Police Accountability and Legitimacy Group (PALG)

Microsoft Teams

14th December 2022

Attendees	
Police & Crime Commissioner Team	
Suzi Graham (SG)	Policy and Research Officer
Lee Jones (LJ)	Chief Executive
Lisa Morgan (LM)	Policy Officer
Claire Perrin (CP)	Policy Officer
Tamara Lafferty (TL)	Governance Support Officer
South Wales Police	
Chief Inspector Scott Lloyd (SL)	Lead Single Online Programme Officer
Megan Williams (MW)	Biometrics Capability Benefits Analyst & Project Support Officer
Assistant Chief Constable David Thorne (DT)	Head of Specialist Crime Portfolio
PALG Partner Members	
Liz Baker (LB)	Barnardos
Grace Krause (GK)	Learning Disability Wales
Helal Uddin (HU)	EYST
Judith Major (JM)	Adferiad Recovery
Dave Vice (DV)	Adferiad Recovery
Shezhad Malik (SM)	Race Equality First
Kate Jones (KJ)	Thrive Women's Aid
Leila Usmani (LU)	Race Alliance Wales
PALG Independent Members	
Alex Drummond (AD) (CHAIR)	Independent Member
Tony Esmond (TE)	Independent Member

	Item	Content
1.	Welcome & Introductions	1.1 AD welcomed attendees and noted apologies.
2.	Minutes of the last meeting	2.1 The minutes of the last meeting were agreed. 2.2 SG explained that due to staff turn over in the Scrutiny team, the actions for the September 2022 meeting will be ready for the March 2023 PALG meeting. **ACTION – TL to follow up on actions from September 2022 meeting to provide for March 2023 meeting.**
3.	Facial Recognition Technology – Presentation and Discussion	3.1 AD introduced the topic, Facial Recognition Technology for the presentation. AD confirmed that PALG scrutinized and challenged how South Wales Police were using this technology previously.

3.2 AD shared that she felt that the recent October 2022 Guardian article was shocking, and that it was upsetting to think that PALG might have missed something. AD explained that the recent judgements in UK court cases are more nuanced than the Guardian states and it comes to the difference between unlawful and illegal use of the technology.

3.3 Chief Inspector SL presented the group with an overview of South Wales Police's use of Facial Recognition Technology. The presentation included a description of the three different variations of Facial Recognition Technology, the legal standards, technical reliability and the role of the human Police Officer.

3.4 SL explained that Facial Recognition Technology can only help the force identify unknown people and/or locate people the force is looking for. SL commented that a balance needs to be struck between new and emerging technology and the protection of individual's rights of privacy. This balance is fundamental in terms of how law enforcement and police remain legitimate in the use of technology.

3.5 SL provided an overview of the three forms of Facial Recognition Technology. Namely Live Facial Recognition, Retrospective Facial Recognition & Operator Initiated Facial Recognition. SL explained that Live Facial Recognition is the most contentious and is primarily focused on in the Minderoo report. SL shared that this is because it involves mass processing of information.

3.6 SL explained that Retrospective Facial Recognition is available to all forces across the UK since 2016. SL explained that every police force shares their Custody Database and send all their images to the Police National Database. All Police Forces can use Retrospective Facial Recognition through the Police National Database. In addition, South Wales Police and Gwent Police have a local shared database. SL commented that since 2017, South Wales Police have made 4000 positive identifications through images. SL shared that Retrospective Facial Recognition takes 0.02 of a second to collate images. SL commented that this allows for swift justice and protection of vulnerable people.

3.7 SL provided an overview of how Live Facial Recognition works in practice. SL confirmed that Live Facial Recognition has led to 75 arrests and that there have been no false arrests from the use of this technology.

3.8 SL presented an overview of legal standards for Facial Recognition Technology. SL shared that there have been two Court cases in relation to using facial recognition but there are other relevant cases regarding its broader use. Currently, there is no primary legislation for emerging biometric technology. SL commented that the Court currently takes a tapestry approach to facial recognition technology. In the recent Bridges case, the Court determined that the use of facial recognition technology was unlawful because the police had not effectively said who they were including on the watchlist and where the technology could deploy. The Court did not specify how this information should be recorded.

3.9 SL commented that primary legislation for biometric technology would be challenging due to the continuous emerging technology. SL shared that following the Bridges case, South Wales Police have taken steps to address concerns such as amending policy documents and standard operating procedures.

3.10 SL explained the accuracy of Live Facial Recognition and methods of measuring accuracy. South Wales Police have investigated Facial Recognition Technology in

partnership with the National Physical Laboratory. SL commented early consideration of the report has confirmed that Live Facial Recognition is highly accurate and there is no evidence of bias.

3.11 AD queried the proportionality of stopping individuals of different ethnicities measured in Live Facial Recognition. SL confirmed that the latest study with the National Physical Laboratory shows an 80% true recognition rate. False alerts happen in around one in 20,000 searches. SL confirmed that to date, there is no variance amongst gender, ethnicity or age.

3.12 DV queried whether the one in 20,000 false alerts included human Police Officers choosing not to interact with an individual. SL explained that the Bridges case only looks at the technology bias and not human bias.

3.13 SL provided an overview of the oversight of Facial Recognition Technology and explained that there is scrutiny and oversight on a national and local level. SL referred to examples of national oversight from the Biometrics Commissioner and the Information Commissioner. SL referred to examples of local oversight such as the Police and Crime Commissioner, the National Police Chiefs Council and Chief Ethics Committee.

3.14 SL shared that South Wales Police have a lot of public engagement in terms of remaining legitimate and understanding public opinion on Facial Recognition Technology. SL confirmed that recent reports from organisations such as the Information Commissioner's Office display positive feedback in terms of public opinion and support for the police use of Facial Recognition Technology.

3.15 LU queried whether unsuccessful data that does not prove to be a match of an individual on a watchlist is automatically deleted and if this data is subject to Freedom of Information.SL explained that this issue was apparent in the Bridges case. SL confirmed that it is South Wales Police policy to keep all CCTV for 31 days. In terms of facial recognition, a biometric template is created. If that biometric template does not result in a positive match, it is automatically deleted immediately.

3.16 LU queried that if there is a positive match, but the human Police Officer does not engage with the individual, what happens to the data. SL confirmed that if there is a positive match, but the human Police Officer decides not to engage with the individual, the image will be deleted post deployment.

3.17 LU queried whether there have been false stops following an alert from the technology that there is a positive match and how the data is recorded. SL confirmed that this data is published online on the South Wales Police website, including data on the number of alerts recorded and the amount of police officer engagement.

3.18 LU queried how the National Physical Laboratory report tested any bias of race, age and gender. SL explained that the report assesses how many incorrect engagements took place. SL shared that in the August 2022 deployment, no engagements were made and therefore, no incorrect engagements were found as a result. SL presented an overview of how the assessment took place.

3.19 LU queried how South Wales Police inform the public that the Live Facial Recognition is taking place and why, if there is confusion over the ethics of Facial Recognition Technology, is it not stopped until the force is sure that it can be carried out ethically.SL explained the process of South Wales Police justifying and providing

		certification for deploying Facial Recognition Technology. SL explained the internal mechanics of alerting the public that the technology is being deployed such as physical signs and use of the South Wales Police website. SL commented that the ethical landscape surrounding the technology has developed substantially but can always be improved. SL referred to the scrutiny and oversight of the technology.
		3.20 DV queried the procedure for technology deployment and Operator Initiated Facial Recognition. DV queried how the data is recorded and governed. SL provided an explanation regarding the procedure for deploying the technology and the key individuals in the force who authorise the use. SL explained that in order to close the software, officers need to provide details of its use and justification.
		3.21 DV queried whether this data is made public. SL confirmed that the data is currently not published but there was a pilot that took place previously and has been published. The information is available from the Freedom of Information requests. SL explained that all Facial Recognition Technology data such as data protection impact assessment, equality impact assessment is recorded in a document suite. This is available on the South Wales Police website.
		3.22 AD informed the group that rather than interrupt the flow of conversation, there would be no break-out rooms to discuss this matter in smaller groups.
		3.23 KJ asked for clarification on the use of technology to identify someone who cannot identify themselves and the issue of consent. SL provided examples of using images without acquiring consent and the legal framework surrounding this.
		3.24 AD queried how Facial Recognition Technology is used in a circumstance where a positive match has been made on a person who has transitioned and has a Gender Recognition Certificate. AD queried how the individual's historic identity is protected and if the Gender Recognition Act is abided by. SL explained that there are other processes for identifying a person in the first instance such as engaging with the individual. SL shared that Police Officers must complete a risk assessment should the individual not want to be identified.
		3.25 AD reminded the group that it anyone has any questions following the meeting, they should email TL or SG who may request further information from SL.
4.	Scrutiny & Accountability Deep Dive – Child Exploitation and Vulnerability – Group discussion and feedback on the next topic.	4.1 LJ explained that the feedback from PALG meetings is relayed to the Police and Crime Commissioner Scrutiny Board.
		4.2 LJ provided an explanation of the Deep Dive program which acts as a formal scrutiny arrangement of the force. LJ explained that the scrutiny team within the Office for the Police and Crime Commissioner produces a scoping document into a particular topic and South Wales Police are asked to answer various questions against that topic. LJ referred to Stop and Search as a previous topic for the Deep Dive.
		4.2 LJ explained that the police are scrutinised heavily. LJ commented that the public may not be aware of this. LJ confirmed that Police and Crime Commissioners have an electoral and moral duty to provide this.

4.3 LJ explained that the force undergoes an inspection program with His Majesty's Inspectorate of Policing and Fire & Rescue Service (HMICFRS). LJ explained a recent PEEL inspection took place and South Wales Police received relatively positive feedback.

4.4 LJ confirmed that SG had previously sent the Police Effectiveness Efficiency and Legitimacy (PEEL) report to PALG members and brought the group's attention to page 21. LJ explained that HMICFRS requested that South Wales Police improve in two areas. LJ shared that one is in relation to national standards regarding the Domestic Violence Disclosure Scheme. LJ referred to this as 'Claire's Law' and defined this as a scheme that allows individuals to ask the police to check whether a new or existing partner has a violent past. LJ explained that the main issue HMIC identified is the effectiveness of police response.

4.5 LJ requested comments from the group regarding their thoughts and expertise in this area so this can be recommended to South Wales Police. LJ shared that South Wales Police have been asked to ensure sufficient capability and capacity to investigate child criminal exploitation and safeguarding of victims within 6 months.

4.6 LJ shared that since the PEEL inspection, a disruption team that consists of a Detective Inspector and 17 Detective Constables has been established for explicit exploitation investigation. LJ informed the group that there is a further HMICFRS inspection on group child sexual exploitation. In addition, a new contract has been established with National Youth Advocacy Service who are providing child advocacy services for South Wales Police.

4.7 LJ invited different perspectives from the group's personal or organisational views regarding these areas. LJ commented that the group's input would be fed to the Force regarding the Force response to this area and any recommended improvements. LJ confirmed that the group can reflect on this and contact LJ, TL and SG in the future.

4.8 LB explained that their organisation, Barnardos, is involved in this area of work. LB noted that they received the papers for the PALG meeting five days prior and would be grateful to receive the papers earlier so they can liaise with colleagues who specialise in this area. LB shared this requires a multi-agency response. LB commented that it is positive that this area is being further explored. LJ agreed with LB's comments and explained that a partnership is needed to break the cycle. LJ explained that it is important to make links with other agencies.

4.9 AD questioned what timescale the group would want papers before the meeting.

4.10 LB stated for other meetings it is usually a week before.

4.11 AD asked that papers are sent a week to ten days before.

Action: TL to forward PALG papers 10/7 days before meeting.

4.12 KJ informed the group that there are lots of organisations already doing a considerable amount of work in these areas. KJ shared that Pathways is focused on Child Sexual Exploitation across Wales and may benefit from being involved in this conversation. KJ shared members of Welsh Women's Aid would give considerable input. KJ confirmed that she is happy to act as a link for that.

4.13 KJ queried if this work would link with county lines.

		4.14 LJ explained that he anticipates there will work surrounding county lines. LJ will take up KJ offer in terms of scoping groups beforehand. LJ confirmed child sexual exploitation will be addressed in the next deep dive meeting and Claire's Law will be addressed in future meeting.
		4.15 KJ commented that a specific focus regarding young people who are nearly adults is necessary.
		4.15 Assistant Chief Constable DT shared that county lines will absolutely be reviewed because the focus of the exploitation teams is shifting from looking purely at children exploitation to criminal exploitation. This will include children used to distribute drugs.
		Action: SG to contact LB and KJ outside of meeting to arrange focus group.
5.	5.Partner Updates and Issues to Raise	5.1 No partner updates were received.
		5.2 AD confirmed that actions from the September 2022 have been missed and will be discussed at March 2022 meeting.
		5.3 No future agenda items received.
6.	Any Other Business • Proposed Custody Visit • Terms of Reference Approval • GDPR Consent form • PALG/IAG BWV Scrutiny Panel dates	6.1 SG shared that a proposal for joint custody visit between PALG members, and the forces Independent Advisory Group has been made. SG asked group members to contact her if they are interested in attending.
		Action – members to contact SG if interested in attending Joint Custody Visit.
		6.2 SG shared that there has been a query and a past discussion about the option of co-opting members for specific topics. SG confirmed that she had discussed with AD that discussion be postponed until new strategic lead is in post. SG shared that it would be ideal to sign off Terms of Reference until that date so the website can be updated. SG requested any comments regarding the Terms of Reference should be raised at the meeting or afterwards.
		6.3 SG requested people who have not to return GDPR forms as soon as able.
		Action – SG to contact members separately.
		6.4 SG explained that for PALG independent members who are members of the Body Worn Video Scrutiny Video Panel, there are upcoming dates for next year. SG explained that in the PALG Terms of Reference, it is stated that a minimum of four attendances are required across the year. SG shared that there are eight panel meetings yearly and proposes that all eight are open so members can select the meeting that they attend. SG shared this might be more flexible for members.

		Action – Members have 24 hour-time limit to raise any concerns regarding the Terms of Reference. If no concerns are raised assumed that everyone agrees. 6.5 AD thanked the group for their attendance and closed the meeting.

Action Table

Action	Owner
TL to follow up on actions from September 2022 meeting to provide for March 2023 meeting.	TL
TL to forward PALG papers 10/7 days before meeting.	TL
SG to contact LB and KJ outside of meeting to arrange focus group.	SG
Members to contact SG if interested in attending Joint Custody Visit.	Members
SG to contact members separately.	SG
Members have 24 hours to raise any concerns regarding the Terms of Reference. If no concerns are raised assumed that everyone agrees.	Members