation in Wales (and have sought to engage with both the NPCC and the College of Policing to develop guidance that takes account of and reflects the Welsh position). * The core activity of the Police Service includes the investigation of offences and bringing offenders to justice. If speed limits are legally in place (i.e. have been put in place as a result of legislation within Wales), then care should be taken, as any determination that we will not enforce could be open to challenge. * Chief Constables can exercise discretion how their resources are targeted and therefore an alternative question could be, how will we enforce rather than whether these should be enforced? * Policing our Roads Together Policy 2018-2021 – this is subject to review next year. The focus was on safety but that is not to say that will be the only focus in the future because the Wellbeing of Future Generations legislation is going through Parliament in England (and there are similarities with the WFG Act in Wales). This may result in the current divergence in policy being resolved thereafter.   <http://library.college.police.uk/docs/appref/Policing-our-Roads-Together-partners-copy.pdf>  **Chair’s Summary**   * **The first question arises as to whether policing in Wales should continue to maintain the NPCC position or to enforce for environmental purposes (being mindful that to call such problems purely “environmental” is problematic since they encapsulate other areas of concern which arguably fall properly in the province of policing).** * **The issue falls within the scope of policing, but nevertheless, there are existing polices to consider such as Go safe, NPCC guidance (to be reviewed in 2021).** * **There was agreement that enforcement was not an ideal solution and that the idea of arresting our way out of this problem was neither feasible nor desirable.** * **Further consideration should be given to educational initiatives. The IEC would support their rigorous development and implementation prior to sanction-based solutions.** * **We recognised the challenges of this problem within a devolved powers context, and acknowledged that there is some support for these measures.** * **In summary, the committee are mindful of the restrictive number of sites and the emissions data, of an uncertain political context, and stated a clear preference for educational interventions before sanctions-based approaches were implemented.**   **(b) Reduction to 20mph in all areas currently at 30mph limits**    Questions for consideration for the committee include:   1. *How should policing in Wales respond to the Welsh Government’s intention to legislate for default 20mph speed limits in all areas that are now 30mph?* 2. *If the policy becomes law what how should policing in Wales prioritise enforcement against other policing priorities.* 3. *Should policing in Wales adopt a different policy in this area than colleagues in England who continue to support the NPCC policy as stated above?* 4. *Should any increased enforcement activity required as a result of this policy be supported by specific funding from Welsh Government?*   Background  In May 2019 the First Minister announced that across Wales everywhere that had a speed limit of 30mph would see it defaulted to 20mph. Exceptions to that would be determined by a process.  NPCC Policy in this area says that police will support such measures as long as education is in place so drivers know they are in a 20mph zone. The default policy is about changing the speed limit signs on entry to an urban area and not necessarily to have repeaters and so it would be the driver’s responsibility to keep to the limit without the assistance of any engineering interventions. This would apply across all of Wales.  The issues of scale, legitimacy and public perception were all noted. Some lack of clarity as to the stated purposes of the policy were reported. It was recognised that there would be an expectation by the public that the police were enforcing changes in driver behaviour. The Chair noted that in relation to Question 3, this has been previously answered by Nia Brennan in the 50mph restrictions and so the focus would be on the other questions.  Committee Responses:  Lee Jones felt that on reflection more public engagement on this topic was needed and that it was not currently an explicit priority for the Commissioner, but that was not to say there would not be some assessment or ongoing engagement. He thought the approach from the Commissioner would be that it should be policing by consent and that enforcement was one of many tools and so this issue was about balance and that an evidence based approach was necessary and important. He questioned how effective and efficient enforcement would be if only seen in isolation and not as part of a wider partnership education and enforcement approach.  It was noted that when new legislation comes in there usually is a spike in community tension as was the case with Covid 19 and that lessons can be learnt from this process.  PC McNelis advised that the evidence base focuses on road safety or the longer term effects that it may have on wider harms and public benefits. In terms of fatalities and injuries on the roads, independent research shows a marginal benefit if 30mph is reduced to 20mph and no engineering measures were also put in place. However, the research also shows that for every 1 mile per hour reduction in actual speed, the killed and seriously injured (KSI) is reduced by 1%.  He went on to say that the question for policing was that if you had a source of funding for reducing KSIs in general would you look at this or would you consider other initiatives e.g motorcycles in 60mph areas - which is a real problem in Wales on A roads. There is also a notable issue of young people coming to harm in rural areas.  The question was raised as to whether the effect of reducing 30mph to 20mph would provide the largest net benefit in reducing KSIs? Undoubtedly the demand on police resources would increase and this would generate an expectation that police would rigorously enforce the reduction from both the public and the First and Deputy Minister.    Facts and Figures:   * There was more than 80% support from the public for reducing speed limits in urban areas. * Avon & Somerset more than doubled their workforce to enforce this. * The target was the end of 2023 for this legislation to become effective. * Consideration being given to whether this a justifiable extension of the law. * The Chair added that a phrase such as ‘cost effective’ needed a calculation and a standard, so care was needed when using such a term in the absence of a transparent and robust formula set against some narrow economic calculation, as might be done by Insurance companies. * PS McNelis was unaware of any modelling in relation to the query as to in what context Police save lives and at what cost (and was there an equivalent to the modelling undertaken in the Health sector). The average cost of dealing with each fatality on the roads is £1.9m. * Ms Ciano advised that when Go Safe have site selection criteria across speed limits the highway authority review the speed limit and state whether it was appropriate for that road and secondly, that there was no other cost effective engineering measure that can be put in place. So effectively enforcement is the last option – that is aligned with the Go Safe criteria.   Post meeting note: For fixed cameras a FYRR (First Year Rate of Return - casualties saved v cost of scheme). Engineering schemes are modelled in the same way – the collision problem profile is analysed and then solutions weighed up against potential lives saved against investment.  ACC Travis said that, as a former local policing commander, it was one of the most significant issues of public concern when police did not take activity at such speed sites. As a consequence, the road safety teams developed community concern sites where the perception of the public was such that we sought to take action in those environments.  The Chair said that without any research, the responses to any survey questions would depend very much on the way they were worded. In the absence of robust surveys, the burden of proof should be on its justification: why do we do it in Wales?  Dr Pierpoint asked for clarity on the extent to which police should be enforcing the restrictions. Echoing Dr Gantley’s point above, she asked for fuller consideration of all the variables had been considered such as environment, harm to life and costs to see if any issues were omitted.  It was also noted that, whilst this issue related to a national police policy, the committee were free to challenge – this being the reason for their independence and that they were part of the intervention/challenge into the process.  Dr Gantley understood this change in speed limits was meant to be a shift in how we travel about our cities and not in wider rural areas (the case of the Netherlands in which this had been integrated).  PS McNelis confirmed that the policy was mostly aimed at active travel /place making (making urban areas better places to live, encouraging greater social cohesion). However if all the areas were reduced to 20mph from 30mph it would fall to police and Go Safe to enforce that, regardless of what the policy intention was initially.  The Chair said that this shifted the conversation into different terrain – seeking to promote a law re changing behaviours really takes the conversation into legitimacy. He posed the question of whether we could support the law if there was not enough evidence or consent for this policy shift.  Lee Jones thought it was an issue of policing by consent and that if there were to be additional responsibilities, were there additional resources available for it? He said it would be interesting to see how, for example, Avon and Somerset managed that aspect.  ACC Travis said that in terms of trying to remain closely aligned to the available evidence, Wales had a history in this area when a former Chief Constable took a strong well-publicised stance in relation to roads policing enforcement and nationally it divided public opinion. This is territory which promotes much debate and divergence e.g. the recent reporting in relation to Chief Constable Anthony Bangham who said speed limits should be enforced at 1mph above limit.  It was noted that the limiting of traffic speed is a divisive issue that would undoubtedly attract media activity. Scotland looked at this policy in 2018/2019 when it was brought as a Private Members Bill but not supported once the potential costs were identified. It was also noted that London is moving rapidly in that direction and extending their 20mph outside the city– but that the policing for this is being funded by Transport for London and not drawn down from the existing police budget. Thus far, Welsh Government have not indicated any specific police resources to take this policy forward.  Lee Jones said that the demands on police were such that the challenge was to manage Welsh Government and public expectation and that whilst it was an operational decision for the Chief, the Commissioner had the broader oversight and would have a strong view on wider policing implications.  **Chair’s Summary**   * **Welsh Government have outlined a direction of travel for a piece of legislation that aims towards a particular social goal – that of better quality environment in urban places.** * **The committee are concerned about urban/rural distinction and whether such a traffic policy ought to apply equally in all areas.** * **The committee were mindful of a lack of robust evidence towards the distinction that this will bring about higher quality of life measure.** * **The Committee would like to see particular details on the costs for resourcing, before commenting finally on the matter.** * **Moreover, it felt that greater clarity was also needed on the processes for obtaining public opinion and that legitimisation by the public would also require there to be transparency about the goals being sought and the numbers of people it would effect, the quality of those effects and crucially what would be withdrawn if these policies would need to be supported by police resource?**   **Use of CBD for medicinal Use (ED45):** presented by ACC Mark Travis with Dr Jacqueline Gantley.  (This dilemma was received from Avon & Somerset for views)   * The use of “CBD”. CBD or CBD oil are commonly-used terms for products containing cannabidiol, which are now widely available via the internet and in high street stores such as Holland & Barrett. * Some Avon and Somerset staff-members wish to use CBD products for their medicinal value. The most recent query came from a staff-member with Parkinson’s disease. A growing body of evidence suggests that CBD is beneficial in reducing pain and inflammation across a range of diagnosis. * Their Professional Standards context is this: even products which claim to be THC-free, and are therefore on sale lawfully in the UK, may in fact contain that cannabinoid. The quantities may be minor, but the criminal offences relating to cannabis do not specify a minimum threshold. * A positive test for the use of cannabis would arise if THC were detected, and misconduct proceedings would follow.   Background  ACC Travis referenced the examples of cannabis-based products that have medicinal value and benefits. Clearly there are some complex issues around police staff and officers having any involvement with anything defined as either a controlled drug from a legal point of view - to something that is associated with a controlled drug. This spans into ethical issues, perception on the safe and effective use of machinery, into the way in which we enforce activity within our teams in terms of their conduct and their use of such things, for example ‘with and without cause’ drugs testing.  The ethical challenge was for the issue to be considered from the point of view of enforcement rather than a medical issue.  Dr Gantley outlined the medical aspect of the issue:   * Medicinal products were in two parts, one being the products people purchased from the internet or places such as Holland & Barrett, against the second which are prescribed products available only on the NHS. * There has been a tremendous amount of lobbying to say cannabis can have beneficial effects, but in November 2019 robust guidelines from NICE were issued. * They had looked at the potential benefits of medical cannabis and the number of cases was tiny, they suggested that in cases for chronic pain, the prescription would only be for those in active clinical trials. * NICE also suggested that in cases for fibromyalgia it may be prescribed where patients were previously in a research project. * A narrow group of specialists could also prescribe to a tiny number of children suffering from a form of epilepsy. * Research on Parkinson’s disease – i.e. the only area that there is research being undertaken – notably on hallucinations or delusions. NICE were supporting work being done in Kings College in London. There is currently a research project around its benefits and again prescriptions only made for those in the research group. * Evidence based – this is accordingly limited to very small groups of people. Having said that people are purchasing health foods and foodstuffs and these are not regulated at all. It was acknowledged that this could give rise to certain ethical difficulties.   The Chair added that within the doping world the legal principle of strict liability applies – so it does not matter how the product got into your body it is your duty of care to present yourself at work (i.e. to competition) without its presence.  Nia Brennan confirmed that [Cannabidiol (CBD)](https://www.hertshemp.com/what-is-cbd-hemp-oil) is not considered a controlled substance in the UK, and is therefore legal – as explained by Dr Gantley, Tetrahydrocannabinol (THC) is the psychoactive chemical responsible for causing the marijuana high, and is illegal. The UK has set the maximum THC content of hemp at 0.2% - and any hemp oil with higher THC than 0.2% is considered medical marijuana as already discussed. NPB stated that on the scenario presented she understood that the THC levels of products sold in Holland and Barrett were so low that they were of limited effect and that there would be no impairment of judgement (and also that it would not show up in any test). NPB questioned whether a trace could come up in any random drug testing and if it did that was also key to the ethical consideration.  The Chair recalled discussions at a previous meeting where a similar issue was discussed in which he was highly surprised by the lack of positive tests undertaken by South Wales Police, so questioned why police personnel would be different to the rest of the population. It was clear that use of prohibitive substances for medicinal purposes (as long as these were logged properly) should not inhibit anyone. It was asked, therefore, what precisely the concern was?  ACC Mark Travis said his view was the same as already addressed, that there was limited impact in relation to the threat, limited complexity around managing it, and a very low likelihood in identifying anyone using these over the counter products in a manner that would cause the force any problems. The line drawing problem would be crossed when such substance use related to illegal cannabis for self – medication due to the legality issues noted above. He added that South Wales Police absolutely expect their staff to do everything lawfully and the majority of officers and staff have a high moral threshold. The thought of losing their jobs and their pensions should be enough of an incentive not to take drugs for any purpose – it was entirely reasonable that the force has very low numbers of positive tests due to these consequences of being caught. The risk of erroneous detections was very low and ACC Travis noted that the issue was down to perception and clarity.  The Chair qualified his earlier remark by saying that there was a lot of evidence in the USA of police using steroids irrespective of their devotion to the policing role and so it was not clear to him why the UK would necessarily be any different. The point being that if a product was used widely by the population, the question would then be what ought to be done if or when a staff member was caught using such a product. He did not feel there was a sufficiently clear question being offered by Avon & Somerset Police to offer guidance on.  Testing  Dr Gantley noted that the likelihood of getting a positive test from any Holland & Barratt product was very slight, however, the Chair pointed out, if someone did not know enough about these products they might view anything to do with cannabis as illegal. Dr Gantley clarified that in the CBD products purchased legally at Holland and Barratt as a health supplement, the active ingredient had been removed, so the benefits for using illegal cannabis (with the THC) are not present. The rare occasion someone was prescribed a cannabis medication would only be when it was regulated and in the UK, almost only in medical trials at the moment.  In response, the Chair noted that the World Anti-Doping Agency had found that they could not regulate such nutritional supplements, because there was limited quality assurance in the production of such products. This meant that the difficulty was, even though the active ingredient had been removed in such products as those found in Holland & Barratt, because the quality assurance mechanisms were so low, a consumer could not know if the ingredient had been added or not. This would therefore pose a serious threat if picked up on such a test.  **The Chair summarised by saying that although the advice was clear, personnel really needed to be aware of the laxity of the reporting of the actual ingredients of these products and the lack of quality oversight on them because they could be ingesting a substance that they did not know was in the product.**  Duncan Lewis was concerned that there was a risk of moralising on what people should and should not consume and that fundamentally a list of substances that the police service deem could influence an individual’s performance or put them at risk of falling foul of regulations was needed.  Huw Thomas advised of the distinction between the types of test: where it was believed an Officer had taken any substance, the force had the ability to test and random tests undertaken by the force. Mark Kavanagh explained that Professional Standards were currently reviewing the force substance misuse policy, working with HR and Occupational Health on educational themes. The force has a rolling programme of random testing taking place bi-monthly with 50 officers and staff being tested each time. ‘Cause based’ drug testing also takes place for drugs such as opiates steroids alcohol, amphetamine and cannabis. Should an officer have unwittingly ingested a substance and it was captured on test, Professional Standards would investigate fully.  **ACTION 2: Mark Travis and Jacqui Gantley to do follow up work with the health community.**  The Chair summarised the views from Avon and Somerset for the Committee to consider:   1. Police officers and police staff are expected to respect certain professional and ethical standards but the Committee does not advise SWP to engage in monitoring if and when officers and staff buy products sold entirely legally over the counter 2. The Committee advised though that the Constabulary needs to inform officers and staff that they cannot be entirely certain as to what products (like CBD) sold over counter contain exactly. 3. Furthermore, the Constabulary might seek to develop the culture that officers and staff should buy products over the counter only following sound medical advice. This notion did not, however, receive widespread approval. 4. Regardless of the fact that officers and staff can buy CBD entirely legally over the counter, the fact that it is associated with cannabis, has potential of harming public confidence in the police force. Nevertheless, in so far as its use was not regulated and had no harmful or positive effects, concern over officer/staff use was unwarranted. Although, perhaps a marginal issue, it was noted that there was a perception around the use of cannabis products and if a trace was found even if received potentially erroneously, an investigation would be triggered. The damage to an individual’s reputation and confidence could be significant. Recognising this - avoidance and prevention would be a better policy here given the public sensitivity around the word “cannabis” and its cognates. Further awareness raising was deemed valuable.   **The Chair reviewed the outstanding dilemmas on the agenda and it was agreed that the dilemma D/Supt Phil Sparrow was due to table would be carried over to the next meeting.**  **Action 3: Vicki to ensure the dilemma Should body worn video be used when carrying out rape interview? (ED44)**  **presented by D/Supt Phil Sparrow is carried over to the next meeting.** |

| **6. Knowledge Hub - UK Police Ethics Guidance Group** |
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| Police Knowledge Hub <https://knowledgehub.group>  The main reason the Knowledge Hub 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 the administrator will add them when their notifications come through.  (There have been difficulties in accessing the site and as yet there is very little uploaded onto it)  **To be retained on the agenda for reference purposes only.** |

| **7. UK PEGG / South Wales, West and London (Regional Police Ethics Network)** |
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| * Last UKPEGG meeting was held on 31/1/2020 Mr Lewis was unable to attend on the day. * Next UKPEGG meeting is on 9/7/2020 * Next Regional PEN meeting 1/7/2020 – Prof McNamee had hoped to dial in but was unable to. |

| **8. Update from Ethics Meetings Jacqueline Trow** |
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| Internal Ethics Meetings scheduled for 11/3/2020 and 18/5/2020 were cancelled due to COVID 19. An ethical dilemma had been circulated to all attendees for their consideration and views to be included in a snap survey. The dilemma related to Right Wing Images and the closing date for responses is 29/6/2020.  ACC Travis advised that he had a number of issues planned to take to the Internal Ethics Group and that the benefits of attending today would assist him in establishing what was useful to bring to future independent ethics meetings, in conjunction with the pre-meetings with the Chair. |

| **9. Terms of Reference and Membership** |
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| 1. To review the TOR and the attendees   Mike Lewis said he would speak to Nia Brennan to suggest a future change to the terms for the appointments of independent members to align with the Joint Audit Committee which has two terms of 4 years, rather than the 3 years currently in place for the this committee.  **Action 4: Mike Lewis and Nia Brennan to discuss the terms of reference and report back to the next meeting.**   1. Membership   To renew the membership of Dr Jacqueline Gantley and Mr Joga Singh who have both expressed interest in remaining on the committee.  **This was Agreed.**   1. Vetting – Members noted that renewed vetting had been completed for 4 independent members. 2. New Members - The Chair explained that Dr Devine had attended as an observer and that last year he had met with Andy Valentine and Lee Jones and decided that they would not go through a formal round of new members as it was an expensive process. However, in the coming months, he suggested a public call for perhaps 3 new members in the year 2020/2021 so that at least people could visit one of the committees before they applied formally.   ACC Mark Travis suggested that in relation to the representative make-up of the committee in terms of diversity, this was an opportunity to identify some members from the broader community who could be encouraged to apply, subject to the support of the committee to ensure it was done in the right way. The Chair agreed and suggested that Prof Duncan Lewis and Joga Singh given their expertise, should be asked to offer a view.  Duncan Lewis added that when considering positive discrimination in encouraging people from BAME backgrounds, that due thought be given to the fact that BAME is an acronym, not a one size fits all and that the Committee also needed to represent the wider communities served by the force. |

| **10. Any Other Business** |
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| **Stop Search – Disproportionality in Wales (ED49).** The Chair agreed this would be one of the dilemmas at the September meeting. The second dilemma would be the carried forward dilemma from D/Supt Phil Sparrow on ‘Should body worn video be used when carrying out rape interviews?’  **Information Security -** It was agreed that whilst operating on line, there are protocols in place in relation to information security and that these should be adhered to  **Action 5: ACC Mark Travis to arrange for information security guidance to be circulated to members.**  **Prof Mike McNamee – Chair**  As the Chair is in his 6th year, he is due to stand down next year, following two successive terms. He explained that with a new role starting in September, he would not be allowed to take any employment even for this committee. He may be in a position to carry on for a year on a voluntary basis, but requested that any independent members interested in the position should contact him.  ACC Mark Travis thanked the Chair for what had been a very useful meeting for him, being new to South Wales Police. He added that the force currently faced a very challenging period in the next six months with the potential for a second wave of COVID, the likelihood of an EU exit at the end of the year, and ongoing challenges in relation to extinction rebellion and Black Lives Matter. It was therefore his preference for a change of Chair to be taken in 2021 when the organisation had dealt with some these challenging demands and that the benefit of a consistent process and understanding of how the force worked and what the issues were, would be a real advantage.  The Chair closed the meeting and thanked everyone for attending and contributing to discussions. |

| **10. Date of Next Meeting** | | | |
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| **1300hrs Wednesday 2nd September 2020 via Microsoft Teams** | | | |
| **Action Number** | **Action** | **Owner** | **Status/**  **Update** |
| 24062020.1 | To discuss working together on the Support and Retention of BAME people in force. | D Lewis & M Travis |  |
| 24062020.2 | To progress some joined up work with the health community. | M Travis & J Gantley |  |
| 24062020.3 | To ensure the dilemma Should body worn video be used when carrying out rape interview? (ED44) presented by D/Supt Phil Sparrow is carried over to the next meeting. | V Ash |  |
| 24062020.4 | To discuss the potential extension of terms of office and report back to the next meeting. | M Lewis & N Brennan |  |
| 24062020.5 | To arrange for general information security to be circulated to members. | M Travis |  |