

NORTHERN IRELAND POLICING BOARD

MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD ON 10 February 2022 AT 09:30

PRESENT:

Mr Trevor Clarke, Chair
Ms Carmel McKinney, Vice-Chair* (1)
Mr Edgar Jardine
Ms Deirdre Toner* (2)
Mrs Dolores Kelly*
Mr Gerry Kelly
Ms Liz Kimmins
Mr Mike Nesbitt
Mr Maurice Bradley*
Ms Joanne Bunting

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(3) Deputy Chief Constable Mark Hamilton
(4) ACC Bobby Singleton
(4) D/C/Insp Lindsay Fisher
(5) ACC Mark McEwan
(5) D/C/Supt John McVea

OFFICIALS IN ATTENDANCE:

Ms Sinead Simpson*, Chief Executive
Mr Adrian McNamee, Director of Performance
4 Board Officials

- (1) Present from Item 6.1
- (2) Present from item 6.1
- (3) Present for 6.1 and 6.5 only
- (4) Present for 6.1 only
- (5) Present for 6.5 only

*Attended via video conferencing

1. APOLOGIES

Ex-Officio Member Mr Tom Frawley offered Apologies in advance of the meeting.

The Committee agreed the agenda for the meeting.

Members congratulated the Director of Performance whose son is currently representing Ireland in the rugby Under 20s Six Nations Championship and recently made his debut against Wales on 4th February 2022.

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 09 December 2021.

Following discussion, it was:-

AGREED;

That Officials make an amendment to Item 4.0 Action Point 8 in relation to the Seapark Gold Group to record that the Human Rights Advisor will continue to “attend” from “represent the Board”. **(AP 1)**

The Committee considered the draft minutes of the Performance Committee meeting held on 27 January 2022.

It was **RESOLVED:-**

That Minutes of the Performance Committee meeting on 27 January 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 of Performance provided an update on AP1 from the meeting held on 09 December 2021 in respect of Fixed Penalty Notices and the processes and procedures for the deletion of data; who gives authority to delete and what systems are in place to prevent inadvertent data deletion from PSNI computer systems. A letter was issued to DCC Hamilton and Officials are awaiting a response.

The Director of Performance provided an update on AP2 also from the meeting held on 09 December 2021 in respect of repositioning. The PSD Presentation that was due to be delivered in January 2022 will be re-scheduled as part of the 10 March 2022 Performance Committee meeting.

The Director of Performance provided an update on AP3 also from the meeting held on 09 December 2021 in relation to drop calls 'Golden Hour' and if the 101 process is the same as the 999 process; a list of all the factors recorded for dropped calls; the percentage and number of dropped calls that are linked to repeat callers and in line with the number of questions asked and time taken when a call handler accepts a call, the rationale for this process. The response from PSNI is provided at Agenda Item 4.1.

The Director of Performance provided an update on AP4 also from the meeting held on 09 December 2021 in respect of the PSNI's offer to provide further data / information on the number of Looked After Children (LAC) who

are repeat victims of crime, LAC victims and a list of the perpetrator categories with supporting data and a full update on any collaborative work that is taking place with health partners to address this challenging area. Officials met with PSNI to discuss a number of challenges in relation to providing the data requested. PSNI are currently working on this and have requested more time to work on it. They will be in a position to address it under Measure 1.1.1 CSAE that is due to report to the Committee in March 2022.

The Director of Performance provided an update on AP5 also from the meeting held on 09 December 2021. Members had requested copy of the current PSNI Body Worn Video policy. The response from PSNI is provided at Agenda Item 4.1.

The Director of Performance provided an update on AP6 also from the meeting held on 09 December 2021. Members requested that Officials write to the PSNI and request the breakdown of crimes recorded (percentage and number), including the supporting data on the percentage and number of perpetrators relating to each crime recorded. Officials are currently awaiting the response from PSNI.

The Director of Performance provided an update on AP7 also from the meeting held on 09 December 2021. A Member had a query in relation to under survey data for under-reported crime and potential comparable data with England and Wales. The response is provided at Agenda Item 4.1.

The Director provided an update on AP9 also from the meeting held on 09 December 2021. HMICFRS Covid-19 Update: A Member requested that 'DOJ Practical Peeler' publication be provided. The publication has been received and is available to view in the Performance Committee Resources folder in Decision Time.

4.1 Accompanying Correspondence

Members discussed correspondence received from the PSNI in relation to:

- AP 3 December 2021 – in relation to drop calls ‘Golden Hour’ and if the 101 process is the same as the 999 process; a list of all the factors recorded for dropped calls; the percentage and number of dropped calls that are linked to repeat callers; and in line with the number of questions asked and time taken when a call handler accepts a call, the rationale for this process. Members were content with the correspondence;
- AP 5 December 2021 – in relation to a Member request for a copy of current PSNI Body Worn Video policy. Members were content with the correspondence; and
- AP 7 December 2021 – further information was provided in relation to a Member’s query on under survey data for under-reported crime and potential comparable data with England and Wales. Members were content with the additional information provided.

5. CHAIRPERSON’S BUSINESS

5.1 Fixed Penalty Notice Processing Centre

The Director of Performance highlighted to Members a letter to the Chief Executive received from the Chief Constable dated January 2022 regarding issues at the Fixed Penalty Processing Centre at Lisnasharragh. This centre, which is resourced by G4S under a managed Service contract, has responsibility to process the detections which arise from road safety vans and police officer patrolling. The Chief Constable informed the Chief Executive that as a consequence of cumulative resourcing pressures and backlogs at Lisnasharragh there has been a cancellation of 1.7% of detections made in 2021 as they could not be processed within the specified six month time frame. The Chief Constable has advised that a preventative plan has been developed by PSNI and G4S to address backlogs, increase resources, review processes to maximise efficiency and improve quality. The Chief Constable

gives an assurance that road safety and addressing speeding concerns remains a priority and that he will provide a further update in due course.

Following discussion it was:-

AGREED;

Officials to write to PSNI to address Member concerns on the escalation of reported incidents to the PSNI Senior Executive Team and subsequent reporting to the Board. **(AP 2)**

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Policing Plan Measure 1.1.1, 1.2.1 and 2.4.1 – Repeat Victims, Repeat Offenders and Crime Outcomes specific to Domestic Violence and Abuse

Board Officials presented a paper providing Members with an analysis of work relating to PSNI Performance against Measures specific to 1.1.1, 1.2.1 and 2.4.1 Repeat Victims, Repeat Offenders and Crime Outcomes specific to Domestic Violence and Abuse (DV/A).

Board Officials gave updates focusing on:

- **Outcome 1** *We have a safe Community*
- **Indicator 1.1** *Fewer repeat offenders of crime; and*

- **Outcome 2** *We have confidence in policing:*
- **Indicator 2.4** *Delivery of effective crime outcomes.*

These analyse PSNI performance against Measures:

Measure 1.1.1: Repeat victimisation rate and report on initiatives to support repeat victims with a focus on victims of (i) Domestic Abuse;

Measure 1.2.1: Repeat offending rate and report on initiatives to reduce repeat offenders with a focus on Domestic Abuse in 2021/22; and

Measure 2.4.1: Levels of crime outcomes to identify and respond to areas of concern in outcome statistics, with a particular focus on Domestic Abuse in 2021/22.

The Board Official advised that Members may wish to note that this is the second Domestic Violence and Abuse (DV/A) report to be considered through Performance Plan 2021/22 performance monitoring. The Board analysis seeks to provide Members with applicable updates and comparisons from May 2021 reporting on the issue.

The Board Official drew Members attention to the PSNI report card that notes that ‘for the first time since 2018/19, the daily average severity of domestic motivated crimes is greater than the daily average count of domestic motivated crime.’ This outlines that while indeed there is an increasing level of DV/A, the severity of these instances is also increasing.

The Board Official recalled to Members the launch of the new Domestic and Sexual Abuse advocacy service to support victims on 1st September 2021. The Board Official also referred to the PSNI ‘Repeat Perpetrator Strategy’ that has been developed to direct support and ensure that all opportunities for criminal justice outcomes are being explored. This strategy focuses on those identified as involved in 7+ domestic incidents/crimes in the last 12 months.

The Board Official recalled that Members will have recently noted through reporting on Measure 1.2.1, relating to Repeat Offenders in October 2021, that Public Protection Branch (PPB) were working on the implementation of a ‘Repeat Domestic Abuse Offender Call Back’. This was noted as being in the same manner as the repeat victims call back scheme. The PSNI previously highlighted that the scheme was being reviewed in light of the positive response to further signpost and support victims of DV/A.

The Board Official recalled to Members that Recommendation 12 of the Human Rights Report had sought a draft written policy and guidance from the PSNI on the use of new powers and the proposed training plan for officers in response to the Domestic Abuse and Family Proceedings Bill. This Bill commences from February 2022 and aims to change how frontline officers and staff understand and respond to domestic abuse.

The Chair welcomed Deputy Chief Constable Mark Hamilton, ACC Bobby Singleton and D/C/Insp Lindsay Fisher. He invited them to brief Members on the work relating to Policing Plan Measures 1.1.1, 1.2.1 and 2.4.1.

The PSNI presented information through their report card and provided a statistical commentary of their performance against Measures 1.1.1, 1.2.1 and 2.4.1 and discussed with Members the work carried out on a number of key areas including:

- An 11% increase in domestic motivated crimes, a return to pre Covid-19 levels, with an average of 70 incidents per day increasing to 100 at weekends;
- The PSNI referred to monthly Domestic Abuse Performance Group that aims to improve performance and reduce repeat victimisation, prevent repeat offending and improve outcomes for victims;
- The stratified approach to domestic violence within PSNI involves district Inspectors and police decision makers, the “think charge” initiative is designed to obtain the maximum criminal justice outcomes, protect victims and offer greater accountability;
- Body Worn Video (BWV) compliance has improved to 89.1% with continuous work undertaken to improve response rate in relation to domestic crime;
- 23.9% of victims are recorded as repeat victims of domestic abuse with 65% of all domestic victims recorded as female. 69.4% of perpetrators identified as male;

- The PSNI referred to the Public Protection Branch Domestic Abuse Officers who deal with the highest risk Domestic offenders and offences;
- The monthly dip-sampling of the Public Protection Notices (PPN) is used to better identify the highest risk victims of domestic abuse and ensure the efficiency of information sharing with external partners to ensure the quality and context of information being shared with partners to better support victims of domestic abuse;
- The Sexual Abuse Advocacy Service was also cited as an important resource in supporting victims of domestic abuse;
- Domestic Abuse Champions have been positioned throughout the PSNI to implement improvements and provide greater awareness of Domestic crime. It was reported that there has been a positive uptake for the Coercive Control training module; and
- The Repeat Perpetrator Strategy provides support to offenders who want to change but is also seen as an effective response to those who will not.

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

- Further clarity on PPNs and their purpose;
- Members asked for an explanation as to why 100% cannot be achieved with BWV compliance;
- Members referred to the Domestic Violence statistics and queried if criminal justice outcomes not yet recorded could be provided;
- A Member drew attention to the Repeat Perpetrator Strategy and questioned whether this worked for domestic abuse victims;
- The statistic that the daily average severity of domestic motivate crimes being greater than the daily count of domestic motivated crime was queried by a Member. It was also asked if PSNI could provide a breakdown of Domestic Violence and Abuse cases by District;
- A Member asked for further detail on the coordination of work between Police Standards and Discipline Branch and Public Protection Branch in dealing with officers who are accused of Domestic Violence or Abuse;

- A Member asked if BWV statistics could be desegregated to further explain the non-compliance rate. They also queried if an incident is attended and there is no BWV compliance can the victim take legal action if a criminal justice outcome is not achieved;
- A Member asked for further clarity on the victim Call Back Scheme and if an update could be provided;
- Members discussed the Domestic Abuse Advocacy Scheme and how this is funded;
- A Member sought further information on the additional duties placed upon the PSNI as a consequence of new Domestic Violence legislation;
- A Member queried whether the PSNI would consider co-location with other agencies citing the Foyle Family Justice Centre as an example of a new community initiative that utilises a shared space;
- A Member referred to ethnic minority groups and asked if a standalone policy has been developed or whether cultural issues have been incorporated as part of wider Domestic Violence and Abuse strategy;
- A Member queried the Repeat Perpetrators Strategy focus on those identified as involved in 7+ incidents or crimes in the last twelve months and how was the timeframe and benchmark number of incidents determined;
- A Member referred to the agreement that is sought from the victim when dealing with perpetrator and asked the reason for this;
- The withdrawal from the criminal justice process by the victim was highlighted by a Member who asked if the case can still be progressed as a criminal offence; and
- Criminal misconduct by officers was discussed by Members who asked for further clarification of a scenario in which parallel criminal and misconduct cases are ongoing.

The PSNI provided the following responses:-

- The PSNI referred to PPNs as being a risk assessment tool with question sets used by officers when they attend an incident. The PPN also

provides partner agencies to make a risk assessment based on the information provided;

- The expectation in the PSNI is that BWV will be used at all incidents and this has been conveyed across the Service. The BWV non-compliance rate may be explained by those reporting to the police station post incident, technical issues or the victim requests that it is not used. The PSNI advised that they have a permission protocol that is used by officers attending an incident;
- The PSNI referred to the monthly dip-sampling process as a means to establish if compliance has been achieved with BWV use as well as checking the quality of footage obtained;
- Keeping victims of DV/A engaged with the criminal justice process remains the biggest issue faced by the PSNI. Cases are referred but there is reduced court capacity within the criminal justice system therefore creating delays. The PSNI also assured Members that the PPS are not making decisions based purely on whether BWV used or not but on all the evidence presented. BWV footage is submitted in full as this offers evidence of conversations taking place between officer and victim;
- The Repeat Perpetrator Strategy is making a difference according to the PSNI citing the influence on repeat offenders. The Strategy is focused and has a meaningful impact on repeat offending and is also seen a positive in working effectively with partner agencies. PSNI referred to a preventative approach as opposed to being focused primarily on of catch and deter;
- The increase in severity of DV/A the PSNI explained may be as a result of Covid-19;
- The PSNI reassured Members that police officers are treated no different to civilians when accused of DV/A;
- The PSNI drew attention to the criminal justice and PSD misconduct processes highlighting that the misconduct standard is lower as it is determines on the balance of probabilities whereas the criminal standard is beyond reasonable doubt;

- The investigative standards employed by PSNI are defined in the 'Domestic Abuse in the Workplace' guidance which sets out what happens to those who report a crime and those who are accused;
- The Victim Call Back Scheme was staffed by officers re-deployed on Covid-19 duties as a response to concerns that Domestic Violence and Abuse would increase as a consequence of lockdowns. Following a return to normal business the PSNI could not resource the Call Back Scheme and it was closed. However, the PSNI referred to the Domestic Abuse Advocacy Scheme, launched in September 2021, which focusses on high risk offences and the good uptake to this service. In addition the PSNI outlined the Assist NI scheme which was launched with support from the PSNI and DOJ working with three voluntary sector partners. The PSNI provided assurance that both schemes (Advocacy and Assist) are continuing to focus and ensure the needs of victims are being met in light of the call back scheme being confirmed as closed;
- The new Northern Ireland legislation enacted through the Domestic Abuse and Civil Proceedings Act, Protection from Stalking Bill and the Justice (Sexual Offences and Trafficking) Bill requires the PSNI to respond with a training element for each bill;
- Referring to an officer having additional duties as a consequence of new legislation the PSNI referred to the high percentage of calls received that are not crime related but which the service has a statutory duty to respond;
- The PSNI referred to their outreach to ethnic minorities and engagement through the Independent Advisory Group (IAG) structures. The training for officers following the introduction of the Domestic Abuse and Civil Proceedings Act will provide a suite of materials looking at what barriers, inhibitors or ethnic challenges are in place and practical supports;
- The Repeat Perpetrators Strategy focus on those identified as involved in 7+ incidents or crimes in the last twelve months is the trigger for a response. The PSNI do not seek to minimise any domestic incidents but the level of seven incidents was deemed to be the optimum threshold for intervention. Any further incidents over seven incidents would be

identified by Public Protection Branch and an intervention would already be in place. Identifying trends of behaviour below seven incidents helps the PSNI to make an early intervention in the person's behaviour working with families;

- As part of the victim based and centred approach PSNI need to establish if there is any evidence of coercive control. Victim consent is followed up post incident;
- With regards the criminal justice process the PSNI referred to the balance of proof required and the threshold of beyond reasonable doubt whereas PSD misconduct assesses the balance of probability. The PSNI do not accept that a failed criminal prosecution is a reason for not instigating the PSD misconduct case. The officer accused would remain suspended pending the outcome of both processes.

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

Following discussion it was:-

AGREED

Officials to contact DCC Hamilton to seek further analysis and information regarding the 80% of non-crime related calls. **(AP 3)**

Officials to write to PSNI and request a breakdown of Domestic Violence incidents/crimes as recorded by PSNI Districts. **(AP 4)**

6.2 Independent Reviewer of Terrorism – Mr Jonathan Hall Q.C.

The Human Rights Manager recalled at the October 2021 Performance Committee Members were presented with a paper that summarised the findings of the second annual report published in March 2021 by the Independent Reviewer of Terrorism Legislation, Mr Jonathan Hall Q.C. The

key role of the Independent Reviewer is to inform public and political debate on the use and operation of counter-terrorism and security legislation.

Members were informed that as the Government's appointed Independent Reviewer of Terrorism Legislation Mr Hall reviews and reports annually on the operation of the Terrorism Act 2000 (TACT) and Part 1 of the Terrorism Act 2006 across the UK. The powers provided to police officers within TACT include, amongst others, powers to stop and search persons and vehicles and the section 41 power to arrest and detain.

The Human Rights Manager informed Members that the report covering 2019, considers the operation of terrorism legislation in Great Britain and Northern Ireland. The chapter on Northern Ireland (Chapter 9) raises key issues for the PSNI and the Board to consider.

The Performance Committee last met with Mr Hall on 10 December 2020. Mr Hall is attending the February 2022 Performance Committee to discuss the findings of this full report, which was published on 24 March 2021, and to give an overview of his work going forward.

The Chair welcomed the Independent Reviewer of Terrorism Mr Jonathan Hall Q.C. to brief Members on his 2019 report and future work.

Mr Hall discussed and updated Members the following:

- The difference between an arrest under TACT Section 41 power and PACE;
- Under PACE a suspect may be held for 72 hours then receive bail, under TACT Section 41 a suspect can be detained for 14 days before being charged or released;
- In 2020 TACT Section 41 powers were used to make an arrest in Northern Ireland on 79 occasions, in Great Britain the figure was 26;
- Few people are charged under Section 41 powers. Of the 79 arrests 14 people were charged of any offence and in Great Britain 13 were charged;

- Mr Hall believes TACT powers should not be used on children given the length of detention and bail conditions applied with this power;
- The use of TACT Section 41 is perceived as a strong response to terrorism;
- Policing requires the support and confidence of the local community, however Mr Hall suggests that the least intrusive power should be used, rather than the power PSNI believe would be more acceptable by the community; and
- Engagement with PSNI is ongoing and it is acknowledged that a working group has been established to examine the use of TACT Section 41.

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

- The distinction/categorisation of paramilitary groups and terrorists;
- Concern over the 'Severe' threat designation imposed on Northern Ireland, seeking clarity on how is this decision made; and
- The use of TACT Section 7 regarding detention at ports, Stop and Search and concern at potential for profiling on perceived race.

Mr Hall provided the following responses:-

- Mr Hall outlined the three categories of terrorist organisation as outlined in his 2019 report. Category 1 refers to National Security terrorists such as Republican dissidents who target the state and its operations. Category 2 is proscribed organisations, the example used was Cumann na mBan, and Category 3 refers to Loyalist groups and the INLA;
- The 'Severe' threat assessment is made by the MI5 Joint Terrorism Analysis Centre (JTAC). The threat assessment was increased in Great Britain on 15 November 2021 following the Liverpool hospital bomb on 14 November 2021 and in the preceding month the murder of Sir David Amess MP on 15 October 2021. Mr Hall acknowledged that the continued 'Severe' threat assessment could create complacency and believes greater transparency on how the assessment is made would be welcomed;

- Mr Hall referred to the structures in place in 2021 compared with the Troubles era citing the involvement of the police within normal society structures. Mr Hall referred to the Terrorism Investigation Unit and their work targeting dissident Republicans and the work of PCTF targeting Loyalist factions;
- The use of TACT Section 7 is not intelligence targeted and as such officers make decisions to stop, question, search and detain people as they disembark and exit a port; and
- Mr Hall stated that he will utilise available statistics to assist him in any future discussion with PSNI regarding Stop and Search;

The Chairperson thanked Mr Hall for his attendance and briefing.

6.3 Update on South Armagh Recommendations.

The Director of Performance provided Members with an update on a number of the recommendations from the South Armagh Review which the Board has agreed will be considered through its Performance Committee. The South Armagh Policing Review was commissioned in January 2020 following criticism directed towards the PSNI Chief Constable for posing with heavily armed officers outside Crossmaglen PSNI station on Christmas 2019.

The Review was led by former Chief Superintendent Philip Knox and Chief Inspector Finola Dorman and included a significant number of recommendations for change across a number of key areas to improve delivery of policing services and overall confidence in police community relations in the South Armagh area.

The Director of Performance asked Members to note that of the two Recommendations being considered by the Performance Committee, Recommendation 8 relating to the Performance Management Framework and Recommendation 20 to Body Worn Video, the PSNI have indicated that

Recommendation 20 is marked as completed while Recommendation 8 is noted as “In Progress”.

Members engaged in a brief discussion on Recommendation 20 of the Report concerning Body Worn Video training for officers.

Following discussion it was:-

AGREED;

Officials to seek clarification on outstanding training requirements for Body Worn Video. **(AP 5)**

6.4 Human Rights Advisor Update Report for December 2021 and January 2022

The Human Rights Advisor provided Members with an overview of areas within his current work programme including, monitoring the recommendations of the Covid-19 report and finalising and publishing the Human Rights Report for 2020/21.

The Human Rights Advisor updated Members on meetings he attended during November including the NIO Working Group on non-jury trials, CHIS training, MI5, NCA, Sir Brian Barker, JSA Reviewer, PSNI student officer training and the CAJ / ICCL conference on PSNI.

The Human Rights Advisor informed Members of his February work plan including, meeting with CAJ, monitoring PSNI training, viewing SBG Body Worn Video and also the publication of the Human Rights Report. The Human Rights Advisor informed Members that he had met with the Equality Commission to discuss disproportionality in statistics relating to the use of Spit and Bite Guards and other issues.

The Human Rights Advisor drew Members attention to two combined Supreme Court cases that were heard on 15 December 2021 and briefed Members on the outcome of both cases and future implications for legacy cases. He also provided a brief update to Members on the reform of the Human Rights Act and plans for a Bill of Rights.

The Human Rights Advisor informed Members he has begun work on the thematic 'Human Rights of Police Officers' that will be presented to Members later in the year. He also advised Members that he has been invited to participate at a speaking event in Dublin in March 2022 and former Chief Constable George Hamilton will also be attending.

Following discussion it was:-

NOTED.

That Members were content with the Human Rights Advisors Update Report and schedule of work for February 2022 and for his attendance at the event in Dublin in March 2022.

6.5 PSNI – Terrorism Investigation Unit (TIU)

The Director of Performance reminded Members that they had requested further information on the work of the PSNI TIU and therefore Officials have arranged for the PSNI TIU to attend Performance Committee and provide an overview of their current and future work.

The Chair welcomed ACC Mark McEwan and D/C/Supt John McVea. He invited them to brief Members on the current work of the TIU.

The PSNI presented information on the following key areas:

- The formation of the TIU in 2009 and its roles and responsibilities;
- The role of the Terrorist Offender Management Unit (TOMU) established in 2019;

- TIU participation in the Multi-Agency Risk Assessment Panel (MARAP);
- TIU metrics 2014 to 2021; and
- Key successes;

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

- The role of the NI Probation Service within MARAP structure;
- The perception of a two- tiered police service from the Unionist perspective;
- Mr Jonathan Hall QC's assertion that TACT Section 41 is over used and asked for comment;
- Explanation of the distinction that the Provisional IRA is not active but individuals are active;
- Whether the TIU can furnish statistical information and commentary to the Board as per PCTF and OCTF;
- Fluctuating statistics and asked why this occur;
- TIU contact with MI5; and
- Allegations in the media made by a former senior police officer regarding police operations and asked whether an assurance could be given to the Unionist community that there is not a two tier policing service.

The PSNI provided the following responses:-

- Under the MARAP structure the National Probation Service has responsibility with support from PSNI;
- The PSNI pointed out that arrests are made not on perceptions, but after careful consideration and the applicable legislative power, TACT or PACE, is used;
- In reference to juveniles, the PSNI advised that depending on the circumstances PACE would be the appropriate power, but this is not absolute and each case considered on its own merits;
- The PSNI referred to the 2015 assessment commissioned by the Northern Ireland Secretary of State that states the Provisional IRA is

extant. This remains the PSNI assessment. A distinction was made between an active group co-ordinating activity and those individuals who defect to other groupings or act of their own accord;

- The criminal landscape has seen this ebb and flow of people between factions as well as the emergence of single issue individuals who are galvanised by the internet to take action and who are not bound to a group structure. The concept of what terrorism is, described as actions that undermine the state, is being redefined with the emergence of individuals or groupings, such as Incel. Terrorism is now seen as a global issue rather than being confined to a particular jurisdiction;
- The PSNI Crime Department indicated that they would report to the Board as colleagues in OCTF / PCTF do;
- The PSNI explained that statistics fluctuate year on year as often cases are protracted and complex and dictated by the level of criminal activity. The PSNI referred to natural seasonal fluctuations and diminishing opportunities for criminal gangs such as was seen at the height of the Covid-19 restrictions;
- The PSNI Crime Department utilises skills from across the service in pursuit of criminal justice outcomes, for example, using officers from the Murder Investigation Team. The complexity of cases often means there is a time-lag between the criminal act occurring and a successful prosecution that can skew the statistics;
- Terrorism in Northern Ireland is within the purview of the Chief Constable and MI5. Under the Terrorism Act 2000 the Chief Constable decides whether an act of terrorism has occurred. If an international element is suspected the Office of the National Coordinator of Terrorist Investigations based within the Home Office in London will decide if it is an act of terrorism. The Manchester Arena bomb was given as an example of a London led and co-ordinated response to terrorism; and
- The PSNI have the same powers under the Terrorism legislation as police officers in Great Britain. The role of MI5 diminishes when the PSNI instigates a criminal investigation.

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

Following discussion it was:-

AGREED;

Officials to contact PSNI to seek an update to the allegations made in the media by a former senior officer regarding policing in South Armagh. **(AP 6)**

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 Two questions were identified by Members at the December 2021 Performance Committee meeting. The Chief Constable's response was **NOTED**.

7.2 Identify any questions arising out of this meeting which Members wish to raise with the Chief Constable at the next Board Meeting.

Members identified no questions to ask the Chief Constable.

8. COMMUNICATION ISSUES

There were no communication issues arising from the meeting.

9. ANY OTHER BUSINESS

A member raised concerns in relation to PSNI's performance of vetting, recruitment and issues in the training college. The Director of Performance outlined that the Resources Committee are due to examine Representativeness at their February 2022 meeting and that HMICFRS are due to examine vetting procedures within their forthcoming inspection. Also the PSNI are due to return to March's Performance Committee with their

presentation on Professional Standards. Following this meeting it was agreed that this issue would be re-visited in order to examine the issues raised.

Members and Officials to revisit issues and consider if further research is required following the PSD briefing on 10 March 2022. **(AP 7)**

10. DATE OF NEXT MEETING

It was also agreed that the following meeting would take place on **Thursday**
10th March 2022 at **09.30am**

Meeting closed at 3:00pm.

PERFORMANCE DIRECTORATE

10 February 2022

Chairperson