

NORTHERN IRELAND POLICING BOARD

**MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD ON
8 February 2024 AT 9:30am**

PRESENT:

Mr Gerry Kelly, Chair
Dr Janet Gray, Vice-Chair
Ms Linda Dillon*
Mr Brendan Mullan
Mr Peter Osborne
Ms Nuala McAllister
Mr Mike Nesbitt
Mr Frank McManus*
Mr Les Allamby
Mr Trevor Clarke

**EX-OFFICIO MEMBER
IN ATTENDANCE**

Mr Edgar Jardine*

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

(1) ACC McEwan
(1) C/Supt David Beck
(1) Superintendent Lindsey Fisher

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

(2) T/ACC Jones
(2) C/Supt Gary McDonald

**OFFICIALS IN
ATTENDANCE:**

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

- (1) Present for Item 6.1 only
- (2) Present from Item 6.2 only
- (3) *Attended via video conferencing

1. APOLOGIES

Apologies were received from Mark H Durkhan.

The Chair of the Performance Committee informed Members that Joanne Bunting has been appointed as Chair of the Justice Committee and therefore has left the Performance Committee with immediate effect.

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”.

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 14th December 2023.

It was **RESOLVED**:-

That Minutes of the Performance Committee meeting on the 14th December 2023 were agreed with the caveat that item 7.1 was removed.

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 AP12 from the meeting held on 14 September 2023 in relation to updating the current MOU with the NCA. The MOU with tracked changes issued to NCA on 16th October 2023. It has been reviewed by NCA legal department and updated with further proposed changes. These amendments have been tabled at Item 6.5 of today's agenda.

The Director provided an update on AP3 from the meeting held on 12 October 2023 that Officials to write to PSNI requesting a response to the Annual report of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007 and invite PSNI to future meeting to discuss issues in the report. Correspondence issued to T/ACC Mel Jones on 16th October 2023 and response discussed at November Committee meeting. T/ACC Mel Jones will attend today's meeting and discuss this item at 6.2.

The Director provided an update on AP2 from the meeting held on 9 November 2023 that the Human Rights Advisor would follow up with the Chief Constable in due course on the issues of PACE and TACT arrests. The Human Rights Advisor is still to follow up in due course.

The Director provided an update on AP3 from the meeting held on 9 November 2023 that Officials to respond to the correspondence from T/ACC Jones on T10 CED device seeking information on PSNI's long term plans and to keep Board informed on future decisions on pilots or introduction of the devices. Correspondence issued to T/ACC Mel Jones on 13/11/23. PSNI organised a T10 demonstration on 30 January 2024 which six Members attended as well as three officials. The Director invited those Members who attended to provide some feedback on the demonstration. Members discussed the demonstration stating how beneficial it was. Members

indicated that they would like to raise further queries in relation to the T10 model. The Director requested that members forward these queries to him over the next week.

AGREED

Officials to request issues raised by Members regarding T10 CED device and submit to T/ACC Mel Jones. **(AP1)**

The Director provided an update on AP4 from the meeting held on 9 November 2023 that Officials follow up with OPONI Officials to request a further breakdown of the 50 complaints at Inspector and above rank listed on Table 24 (Page 36) of the OPONI Annual Statistical Bulletin. Additional information is provided in relation to Care Allegations, equipment and officer complaints. Members were content with this information.

The Director provided an update on AP1 from the meeting held on 14 December 2023 that Officials to write to T/ACC Jones regarding wider issues on Spit and Bite Guards, to arrange viewing of the BWV to Members and to discuss the JSA Reviewer's recommendations. These items are on today's agenda at 6.2.

The Director provided an update on AP2 from the meeting held on 14 December 2023 that PSNI are to share a copy of their correspondence to the Department of Health about joined up government. This correspondence was included at Item 4.1 for Members information.

The Director provided an update on AP3 from the meeting held on 14 December 2023 that Officials to consult with PSNI and consider if it is possible to add 3/5/10 year trends to Measure Report Cards. This issue was raised in relation to 1.1.1 Repeat Offenders. The PSNI have advised they

only have data back to January 2021 for repeat offenders and there is often societal changes and changes in recording practices which makes comparison difficult in certain measures. The makeup of crime and offending is very different to ten years ago. However with other policing plan measures the PSNI are able to provide longer term trend data over 3/5/10 years and officials would make this available where possible. Members were content to close this action.

The Director provided an update on AP4 from the meeting held on 14 December 2023 that Officials to share the Terms of Reference for the Custody Scrutiny Panel with Members. These were included in Member's papers. Members discussed the draft Terms of Reference and following discussion:

AGREED

Members advised that Officials should not attend PSNI panels and that Board officials should be removed from the Strip Searching of Juveniles Scrutiny Panel TOR. **(AP2)**

The Director provided an update on AP5 from the meeting held on 14 December 2023 that Officials to request a copy of the PSNI's policy regarding adding flags to the NICHE system. This information has been requested and we are currently awaiting a response.

The Director provided an update on AP6 from the meeting held on 14 December 2023 that Officials to prepare options paper on Legally Qualified Chairs for disciplinary panels within PSNI. An update on the Review of PSNI Professional Standards, Recommendations for Improvement, November 2022 including on Legally Qualified Chars is tabled at Item 6.7 on today's agenda.

The Director provided an update on AP7 from the meeting held on 14 December 2023 that Official to confirm details of meeting with HMICFRS in January 2024 and make arrangements with Committee members. The Director confirmed that a meeting with HMICFRS took place on 15th January 2024 with two Committee Members attending. This action is now considered closed.

The Director provided an update on AP8 from the meeting held on 14 December 2023 that Officials to write to PSNI regarding whether personal profiling is carried out on officers as part of the vetting process. PSNI have clarified that general 'personality profiling' is not carried out as part of the vetting process. However, Members requested further clarification on personal profiling and personality profiling.

The Director provided an update on AP9 from the meeting held on 14 December 2023 that Officials to reissue Human Rights Five - year Review Report for comments. The Director confirmed that the Report was re-issued to Members for comments and comments were received and considered and an update is provided on today's agenda at Item 6.4.

The Director provided an update on AP10 from the meeting held on 14 December 2023 that Members review the Draft Programme of Work again at February Committee following Members discussion at away day in January. The draft Programme of work is tabled today at Item 6.6 for further discussion and feedback from Members.

5. CHAIRPERSON'S BUSINESS

The Chair confirmed that there were no items of business.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Policing Plan Measure 1.4.2 Violence Against Women and Girls

The Policing Performance Manager (PPM) outlined that this is the second time the Performance Committee has considered Measure 1.4.2 Violence Against Women and Girls (VAWG) report, the last time being October 2023. Members were asked to consider this measure through the provision of the PSNI OBA report card and the Tackling Violence against Women and Girls action plan in line with methodology adopted for the Policing Plan 2020-2025 and Annual performance plan 2023/24.

The PPM asked Members to note that the briefing paper attempts to draw out the baseline data and draft impacts for this Measure. This section serves as a summary of the key data provided in the PSNI's report card to assist Members in the scrutiny of this area.

The PPM recalled to Members that PSNI launched the first formal VAWG Action Plan for Northern Ireland on 27 September 2022, this can be found at Annex B. One year on, Members may welcome the updated detail contained in the VAWG Action Plan which can be found at Annex C. It was highlighted that 23 of the 41 actions had been completed with significant progress made on the further 18. As no update has been provided on the 18 outstanding actions, Members may wish to ask the PSNI for a more detailed update on the progress of the remaining 18 actions.

The PPM informed Members that the report card provides a variety of VAWG related data. These offences account for 22.9% of overall crime with 24,282 offences, this has reduced from 27,581 offences or 12% on the previous 365 day period. Members will welcome this reduction as VAWG has been increasing since 2017/2018, however the PSNI state this reduction has occurred as a result of the reduction in violence against the person offences which are partly attributed to changes in counting rules and improved crime

recording. The long term VAWG trend levels are still historically high and it is hoped that the current reduction can be sustained.

The PPM asked Members to note that with regard to the draft impact for this measure which asks '*when compared to other most similar police services have the trends in Violence Against Women and Girls offences increased or decreased*' in Northern Ireland, the PSNI have not provided an update in their report card. Members will recall this was provided verbally at the last Performance Committee.

The Chairperson welcomed the PSNI to the meeting. He invited them to brief Members on the work relating to Policing Plan Measure 1.4.2 Violence Against Women and Girls

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 good progress has been in this area without a major shift with a reduction in sexual offences of 2.9%;
- The reduction in VAWG offences is primarily due to a reduction in violence against the person offences which is down 13%. This can be partly attributed to changes in counting rules and improved crime recording;
- The PSNI informed Members that 23 out of 41 recommendations are complete and 7 are near completion. PSNI advised this is a living document;
- It was highlighted to Members that there is a charge/summons rate of 36.5% for the new offence of Non Fatal Strangulation;
- Domestic Stalking orders have seen a reduction in the past 365 days and are down by 22.3%;
- Media awareness around VAWG continues to be a focus within PSNI with continuous professional development;

- The PSNI referred to the Safer Places campaign which is an initiative that provides support in a range of settings for people requiring information on domestic violence. Districts and PCSPs have been asked to hold at least 1 public meeting on VAWG which will be completed in March. PSNI advise steady progress continues to be made in this area with the key focus now on raising awareness at a local level;
- Safe Socialising is a new initiative. This initiative has strands of VAWG embedded in it and enables PSNI to work with the hospitality sector to create safe social spaces;
- The Ask Angela scheme continues to display positive results with powerful testimonials recorded. 290 premises have now signed up to the scheme;
- The PSNI provided a brief overview on the Geoportal which offers a proactive visible approach in identifying hotspots and highlight areas where VAWG is more likely to occur based on historic data. The main focus at present is on those key locations;
- Operation Vigilant focuses on predatory behaviours. Learnings from previous operations are being carried forward to enable the developments of protocols; and
- PSNI informed Members work has commenced with regards to Adult safeguarding within a care setting.

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

- A Member asked for clarity on the protocol for removing an officers firearm where there is evidence it is used as coercive control in a domestic setting and could be viewed as a threat. The Member also asked for an update on human trafficking;
- Further information was sought on Operation Roric specifically in relation to number of cases and where PSNI are at with it;
- A Member commended the positive increase in reporting however, they would like to know if and when PSNI envisage numbers coming down;

- A Member noted there were lots of organisations involved in the licensing area and asked who was in charge;
- A Member queried at what stage do PSNI view the Ask Angela focus to switch from threat to harm;
- In respect of Stalking and harassment figures, a Member asked for further clarity on why there is an increase in figures and how stalking prevention orders are working;
- A Member expressed their opinion that there needs to be more focus on perpetrator behaviours in order to gain a more fulsome picture;
- Attention was drawn by a Member to figures on Charged/Summons rates and the need for PSNI to proactively reduce this;
- A Member referred to the VAWG outcome rates and that 37% of victims do not support and asked how many of these were repeat victims and what is the PSNI doing to reduce this; and
- In relation the MARAC process, a Member asked for an update on the review.

The PSNI provided the following responses:-

- With regards to removal of personal firearms from a police officer PSNI advised that the VAWG strategy is centred on police as protectors. Any indication of firearms being used as a means of control/intimidation would see the officer being brought before a Firearms Access Procedures;
- PSNI informed Members they would come back in writing regarding an update on Operation Roric;
- In relation to human trafficking there is a C1 event soon and does involve VAWG. In December they carried out operations visiting the likes of car washes and nail bars;
- In relation to the VAWG statistics reducing the PSNI advised unfortunately they can't accurately predict and they can never be fully satisfied. PSNI added it used to take an average of 21 incidents before people came forward and it is a multi-agency issue. There are new concerns such as

the digital enabling of young men and the threat of AI images. There probably will be a levelling off point but they don't know when;

- In relation to the licensing industry they all have their own roles and the PSNI are responsible for enforcing licensing laws not the safety of patrons inside. There are contributions to the Night Safety group which brings it all together;
- The PSNI advised that the Ask Angela scheme is continually assessed and feedback continues to be studied;
- In relation to Stalking and Prevention Orders, PSNI informed Members that procedure states that 3 incidents must be reported before it can be recorded as an offence. New regulations around this order have just been implemented which provides greater opportunity to apprehend;
- The PSNI informed Members that conversations regarding perpetrator behaviours are happening with a better understanding acquired in the hope that early interventions can be applied. The PSNI reiterated the need for greater synergy across various organisations to be successful;
- In respect of the Charged/Summons rate, PSNI informed Members that the biggest barrier they face is the length of time it takes to bring to court which ultimately results in victims withdrawing. There is a lot of outcomes still not assigned. In regard to sexual cases this tends to be a complex area where victims tend to not want to report for various reasons. PSNI continue to work closely with CIJNI in an evidence led space; and
- In regard to MARAC, it is broken and they need to completely reshape what they do but they haven't met as a group yet. However they have seen an early terms of reference to better inform their chairs and provide a suite of options. More detail can be provided in writing.

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

Following the discussion it was:-

AGREED

Officials to follow up with ACC McEwan on Operation Roric, domestic abuse statistic and MARAC issues raised under Item 6.1 VAWG. **(AP3)**

6.2 PSNI update on the Independent Reviewer of JSA Recommendations and Use of a Spit and Bite Guard on a Child

The Director of Performance reminded Members that the Performance Committee examined the latest Annual Report of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007 (Professor Marie Breen-Smyth) in detail at its meeting of 12th October 2023. Following this meeting the Committee requested that the PSNI provide them with a progress report on the implementation of the recommendations to date. This was tabled at the November 2023 meeting and Members requested that PSNI attend Committee and provide a formal update. Officials have arranged for T/ACC Mel Jones to attend Committee and brief Members.

The Director of Performance also reminded Members that at the December 2023 Committee meeting Members were informed of the incident of the application of a Spit and Bite Guard to a child. Members requested sight of the Body Worn Video of this incident. T/ACC Mel Jones will present this video to members during this item.

The Chairperson welcomed the PSNI to the meeting. He invited them to brief Members on the Independent reviewer of JSA recommendations and use of Spit and Bite Guard on a Child. PSNI briefed Members on video footage of the Body Worn Video incident and background information to the incident was provided to set the context. Footage of the Body Worn video was then played to Members.

Members discussed the following points with PSNI after viewing the BWV footage: -

- A Member voiced their concern regarding the PSNI officer in the BWV footage wearing sunglasses. They expressed their view that this undoubtedly prevents eye contact and looks quite sinister;
- A Member queried how long the Spit and Bite guard was used on the child;
- Members voiced their concern that early intervention is needed in situations like this and a Multi-Agency approach is crucial;
- A Member queried what de-escalation methods were used, if any, as it is not evident from the video footage;and
- A Member questioned how sustainable it is for the PSNI in terms of resourcing to continue to deal with cases regarding Mental Health.

The PSNI provided the following responses:-

- The PSNI advised Members they did not know how long the spit and bite guard was used on the child and would revert back with this information;
- With regards to early intervention strategies, PSNI acknowledged they should not be first respondents. The PSNI welcomed the Board's acknowledgement that a Multi-agency approach is vital in addressing these issues and fully welcome any assistance from Board in resolving this;
- The PSNI informed Members that a risk assessment would have been carried out by the PSNI before entering the premises and that it would be standard procedure to try to de-escalate a situation in the first instance. They did advise they have attended this same premise 70 times;
- In relation to sustainability, the PSNI informed Members that a new initiative 'Right Care, Right Place' is currently being reviewed by ACC Henderson which looks at identifying the right agency to deal with

health related calls, rather than police being the first responder. They advised Members that on average they receive twenty two and a half thousand calls per month related to mental health and that from January – March 2023 Officers spent 838 hours at hospitals due to mental health related incidents. These statistics highlight the huge impact on resources. PSNI advised Members they are currently engaged with the Department of Health on these issues.

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

- A Member queried how PSNI manage the Recommendations and ensure they are progressing;
- A Member queried recommendation 2.9 regarding JSA on the Irish Traveller Community and if PSNI have any plans to engage with the Irish traveller community and a timescale for this;
- A Member requested further information on Community Background Monitoring and what the timescale is around this; and
- A Member questioned why the Irish traveller Community are a new threat.

The PSNI provided the following responses:-

- PSNI assured Members that all recommendations are taken seriously and are very much a work in progress;
- With regards to engagement with the Irish traveller community PSNI informed Members there has been a deep dive into the Irish Traveller background with events held with Children and Young people; and
- In relation to JSA on the Irish Traveller Community being viewed as a new threat the PSNI advised that an analysis is currently being conducted on the 373 Irish Traveller stops which occurred in the last 12 months.

Following discussion it was:-

AGREED

Officials to follow up with T/ACC Jones on her recent correspondence to DoH regarding the use of a Spit and Bite Guard on a child. **(AP4)**

Officials to follow up with Board Member on JSA recommendations in relation to queries raised on Irish Travellers and Community Background . **(AP5)**

6.3 Human Rights Advisor Monthly Report – December 2023 & January 2024

The Human Rights Advisor provided Members with an overview of areas within his current work programme during December 2023 and January 2024 including, continuing to draft the Five-Year Review and Human Rights Annual Report and scoping and drafting the Children and Young People and Policing Report.

The Human Rights Advisor updated Members on his attendance at a range of meetings over the last eight weeks. He also informed Members of his February work plan including, finalising the 5 Year Review and Human Rights Annual Report, drafting the Children and Young Persons Report, attending the IPT case taken by journalists against PSNI, Board and Performance Committee and assisting with preparation of other reports and Meetings with PSNI officers and others.

Following discussion it was:-

NOTED

Members were content with the Human Rights Advisors Update Report and the remaining schedule of work for February 2024.

6.4 Human Rights Five Year Review

The Human Rights and Professional Standards (HR&PS) Manager reminded Members that the Performance Committee had the opportunity to discuss the draft Human Rights Five-Year Review at their December Committee meeting. Following this meeting, Members were provided with the opportunity to make comments and provide feedback on the current draft.

Following consideration of the full five-year report at the December meeting, Members forwarded a number of helpful comments, which have been considered by the Human Rights Advisor and changes have been made in relation to most of these and which will be set out as tracked changes in the next version of the Report in March. There are, however, some comments which were received which require further discussion at this Committee in order to try to achieve consensus and to agree a reversion for recommendation to the Board, which again will be brought to the March Committee meeting.

Members were asked to note that the Committee wrote to the PSNI asking them to respond to the recommendations to several previous reports from the Human Rights Advisor. It was hoped that these responses would be available by the end of the last year and would inform this report. Again, this has been delayed and, final versions had not been received at the end of January. Both these delays by the PSNI have, therefore, impacted the timeframe for finalising the Report, which has now had to be pushed to the March Committee meeting.

At the December Committee meeting Members requested the production of a shorter more succinct, stand alone, Executive Summary Report to support the full report. The Advisor reported that he has drafted this summary document which pulls together key elements of PSNI's compliance with the Human Rights Act over his five-year tenure. This Executive Summary Report will also be brought to the next Committee meeting for Members' consideration and approval.

Members were requested to consider the update provided.

Following discussion it was:-

AGREED

Members requested that Officials share the draft Human Rights 5 Year Review two weeks in advance of the March Committee. **(AP6)**

6.5 Draft NCA Memorandum of Understanding

The Director of Performance reminded Members that on 3rd March 2016 the Chair of the Policing Board and the Director General (DG) of the National Crime Agency (NCA) signed the first Memorandum (MoU) between the Northern Ireland Policing Board and the Director general of the National Crime Agency concerning the NCA in Northern Ireland. The Performance Committee carried out a review of the MoU in 2019 and updated MoU was signed in December 2019.

Members were informed that Paragraph 10.1 of the MoU states '*The arrangements set out in this MoU will be reviewed every two years*'. However, due to the interruption of Covid and the change in Director General last year a review did not take place in 2022 and one is now overdue. This

paper identifies updates that are required to be made to the current MOU to bring it up to date.

At the Performance Committee (12th October 2023) meeting, Members agreed to a number of amendments to the draft NCA MOU. The majority of these were updating or presentational, with two substantial changes.

These tracked changes were then shared with the NCA secretariat for further consideration. The Board's changes are recorded in the tracked changes version of the draft NCA included at **Annex A**.

During November and December 2023, internal departments of the NCA including legal have considered and reviewed the draft MOU. The NCA have now returned the draft with a number of further changes identified. These changes are included in the draft MOU enclosed at **Annex A** in a tracked changes version of the document.

Members were requested to consider the proposed changes identified in the draft MOU. Members discussed the MoU and identified three areas where the wording used is not reflective of the Board's position and requested that this be corrected. It was requested that the NCA's proposed changes in these three areas should not be accepted.

Following discussion it was:-

AGREED

Officials to follow up on the NCA MOU and discuss Members views on the NCA proposed changes. **(AP7)**

6.6 Draft Committee Programme of Work

The Director of Performance directed Members to a draft Programme of Work that has been developed based on the Committee's Terms of Reference in order to guide the Committee's work over the next six 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 reminded Members that the Committee's Terms of Reference were recently updated and agreed at the Committee's meeting of 14th September 2023. The Committee's items of business have focussed on its areas of responsibility as outlined in Section 5 of the Committee's Terms of Reference in relation to:

- PSNI Governance and General Matters;
- Other Police Performance;
- Human Rights;
- Police Professional Standards; and
- National Crime Agency.

Members considered the Draft Programme of work for February to June 2024 and

AGREED

To proceed with this draft Programme but allow for the possibility of issues emerging that the Committee would consider in due course. Members also requested that time is programmed into the schedule to complete a meaningful self evaluation of the Committee's performance over the past 12 months **(AP8)**.

6.7 Update on Review of PSNI Professional Standards, Recommendations for Improvement, November 2022

The Human Rights and Professional Standards (HR&PS) Officer provided Members with an update on the six recommendations made by the Board in relation to the review of PSNI Professional Standards Department (PSD) which was published on 30 November 2022. A copy of the full report was provided at **ANNEX A**.

At the December 2023 Performance Committee meeting Members asked for an update regarding Legally Qualified Chairs and police misconduct hearings. This has been covered under Recommendation 2 – Chairing Misconduct Hearings.

Members were requested to note the update on the recommendations contained within the paper; and note the update in relation to Legally Qualified Chairs.

Members requested that an options paper be developed in relation to Legally Qualified Chairs.

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 Members identified the following 2 questions to ask the Chief Constable:

Could the Chief Constable provide an update on the “Rape Myths Training” for officers and when this is expected to be fully rolled out to all officers and staff? Members were informed that to date 350 officers have undertaken this training and it has yet to be delivered to 4,000 officers and staff.

Could the Chief Constable provide an update on the development of the 7 year strategy with the Public Prosecution Services aimed at investigating and prosecuting serious sexual offences and if there is any update on its launch?

7.2 Members noted the responses from PSNI that had been provided to the previous Chief Constable questions.

8. COMMUNICATION ISSUES

No communication issues were identified.

9. ANY OTHER BUSINESS

10. DATE OF NEXT MEETING

It was agreed that the next Performance Committee meeting would take place on **Thursday 14th March 2024** at **9:30am**

Meeting closed at 1:30pm.

PERFORMANCE DIRECTORATE

8th February 2024

Chairperson