

Police Accountability and Legitimacy Group (PALG)

Police Headquarters

25 September 2020

MINUTES

Attendees

Police and Crime Commissioner's Team

Lee Jones - Chair (LJ)	Chief Executive (Interim)
Hannah Jenkins-Jones (HJJ)	Strategic Lead for Scrutiny, Assurance and Equality
Sarah Mahon (SM)	Engagement and Assurance Officer

South Wales Police

Marc Attwell (MA)	Superintendent, Corporate Services
Jenny Gilmer (JG)	Assistant Chief Constable
Scott Lloyd (SL)	Chief Inspector
Martyn Jones (MJ)	Equality, Diversity and Inclusion Manager

PALG Members

Claire Skidmore (CS)	Race Equality First
Alex Drummond (AD)	Independent Member
Holly Taylor (HT)	Welsh Refugee Council
Jasmine Jones (JJ)	Gypsies & Travellers Wales
Nia Ballard (NB)	Platform
Judith Major (JM)	Hafal
Liz Baker (LB)	Barnardos

1. Welcome and Introductions

LJ welcomed attendees and noted apologies. LJ advised that a revised agenda had been circulated, as the running order had changed slightly. LJ noted that the initial plan was to show body worn videos for stop and search, however, technology issues had prevented this from happening. LJ advised that he had hoped to be able to show the videos when face-to-face meetings could be held again.

2. Action updates

(i) Seek information about the Fixed Penalty Notice (FPN) recording process for capturing ethnicity data.

MA advised that the fixed penalty notice form had been reviewed by the force. MA noted that the form was a national form. MA confirmed that the form did have both common methods for recording ethnicity, which included 'self-defined ethnicity' and 'officer-defined ethnicity'. As noted in the meeting in June, 35 records had not recorded the ethnicity of individuals receiving a fixed penalty notice. MA informed the group that as a result of this gap in data, MA had requested a review of the body worn footage for the 35 records where ethnicity had not been recorded. Of those 35 occurrences, 27 individuals were perceived by the officer reviewing the body worn video to be 'White', 4 individuals were perceived to be 'Asian', 2 perceived as 'Black', 1 perceived as 'Mixed Ethnicity' and 1 perceived as 'Other'. After

conducting the review, MA was satisfied that the data was not inadvertently being skewed, because this information had not originally been captured on the FPN forms.

(i) Breakdown of data in relation to safeguarding data for vulnerable adults.

MA noted that data on vulnerability was recorded in a variety of locations on the forces' data management system, NICHE. As a result of this, measuring performance in terms of how the force was tackling vulnerability was quite difficult to achieve, because of the complex set of scenarios that the force dealt with. However, MA advised that the force held monthly strategic vulnerability public protection meetings. These meetings enabled the force to monitor various indicators of vulnerability to ensure the deployment of the right resources to demand and that the right procedures were being applied. MA informed the group that a review had recently been conducted by the force, looking specifically through the lens of ethnicity in terms of referrals into the police system through officer encounters. The data reviewed was between 1st April – September 2020. MA noted that the review of this information revealed that 78% of offender's ethnicity data and 61% of victim's ethnicity data had been recorded. MA acknowledged that issues in data quality, made it very difficult to build a picture about communities at a macro level.

CS agreed that it was very difficult to understand the full picture when there were so many gaps in data. CS queried what the reasons were for not capturing the ethnicity of individuals. MA noted that there were reoccurring issues with data quality. There were certain mandatory fields on NICHE, however, ethnicity currently was not a mandatory field. MA advised that he was pursuing conversations about these flaws in the system.

(ii) Review wider sample of performance data for ethnicity recording to understand whether or not this was an isolated issue with FPNs.

MA informed the group that the force had now reviewed occurrences and events recorded on NICHE from April 2020 and the information of victims and offenders whose details were linked to those occurrences. MA noted that the review of this information revealed that 28% of offender's ethnicity data and 58% of victim's ethnicity data had not been recorded. MA advised that recent anecdotal evidence suggested that staff in the Public Service Centre were apprehensive about asking victims about their ethnicity at first point of contact.

AD asked whether there was now an action strategy to look at a script or a series of interventions to overcome this apprehension, now that the force had recognised this was a problem. AD added that if this learning was presented in a confident and positive way about how the organisation serves people's needs well, call handlers would likely to be more confident and as a result, people would engage better. MA advised that next steps would involve speaking with the head of the Public Service Centre to ensure they were aware of this feedback, and to discuss how it would be addressed.

AD asked whether the perception of ethnicity viewed on body worn video, matched the statistics of those recorded on forms. MA confirmed that this did match proportionality ratios, in terms of issuing fixed penalty notices to people who are from a White British

background. MA noted that the force had recalculated their disproportionality ratios, as a result of reviewing the body worn videos and documenting the 'officers self-defined ethnicity'.

JM appreciated the importance of capturing ethnicity at first point of contact, however when someone rang 999 in crisis, it could be very difficult to capture ethnicity details from that individual. MA appreciated the feedback, whilst also noting that there were also follow up opportunities where officers could record information that wasn't captured at first point of contact

LB noted that sometimes capturing as much information about the individual was relevant to the call and response provided. LB noted that training with the police, including the control room about adverse childhood experiences, impacted trauma and how this influenced their response, had been delivered.

JJ reiterated the issues of data collection and gaps in ethnicity recording across the force on all issues. This was frequently raised at PALG meetings and as a result of inconsistencies in data, it hindered the ability to be able to scrutinise equality effectively. JJ appreciated it was sometimes difficult to capture ethnicity data at first point of contact, but as discussed, there were a number of stages where there were interactions with individuals. JJ also noted concerns in relation to references to 'White British' and queried whether assumptions were being made by officers and characteristics overlooked. JJ referenced Gypsy and Travellers as an example.

LJ agreed it was a common theme in terms of data quality. There had been significant discussions at other board meetings about how this needed to be addressed. LJ reassured the group that it would be an area that would be continually reviewed and monitored. LJ noted that it was reassuring that the input from panel members had made a positive impact on the ways the force was working and thinking.

3. Automatic Facial Recognition

SL provided a brief overview of South Wales Polices' journey with the use of Automatic Facial Recognition (AFR). South Wales Police were at the forefront of using AFR technology and started using the technology back in 2017. SL noted that South Wales Police used AFR in two broad areas, which was retrospective recognition (AFR Identify) and live recognition (AFR live). SL explained that retrospective recognition was used to compare a set of digital images to assist with an investigation, e.g. images on social media, CCTV. Prior to using retrospective recognition, it took the force on average approximately 10 days to identify an individual. 'AFR Identify' now allowed an individual to be identified within 5 minutes. SL explained that the use of this technology had significant benefits to an investigation, making it more efficient and effective by bringing individuals to justice quicker and protecting victims and witnesses involved as soon as possible.

SL explained that live recognition was used to deploy live cameras within a location. The cameras scanned pictures of faces in crowds and compared it with a watchlist populated by South Wales Police. SL advised that the system would alert an operator if it thought it had identified a person the force was looking for. SL emphasised that the human element of this process determined whether or not they felt it was a correct match, prior to any interaction taking place with that individual.

In May 2019, South Wales Police went through a judicial review. A court scrutinised South Wales Police's use of the technology, mainly looking at 'AFR live'. The judicial review primarily looked at whether there was sufficient legislation in place to enable the force to deploy the technology, whether the force had conformed to the public sector equality duty in terms of equality impact assessment and also reviewed data and privacy impact assessments. The force was successful on each of the grounds reviewed and was applauded in terms of wraparound in relation to policies and procedures, ethical transparency of use and scrutiny placed on the technology by the Police and Crime Commissioner. SL noted that a further appeal was then raised in 2020. The court applauded the force in terms of transparency and ethical use. However, there were two areas where the court felt improvements were needed. SL explained that one of these improvements related to 'article 8', a right to private life. The court noted that they felt South Wales Police had too much discretion about who went on watch list and where the technology was deployed. The court noted that a detailed outline of the makeup of watchlists needed to be incorporated into a key document, preferably at a national level to be consistent. The court also noted that the force needed to take reasonable steps to ensure there was no possibility of bias in the technology used.

SL informed the group that South Wales Police had now developed a detailed document, which looked at narrowing the focus on who could be on a watchlist and where the technology could be deployed. If the document was adopted by National Chiefs Councils, it would be absorbed into policing policies at a national level.

SL noted that the force was committed to working with academic partners to understand accuracy and bias across all uses of technology, both retrospective and live facial recognition and would continue evaluating this with the University Police Science Institute. SL noted that the challenge in policing was not just AFR, but wider artificial intelligence and machine learning to eliminate any possibility of bias. SL informed the group that the force was committed to doing a lot more work with communities in terms of public trust and confidence to show communities that there was not bias in the algorithms, and if there were, that there were mitigations in place, which was the human operator.

HJJ asked PALG members whether concerns in relation to the use of AFR had been raised by community members they engaged with, or whether they were aware of this through media. HT advised that the main concern of asylum seekers was the lack of understanding between border force and police officers, and how much access border force had through AFR.

LJ thanked SL for his input and reminded PALG members that they were welcome to come and view AFR technology, to further understand how the technology worked in practice.

4. Race Disproportionality

HJJ informed the group that in August 2020 the Commissioner's team held a scrutiny board meeting, which focussed on race disproportionality in South Wales Police. The purpose of the deep dive review was to consider a range of force data by ethnicity in order to better understand where there was disproportionality and to what extent. HJJ noted that the Commissioner's team looked at specific data, such as stop and search, use of force and victim satisfaction. HJJ had hoped to play body worn videos at the meeting, as it would have

been helpful for members to provide an independent insight on how they felt the encounters were handled by the officers. Unfortunately, technology had failed on this occasion, but this would be revisited at a future meeting.

HJJ provided an overview of the quality assurance work conducted by the Commissioner's team which informed the scrutiny board meeting. HJJ noted that the Commissioner's team had dip sampled 100 randomly selected body worn videos and 179 stop search records from a sample of stop searches that had taken place across South Wales between January and June 2020. On the whole, there were no particular concerns or immediate flags that stop and search encounters had been conducted unfairly. Most officers were polite and courteous and 90% of body worn videos provided clear grounds for search to individuals. HJJ noted that in some cases, officers were not always going through the full stages of things they needed to do when conducting a stop and search, which was referred to as the 'GOWISELY' protocol.

Most of the body worn videos showed that officers explained aspects of the 'GOWISELY' protocol before conducting the search. However, there were a few instances where officers began the search and explained the protocol either during or after the search. HJJ noted that on some occasions body worn videos had not recorded the entire encounter, which made it difficult to ascertain whether the officers had complied fully with the 'GOWISELY' protocol.

HJJ also noted that queries were raised in relation to the use of handcuffing. In some cases, it was questioned whether handcuffing was necessary as the individuals were cooperating voluntarily. On some occasions, individuals were handcuffed immediately and GOWISELY explained afterwards. The use of handcuffs also caused some individuals to become agitated or confused about whether or not they were being arrested.

HJJ summarised the findings from the review of stop and search records and noted that the issue of providing receipts to individuals remained a concern. HJJ emphasised the importance of officers explaining the individuals right to a copy of this information, should they wish to follow up on the encounter, or make a complaint in the future. HJJ was pleased to note that 98% of records reviewed provided reasonable grounds for search. It was positive to see that the number of questionable grounds had decreased since the last dip sample of records was conducted.

HJJ explained that the Commissioner's team had also held a number of focus groups with young BAME people, to understand the experiences of young people that had been stopped and searched and their perceptions of police practices. HJJ noted that the feedback from young people linked to a number of observations from the Commissioner's review, such as use of language, the quality of an encounter and confusion of legal talk. HJJ noted that whilst officers had a duty to refer to the legal power being used, there was often little context about what this meant, which confused young people and led to mistrust in the police.

HJJ advised that a number of recommendations had now been agreed to address the key concerns identified.

5. Any other business

ACTION – Updates on the objectives in the Joint Equality Plan to be deferred to the meeting in December 2020.