



FREEDOM OF INFORMATION REQUEST

FOI Reference number: 22/2022

Date: 8th July 2022

Request:

I would request you to arrange to provide me with all documents (if necessary, under Freedom of Information Act 2000) that relate to the raising of the purchasing of sexual services in Northern Ireland since 15.01.15 at the Northern Ireland Policing Board (the Board).

Answer:

Following a search of the Policing Board's records the following documents are enclosed:

- Minutes of the Performance Committee meeting held on 18 February 2016;
- A letter from Jonathan Craig MLA (Chair of Performance Committee) to Mr Barra McGrory PPS dated 3 March 2016; and
- A letter from Stephen Herron to Jonathan Craig dated 11 April 2016.

If you have queries about this request or the decision please contact the Board quoting the reference number above. If you are unhappy with the service you have received and wish to make a complaint or request a review you should write to the Board's Chief Executive at the following address:

Northern Ireland Policing Board
Waterside Tower
31 Clarendon Road
Clarendon Dock
Belfast BT1 3BG

Email: foi@nipolicingboard.org.uk

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner. Generally, the Information Commissioner's Office cannot investigate or make a decision on a case unless you have exhausted the complaints procedure provided by the Board. The Information Commissioner can be contacted at:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone: - 0303 1231114

Email: - ni@ico.org.uk

Please be advised that Policing Board replies under Freedom of Information may be released into the public domain via our website @ www.nipolicingboard.org.uk.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE PERFORMANCE COMMITTEE MEETING HELD ON 18 FEBRUARY 2016 AT 9.30AM, WATERSIDE TOWER, BELFAST

PRESENT:

Mr Jonathan Craig (Chairperson)
Ms Roisin McGlone (Vice-Chairperson)
Professor Brice Dickson
(2) Mr David McIlveen
Mr Ryan Feeney
Mr Gerry Kelly
(2) Ms Cairtriona Ruane
Mr Trevor Lunn
Mr Paul Nolan
Ms Catherine Pollock
Ms Debbie Watters

PSNI (1) DCC Harris
IN ATTENDANCE: (1) 1 PSNI Official

**BOARD'S HUMAN
RIGHTS ADVISOR
IN ATTENDANCE:** Ms Alyson Kilpatrick

**OFFICIALS IN
ATTENDANCE:** Mr Edgar Jardine (Interim Chief Executive)
Mrs Amanda Stewart (Director of Policy)
7 Board Officials

- (1) Item 5.2 only
- (2) Item 4.1 to close

1. APOLOGIES ETC

No apologies were received for today's meeting.

The Chairperson asked Members to declare any conflicts of interest arising from the agenda. No conflicts of interest were declared.

2. DRAFT MINUTES OF MEETINGS OF THE PERFORMANCE COMMITTEE

2.1 Draft minutes of the Performance Committee meeting held on 21 January 2016

It was:-

AGREED:

To approve the draft minutes of the Performance Committee meeting held on 21 January 2016.

3. MATTERS ARISING FROM THE MEETING HELD ON 21 JANUARY 2016

3.1 Correspondence regarding DVPNs and the Refresh and Relaunch of Discretionary Disposals (Item 3.2 of minutes refers)

Officials advised that a response is awaited to correspondence issued to the PSNI regarding the funding arrangements for Women's Aid staff co-located in PSNI stations. The response will be brought to the Committee in due course.

3.2 Professional Standards 6 Monthly Report (Item 3.3 of minutes refers)

The Committee noted correspondence received from the PSNI regarding the Professional Standards Monitoring Framework. Members noted that work is ongoing to establish if any link exists between statute barred cases and sick absence and that the Committee would be updated upon the conclusion of this review. NOTED.

3.3 Update regarding PSNI use of Small Unmanned Aircraft (SUA) (Item 5.1 of minutes refers)

The Committee noted correspondence received from the PSNI regarding the PSNI's procurement process in respect of Small Unmanned Aircraft. Officials also updated the Committee regarding Members' proposed visit to the PSNI's Air Support Unit.

3.4 Legacy Investigation Branch (Item 5.2 of minutes refers)

The Committee noted that a response is awaited to correspondence issued to the PSNI following their briefing regarding the Legacy

Investigation Branch to the January 2016 meeting of the Performance Committee. The response will be brought to the Committee in due course. NOTED.

3.5 CJINI Inspection on Legacy (Item 5.3 of minutes refers)

The Committee noted correspondence issued from the Board Chairperson to the Minister of Justice in respect of the Terms of Reference for the proposed CJINI Inspection of the Role of the PSNI in supporting Legacy Inquests.

Members expressed concern that following the Committee's meeting with CJINI at the January 2016 Performance Committee meeting, the Board had not yet had sight of the Terms of Reference for the CJINI Inspection.

Following discussion,

It was:-

AGREED:

Correspondence is also issued to CJINI requesting a copy of the Terms of Reference for their upcoming Inspection of the role of the PSNI in supporting Legacy Inquests.

3.6 Q3 PSNI Performance against the Policing Plan (Item 5.4 of minutes refers)

The Committee noted that PSNI would attend the Committee at agenda item 5.2 to discuss Performance against the Policing Plan. NOTED.

3.7 Immigration Bill proposals to tackle labour exploitation (Item 5.7 of minutes refers)

The Committee noted correspondence issued to the Minister of Justice from the Board Chairperson regarding proposals in the Immigration Bill to tackle labour exploitation. Members expressed concern in respect of the timeframes for the provision of responses to the DOJ's consultation and

following discussion,

It was:-

AGREED:

The Board Chair to write to the Minister of Justice regarding the timeframe for responding to recent DOJ consultations/requests for information.

3.8 Possible Pension Forfeiture – Former Police Officer (Item 5.9 of minutes refers)

The Committee noted that a paper will be considered at agenda item 5.4.
NOTED.

3.9 Questions to the Chief Constable (Item 7 of minutes refers)

The Committee noted a response received to a question submitted by the Performance Committee to the Chief Constable for the February Board meeting. NOTED.

4 CHAIRPERSONS BUSINESS

4.1 Correspondence

The Committee reviewed correspondence received from the PSNI providing a report on Recommendation 7 of the NIPB Human Rights Annual Report 2014 – PSNI review of section 41 Terrorism 2000 (TACT) arrests.

Members considered figures provided in respect of periods of detention and custody disposals and were of the view that comparative figures with GB forces in these areas would assist Members in considering the report. The Committee also considered that further analysis of the report by the Board's Human Rights Advisor in conjunction with David Anderson QC, Independent Reviewer of Terrorism Legislation would be of assistance. Following discussion.

It was:-

AGREED:

- To ask PSNI to provide the Committee with a comparison with GB forces of how arrested persons are disposed of from custody, and;
- For the Board's Human Rights Advisor to consult with the Independent Reviewer of Terrorism Legislation regarding the PSNI's report on Recommendation 7 of the NIPB Human Rights Annual Report 2014 - PSNI review of section 41 Terrorism 2000 (TACT) arrests and bring an update to a future meeting of the Performance Committee.

The Committee also noted the commencement of a DOJ consultation on a Domestic Abuse Offence and Domestic Violence Disclosure Scheme. The Chairperson advised the closing date of the consultation, 29 April 2016, and that a draft response will be brought to the Committee in March 2016. Members were invited to forward their views to officials for inclusion in the draft response. The Committee discussed how engagement with Women's Aid organisations may inform the Board's response to the consultation. Members also considered issuing correspondence to Police Scotland regarding their domestic violence disclosure scheme. Following discussion,

It was:-

AGREED:

- To consult with Women's Aid organisations and other key stakeholders and draft a response regarding the public consultation on the creation of a specific domestic abuse offence and Domestic Violence disclosure scheme, and;
- To consult with Police Scotland regarding the Scottish domestic violence disclosure scheme.

The Vice-Chairperson provided the Committee with a brief update on HMIC's debrief to the PSNI following the completion of their Efficiency and Effectiveness Inspection.

4.2 Date of March 2016 Performance Committee meeting

As the scheduled date of the March 2016 Performance Committee meeting coincides with St Patrick's Day (17 March 2016),
It was:-

AGREED:

The March 2016 meeting of the Performance Committee will take place on Thursday 10 March 2016 at 10.30am.

5 ITEMS FOR DECISION

5.1 Draft Human Rights Annual Report 2015

The Chairperson asked Members to note that the draft Human Rights Annual Report 2015 has been circulated for their review and comment. Members were invited to forward any specific views or comments for consideration in advance of the March 2016 Performance Committee meeting at which time the Committee will be asked to agree the final Human Rights Annual Report 2015.

The Board's Human Rights Advisor provided a brief overview of the draft report and the number of recommendations included. Members were asked to note that the section on Legacy issues has been redrafted and
It was:-

AGREED:

- To circulate to Performance Committee Members the redrafted Legacy Section of the Board's Draft Human Rights Annual Report 2015.
- To seek delegated authority from the Board to publish the report

by 31 March 2016

5.2 Performance against the Policing Plan

The Chairperson welcomed DCC Harris and his colleague to the meeting and invited them to update the Committee on PSNI's performance against the Policing Plan.

DCC Harris provided an update to the Committee regarding a broad range of issues including, domestic burglaries (including against the elderly), roads policing, drugs seizures, human trafficking, child sexual exploitation, hate crime, and sexual assault.

In response to questions from Committee Members DCC Harris also provided further detail regarding:

- The PSNI's investigation process in relation to allegations of sexual crime and their partnership with the Rowan Centre;
- The cross border work with An Garda Síochána to combat domestic burglaries in the border areas;
- The disruption, frustration and dismantling of organised crime gangs;
- Paramilitary style attacks and the involvement of paramilitary groups in organised crime;
- A pilot scheme in relation to anti-social behaviour, and;
- A specific case regarding the application of a new law relating to the purchase of sex.

The Committee also asked DCC Harris to comment further on correspondence copied to the Board regarding the back record conversion of legacy related records. Members expressed concern that, in the event of political agreement and the establishment of the HIU, this process may delay the availability of these records to the HIU. DCC

Harris assured Members that this would not be the case as all relevant records would at that time come under the custody of the HIU. DCC Harris discussed with the Committee the necessity for the conversion to take place owing to the risk of degradation of material. However he also highlighted the challenges in relation to the procurement of an appropriate system and the potential timeframe for the commencement of the conversion process. In response to a question from a Member DCC Harris confirmed that no records would be destroyed during the conversion process.

The Chairperson thanked DCC Harris and his colleague for attending and they left the meeting.

Following discussion,
It was:-

AGREED:

- Correspondence is issued to the PSNI requesting the updated protocols for the automatic referral from A&E to the police when patients present with specific injury types;
- Correspondence is issued to the PSNI regarding the specific case referred to in respect of the application of a new law relating to the purchase of sex, and;
- Correspondence is issued to the PPS in respect of the use of discretionary disposals for a one year period to deal with offences committed under the new law relating to the purchase of sex.

5.3 HMIC's Proposed 2016/17 Inspection Programme and Framework

Officials briefed the Committee on a paper advising Members of the publication of HMIC's proposed programme of inspections for the 2016/17 year and advised that a response to the consultation is being sought from the Board regarding the various areas of policing and

themes covered in the programme.

Members discussed that it may be useful to meet with HMIC ahead of issuing a response to the consultation and following discussion,

It was:-

AGREED:

To progress arrangements for a meeting with HMIC regarding 2016/17 Inspections.

5.4 Possible Pension Forfeiture – Former Police Officer

The Committee noted that this case had been discussed at the January 2016 meeting of the Performance Committee and considered a paper seeking their decision in respect of whether or not this case should be progressed to the next stage of the pension forfeiture process.

Officials provided a brief overview of the case to date and advised Members of the next stage of the process which is to apply to the Minister of Justice for a Certificate. The Committee discussed:

- The statutory obligations of the Board to consider the case for pension forfeiture;
- The percentage of the pension which may be forfeited;
- Issues of public confidence in relation to this case, and;
- The independence of the Board's decision from any judicial process.
- Comparisons with other possible pension forfeiture cases considered by the Committee.

Following discussion,

It was:-

AGREED:

To forward this case to the Minister of Justice for consideration of a certificate regarding pension forfeiture.

6 INFORMATION PAPERS AND CORRESPONDENCE

6.1 Custody Visitors Statistics, October 2015 – December 2015

The Committee noted a paper providing an update on the operation of the Custody Visiting Scheme between 1 October – 31 December 2015. NOTED.

6.2 Regulation 20 Reports

The Committee noted 3 Regulation 20 reports. NOTED.

6.3 Correspondence

The Committee noted the below two items of correspondence.

- Correspondence from the PSNI dated 21 January 2016 providing an update on the establishment of a Joint Agency Taskforce to tackle organised crime and criminality linked to paramilitarism as outlined in the 'Fresh Start' agreement. In response to a Member's question the Committee discussed the proposed reporting schedule to the Board in relation to the work of the Joint Agency Taskforce and,

It was:-

AGREED:

Correspondence is issued to the PSNI to confirm reporting arrangements and timescales.

- Correspondence from the PSNI dated 1 February 2016 regarding a PSNI PAVA Irritant Spray trial. In response to a Member's question the Board's Human Rights Advisor advised she would provide, for circulation to Committee Members, a copy of a report which provides information on the similarities and differences between CS and PAVA sprays and related information regarding

the use of PAVA Spray. NOTED.

6.4 Freedom of Information Requests

The Committee noted 2 PSNI Freedom of Information requests. NOTED.

In response to a question from a Member,

It was:-

AGREED:

To seek clarity from the PSNI regarding their Section 40 exemption response to a Freedom of Information request in respect of Staff Suspensions.

6.5 Briefing on the eighth report of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007

The Committee considered a paper providing Members with information on the conclusions and recommendations of David Seymour CB, the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007 covering the period 1 August 2014 – 31 July 2015.

The Committee noted Mr Seymour's recommendations, specifically those relating to the proposed duration of authorisations under JSA and the provision by the PSNI of information relating to why arrest rates following JSA or TACT 2000 searches are so low. Following discussion, It was:

AGREED:

To progress arrangements for a meeting of the Performance Committee with David Seymour CB, Independent Reviewer of the Justice and Security (NI) Act 2007.

7. QUESTIONS FOR THE CHIEF CONSTABLE

It was:

AGREED:

Questions be drafted to the Chief Constable from Performance Committee regarding:

- Cross-Border co-operation on Domestic Burglaries, and;
- The scale of the drugs problem in Northern Ireland and the role played by Eastern European crime gangs.

The Members were advised that as the Director General of the NCA would be in attendance at the March Board meeting, consideration should be given to questions to the Director General.

COMMUNICATIONS ISSUES

8.

There were no matters arising

9. ANY OTHER BUSINESS

The Chairperson advised the Committee that a meeting had been scheduled for he and the Committee Vice-Chairperson to meet with the PSNI to further discuss the work of the Air Support Unit. Following discussion,

It was:

AGREED:

The Chairperson and Vice-Chairperson of Resources Committee would also be invited to attend that meeting.

An update will be provided to the Committee in due course.

10 DATE OF NEXT MEETING

Members were advised the date for the next meeting of the Performance

Committee is Thursday 10 March 2016.

(Meeting closed 12:55pm)

Board Support

Date: February 2016

Chairperson

Jonathan Craig MLA
Chair of Performance Committee

Date: 3 March 2016

Mr Barra McGrory QC
Director
Public Prosecution Service
Linum Chambers
2 Bedford Square
BELFAST
BT2 7ES

Dear Mr McGrory

USE OF DISCRETIONARY DISPOSALS TO DEAL WITH OFFENCES COMMITTED UNDER THE HUMAN TRAFFICKING AND EXPLOITATION (CRIMINAL JUSTICE AND SUPPORT FOR VICTIMS) ACT (NORTHERN IRELAND) 2015

At the last meeting of the Board's Performance Committee held on 18 February 2016, the PSNI briefed Members on a wide range of issues which included the PSNI's approach to investigating offences committed under the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

During discussion with Members PSNI mentioned a recent case where an individual received a Discretionary Disposal for engaging the services of a prostitute. Members previously understood that, as a result of the passage of the Act by the Assembly, the purchase of sexual services from a person would be liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both; or on conviction on indictment to imprisonment for a term not exceeding one year or a fine, or both.

Members were informed that the PPS had agreed that, for a period of 12 months after the passage of the legislation, this offence could be dealt with by means of a Discretionary Disposal. Members agreed to write to you to seek clarification on this point, particularly as to when such an arrangement came into effect and when it is due to end.

I look forward to hearing from you. Please copy your response to the Board's Director of Policy, Amanda Stewart.

Yours sincerely

Jonathan Craig MLA
Chair of Performance Committee



Senior Assistant Director
Jonathan Craig MLA
Chairman of Performance Committee
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Ref No:	
Received:	13. 4. 16
Scanned:	✓
Allocated To:	A Stewart
Action:	

11 April 2016

Dear Mr Craig

RE: USE OF POLICE DISCRETION IN OFFENCES OF PAYING FOR SEXUAL SERVICES

Your letter of 3 March 2016 addressed to the Director refers.

I apologise for the delay in reply which was largely due to the need to re-trace the audit trail of discussions with police regarding this matter.

I can confirm that PSNI approached PPS in April last year regarding a proposal that the offence contrary to section 15 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 be dealt with by discretionary disposal for a period of 12 months.

PPS was advised that Senior Police had met with Lord Morrow regarding this matter and it was accepted that as this was a significant legislative change, discretionary disposal may be appropriate for the first year until awareness of the offence had grown within the community.

After discussions with police regarding this proposal, it was agreed that the request could be acceded to on the basis that-

- (i) Discretionary Disposal *could* (not should) be used by police as a disposal option for this offence providing that the criteria for use of discretion was met. In this regard the offence was to be in the "Amber" category of police guidance, in that an officer could not avail of discretion without the prior authority of a supervising officer.

- (ii) Discretion would not be appropriate where the individual from whom the sexual service was obtained did not offer or supply same freely or without being under the control of another and provided that there is no evidence of human trafficking.

Police advise that discretion has been used on very few occasions to deal with this offence.

The legislation was enacted on 1 June 2015 and the 12 month period will therefore expire in June 2016. It will not be an option for police to use discretionary disposal from June as it will be removed from the range of applicable offences.

For more general information of discretionary disposals, the Board may be interested to note the CJINI Report on "Police Use of Discretion Incorporating Penalty Notices" which was published in January 2015. PPS is presently liaising with PSNI on guidance which will be provided to police when discretionary disposals are re-launched as community resolutions.

Yours sincerely



STEPHEN HERRON
Senior Assistant Director