

**NORTHERN IRELAND POLICING BOARD**

**MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD ON  
8 SEPTEMBER 2022 AT 09:30**

**PRESENT:**

Mr Gerry Kelly, Chairperson (8)  
Dr Janet Gray, Vice-Chair  
Mr Edgar Jardine (4)  
Ms Deirdre Toner  
Mr Mike Nesbitt (8)  
Mr Trevor Clarke\* (3)  
Ms Joanne Bunting  
Ms Sinead McLaughlin (5)  
Ms Nuala McAllister  
Mr John Blair (3)  
Ms Linda Dillon (3)

**EX-OFFICIO MEMBERS  
IN ATTENDANCE**

Mr Tom Frawley (6)  
Mr Michael Atkinson (4)

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

(1) ACC Mark McEwan  
(1) 1 PSNI Officer  
(1) D/Supt Lindsey Fisher  
(2) ACC Chris Todd  
(3) C/Supt Claire McGuigan  
(3) C/Supt Simon Walls  
(4) 2 PSNI Staff

**OFFICIALS IN  
ATTENDANCE:**

Ms Sinead Simpson, Chief Executive (7)  
Mr Adrian McNamee, Director of Performance  
6 Board Officials

(1) Present for Item 6.1 only

(2) Present for 6.2 only

(3) Present for 6.3 only

(4) Present for 6.1 to 6.3 only

\*Attended via video conferencing

(5) Present from 3.1

(6) Present from 6.2

(7) Present to 6.6 only

(8) Present to 6.3 only

## 1. **APOLOGIES**

Apologies were received in advance of the meeting from Liz Kimmins.

Apologies were also received in advance from DCC Mark Hamilton.

The Committee agreed the agenda for the meeting.

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

## 2. **CONFLICTS OF INTEREST**

No conflicts of interest were declared.

## 3. **MINUTES OF THE PREVIOUS MEETING**

The Committee considered the draft minutes of the Performance Committee meeting held on 23 June 2022.

In response to a Member query regarding the incorporation of the PSNI PSD and OPONI presentations into the Committee schedule the Director of Performance referred to the 2 stage approach that has been applied. The first stage of the approach will see the PSNI PSD Special Briefing which is scheduled for 22 September 2022 with all political Members invited to attend. Independent Members will not attend this briefing to ensure that they do not hear or see content that could be perceived to impinge upon their impartiality to sit on the panel of a Police Appeals Tribunal. The second stage will see the Police Ombudsman engage with Members at October Committee. This provides an opportunity for Members to take forward any issues that may arise from the PSD briefing.

It was **RESOLVED:-**

That Minutes of the Performance Committee meeting on 23 June 2022 were

agreed.

#### **4. UPDATE ON ACTION LOG**

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

#### **NOTED.**

The Director provided an update on AP1 from the meeting held on 23 June 2022. Members had requested further clarification on the identity and affiliation of the 64 Organised Crime Gang (OCG's) groupings noted by PSNI. The response from the PSNI was provided at Item 4.1.

The Director provided an update on AP2 from the meeting held on 23 June 2022. Members requested an update from the PSNI to establish if the data breach issue has any further consequences. The response from the PSNI was provided at Item 4.1.

The Director provided an update on AP3 from the meeting held on 23 June 2022. Members had requested that Officials re-draft the Draft Programme of Work to accommodate emerging issues as identified at June 2022 Committee meeting. The re-drafted Programme of Work was provided at Item 4.1. The Director of Performance informed Members that an invitation to observe the PULSE system has been received and the future work plan will be updated to accommodate this.

The Director provided an update on AP4 from the meeting held on 23 June 2022. Members had requested that Officials to seek further information from PSNI on the criteria, training and authorisation to perform a strip search. Officials to clarify if OPONI have initiated an investigation into strip searches of those persons aged under 18. Officials to further clarify with OPONI the '90

Day' rule in respect of Custody Suite CCTV retention and if this footage can be retained. The response is provided at Item 6.6 of today's meeting.

The Director provided an update on AP5 from the meeting held on 23 June 2022. Members had requested that Officials to write to the Chief Constable in relation to the Spit and Bite Guard (SBG) response to the Board's report and invite ACC Chris Todd to Committee to discuss the permanent introduction of Spit and Bite Guards. The response from the PSNI is provided at Item 6.2. ACC Chris Todd is attending today's Committee meeting.

The Director provided an update on AP6 from the meeting held on 23 June 2022. Members had requested that Officials respond to the Children's Law Centre to acknowledge receipt of their letter of 22 June 2022 and advise of next steps with invitation to Committee to follow. A letter was issued on 28 June 2022 and is at Item 4.1 of today's meeting. A meeting was held with the Children's Law Centre, AI, Include Youth and CAJ on 24 August 2022.

The Director provided an update on AP7 from the meeting held on 23 June 2022. Members had requested that Officials to write to PSNI to request an update / timeframe for resolution on issues surrounding Noah Donohue case. A letter was issued to the Chief Constable on 27 June 2022 and the response is provided at Item 5.1 of today's meeting.

Members engaged in a brief discussion.

#### **4.1 Accompanying Correspondence**

Members discussed correspondence received from the PSNI in relation to:

- AP 1 June 2022 – in relation to OCG's. Officials contacted PSNI to seek further clarification on the identity and affiliation of the 64 OCG groupings noted by the PSNI. Members were content with the correspondence.
- AP 2 June 2022 – in relation to Operation Skeippe. Officials requested further update from the PSNI to establish if the data breach

issue has any further consequences. Members were content with the correspondence.

- AP 3 June 2022 – in relation to the Committee Programme of Work. Members had requested that Officials re-draft the Draft Programme of Work to accommodate emerging issues as identified at June Committee meeting.
- AP 6 June 2022 – in relation to SBG's. Officials responded to Children's Law Centre to acknowledge receipt of their letter of 22nd June and advise of next steps with invitation to Committee to follow. Members noted that the meeting was held on 24 August 2022.

## **5. CHAIRPERSON'S BUSINESS**

The Chair confirmed that there had been 2 items of business received by the Chairperson for discussion.

The Director of Performance highlighted to Members a letter received from the Chief Constable. Members had requested that Officials write to PSNI to request an update / timeframe for resolution on issues surrounding Noah Donohue case. The PSNI have advised that the disappearance and death of Noah Donohoe is subject to an ongoing Coronial investigation and the Police Service continues to provide assistance to the Coroner. The inquest is scheduled for 28 November 2022.

The Director of Performance highlighted to Members a letter received from the Committee for the Administration of Justice (CAJ) and their Report: "Dealing with hate expression in public space in Northern Ireland" which focuses on public authorities' duties and practice towards removing racist, sectarian, homophobic, and other hate expression from public space. CAJ also requested to attend the Committee to brief Members on the issue.

Members engaged in a brief discussion on the CAJ report.

Following discussion it was:-

**AGREED.**

Officials to invite CAJ to Committee to a future Committee meeting to present a briefing on their report 'Dealing with Hate Expression in Public Space in Northern Ireland' **(AP1)**

**6. ITEMS FOR COMMITTEE BUSINESS**

**6.1 Policing Plan Measure 1.4.1 & 2.4.1 Crime Outcomes.**

Board Officials presented a paper providing Members with an analysis of work relating to the PSNI's Performance against Measures 1.4.1 and 2.4.1.

Board Officials gave updates focusing on:

**Outcome 1** We have a safe Community

**Indicator 1.4** Crime rates and trends showcase and effective police response; and

This analyses the PSNI performance against Measure:

**Measure 1.4.1:** Benchmark PSNI crime rates against previous PSNI levels and other most similar services.

This paper also focuses on:

**Outcome 2:** We have confidence in policing; and

**Indicator 2.4:** Delivery of effective crime outcomes.

It analyses the PSNI performance against:

**Measure 2.4.1:** Levels of crime outcomes to identify and respond to areas of concern in outcomes statistics, with a particular focus on domestic abuse in 2022/23.

The Police Performance Monitoring Manager (PPM Manager) advised that Members may wish to note that due to the nature of transferable information reported and the link needed to understand impact the PSNI have now aligned the Performance Plan reporting of these two Measures. Therefore, crime rates and trends to showcase an effective police response (Measure 1.4.1) and crime outcome (Measure 2.4.1) have been reported upon together to best meet Member's needs and ensure these key strategic areas are brought collectively to Members to provide as much required and relatable information as possible.

The PPM Manager drew Members attention to the PSNI report card that noted that in 2021-22 the crime rate is 56.2 crimes per 1,000 of the population. This is an increase of 13.1% compared to 2020/21, which was 49.8 per 1,000. The baseline rate for crime is 54.3 per 1,000 population. In 2021-22 the Anti-Social Behaviour (ASB) rate is 30.5 per 1,000 compared to 33.9 in 2020/21. The baseline rate for ASB is 31.2 per 1,000. All crime rates have increased against the baseline, only crime against older people is showing a decrease against the baseline. However, the crime rates are largely similar to the previous rates considered by Members of the Performance Committee on 9 December 2021.

In relation to crime rates, the PPM Manager recalled to Members that Northern Ireland is consistently at the lower end of the range in comparison to 'Most Similar Forces' (MSF's) and below the England and Wales average for all categories, except drug offences and criminal damage as well as the highest crime outcome rate (charge / summons and out of court) when compared to our MSFs. However, Northern Ireland has the second highest figure when compared to MSFs for crimes that are not yet assigned an outcome.

The PPM Manager referred Members to the PSNI report that shows in 2021/22 there was an increase of 13.1% in crimes recorded in Northern Ireland compared to 2020/21. During the same period there was a decrease

of 24.1% in the number of ASB incidents. The PSNI reports this is the result of restrictions relating to the Covid-19 pandemic, which led to a substantial increase in levels of ASB and a reduction in recorded crime during 2021/22.

The PPM Manager informed Members that the Charge / Summons and Out of Court outcome rate is 24.4% which is the same as the baseline for all crime, whilst the outcome rate for domestic motivated crime is slightly higher at 25.2% which is higher than the baseline for domestically motivated crime. The PSNI recorded an increase in crimes not yet assigned an outcome against 'All Recorded Crime' which has increased from 30.2% in the last reporting period to 36.3% which was higher in Northern Ireland than in England and Wales overall.

The PPM Manager referred Members to the latest PSNI crime figures for reported hate motivated offences for the period April 2021 to March 2022 which demonstrates a significant increase in the number of hate motivated crimes and incidents reported. The PSNI report card indicates that 9.9% of hate motivated offences have resulted in a charge / summons outcome compared to 14.3% of all recorded crime, this is an increase of 2.9% when compared to previous reporting. The PSNI also record that 32.5% of hate crimes have been assigned the outcome 'Investigation Complete - no suspect', which has decreased from 34.9% since last reporting.

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

The PSNI presented information through their report card and provided a statistical commentary of their performance against Measure 1.4.1 and 2.4.1 and discussed with Members the work carried out on a number of key areas including:

- The PSNI referred to the recorded crime figures and the increase in numbers suggesting that this may be a post Covid-19 restrictions impact.



The increase is attributed to crimes against the person, sexual offences and drugs;

- The PSNI informed Members that Northern Ireland is second only to Scotland in terms of drugs related deaths. There continues to be misuse of prescription drugs and poly-drug use. The increase in the number of drug offences is explained by the PSNI as due to increased police activity;
- The PSNI discussed their proactivity in drug seizures, their continued work with NCA and Interpol as well as ongoing Operations such as Dealbreaker and Mobilser;
- ASB incidents are recorded as down on pre-Covid levels. The PSNI comment that when compared to our MSF's and the England and Wales average we have a lower crime rate but a higher ASB rate;
- The PSNI referred to the increase in domestic offences for the eighth consecutive year but noted that it was encouraging that there is an increase in criminal justice outcomes and reporting of this type of crime;
- The advocacy service provided to victims of sexual or domestic violence is described by the PSNI as a success as change is being seen in what they term 'the levels of attrition', that is, victims who leave the criminal justice journey prior to an outcome;
- The PSNI referred to acquisitive crime and although the rate for this is recorded as decreasing there are concerns that the cost of living crisis may see this increase with crimes such as shop lifting and home heating oil theft. The PSNI informed Members that they will shortly be launching a preventative media campaign to alert business and the public to acquisitive crime;
- The PSNI made reference to the work of the cross border Joint Area Task Force (JATF) and their continued engagement with An Garda Síochána to prevent cross border crime;
- Violence against the Person and Hate Crime continue to have low criminal justice outcomes according to the PSNI as a consequence of, in many cases, evidential difficulties or the victim not supporting some kind of action possibly fearful of retribution;

- The PSNI referred to the Strategic Community Engagement Team whose work is focusing on ethnic and diverse community groups. This team seeks to engage with diverse communities to inspire confidence in the PSNI and to encourage the reporting of crime.

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

- Further clarity was requested by a Member on the burglaries, robberies and the downward trend reported by the PSNI;
- A Member asked for an explanation in relation to victimisation whether there is an under reporting of crime;
- A Member referred to the improving Domestic Violence outcome figures and commended the PSNI but expressed concern at the levels of attrition in relation to victims staying in the criminal justice journey and asked how this can be addressed;
- A Member also referred to the low outcome rates for Hate Crime and asked what more can be done to improve this. In relation to Sexual Crime the Member asked if the PSNI could provide a statistical breakdown of those victims aged both under and over 18;
- A Member drew attention to the new domestic abuse legislative tools and the PSNI's own dip sampling of cases and queried if these have meaningful impact on the Report Card;
- A Member asked if the statistics have an impact on decision making and allocation of resources;
- A Member queried the veracity of the PSNI statistical information and what assurance could be given to Members;
- A Member drew attention to the PSNI's performance in comparison with MSF's and asked if the crime figures are reflective of the reality for communities. The Member suggested that ethnic or emerging groups are reluctant to engage with the police, for example, due to a fear of Home Office intervention over their immigration status;

- A Member asked for further clarity on the intelligence gathering and reporting used for the statistics and whether this was like for like with the Most Similar Forces;
- A Member highlighted the Rape Crime Survey 2021 and asked for an update on the emerging trends and when will the findings from the report be known;
- A Member queried the rise in the number of ASB's when there has been a number of pilot schemes taken forward in economically deprived areas asking what is accounting for the increase and what is being done to address this;
- A Member referred to the increase in drugs related crime and the lack of community engagement with the police to report such activity. The Member also recalled the assurance given to Members by the PSNI at the 11 November 2022 Committee meeting, as part of the briefing on Policing Plan Measure 1.2.2 - Organised Crime Gangs, that leaders of drug gangs would be the focus of investigation;
- A Member queried in relation to Body Worn Video (BWV) why there was a dip in usage in June 2022 to 68% followed by an increase in July 2022 to 95%. Furthermore, the Member sought an explanation as to why when there is an expectation that there should be 100% compliance the usage was less; and
- A Member enquired with regards BWV usage what disciplinary measures are required to make sure officers are compliant.

The PSNI provided the following responses:-

- The PSNI suggested that the downward trend in burglary and robbery may be a consequence of changes in the commodities sought, for example, home heating oil may be stolen due to the cost of living crisis. The PSNI assured Members that they remain vigilant;
- Building trust with communities is viewed by the PSNI as being fundamental in changing views on policing and encouraging those victims of hate crime to report it. The PSNI acknowledge that there may be victims of racially motivated crime whose experience of police in their

country of origin also leads to a reluctance to report crime. The PSNI referred to their continuing engagement with community groups and cite the increase in reporting as a potential indicator that confidence in policing has increased. The police are also continuing to engage with Disability Action to explore further what can be done to combat disability crime and support victims;

- The PSNI referred to the comparable MSF's as those forces assessed by HMIC based upon population and geographical size;
- The PSNI referred to the provision of statistical information for sexual crimes by age as something that could be explored further but cautioned that this is a complex area;
- With regards Domestic Violence and levels of attrition the PSNI referred to the first interaction victims have with police as having an effect on criminal justice outcomes. The PSNI recognise that keeping the victim engaged in the criminal justice process is vital and they acknowledge the work undertaken by advocacy services.
- The PSNI cited the Foyle Family Justice Centre, a one-stop centre with onsite help and guidance provided by multiple agencies including the PSNI, as an encouraging progression in helping victims of crime;
- The PSNI stressed the importance of a victims first contact with the police and the evidential benefits of BWV. The PSNI have undertaken work with the PPS to assess their investigative standards and evidence to focus on providing quality investigations to victims. Frontline officers have been given the support and tools to deal with domestic violence cases with improved training and learning to assist with identifying evidential opportunities;
- The PSNI referred to their internal dip-sampling of cases as well as the external PPS review of investigative standards as helping to improve processes, reflect on what works well and what doesn't, increase confidence and help keep the victim engaged with the justice system;
- The PSNI referred to the recently completed coercive control training for officers and how it will take time to see how this has an impact on criminal justice outcomes and on the Report Card. The PSNI also informed

Members that training on stalking that has been completed involving 3.000 officers who have interactions with a criminal justice outcome now trained;

- As well as designated Domestic Abuse Champions to assist officers the PSNI referred to the digital assets available to those working on the frontline as having a real practical value as they provide “What do I do” help at the scene;
- The PSNI reassured Members that resources are allocated as priorities emerge or in response to the community served. As part of their decision making process the PSNI reassess their priorities if the statistics plateau and divert resources to another area. The PSNI also referred to improved communications between local policing and Serious Crime Unit;
- Members were also assured by the PSNI that the operational statistics provided to the Board are validated and presented in good faith. The PSNI view statistics as forming one part of a conversation around human behaviours and complex issues. The PSNI accepts that there is under reporting of crime, in particular with regards to ethnic or emerging communities, and they encourage the Board and other agencies to help them encourage these groups to feel empowered to come forward and report crime;
- The PSNI drew attention to similarities with MSF’s such as their use of Niche system which is also used in England and Wales, however, the PSNI acknowledge that there are some variances with crimes types reported for example ASB’s;
- The PSNI referred to the Rape Crime Survey 2021 which saw 12 months of data reviewed. There were 100 participants in the survey and seven negative responses. The PSNI are addressing the negatives that have come out of the survey;
- The PSNI record that ASB’s are below the baseline before Covid-19 and decreased in the last fiscal year. There was a significant spike in 2021 that may have been the consequence of push back against Covid-19 restrictions but this is viewed as a unique situation and the statistics are now starting to normalise. ASB’s are viewed as a quality of life issue and

the PSNI are working in partnership with other agencies such as the Housing Executive;

- Drug dealing, particularly in Belfast, is seen as a public health issue. The PSNI give space to other agencies to operate and get ahead of the issue. The PSNI referred to the Community Safety Strategic Delivery Board and suggest that more can be done working in partnership with such groups. The PSNI also cite their ongoing work with PCTF and Border Force to target drugs and drug dealers;
- The PSNI referred to BWV usage explaining that the statistical dip in June 2022 followed by an increase in July 2022 may be the result of a surge in numbers. The PSNI referred to the high compliance of officers using BWV at 95% in July 2022 but suggest that it is not always appropriate to use BWV therefore 100% may be desirable but not always achievable; and
- The PSNI commented that BWV compliance is not a disciplinary issue at present as the service is still working on learning.

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

Following discussion it was:-

### **AGREED**

Officials to request an update report on Anti-social Behaviour (ASB's) from PSNI **(AP 2)**

## **6.2 Permanent Introduction of Spit and Bite Guards.**

The Director of Performance reminded Members that the Performance Committee has been responsible for monitoring the temporary introduction of Spit and Bite Guards [SBGs] by the PSNI since March 2020 in response to the pandemic. As part of this monitoring the Committee has overseen the

production of the Board's 'Thematic Review of the Policing Response to COVID 19 with its recommendation to cease use of SBGs by December 2021. The Committee and the Board has also taken into consideration the findings of the Ombudsman's reviews of PSNI's Use of SBGs in 2021 and also reviewed PSNI's Evidence Report that included the findings of the public consultation alongside a completed Equality Impact Assessment.

The Director of Performance also recalled to Members that in February 2022 the Human Rights Advisor considered all this evidence and produced a Review of the issue, which considers all of the above information and provides a human rights assessment of the application of SBGs. 21 recommendations were made in relation to training and guidance, children, mental health and governance. The Board accepted the continued use of SBGs by the PSNI, subject to the agreement of governance framework that it will review on a regular basis.

The Director of Performance referred to the June Performance Committee meeting and Members consideration of the reply from the Chief Constable dated 10<sup>th</sup> June which notified the Board of the decision to permanently introduce SBGs from 13<sup>th</sup> June. Members were unclear from the correspondence if the Chief Constable had accepted the request to agree a governance framework. Members agreed at the meeting to invite ACC Chris Todd to brief the Committee on PSNI's work since then and to provide Members with a formal response to the recommendations contained within the Report.

The Director of Performance stated that the PSNI have accepted 20 of the 21 recommendations made within the Board's Review report. The Board Chairman and the Human Rights Advisor met with representatives of the Children's Law Centre, Include Youth, CAJ and Amnesty International on 24th August 2022. The Organisations had written to the Board Chair to express their concerns with the permanent introduction of SBG's by the Chief Constable and requested an urgent meeting. At the meeting a number of

issues were raised that included the quality of and the process of the PSNI's EQIA on SBG's, the continued use of SBG's on children and vulnerable people and the quality and standard of PSNI's Guidance and training.

The Chairperson welcomed Assistant Chief Constable Chris Todd to the Committee meeting. He invited him to brief Members on the Permanent Introduction of Spit and Bite Guards.

The PSNI discussed with Members the work carried out on a number of key areas including:

- The PSNI apologised to the Committee for the late sharing of their responses to the Human Rights Advisor's report;
- The PSNI referred to the current SBG use which is currently 10 occasions on average per month;
- The Strategic Management Board of the PSNI considered the Human Rights Advisor's Report and its recommendations;
- All Recommendations are accepted by the PSNI with the exception of Recommendation 15 in respect of their use of SBG's on those aged under 18. PSNI's guidance sets out the governance arrangements when a SBG is deployed on a child. This has not been accepted by the PSNI as they feel the decision to use a Spit and Bite Guard should be threat based;
- The PSNI want to assure the Board that there will be greater scrutiny of police powers internally as well as externally and they are content to provide a return to the Board bi-annually.

An internal PSNI video of 4 minutes duration was shown to Members featuring ACC Chris Todd's message to all officers as part of the Spit and Bite Guards learning package.

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



- Further clarity on the Chief Constable's decision to permanently introduce SBG's and lack of communication to the Board;
- A Member queried whether the external PSNI SBG oversight working group will this have independent members, the current position of this group and how will the recommendations of the Board will be factored;
- A Member referred to the PSNI's non acceptance of Recommendation 15 of the Report in respect of SBG use on those aged under 18. The Member queried the decision taken by the PSNI that any such use would be investigated by a local officer and not the Police Ombudsman;
- A Member asked if SBG training has been incorporated as standard at Police College or for every frontline officer;
- A Member referred to the PSNI use of SBG's when all other avenues exhausted and asked what does this mean in practice and what are the other options if SBG not used;
- A Member referred to vulnerable adults and queried whether the PSNI's external review group has the relevant expertise to appropriately monitor this;
- A Member sought further clarification of the PSNI's acceptance of Recommendation 11 and questioned if this was a 'qualified acceptance' as the text suggests; and
- Members discussed the PSNI's accountability to the Board and future reporting on the SBG Report recommendations.

The PSNI provided the following responses:-

- The PSNI reiterated its apology to the Board and the Human Rights Advisor for not sharing their response to the Human Rights Advisor's recommendations and assured Members that this will not happen again;
- The PSNI referred to the accountability framework established that incorporates internal, external and independent scrutiny whose role is to influence the PSNI and to help construct the SBG monitoring framework. The Independent Advisory Group offers another form of external scrutiny as an independent member sits on the panel. Internally the PSNI are

looking at greater local accountability and improving communications with local commanders to address concerns;

- In late September 2022 the PSNI advised that they will be meeting with the Children's Law Centre, Amnesty, Citizens Advice Bureau and others as part of an independent forum to listen to and address their concerns;
- The PSNI referred to their Service Accountability Panel who will have oversight of the external reference group. The Service Accountability Panel will then provide updates to the Committee and monitor the progress and report back to the Board;
- With regards Recommendation 15 and SBG use on under 18's the PSNI advised that their decision was informed by the Police Ombudsman's view that routine referrals were no longer possible by their office. The PSNI support OPONI's position, they continue to follow the mandatory criteria requirements for referrals and are accountable to the internal scrutiny panel;
- The PSNI confirmed that all student officers receive SBG training and all frontline officers are subject to mandatory refresher training;
- In considering alternatives to SBG use the PSNI referred to the process of conflict resolution, escalation / de-escalation and the fact that officers must provide the rationale for Spit and Bite deployment on the Use of Force form. The officers on the scene must consider whether their presence is affecting the persons behaviour, such as, in a situation with a young person the officer stepping away to have a discussion with a parent or guardian may de-escalate a situation. The PSNI referred to the use of cell vans as offering protection to officers without the need for a SBG;
- In response to Recommendation 11 regarding the use of gloves and PPE the PSNI acknowledge that a more explicit explanation could be provided and welcome the opportunity to re-visit this. The PSNI further acknowledge that the intention would be for officers to wear PPE but this requires a degree of pre-planning; and
- The PSNI confirmed that all frontline officers are issued with SBG's and re-confirmed that mandatory refresher training is annual for those operationally deployed and training varies according to job role.

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

Following discussion it was:-

**AGREED**

Officials to write to ACC Chris Todd to request progress update on the Human Rights Advisors Recommendations and further monitoring data  
**(AP 3)**

**6.3 PSNI Professional Standards Annual Report**

The Human Rights and Professional Standards Manager (HRPS Manager) stated that under section 3(3)(c)(i) of the Police (Northern Ireland) Act 2000, the Board must keep itself informed as to the workings of Part VII of the 1998 Act (police complaints and disciplinary proceedings) and trends and patterns in complaints under that Part. This work is undertaken by the Performance Committee which oversees the extent to which the service is respecting professional standards of police conduct.

The HRPS Manager referred to allegations of police misconduct discovered by the PSNI reported by officers (not complaints by members of the public) are investigated by the PSNI PSD under the Police (Conduct) Regulations (NI) 2016. The HRPS Manager took Members through the PSNI misconduct proceedings.

The HRPS Manager recalled to Members that the Office of the Police Ombudsman for NI (OPONI) investigates complaints made by members of the public and issues referred to it by other public bodies. Members will also

receive a briefing from the Office of the Police Ombudsman for Northern Ireland at their October Committee meeting.

The HRPS Manager referred Members to the PSD Annual Report.

The Chairperson welcomed the head of PSD along with a colleague to the Committee meeting and invited him to brief Members on the work of PSNI Professional Standards and Discipline.

The PSNI discussed with Members the work carried out by PSD on a number of key areas including:

- The PSNI acknowledge that the 2021 PSD Report is published against the backdrop of significant interest in police behaviour;
- The PSNI PSD objective of the 3 branches is to collectively ensure that ethical standards are upheld and any behaviour that falls below this standard is dealt with;
- The PSNI referred to PSD 2021-22 Report that shows overall there is a downward trajectory;
- The PSNI acknowledgement that the numbers of officers suspended or repositioned has increased but this is a consequence of changes within the organisation. If there are protracted suspensions these are often outside of the PSNI's control as there may be an ongoing criminal case;
- The PSNI discussed the work of Service Vetting Unit and Anti-Corruption Unit;
- The PSNI referred to the continuous improvement of PSD, with a discussion regarding resourcing of the department, improving the structures and use of technology to make the Department more robust;
- The PSNI assured Members that a small minority of officers are dealt with by PSD. The PSNI stressed that the majority of officers serve and uphold the standards of behaviour as expected.

Members engaged in discussion with the PSNI on a number of issues including:-

- A Member referred to the BBC 'Spotlight' programme broadcast on 31 May 2022 and other recent media highlighting poor PSNI behaviour. The Member queried how whistleblowing is differentiated as there is little mention of this in the report. The Member also queried what confidence mechanisms are in place to protect the anonymity of officers to make reports;
- With regards Service Vetting, a Member queried the extent of officers currently not vetted. The Member further asked whether recruitment vetting is done sufficiently and whether it is as effective as it could be;
- A Member referred to the process for referral to PSD and the Ombudsman and asked for clarification. The Member further queried if consideration is given to police morale and perceptions around treatment of those in different ranks;
- A Member referred to random drug testing of police officer and sought clarity on the process of 'random' selection;
- A Member referred to sexual misconduct and sharing on social media and asked what is going to be done to effectively address this behaviour;
- A Member asked if PSD had any plans to develop workshops to highlight to officers the harm activity creates;
- A Member referred to the culture of the organisation and in particular its reporting behaviours, the decision and operational processes that contribute to this. The Member queried whether those who receive criminal convictions are repositioned and also an explanation for the rise in re-positionings;
- A Member referred to behaviours identified in the report and asked what is being done to address this behaviour;
- A Member commented on the type of investigations and whether there is a rolling back-log of investigations and whether this accounts for the numbers presented or if a high number can be expected to be reported each year. The Member also cited the PSNI's disciplinary hearing outcome 'Conversation with Management' and asked if this is recorded;
- A Member referred to 'Duty of Candour' and asked how far this is accepted culturally by the PSNI. The Member made reference to An

Garda Síochána creating an Anti Corruption Unit and asked what is the benchmark or scale of the PSNI unit is in comparison;

- A Member asked if whistleblowing is recorded in the PSNI crime statistics; and
- A Member referred to the Code of Ethics in relation to the work of PSD.

The PSNI provided the following responses:-

- The PSNI currently receive misconduct reports via direct referrals, OPONI or public contact. As part of their communications strategy the PSNI referred to the 'Call it Out' culture that they hope will encourage officers to report misconduct along with a number of different mechanisms to report anonymously;
- The PSNI assured Members that the vetting process is robust and is to the required standard;
- The referral process directs that any on-duty public complaints to be investigated by the Ombudsman and any off-duty complaints are dealt with by PSD. If there is significant public interest a referral may be made by the Deputy Chief Constable to the Ombudsman to investigate;
- The PSNI Appropriate Authority applies the same standards to all cases. The PSNI suggest that as the vast bulk of cases are within lower ranks it reflects their greater number in the statistics. The lower number of cases of those in senior ranks may be explained by there is a greater expectation on these officers to behave appropriately;
- The PSNI confirmed the random nature of drug testing;
- The PSNI acknowledge that the use of social media / mobile phones cannot be completely eradicated but officers are continuously reminded of the consequences of their behaviour. The PSNI are developing a messaging system for police phones to address the issues with the use of WhatsApp groups;
- With regards to identifying behaviour the PSNI referred to the work of the Counter Corruption Intelligence Board and identifying those at highest risk

of corruption. The PSNI reiterated its support for the 'Call it Out' culture among officers;

- The PSNI recalled to Members that those officers convicted of criminal offences are then subject to misconduct procedures with the appropriate outcome made at a hearing. All officers who were subject misconduct hearings in 2020/21 were dismissed which the PSNI believes sends a powerful message and enforces the perception that involvement in criminality leads to dismissal;
- The repositioning of officers under investigation by OPONI or PSD is considered to place constraints on officers' behaviour e.g. such as no public facing role or access to IT systems;
- The PSNI assured Members that there are mechanisms in place to deal with persons of concern. This is done through Service Conduct Procedures where the threshold for criminal or PSD action has not been reached it allows the officer actions to be limited. Vetting can also be removed in certain circumstances which prevents an officer from working in certain roles;
- The PSNI referred to the regulatory constraints and difficulty in segregating OPONI, PSD and PPS. The PSNI refer to the current system that requires an ACC to Chair a misconduct hearing which can create operational difficulties with disciplinary hearings as there are only four ACC's. The PSNI referred to Special Case Hearings that allows for a case to be taken forward to the Chief Constable when a criminal outcome is not yet completed, this has occurred on 8 occasions in 2022;
- The PSNI referred to the high number cases and advised that this does include some back-log. The PSNI aspiration is to turn around investigations more quickly but this will require greater resources of people and infrastructure;
- The PSNI confirmed that the disciplinary hearing outcome 'Conversation with Management' is recorded. This is the lowest level of outcome;
- The PSNI commented that the An Garda Síochána Anti-Corruption Unit is a new unit and the PSNI will be visiting to discuss best practice. The PSNI note that the An Garda Síochána Anti-Corruption Unit also contains

an Education Unit whose role is to talk to officers and promote good behaviour;

- The PSNI could not give a definitive answer on Duty of Candour in respect of the culture of the organisation but suggest as the PSD progresses and is more proactive that confidential reporting may improve;
- The PSNI confirmed that any crime has to be recorded in the crime statistics; and
- The PSNI referred to the Code of Ethics that is currently being revised and will be brought forward to the Board at a later date which will address current discipline issues.

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

At 1:35pm the Chairperson called a 15 minute recess.

At 1:55pm the Director of Performance informed Members that the Chairperson had to leave and the Vice-Chair took over the chairing of the remainder of the meeting.

#### **6.4 Draft Human Rights of Police Officers Report**

The Human Rights Advisor provided Members with an overview of the draft Human Rights of Police Officers Report. The Human Rights Advisor referred to the Board's three-year Human Rights Programme of Work, agreed in November 2021, which sets out the themes to be scrutinised by the independent Human Rights Advisor, of which this Report which focuses on the rights of police officers and designated staff within PSNI is one of these themes. The Human Rights Advisor also recalled to Members that the Board has a statutory duty under section 3(3)(b)(ii) of the Police (Northern Ireland) Act 2000 to monitor the performance of the PSNI in complying with the Human Rights Act 1998. It is the role of the Board's Performance Committee to carry out this monitoring work.



In this report six key areas of the Human Rights of Officers and Staff are examined with analysis and updates provided. These areas are:

- The Right to Life/ Protection from Harm
- Prohibition of Ill Treatment
- Freedom of Expression / Association
- The Right to Due Process / Minimise Delay
- The Right to Privacy
- Freedom from Discrimination

The Human Rights Advisor informed Members that during March and April 2022, along with Officials, he met with representatives of staff association groups and individuals within the PSNI. The groups and individuals consulted included The Police Federation, The Police Officer Disability Network, The Northern Ireland Public Service Alliance (NIPSA), The Christian Police Association, The Superintendents Association, senior officers, Student Officers, The LGBT+ Staff Association, The Women's Police Association, The Ethnic Minority Staff Association and The Catholic Guild of Police Officers. The Police Ombudsman was also consulted.

The Human Rights Advisor requested that Members consider and provide comments on the Report. Members were also asked to consider if the report should be published in full or if the executive summary and recommendations only should be published.

Following discussion it was:-

**AGREED;**

Officials to email Members requesting that after their consideration of the draft report and its recommendations that they provide comments by Friday 23 September 2022. **(AP 4)**

Officials to write to the PSNI requesting a breakdown of assaults of police officers by district. **(AP 5)**

## **6.5 NCA / SOC Reports to March 2022.**

The Director of Performance stated that Section 3(3a) of the Police (NI) Act 2000 outlines the key functions for the Board in respect of the operations of the National Crime Agency (NCA) in Northern Ireland. These are to monitor the exercise of the functions of the NCA in Northern Ireland and make arrangements for obtaining the co-operation of the public with the NCA in the prevention of organised crime and serious crime.

The Director of Performance also recalled to Members that the NCA provides quarterly reports to the Board and these are presented to the Performance Committee and Board every six months. These reports provide an update on NCA's activity on the overall disruptive impact, those who dominate communities and chase profits in the criminal market, those who undermine the UK's economy, integrity, institutions and infrastructure those who exploit the vulnerable and supporting the NCA's partners with specialist capabilities.

The Director of Performance noted that Members may recall from the 11 November 2021 Performance Committee that the Board receives a PSNI Performance Serious and Organised Crime (SOC) report. He stated that the next opportunity for Members to discuss these issues with the NCA Director General and the Chief Constable will be at the Board meeting of Thursday 1st December 2022. The aim of the SOC report is to summarise the performance and activity of the PSNI in regards to SOC through a number of key areas of focus.

The Director of Performance recalled to Members that due to the Board not meeting in April and May 2022 (due to the election) the opportunity to scrutinise the NCA and PSNI in relation to this period did not occur. The NCA Director General and the Chief Constable will next appear before the Board on 1 December 2022. Officials will bring an up-to-date paper to the November Performance Committee that will consider the reports for the first quarter 2022/23 period. Therefore, this paper is for Members information with the Key Issues and Key Opportunity having been identified through analysis of the NCA and SOC Q3 and Q4 reports respectively (October – December 2021 and January – March 2022)

#### **6.6 Human Rights Advisor Update Report for July to August 2022**

The Human Rights Advisor provided Members with an overview of areas within his current work programme including, finalising the Human Rights Annual Report, finalising the Human Rights of Police Officers Report and drafting the thematic Use of Force Report on Taser.

The Human Rights Advisor updated Members on meetings he attended between June and August including; the NIO Working Group on non-jury trials, Independent Custody Visitors (ICVs) induction and conference, Use of Force training, Body Worn Video (BWV) of TASER use, Children's NGO's concerned with Spit and Bite Guards (with Chairperson), JSA Reviewer and authorisation officers, 11 / 12 July events, Kenova – Jon Boutcher, Seapark (Murder Archive), NIO stop and search authorisations, PSNI officers – strip searching of children, PSNI officers, PSNI Training College, Chief Constable and Deputy Chief Constable, PSNI lawyers, John Beggs QC and various meetings with Board Officials.

He also informed Members of his September work plan including; continuing the finalising the Human Rights of Police Officers Report, continuing the drafting of the Human Rights Annual Report, researching and drafting the Use of Force (Taser Use) Report and assisting with the preparation of reports for

Board and Performance Committee. During September the Human Rights Advisor also plans to meet PSNI officers.

The Human Rights Advisor drew Members' attention to the correspondence received from the PSNI in relation to the strip searching of children.

Following discussion it was:-

**NOTED.**

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

**6.7 Review of the Performance Committee Terms of Reference.**

The Director of Performance recalled to Members that the Board on 9th June 2022 requested that all Committee's review and consider their current Terms of Reference to ensure that they are up to date and accurate. The Performance Committee agreed a draft Terms of Reference at the meeting on 23rd June 2022. However, a further addition is required to be added as per the other Committees and all final documents are to be brought to the 6th October 2022 Board meeting for agreement.

The Director of Performance also informed Members that a proposal to add the Committee's strategic objective was discussed at Partnership Committee and agreed. The Chief Executive has requested that both Performance Committee and Resources Committee consider adding a similar strategic objective in order to bring all the Terms of Reference into alignment.

The Director of Performance referred Members to the proposed text. The overarching Strategic Objective of the Performance Committee is: "To monitor Police Performance, particularly against the Measure identified within the Policing Plan. PSNI's performance will also be monitored in relation to

Human Rights, Professional Standards and reports from other scrutiny organisations.”

The Director of Performance informed Members that the Chair had indicated that he wish to propose amendments to this draft Strategic Objective. Given that the Chair had to leave the meeting earlier, A Member proposed that a decision be deferred until the next Committee meeting.

Following discussion it was:-

**AGREED;**

That a discussion and decision on amending the Committee’s Terms of Reference would be deferred until the October 2022 Committee for further consideration. **(AP6)**

**7. QUESTIONS FOR THE CHIEF CONSTABLE**

**7.1** One question was identified by Members at the 23 June 2022 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.

No questions were identified to ask the Chief Constable:

**8. COMMUNICATION ISSUES**

There were no communication issues arising from the meeting.

**9. ANY OTHER BUSINESS**

**10. DATE OF NEXT MEETING**

It was also agreed that the following Performance Committee meeting would take place on **Thursday 13<sup>th</sup> October 2022** at **09.30am**

Meeting closed at 2:25pm.

**PERFORMANCE DIRECTORATE**

**8 September 2022**

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**Vice-Chairperson**