

NORTHERN IRELAND POLICING BOARD

**MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD ON
8 December 2022 AT 2:00pm**

PRESENT:

Mr Gerry Kelly, Chairperson
Dr Janet Gray, Vice-Chair (3)
Mr Les Allamby (2)
Mr Peter Osborne
Ms Liz Kimmins
Mr Trevor Clarke
Ms Nuala McAllister
Mr Mark H. Durkan
Mr Frank McManus (3)

**POLICE SERVICE OF
NORTHERN IRELAND IN
ATTENDANCE:**

(1) ACC Mark McEwan
(1) D/Supt Lindsay Fisher
(1) C/Insp Paul McGrattan
(1) 2 PSNI staff

**OFFICIALS IN
ATTENDANCE:**

Ms Sinead Simpson, Chief Executive (4)
Mr Adrian McNamee, Director of Performance
5 Board Officials

- (1) Present for Item 6.1 only
- (2) Present to Item 6.1
- (3) Present to Item 6.2
- (4) Present from Item 6.2

1. APOLOGIES

Apologies were received in advance of the meeting from Joanne Bunting. Apologies were also received from Mike Nesbitt.

The Chair welcomed new Independent Board Members Les Allamby, Frank McManus and Peter Osborne to the Committee. The Chair also acknowledged the contributions of departing Members Deirdre Toner and Edgar Jardine and wished them well in their new Board roles.

The Committee agreed the agenda for the meeting.

The Chair asked Members to advise of any items they wished to raise at Item 9 under "Any Other Business". No further items were declared.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. MINUTES OF THE PREVIOUS MEETING

The Committee considered the draft minutes of the Performance Committee meeting held on 10 November 2022.

It was **RESOLVED**:-

That Minutes of the Performance Committee meeting on 10 November 2022 were agreed.

4. UPDATE ON ACTION LOG

The Director of Performance provided an update on the actions listed on the Action Log. Members noted the remaining current open actions and expected timeframes for these to be brought back to the Performance Committee.

NOTED.

The Director provided an update on AP6 from the meeting held on 10 March 2022. Members had requested further information on Arrest Rates and Community Background. This issue has been highlighted and updated within the Human Rights Annual Report in Recommendation 5 on page 27 of the draft Report. When PSNI provide their formal response to the Report and its recommendations, officials will bring it back into the Performance Committee in at that stage.

The Director provided an update on AP3 from the meeting held on 8 September 2022 in respect of Spit and Bite Guards and the Human Rights Advisor's Recommendations and further monitoring data. A full report on this issue is due to come back to Committee in February 2023.

The Director provided an update on AP2 from the meeting held on 13 October 2022 relating to the Critical Incident that was declared in response to the application backlogs at Firearms and Explosive Branch. A letter has been issued to ACC Chris Todd requesting the information on 25 October 2022. The response is provided at Item 4.1 of today's meeting.

The Director provided an update on AP3 from the meeting held on 13 October 2022 relating to PSNI statisticians. Members had requested that Officials invite PSNI statisticians to brief Members on the processes surrounding the collation of statistics and the accuracy of data provided as part of the PULSE demonstration in January 2023. PSNI have been informed of this request and will include as part of their presentation on PULSE as part of the January 2023 Committee Meeting.

The Director provided an update on AP5 from the meeting held on 13 October 2022 in respect of the reduction in PSNI neighbourhood outreach programmes. A letter was issued to ACC McEwan requesting the information on 26 October 2022. Officials are awaiting a response.

The Director provided an update on AP1 from the meeting held on 10 November 2022 in respect of OCG's with Officials asked to follow up with PSNI on the issue of paramilitary groupings, to obtain PSNI's assessment of the strength of these organisations and the level of continuous recruitment. Officials are awaiting a response.

The Director provided an update on AP2 from the meeting held on 10 November 2022 in respect of the Human Rights Annual Report 2021/22. Members had asked that Officials draft a Foreword to the Report and circulate to Members requesting their comments prior to the full final Report being shared with the Board. This has now been completed.

The Director provided an update on AP3 from the meeting held on 10 November 2022. Members had asked that Officials draft a letter from the Chair to DCC Hamilton to request a progress update on the Human Rights Advisors Recommendations from previous reports. The response from PSNI is provided at Item 4.1 of today's meeting.

Following discussion it was:-

AGREED

Officials to follow up with the PSNI on the issue of Firearms and Explosives Branch resourcing, to request data showing ratio of staff in post to applications processed for a longer period. **(AP 1)**

5. CHAIRPERSON'S BUSINESS

The Chair confirmed that no items of business have been received for discussion.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Policing Plan Measure 1.2.1 – Repeat Offenders

The PPM Manager referred Members to the report card that shows that the overall repeat offending rate has decreased to 21% from the previous figure of 21.5% provided in the May 2022 report card. However, the repeat offending rate for domestic abuse has increased from 26.5% in May 2022 to 29.9%, perhaps unsurprisingly due to the overall increase in reported domestic abuse. This could be a result of the current economic crisis, capacity of charitable sector such as Women’s Aid (to enable women to remove themselves from risk) or offences reported under the new Domestic Abuse and Civil Proceedings Act (NI) 2021. Members may wish to ask the PSNI for their understanding of this increase.

The PPM Manager informed Members that in this report card no update has been provided with regards to the various strands of offences and no update has been provided for females who are likely to be repeat victims of Domestic abuse. However, these figures were provided for the May 2022 Performance Committee, therefore Members may wish to ascertain if there are any figures for these two areas.

The PPM Manager referred to the information contained in the Report Card provided by the PSNI that records in May 2022 there were 71 offenders out of 138 repeat domestic offenders identified, 46 out of 90 in June and 59 out of 139 in July who were not known to the MARAC process. An apparently increasing rate each month of 42.4%, 51.1% and 51.4%. Although there are offenders appearing on each return, the report ‘highlights the propensity for reoffending within domestic abuse, and the cohort of perpetrators who are not being “managed” within current arrangements for MARAC where actions to support their victims may mean opportunities to take action against them.

The PPM Manager stated that by the very nature of MARAC it involves several other agencies. The PPM Manager suggested that Members may

wish to have some information from PSNI on its view on the MARAC process and why some repeat offenders are not included in the process? For example, is the PSNI involved in any review or improvements?

The PPM Manager highlighted to Members that 'Operations Seasons Greetings' has been identified as a key opportunity by officials. Members may wish to ask the PSNI for more information on this operation, and what is meant by 'overt action'.

The Chairperson welcomed the PSNI to the meeting.

The Chairperson congratulated the PSNI on the 24-hour operation of 6 December 2022 targeting those who are perpetrating violence against women and girls which has led to the arrests of those wanted on bench warrants linked to domestic abuse motivated investigations, those who have committed offences under the new domestic abuse offence, breaches of protective orders, sexual offences, and threats to commit criminal damage.

The Chairperson invited the PSNI to brief Members on the work relating to Policing Plan Measure 1.2.1 Repeat Victims.

The PSNI presented information through their report card and provided a statistical commentary of their performance against Measure 1.2.1 Repeat Offenders and discussed with Members the work carried out on a number of key areas including:

- The PSNI informed Members that the repeat offender rate has decreased slightly;
- It was highlighted to Members that the 'Season's Greetings' media campaign has been launched to deter and detect criminality and provide visible reassurance to the public in the run up to Christmas;

- The PSNI referred to the Repeat Offenders strategy, the VAWG co-design process with the Executive Office, looking at prevention, early education and intervention with those on the cusp of being offenders;
- Tackling offenders who are presenting the most harm remains the focus of the PSNI; and
- The PSNI reported on the work of the Reducing Offender Unit (ROU) and their work to divert offenders to Support Hubs and prevent a criminal justice outcome for those who are vulnerable.

Members engaged in discussion with PSNI and sought clarity on a number of issues including: -

- A Member referred to the statistics for Domestic Abuse High Risk Offenders and asked if the PSNI could explain the reasons for the high number reported;
- The new search functionality on PULSE and the development of an automated process, a Member sought further information on this;
- Domestic Abuse and high rate offenders and the issue of withdrawing consent, the initiative in Derry City and Strabane district to provide CCTV cameras to victims of Domestic Abuse deemed at high risk of harm and the role of PPS;
- Repeat Offender statistics, a Member queried the PSNI diverting people to Support Hubs rather than towards the criminal justice system;
- Body Worn Video (BWV) and the benefits to evidence gathering;
- The PSNI's partnership work with other agencies, a Member sought further clarity on how decisions are made; and
- Repeat Victims who disengage from the criminal justice process, a Member asked if the PSNI have data on this.

The PSNI provided the following responses:-

- The PSNI referred to Domestic Abuse Repeat Offenders and the complexity in this area such as the victim not being able to leave, children in the household or isolation from family. The high number of repeat

occurrences may not always equate to a criminal justice outcome with the PSNI citing occasions when officers are called to prevent an offence;

- In relation to victim engagement the PSNI referred to their ongoing quality assurance work that has seen old cases re-opened and re-investigated. The PSNI are committed to producing quality decisions and evidence based investigations;
- The PSNI referred to the work in progress on PULSE in relation to information on repeat offenders. Significant progress is reported in relation to VAWG with information available relating to district and wards;
- In relation to the camera pilot in Derry City and Strabane the PSNI suggested that this helps prevent further offending. In addition, Body Worn Video (BWV) also assists in capturing a scene and any early comments made and phone call recordings are also used;
- The PSNI referred to their ongoing work with PPS to improve evidence led investigations. Engagements with local policing are used to promote getting the best evidence from the initial phone call being received to officers on scene.
- PPS provides feedback to the PSNI if they decide not to prosecute, highlighting possible evidential gaps to help PSNI improve;
- The PSNI referred to those offenders syphoned off to Support Hubs and the multi-agency collaborative work with health and social care organisations;
- The BWV is effective, according to the PSNI, if contemporaneous but with historic domestic incidents being reported the PSNI will have no footage. The PSNI referred to the monthly dip sampling to access the quality of BWV;
- The partnership with other agencies is viewed as a team effort by the PSNI with decisions made collectively;
- The PSNI cannot provide data on victim disengagement with the criminal justice journey as they would not know at what stage this may have occurred; and

- The PSNI referred to the challenge of keeping victims engaged in the criminal justice process and preventing victim attrition through their work with PPS and partner advocacy support. The PSNI referred to evidential led prosecutions and their ongoing work with PPS to progress prosecutions.

The Chairperson thanked the PSNI for their attendance and briefing and they left.

6.2 Police Ombudsman For Northern Ireland Engagement With Performance Committee Including Annual Report 2021/22

The HRPS Manager informed Members that today provided an opportunity to engage and seek the views of the Police Ombudsman's Chief Executive on a number of issues that are of mutual interest. The HRPS Manager recalled to Members that the Performance Committee has considered PSNI Professional Standards on a number of occasions during the last year with Members receiving a presentation by PSD on their Annual Report and a Special Briefing held with PSD and senior counsel resulting in the Board publishing their response to the PSNI Professional Standards on 30th November 2022.

The HRPS Manager stated that the number of complaints received by OPONI, and matters referred for independent investigations during 2021/22, was 2,950, an increase of 17% from the previous year. This is the highest number of complaints received since 2015/16, when 3,042 complaints were received. Figures from the Police Ombudsman's latest Quarterly Statistical Bulletin up to 30th September 2022 show a total of 1,586 complaints received during the first half of 2022/23, an increase of 6% when compared with the same time period last year.

The HRPS Manager also informed Members that during 2021/22, the Police Ombudsman received 5,151 allegations, a 38% increase compared to

2020/21. The most frequent allegations are in Failure in Duty (2,480) such as conduct of police investigations or police response to incidents. There are no details in relation to specific allegations of Sexual Assault. Members were asked to note that the Police Ombudsman has considered the issue of abuse of power for sexual gain and hopes to be in a position to discuss this with the Board in the near future.

The HRPS Manager suggested that Members may wish to ascertain the views of the Ombudsman as to why there is an increase in complaints received as well as any trends or patterns identified in complaints and allegations made.

Peter Osborne declared that he had previously co-chaired the OPONI Audit and Risk Committee but he no longer does this.

The Chair welcomed the Police Ombudsman's Chief Executive, Olwen Laird, and her colleagues to the meeting and invited her to brief Members.

The Ombudsman's statistician provided an overview on a number of key areas of work including:

- Total number of complaints received by reason and police district;
- Total number of allegations received and types of allegation;
- Complaints closed and outcome of fully investigated complaints;
- Police Ombudsman's recommendations following investigation;
- Police Ombudsman surveys, public awareness of the Ombudsman, Complainant Satisfaction Report, Police Officer Satisfaction Report and Profile of Complainants; and
- Number of complaints received in Quarter 2 of 2022/23.

Members engaged in discussion with the Ombudsman Officials and sought clarity on a number of issues including: -

- The Annual Statistical Bulletin 2021/22 shows complaints received for Antrim and Newtownabbey has increased year on year, is this reflective of a small number of officers involved or the number of people making complaints;
- Concerns and process with regards serial and vexatious complainants;
- The Annual Statistical Bulletin 2021/22 shows complaints received for Derry and Strabane have decreased year on year, is this reflective of a loss of confidence in the Ombudsman;
- The Bulletin shows 42% of complaints received are from those with a disability, is this reflective of a lack of understanding by officers;
- Trends or patterns emerging in respect of multiple complaints against individual officers;
- Pattern of complaints suggesting policy guidance necessary by the PSNI in relation to any specific category of complaint;
- The difference in the statistics by geographical area and police district;

The Ombudsman Officials provided the following responses:-

- The statistical data year on year showed a spike in 2021 compared to a decrease in certain areas in 2020 most likely due to the pandemic;
- Information captured under Section 75 regarding disability is kept separate from investigations. There is no evidence of disability as a reason for complaint or those with disability being treated any differently by the PSNI;
- There is no significant increase in multiple complaints made against an individual officer. The Ombudsman reports to PSNI PSD if a disproportionate number of complaints have been made against an individual officer;
- Complaints concerning Failure of Duty has seen a significant increase;
 - The Ombudsman regularly makes policy recommendations to the PSNI;
- Abuse of position for sexual purposes is an area of concern. In 2022 the Ombudsman has received 6 referrals from the Chief Constable.

Publicity surrounding the issue of abuse of position may encourage others to submit complaints;

- The Ombudsman discusses trends in complaints with district police commanders and Senior Investigating Officers;
- The Ombudsman is reviewing the closure letters they issue following investigation to improve clarity; and
- There are less complaints received from younger people and the Ombudsman is developing an engagement strategy to address this.

The Chair thanked the Police Ombudsman Chief Executive and colleagues for attending the Committee and her presentation to Members.

Following discussion it was:-

AGREED

Officials to write to OPONI, in response to a Member request, in respect of 'Annual Statistical Bulletin 2021/22' specifically, the section relating to 'Main Situations Giving Rise to Complaints' for 2021/22, to be detailed specifically by all districts. **(AP 2)**

6.3 Human Rights Advisor Update Report November 2022

The Human Rights Advisor provided Members with an overview of areas within his current work programme including, finalising the Human Rights Annual Report 2021/22, finalising the Human Rights of Police Officers Report; and finalising the Use of Force Report on CEDs (TASER) and scoping and drafting the Privacy and Policing Report.

The Human Rights Advisor updated Members on a range of meetings he attended in November including; Performance Committee, Board meetings, senior police staff, academics, Victims of Crime Commissioner, children's rights groups, JSA Reviewer, Police Ombudsman, Seapark Gold Group, MLA Board Members, PSNI lawyers, PSNI officers and various meetings with Board officials.

He also informed Members of his December work plan including; finalising the range of reports, scoping and drafting the Privacy and Policing Report. During December the Human Rights Advisor also plans to meet with Human rights NGOs such as; NI Human Rights Commission; Irish Human Rights Commission, Information Commissioners Office; and PSNI.

The Human Rights Advisor recalled to Members that it is proposed that the Human Rights Annual Report 2021/22 is formally launched at a lunchtime seminar, together with the Human Rights Review of PSNI's Use of Force on 18th January 2023, with a panel discussion.

The Human Rights Advisor referred Members to the Privacy and Policing: Proposed Draft Terms of Reference. The Human Rights Advisor also referred Members to the response received from the PSNI outlining their current position on the use of face recognition technology.

Following discussion it was:-

NOTED

That Members were also content with the Human Rights Advisors Update Report and the remaining schedule of work for December 2022.

6.4 Update on the Code of Ethics

The Director of Performance informed Members the PSNI have now provided an update that they are at an advanced stage in the re-drafting of the Code of Ethics. The Director of Performance advised Members that the draft Code of Ethics will be a substantial piece of work for the Committee in 2023 which will be progressed in accordance with the legislation.

6.5 Review of the Draft Programme of Work - January to March 2023.

The Director of Performance referred Members to the draft Programme of Work for the Performance Committee that has been developed based on the Committee's Terms of Reference in order to guide the Committee's work over the next four months. This programme will allow officials to plan the business of the Committee and invite the appropriate PSNI officers to attend meetings. However, this also allows for scope to tackle emerging issues as they arise throughout the year.

The Director of Performance stated that over the previous twelve months the Committee's items of business have focussed on its areas of responsibility as outlined in Section 5 in relation to:

- PSNI governance and general matters;
- Other Police Performance;
- Human Rights;
- Police Professional Standards; and
- National Crime Agency.

The Director of Performance advised that the Committee's Draft Programme of Work from January to March 2023 has been drafted in order to reflect these five areas and that the Programme of Work would be reviewed on a regular basis with flexibility to deal with issues arising in Committee.

The Director of Performance asked that Members feedback on the Draft Programme of Work for January to March 2023 and identify any other areas / thematic approaches to be added to the Draft Programme for this period.

Following discussion it was:-

AGREED.

That Members were content with the Programme of Work and Officials continue on this basis.

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 No questions were identified by Members at the December 2022 Performance Committee meeting.

8. COMMUNICATION ISSUES

There were no communication issues arising from the meeting.

9. ANY OTHER BUSINESS

There were no items of any other business arising from the meeting.

10. DATE OF NEXT MEETING

It was agreed that the next Performance Committee meeting would take place on **Thursday 19 January 2023** at **9:30am**

Meeting closed at 4:10pm.

PERFORMANCE DIRECTORATE

8 December 2022

Chairperson