

NORTHERN IRELAND POLICING BOARD

**MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD ON
14 SEPTEMBER 2023 AT 9:30am**

PRESENT:

- Mr Gerry Kelly, Chair
- Dr Janet Gray, Vice-Chair
- Ms Linda Dillon
- Ms Nuala McAllister
- Mr Mark H. Durkan
- Mr Les Allamby
- Mr Mike Nesbitt
- Ms Joanne Bunting*

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

- (1-2)** T/ACC Ryan Henderson
- (1)** Supt John McCaughan
- (2)** 4 PSNI staff

**OFFICIALS IN
ATTENDANCE:**

- Mr Adrian McNamee, Director of Performance
- Mr John Wadham* (3), Human Rights Advisor
- 5 Board Officials

- (1) Present for Item 6.1 only**
- (2) Present from Item 6.2 only**
- (3) Present from Item 6.3**

*Attended via video conferencing

1. APOLOGIES

Apologies were received in advance of the meeting from Peter Osborne and Brendan Mullan.

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 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 8 June 2023.

It was **RESOLVED**:-

That Minutes of the Performance Committee meeting on 8 June 2023 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 open action AP5 from the meeting held on 9 March 2023 in respect of the Performance Committee to invite Jon Boutcher to a future meeting. The Board agreed in April 2023 to invite Jon Boutcher and a formal response is awaited.

The Director provided a response from PSNI on AP8 from the meeting held on 11 May 2023 that Officials requested if PSNI have considered the use of scanning equipment in custody suites, similar to that used in prisons, the use of which may decrease the necessity for strip searches. The response from PSNI advised that there are no current plans to introduce scanners due to a number of barriers including resources and PACE provisions. Members requested further follow up with PSNI on this issue in relation to capital expenditure.

The Director provided an update on AP1 from the meeting held on 8 June 2023 that a follow up meeting took place on 15th August. The Member found the meeting informative, particularly the details on the functionality of the ATMIS system that were provided. This system will provide better information and data in future reports with an update due to the Committee at their meeting in November 2023.

The Director provided an update on AP2 from the meeting held on 8 June 2023. A copy of the summary report is included at item 4.1 of today's agenda.

The Director provided an update on AP3 from the meeting held on 8 June 2023. A response was received on 6 July 2023 from PSNI confirming that of the 30 Children at Risk, 22 are subject to care orders.

The Director provided an update on AP4 from the meeting held on 8 June 2023. Partnership Officials were informed and consideration has been given in taking forward as part of the Board's engagement strategy.

The Director provided an update on AP5 to AP8 from the meeting held on 8 June 2023. A letter was issued to PSNI on 9 June 2023 and a response was received on 6 July 2023 and is included in full at Item 4.1 today.

The Director provided an update on AP9 from the meeting held on 8 June 2023. Where possible Officials will circulate reports and specific papers in Word format, however some documents are only available to officials in pdf format and these will continue in this format.

The Director provided an update on AP10 from the meeting held on 8 June 2023 that an email was issued to PSNI statisticians and response received 3 July 2023 and included in full at item 4.1 today.

The Director provided an update on AP11 from the meeting held on 8 June 2023. A letter was issued to ACC McEwan on 9 June 2023 and a response is yet to be received.

The Director provided an update on AP12 from the meeting held on 8 June 2023. The Committee Terms of Reference is tabled at Item 6.5 today for further discussion.

4.1 Accompanying Correspondence

Members discussed correspondence received from the PSNI in relation to the above actions:

- AP 8 - May 2023 – Officials to request if PSNI have considered use of scanning equipment;
- AP 3 - June 2023 – Officials to request numbers of Children at Risk, specifically those with Care Orders;
- AP 6 - June 2023 – Officials to write to PSNI to request PSNI provide background on T10 CED device and arrange demonstration to include representative of Axon enterprise;
- AP 10 - June 2023 – Officials to write to NISRA requesting clarification on the difference between 'national security attacks' and 'deaths attributable to security situation'.

Following discussion it was:-

AGREED

Officials to follow up with PSNI on use of scanning equipment in custody and any surplus capital budget. **(AP1)**

Officials to follow up with PSNI on the Philomena Protocol. **(AP2)**

Officials to obtain a further update from T/ACC Jones seeking further details on T10 CED device and if trials are planned in the UK or NI.
(AP3)

Officials to follow up with PSNI and Jonathan Hall (KC) on the definition of a national security attack. **(AP4)**

5. CHAIRPERSON'S BUSINESS

The Chair confirmed that a letter had issued from him on 15 June 2023 to the British Association for Shooting and Conservation outlining how the Committee had scrutinised this area of business during the February to June 2023 period. Members requested that officials continue to monitor progress in this area of work and request an update report from PSNI. **(AP5)**

6. ITEMS FOR COMMITTEE BUSINESS

6.1 PSNI Professional Standards Annual Report (Measure 2.1.2)

A Board Official informed the Committee of its responsibilities in respect of section 3(3)(c)(i) of the Police (Northern Ireland) Act 2000, regarding the Board keeping itself informed of police complaints, disciplinary proceedings and trends and patterns in complaints in PSNI. This work is undertaken by

the Performance Committee which oversees the extent to which the service is respecting professional standards of police conduct.

A Board Official presented Members with an overview of the key issues from the PSNI Professional Standards Annual Report 2022/23, including the Policing Plan Measure 2.1.2 which reports on the levels of conduct cases within the police service.

A copy of the full report was provided to Members and was accompanied by a briefing from PSNI PSD leads. The Chairperson welcomed the PSNI to the meeting.

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

- Further information on the role of the misconduct panel in PSNI;
- Increase in investigations on drug usage and the reason for this increase;
- The Integrity Matters App launched by PSNI Anti-Corruption Branch;
- Clarity on PSD involvement in the PSNI data breach;
- Time involved in investigations and specifically the time taken to consider electronic devices as part of an investigation;
- The PSD Annual Report shows that domestic abuse cases have significantly increased and Members sought information for the reason and how PSNI are addressing this;
- Delay in the Review of the PSNI's Code of Ethics; and
- Over representation of Catholic Officers suspended.

The PSNI provided the following responses:-

- PSNI advised that the misconduct panel's purpose is to protect public confidence, uphold standards in conduct and act as a preventative measure for future misconduct. At present there are 177 live investigations of which the highest categories are in the areas of sexual

misconduct, violent crime, domestic incidents, data breach and internet usage;

- PSNI acknowledge that there is an increase in drug testing within the service, along with an increase in reporting of drug related misconduct;
- PSD Anti-Corruption team have launched a new app called 'Integrity Matters' which has already seen an instrumental increase in internal reports of misconduct. Following a recent HMICFRS inspection, PSNI received positive feedback with some 'learnings' to be taken forward. The final report is due to be published shortly;
- In respect of the recent significant data breach by PSNI, Members were advised that PSD has no involvement in the investigation as the breach involves staff members and not police officers. However, they are investigating other breaches by police officers;
- With regards to time taken for investigations involving electronic devices, Members were informed that there are strict guidelines that officers must adhere to relating to the length of time data/equipment is investigated;
- There has been an increase in the reporting of domestic abuse by PSNI officers which PSNI attribute to a positive change in the internal culture with people more confident to report such crimes. There has also been an increase in reporting of domestic abuse within society which PSNI believes demonstrates increased confidence in policing. An increase in complainants from women of domestic abuse was addressed and PSNI informed Members that this is a focus within their People Strategy;
- An update was provided on the revised Code of Ethics which is yet to be finalised and shared with the Board; and
- PSNI were unable to provide a definitive answer on why there is over representation of Catholic officers on suspension. One explanation may be that recent recruits, of which there are a higher percentage of Catholic officers compared to other roles within the service, are in public facing roles and the nature of this role is more susceptible to complaints. PSNI agreed that further research would be required to provide evidence.

Following discussion it was:-

AGREED

Officials to follow up with PSNI in relation to delay on revised Code of Ethics. **(AP6)**

Officials to follow up with PSNI on Integrity Board and Sexual Misconduct review. **(AP7)**

6.2 Policing Plan Measure 1.4.1 & 2.4.1 – Crime Rates and Outcomes

The PPM Officer outlined that this is the first time members will have considered PSNI performance on these measures within this reporting year and highlighted that analysis is provided on the PSNI's OBA report cards relating to Measure 1.4.1 and Measure 2.4.1.

The PPM Officer explained to Members that with regards to crime and Anti-social behaviour, the current crime rate is 57.8 per thousand population (as at the time of reporting), this is a slight reduction since the end of 2022/2023 when it was 58.6. However, this is still higher than all previous years. The crime rate for the 2022/2023 financial year in Northern Ireland was 58.6, an increase of 1.9 crimes per thousand population compared to the previous year. The PPM Officer added that Northern Ireland has moved from first to the second lowest crime rate when compared to its Most Similar Forces. The PPM Officer noted that the current Anti-social behaviour rate is 24.9 incidents per thousand population, which is similar to last year. The PPM Officer stated it would therefore appear that the previously noted sharp increase in crime rates and the decrease in Anti-social behaviour since Covid are beginning to slow.

In relation to crime outcomes, the PPM Officer stated there is a largely positive picture with noted increases in the charge/summons and out of court rates for all crimes and domestic abuse. Northern Ireland has significantly higher outcome rates compared to its Most Similar Forces. The PPM Officer suggested Members may wish to ask for further clarification whether this is a true comparison and are there differences in how outcome rates are categorised.

The Chairperson welcomed the PSNI to the meeting. He invited them to present to Members on the work relating to Measure 1.4.1 and 2.4.1 Crime Rates and Outcomes.

The PSNI presented information and commentary on their performance to date in these Measures and discussed with Members the work carried out on a number of key areas including:

- The PSNI informed Members that Northern Ireland is the 2nd safest place to live in the UK and this should be celebrated as a good news story. The PSNI added the charge and summons and out of court rates are also much higher than the UK.
- It was highlighted to Members that 18.4% of drug seizures have been brought before the courts. This is up 3.5% from 2022. 2022/23 there has been 8,934 seizures, 3,440 arrests due to drugs;
- The PSNI referred to Domestic Abuse outcome stating that Domestic Abuse outcomes are up 4% and now sit at 44%, they used to be less than 30%. PSNI are proactive as seen by the charge rate of 18.4% which is treble other forces in the UK and is 20% for Domestic Abuse offences. The rape outcome rate is 8% which is also treble compared to the UK rate but could be even better. The new Domestic Abuse legislation has been drafted 1.5 years now and includes new offences of stalking and non fatal strangulation. There has been 137 stalking arrests and 79 people

charged. They discussed with Members that domestic abuse is still largely under reported;

- There has been a slight increase in victims of Domestic Abuse and PSNI have been proactive in bringing offenders before the courts.
- The PSNI referred to overall Crime figures which are 4% lower this financial year and are starting to decrease since Covid. There has been a reduction in violence against the person offences. The PSNI added the Home Office counting rules led to double counting and now only the more serious offence is counted. Acquisitive crime is going up, in particular shop lifting. The PSNI added overall crime is reducing but is still at the second highest level in recent years;
- In relation to hate crime, the PSNI reported 11.1% of hate-motivated offences have resulted in a Charge/Summons outcome this current rolling 365 compared to 18.7% of overall crime. Hate crime is still under reported and the PSNI is working hard to improve confidence;
- An audit conducted by NPCC portrayed positive results from PSNI in tackling hate crime to a high standard through strategic oversight and robustness in systems. Speedy referrals and immediate support also played a part; and
- There is continuing work with DoJ on the hate crime bill.

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

- A Member queried what capacity is there within PSNI to react an ever changing environment and budget and also the mental health and wellbeing of officers due to the nature of their work;
- A Member referred to the rise in the attrition rate for domestic crime;
- A Member referred to the rape statistics and why there had been a 10% increase in referrals to the rape crime unit;
- Attention was drawn by a Member to the 6-8 month delay in referring Officers to Occupational health;

- A Member raised the Service Level Agreement (SLA) with the PPS and the 60 ongoing investigations and whether PSNI had considered extending this out to other areas of crime;
- Further clarity was sought by a Member in relation to how PSNI review the effectiveness of the Ask Angela initiative;
- A Member queried the increase in shop lifting rates and asked if this is due to poverty and need for basic commodities and whether drug seizures are only scratching the surface;
- A Member queried whether there was a geographical trend to the increase in shoplifting or is it consistent across NI;
- A Member referred to the impressive outcome rates compared to other areas of the UK but queried how drastically different are the variations counting these in England and Wales;
- A Member queried whether we should be doing more to publicise these outcome rates as its good news in the midst of some negative publicity;
- A Member expressed disappointment in PSNI engagement with the LGBTQ community and highlighted the need for work to be done regarding attitudes on those within the LBGTQ community who have been victims of abuse; and
- A member queried the Occupational Health referral process and if a self-referral can be made by Officers.

The PSNI provided the following responses:-

- In relation to the capacity to react to an ever-changing environment, the PSNI advised this positive performance was achieved during a backdrop of reduced resources. The PSNI also advised that although there is continued pressure in terms of resourcing the PSNI has various frameworks for prioritisation and has great data which helps provide early warning signs;
- The PSNI added the new offences added for domestic abuse means better tools for officers to deal with the issue. Stalking protection orders

cost £800 each to tackle and they will do a few hundred a year. They will start at the end of the year;

- The PSNI advised that the mental health and wellbeing of officers is of great importance. PSNI advised officers are happy to avail of support provided by PSNI. There are tools available to help Officers i.e. as part of the Personal Development process there are monthly check-in's however, PSNI recognise there is still more to do. The PSNI added they did consider whether they needed to move staff on in the serious crime unit after a period of time but the feedback from staff was, they didn't want to;
- In relation to the attrition rate for domestic abuse, the PSNI explained they did a report two years ago which they can re-share. 65% of victims of domestic abuse are female and there are multiple reasons why they are reluctant to report such as they don't want to break up the family unit. They have met with the PPS in relation to evidence led prosecutions, but they struggle to track those numbers. Domestic abuse advocates is one of the tools and body worn video can still be used if the victim withdraws. Operation Encompass shows that children are also victims and there has been 11,000 referrals to schools;
- In relation to the increase in rape crime, the PSNI have also reflected on Covid and how it has impacted on the reporting of rape crime. There was a drop off during Covid but the PSNI report a 5 year average figure which is steady. The PSNI recalled to members that the 'Ask Angela' initiative is used in 220 bars across Belfast and they continue to work with Colin Neill (Hospitality Ulster) from the night time economy group to address all areas of crime. The PSNI advised a new training scheme has been rolled out in the last few weeks to address improve officer awareness and how to address victims;
- In relation to the delay in Occupational Health the PSNI acknowledge this has had an adverse impact on all departments. The PSNI informed Members of peer support groups that are in place which aim to support staff through different schemes – preventative and reactive;

- The PSNI stated they are developing an SLA with the Serious Crime Unit in the PPS and 6,000 officers have been trained in the new offence. Service gatekeepers review not guilty files before they go to PPS and there is also dip sampling. However, there are no specific plans to roll out the SLA to other crime types;
- With regards to an increase in shop lifting rates PSNI confirm statistics show that the Cost of Living Crisis has played a part in this increase. The PSNI also advise that self-service check outs provide 'opportunity' for offenders, but supermarkets aren't pushing for prosecutions. There is also anecdotal evidence of alcohol being taken;
- In relation to measuring the effectiveness of the 'Ask Angela' the PSNI discussed that although there was initial reluctance from bars to sign up they now have hospitality Ulster involved and it is progressing well. PSNI plan to reinvigorate the scheme towards end of year 1 and then year 2 will look at statistics and review the scheme;
- In relation to drug seizures having an impact, the PSNI stated there has been a lot of tragic deaths by Pregabalin so the misuse of prescription medication is a concern. The PSNI added it is available by the postal system and the dark web but Operation Dealbreaker and partnership with the NCA has been successful;
- In relation to outcome rates compared to the UK, the PSNI stated the variations don't affect the overall counting rules;
- It was highlighted to Members that with regards to the LGBTQi+ community there is a lot of ongoing work in this area following Hate Crime Awareness week last year. PSNI are aware there is further training to be carried out with Officers and that on a wider scale more needs to be done on cultural awareness within PSNI;
- The PSNI informed Members that in relation to Occupational Health referrals are made by Line Managers but individuals can refuse to attend. In severe cases referrals are automatic even if refusal from the Officer. Line Managers can also make the decision to redeploy or put on sick leave. There is also psychological screening and consideration has also

been given to police staff who may also be affected by viewing materials;
and

- PSNI informed Members that geographical location is a determining factor in shop lifting figures and the PSNI can provide this data.

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

Following discussion it was:-

AGREED

Officials to follow up with PSNI on geographical breakdown in recent increase in shop lifting crime. **(AP8)**

6.3 Human Rights Advisor Update Report June- August 2023

The Human Rights Advisor provided Members with an overview of areas within his current work programme during June – August 2023 including, finalising of the Privacy and Policing report, finalising of the Strip Searching of Children and Young People in PSNI Custody report, drafting the Human Rights Annual Report and 5 Year Review, researching and drafting of two papers to the Board relating to the IPT cases and the PSNI Data Breach.

The Human Rights Advisor updated Members on his attendance at a range of meetings including; Board meetings, Performance Committee, training event for custody visitors, JSA stop and search, launch of the Board's Human Rights reports, preparation meetings for the events of the 11th & 12th July, Electoral Commission, DoJ officials, DCC, new PSNI legal advisor, other PSNI officers and various meetings with Board Officials. He also informed Members of his September work plan including, drafting the Human Rights Annual report and Five-Year Review.

The Human Rights Advisor outlined the draft Terms of Reference for the upcoming Human Rights Review of Policing Children and Young People. Members provided comments and proposed changes to the draft Terms of Reference. Officials agreed to make the proposed changes to the draft and share it with Partnership Committee for further comments.

Following discussion it was:-

NOTED

Members were content with the Human Rights Advisors Update Report .

It was:-

AGREED

That the Human Rights Review of Policing Children and Young People Terms of Reference be amended to take account of Members' comments. **(AP9)**

The Human Rights Advisor to advise on an update of the specific recommendations in Human Rights Report on Policing and Privacy. **(AP10)**

6.4 PSNI's bi-annual report on use of Spit and Bite Guards

A Board Official presented Members with an update on PSNI's Use of Spit and Bite Guards. This Report is the third six monthly report received by Performance Committee on this issue since their permanent introduction in June 2022.

Members discussed a number of issues contained within the Report including:

- The increased use on Children and Young People;
- The increased use on Catholics;
- The role of an independent equality advisor within PSNI;
- The duration that Spit and Bite Guards were applied for; and
- The use of ethnic minorities.

Members requested that further information is sought from PSNI on these issues. Members also discussed a proposal from the Human Rights Advisor to move future reporting on this issue to an annual report and be included within a wider Use of Force report.

Following discussion it was:-

AGREED:

That Officials would write to PSNI to request an Annual Report on Spit and Bite Guards; and

Officials to write to PSNI to request further information on the reasons for the increased usage of Spit and Bite Guards on Children and Young People, Catholics and Ethnic Minorities and also to provide further information on the role of the equality advisor. **(AP11)**

To move to annual reporting but requested that the Human Rights Advisor and Board official continue to attend the PSNI Service Accountability Panel meetings on this issue and to report to the Committee on a six monthly basis in order to keep Members informed of any developments during the reporting year.

6.5 Committee Terms of Reference

The Director of Performance reminded Members that as part of an annual review, the Committee reviewed its Terms of Reference at the June meeting. As part of this review Members requested that officials bring back further information in relation to two areas, namely the monitoring of recommendations and the role of the NCA.

In relation to the monitoring of recommendations made regarding the PSNI, the Director of Performance outlined the Overview system, the role of the PSNI's Senior Management Board, the role of the PSNI's Audit and Risk Committee and also the role of oversight bodies such as HMICFRS and CJINI. The Director also outlined the current relationship between the Board and the NCA and the details contained within the Memorandum of Understanding (MOU) between both organisations. He also highlighted that the current MOU is overdue a review and requested any comments from Members to be taken into consideration.

Following discussion it was:-

AGREED

Members agreed the current Terms of Reference to be proposed to the next Board; and

Officials to issue Members with a copy of NCA MOU and request any comments be added. **(AP12)**

6.6 Business Interest Appeal

The Director of Performance briefed Members in relation to a PSNI Business Interest Appeal received by the Board in accordance with the Regulations. The Director informed Members that the timeframe for the appeal set out in the Regulations was

unable to be met as the September Committee meeting was the first opportunity for Members to consider the appeal. Members noted that the appellant and PSNI had been informed and were content. The Director outlined the main points of the appeal for Members as follows:

- An Officer has applied for a business interest (dog walking) as per the Regulations and Service Instructions;
- The Officer was at the time and is currently suspended from duty;
- The Public Prosecution Service returned a decision of no prosecution in relation to the misconduct investigation regarding the officer in June 2022;
- In accordance with the Regulations, the PSNI Business Interest Panel considered the application in April 2023 and rejected it citing the Service Instruction relating to Conduct and Impact on the police service as the rationale for its decision;
- The Officer appealed this decision to the Chief Constable and this appeal was considered on behalf of the Chief Constable by an ACC;
- The ACC upheld the decision of the Business Interest Panel and set out a detailed consideration of the rationale for his decision in correspondence to the officer.

As per the Regulation 8(b) of PSNI Regulation 2005 the officer is permitted to submit an appeal to Policing Board.

Members discussed the case and invited the views of the Human Rights Advisor. Members considered that on the balance of the evidence provided it agreed to uphold the decisions of the Business Interest Panel and the Chief Constable and reject the Business Interest Application. Members agreed that the Committee would recommend this to the Board in October.

7. QUESTIONS FOR THE CHIEF CONSTABLE

- 7.1 One question was identified by Members at the 8 June 2023 Performance Committee meeting. The Chief Constable's response was **NOTED**.

8. COMMUNICATION ISSUES

There were no communication issues arising from the meeting.

9. ANY OTHER BUSINESS

There were no items identified.

10. DATE OF NEXT MEETING

It was agreed that the next Performance Committee meeting would take place on **Thursday 12 October 2023** at **9:30am**

Meeting closed at 1:30pm.

PERFORMANCE DIRECTORATE

14 September 2023

Chairperson