

NORTHERN IRELAND POLICING BOARD

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

PRESENT:

- Mr Gerry Kelly, Chair
- Mr Les Allamby
- Mr Trevor Clarke
- Mr Peter Osborne
- Ms Liz Kimmins* (4)
- Ms Nuala McAllister
- Mr Mark H. Durkan
- Mr Frank McManus*
- Mr Mike Nesbitt (3)

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

- (1) ACC Mark McEwan
- (1) D Ch/Supt Anthony McNally
- (1) C/Supt Davey Beck
- (2) ACC Chris Todd
- (2) C/Supt John Henry
- (1-2) 2 PSNI Staff

**OFFICIALS IN
ATTENDANCE:**

- Mr Adrian McNamee, Director of Performance
- John Wadham, Human Rights Advisor
- 4 Board Officials

- (1) Present for Item 6.1 only
- (2) Present for Item 6.2 only
- (3) Present from Item 4.0
- (4) Present from Item 5.0

*Attended via video conferencing

1. APOLOGIES

Apologies were received in advance of the meeting from Vice-Chair Dr Janet Gray.

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 19 January 2023.

It was **RESOLVED:-**

That Minutes of the Performance Committee meeting on 19 January 2023 were agreed.

4. UPDATE ON ACTION LOG

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

NOTED.

The Director provided an update on AP6 from the meeting held on 10 March 2022. Members had requested further information on Arrest Rates and Community Background. This issue has been highlighted as recommendation

5 within the Human Rights Annual Report. An update will be provided at today's Committee meeting by ACC Chris Todd.

The Director provided an update on AP3 from the meeting held on 8 September 2022 in respect of Spit and Bite Guards and the Human Rights Advisor's Report's Recommendations and further monitoring data. A full PSNI 6-monthly report is due to be considered at today's Committee meeting with a briefing by ACC Chris Todd.

The Director provided an update on AP5 from the meeting held on 13 October 2022 in respect of the reduction in PSNI neighbourhood outreach programmes. A letter was issued to ACC McEwan requesting the information on 26 October 2022 and the response was received. Members were content with the response from ACC McEwan.

The Director provided an update on AP1 from the meeting held on 10 November 2022 in respect of OCG's with Officials asked to follow up with PSNI on the issue of paramilitary groupings, to obtain PSNI's assessment of the strength of these organisations and the level of continuous recruitment. The response from ACC McEwan was received. Members were content with the response from ACC McEwan.

The Director provided an update on AP1 from the meeting held on 19 January 2023 in respect of Crime Outcomes with Officials to follow up with PSNI on to provide statistics on arrests and prosecutions following the introduction of the new offences on coercive control and stalking. Currently awaiting PSNI response.

The Director provided an update on AP2 from the meeting held on 19 January 2023 in respect of Crime Outcomes with Officials to follow up with PSNI to provide a geographical breakdown in relation to the recent increase in crime against children. Currently awaiting PSNI response.

The Director provided an update on AP3 from the meeting held on 19 January 2023 in respect of the over-reporting of Under 18's in custodial settings, to include an explanation of how this happen and what steps have been taken to prevent over-reporting in future. Official were asked to follow up with the PSNI to request they provide a full assessment. The response from the PSNI was received. Members were content with the response from ACO Magwood.

The Director provided an update on AP4 from the meeting held on 19 January 2023 in respect of the issues raised by BASC, their concerns relating to delays in firearms licensing raised at the February 2023 Performance Committee meeting. An update is to be provided at today's Committee meeting by ACC Todd.

Members were content with the updates provided in relation to the Action Log.

5. CHAIRPERSON'S BUSINESS

The Chair confirmed that two items of business have been received for discussion.

The Director of Performance highlighted to Members a letter received from DCC Mark Hamilton. This was received in response to correspondence issued informing DCC Hamilton of the Committee's concerns that there are a significant number of recommendations which remain outstanding from the 2020/21 Human Rights Report.

'The Police Service Response to the Northern Ireland Policing Board Annual Human Rights Report 2020 / 21' was provided to Members outlining the current position regarding the position of the report Recommendations as at December 2022. Members were informed that the Human Rights Advisor

would be meeting with PSNI leads in the respective areas and that a final assessment report of PSNI's implementation of the 2020/21 recommendations would be brought to the next committee meeting for Members' consideration.

The Director of Performance also highlighted to Members a letter received from the Chair of the British Association for Shooting and Conservation. The letter follows up from our meeting with them last month. They are seeking clarification on who to complain to regarding "maladministration" by the PSNI? The Director of Performance informed Members that should they have any further views on this that it will form part of today's discussions with ACC Chris Todd.

Members engaged in a brief discussion.

Following discussion it was:-

AGREED

Officials to write to ACC Todd to request an update on Firearms and Explosives Branch and the issues raised by BASC. **(AP1)**

Officials to write to DCC Hamilton to request an update on Recommendation 11 of the Human Rights Annual Report 2020/21 regarding publication of Dr Topping's Research and to provide an official response to its findings. **(AP2)**

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Policing Plan Measure 1.1.1 – Repeat Victims

Board Officials presented a paper providing Members with an analysis of work relating to the PSNI's Performance against Measures 1.1.1 Repeat Victims.

Board Officials provided an update on:

Outcome 1 We have a safe Community

Indicator 1.1 Fewer Repeat Victims of Crime.

Measure 1.1.1: Repeat victimisation rate and report on initiatives to support repeat victims with a focus on victims of Domestic Abuse, Child Sexual Abuse and Exploitation (CSAE) and Hate Crime in 2022/23.

The PPM Manager reported to Members that this is the second CSAE, Hate crime and overall repeat victimisation report to be considered through Performance Plan 2022/23. A repeat victim is a person who has been linked to more than one crime within the past 365 days. The provided data has not seen much change since the previous update in October 2022.

The PPM Manager referred Members to the analysis, that PSNI have reported that the number and rate of repeat victims has decreased slightly against the baseline. The number of repeat victims remains largely consistent over the past 12 months. The PPM Manager also referred to the number and rate of repeat victims of domestic abuse has also fallen marginally against the baseline. However there also been noted minor increases in the number of repeat victims of hate crime and CSAE.

The PPM Manager referred Members to the notable increase in the number of repeat victims of homophobic and disability hate crimes. This is the highest 12-month level since the recording of these motivations began in 2004/05 and 2005/06 respectively. The DOJ hate crime dashboard also reports an increase in these two categories

whereas all other categories reported a decrease. Members may wish to ask the PSNI why this has occurred and what action is being taken to address this.

The Chairperson welcomed the PSNI to the meeting.

The Chairperson invited the PSNI to brief Members on the work relating to Policing Plan Measures 1.1.1 Repeat Victims.

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

- The PSNI informed Members that Repeat Victim figures are stable;
- It was highlighted to Members that PSNI are achieving success in terms of the work to date and the progress made in respect of repeat victims; they are not seeking to achieve fewer repeat victims but fewer repeat incidents.
- The PSNI referred to broadening the remit of Support Hubs and the increasing interventions by Neighbourhood Policing Teams but accept that further work needs to be done on multi-disciplinary approaches;
- The PSNI referred to the increase in crime rate may be as a direct result of the introduction of new legislation to tackle harassment and stalking. This also means less significant reductions in repeat victims;
- In relation to Repeat Victims, the PSNI referred to the work of the Public Protection Branch, Neighbourhood Policing Team, Reducing Offender Unit and advocacy schemes;
- Domestic Abuse and domestically motivated incidents, the PSNI comment that the repeat victimisation rate has fallen slightly but remains largely consistent and outcome rates remain victim led;
- The PSNI provided an update on their ongoing work with PPS to protect victims through the pursuit of evidential prosecutions utilising Body Worn

Video and 999 Call recordings. The PSNI also referred to the academic work commissioned in conjunction with DOJ to examine victim attrition and the Criminal Justice system;

- The PSNI referred to the Police Scotland initiative, Multi Agency Tasking and Co-Ordination (MATAC), to identify and manage the most harmful domestic abuse perpetrators. The PSNI have visited Scotland to review MATAC;
- The PSNI referred to the reviews of MARAC and the Domestic Abuse Disclosure Scheme (DVADS). The PSNI acknowledge that DVADS is not used enough, potentially as a result of the high thresholds applied to the Right to Ask / Right to Tell aspects;
- Prevent, deter, and detect remains the PSNI focus with regards Child Sexual Exploitation (CSE). The PSNI commented on the ongoing positive multi-agency work undertaken who assist with the identification of potential CSE victims or perpetrators and make referrals to them;
- The PSNI referred to Violence Against Women and Girls (VAWG) and the benefit of PULSE to assist in the identification of repeat victims, locations and perpetrators;
- Hate Crime has seen a small increase in the financial year to date. The PSNI note that sectarian offences and crimes against people with disabilities has also shown an increase; and
- The PSNI report that there has been a slight decrease in the number of older people as Repeat Victims of crime, however, the overall repeat victim rate for older people is consistent. The PSNI referred to their ongoing collaborative work with other agencies in converting reports of crime to criminal justice outcomes through the support of the victims of crime.

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

- A Member referred to the efficacy of the multi-agency approach, how well is this working and the division of labour among participants;

- Homophobic hate Crimes those with disabilities, a Member sought further information to help understand the geographic scope of these crimes;
- CSE numbers, a Member queried the 'At Risk' joint framework list in respect of children in care and asked what happens when a child reaches 18 years of age;
- In relation to the Police Scotland MATAAC initiative, a Member queried if this programme includes those who have not gone through the criminal justice process;
- Repeat Victimization in respect of Hate / Racist Hate Crime, a Member sought further clarity on why victims are not coming forward from ethnic minorities and concerns within those communities that the PSNI's interventions may affect their immigration status;
- A Member referred to reluctance within communities to report crime and how this could be addressed; and
- Interventions with perpetrators and changing behaviours, a Member sought more context on the underutilised 'Power to Tell' aspect of the Domestic Abuse Disclosure Scheme (DVADS) and also the increase in Hate Crime repeat victimisation.

The PSNI provided the following responses:-

- The multi-agency approach works well and allows the PSNI to consider their role in cases, whether they lead or support. The preventative work undertaken with other agencies, such as Education Authorities and other sectors, is aimed at preventing behaviours;
- The PSNI accept more can be done to improve engagements with emerging communities and the cultural and language barriers that may exist;
- Multi-Agency Support Hubs are viewed positively by the PSNI as they provide understanding between partners of where their boundaries cease;
- In relation to Repeat Crime of a homophobic nature and against those with disability, the PSNI referred to information collated on PULSE that offers an overview of the locations of incidents;

- The PSNI welcome the increase in reporting of CSE as it empowers them to act. The data on the number of children in care moving off the 'At Risk Register' is maintained by Social Services. During the transition to adult services the PSNI continues to monitor the child's welfare;
- Anyone can be referred to Police Scotland's MATAC initiative, a teacher may make a referral that leads to a multi-agency sharing of information to establish if sufficient risk is presented;
- The PSNI referred to their interventions with ethnic minority communities and Repeat Victims of crime, commenting that immigration status is not their principal concern when responding to an incident. The PSNI strongly encourage ethnic groups to report crime and do not want victims to feel afraid that they may be deported. The PSNI referenced the Liberty /Southall Black Sisters (SBS) Super-Complaint made in 2018, and the subsequent 2020 HMICFRS 'Safe to Share?' response to the complaint, that concerned the fact that the police share the data of victims and witnesses of crime with the Home Office for immigration enforcement purposes;
- Members were provided with a brief overview on the monthly work of the eleven MARAC Operational Board's (MOBs) at which the PSNI and partner agencies work together to promote and encourage awareness and training in other organisations such as G.P. surgeries;
- The PSNI outlined how the 'Power to Tell' scheme aspect of DVADS works in practice. This involves the review of information held and an assessment of what can be shared. The PSNI discussed safeguards and third party information requests that can be made but the PSNI will contact the person in the relationship only; and
- Hate Crime and Repeat Victims of Hate Crime services to victims by the PSNI were acknowledged by the NPCC Audit as being of a high standard.

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

Following discussion it was:-

AGREED

Officials to write to PSNI requesting a geographical breakdown of homophobic / disability hate crime incidents. **(AP 3)**

Officials to write to the PSNI requesting the scenarios and parameters for their referrals to the Home Office in respect of immigration status following interventions with those victims / repeat victims of crime from an ethnic minority background. **(AP 4)**

Officials to follow up with the PSNI on their offer to share the Multi-Agency Tasking and Co-Ordination (MATAC) Report on repeat perpetrators of domestic abuse. **(AP 5)**

Officials to write to the PSNI on the Domestic Abuse Disclosure Scheme (DVADS) to request further information on the 'Power to Tell' policy. **(AP 6)**

6.2 Spit and Bite Guards / Arrest Rates / Firearms Branch Update

The Human Rights and Professional Standards (HRPS) Manager reported to Members that the Performance Committee was responsible for monitoring the temporary introduction of Spit and Bite Guards (SBGs) by the PSNI since March 2020 in response to the pandemic. The Chief Constable's correspondence dated 10th June 2022 notified the Board of his decision to permanently introduce SBGs from 13th June 2022.

Prior to the permanent introduction of SBG, in February 2022 the Human Rights Advisor produced a Review of PSNI's use of SBGs, making 21 recommendations in relation to training and guidance, children, mental health,

and governance. In approving the publication of this Review the Board accepted the continued use of SBGs by the PSNI, subject to the agreement of a governance framework to be reviewed on a regular basis and the production of a bi-annual report, of which today's report is the first. The PSNI had previously accepted 19 of the 21 recommendations made within the Advisor's Review report. The PSNI provided data within their report for the period 16 March 2020 to 16 December 2022.

The HRPS Manager recalled to Members that the PSNI internal Service Accountability Panel (SAP) now provides internal governance for the use of SBGs. SAP is a development of the former Policing Powers Development Group (PPDG). This group monitors the use of SBGs at district and NI levels and specifically their use on children. A SBG has been deployed on a child on twenty occasions since their introduction. The Police Ombudsman has agreed to review every deployment of a SBG on a child for a 12-month period beginning on 1 November 2022, including the viewing of the Body Worn Video (BWV) footage. To date PSNI have made one notification

The HRPS Manager referred Members to the issues surrounding vulnerability noting that the PSNI's report states, as of 15 December 2022, of 325 deployments of a SBG, 53% refer to individuals recorded on NICHE as having a self-harm flag or suicidal flag prior to the application of the guard. PSNI has engaged with disability charities to discuss.

The Chairperson invited the PSNI to brief Members.

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

- The Service Accountability Panel (SAP) has met once to date in November 2022 with a further meeting scheduled for late February 2023;
- The process of deploying SBG on a child, from initial incident and transfer to custody, the PSNI interventions and referrals in place throughout;

- SBG use is lower in Northern Ireland than in most similar forces (MSFs) in England and Wales;
- The average monthly SBG use has decreased;
- Engagements with OPONI, Disability Action, Amnesty and Children's Law Centre, the ongoing dialogue to understand and address their concerns; and
- The PSNI EQIA Stage 7 full report which is due in July 2023.

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

- The statistics regarding SBG deployment relating to alcohol, drugs or mental health;
- SBG use on those aged under 18, a Member sought further clarity on SBG use in a school or care home setting and how these incidents are reported, further detail on the use of handcuffs to restrain an individual and post incident learning;
- The number of children and adults who have had a SBG applied in excess of 30 minutes, and how the PSNI SAP has made a difference in relation to SBG deployment, if learning has been applied going forward and if the Bi-Annual Report will be made available in the public domain;
- In reference to the Human Rights Advisors Recommendation to the PSNI, in respect of the statistics in relation to community background, a Member asked how this is being measured?

The PSNI provided the following responses:-

- The PSNI comment that each incident is considered, officers may have prior knowledge of an individual's mental health if previously recorded on the PSNI system. In the majority of cases discussion with the family and officer observations are used to assess situation. If pre-incident knowledge of mental health exists officers can look for an alternative to deploying SBG;

- The PSNI confirmed that age is always ascertained at an incident and post incident checks of BWV footage confirms that officers can be heard asking for confirmation of age as they endeavour to de-escalate a situation;
- The PSNI accept that the use of SBG on a child can be an adverse experience and is used as a last resort. In a school or care home setting the PSNI may be called if the staff cannot de-escalate the situation themselves;
- Child Services are informed when a child has been taken into custody. Post incident BWV is viewed by a C/Inspector and a referral is made OPONI when SBG is used on an individual under 18yrs;
- The PSNI referred to improvements in procedures since the introduction of SBG, noting the professionalism of officers deploying SBG and the scrutiny of incidents by SAP and continuous improvement. The benefits of SAP will be seen going forward;
- Consistent and accurate collection of community background data in the use of all police powers is being discussed and considered. The PSNI assured Members that discussions surrounding the policy and implementation of community background are in progress;
- Learning and development is part of the SAP, following scrutiny if a training need is identified this will be implemented as part of the cycle of professional development; and
- SBG is viewed by PSNI as a capability tactic, it does not prevent biting or spitting but can mitigate risk. Officers may be regularly spat at in the course of their duties and SBG is deployed to mitigate the risk to others such as medical professionals. The low usage of SBG, the PSNI suggests, shows that officers are reluctant to use SBG and consider other options and understand the level of scrutiny applied to its use.

The Chairperson invited the PSNI to brief Members and provide an update on Firearms and Explosives Branch (FEB).

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

- The Gold governance arrangement at FEB;
- The PSNI comment that progress is being made in the reduction of backlog in both standard applications and complex cases;
- The PSNI report that there has been a complete review of processes has commenced with a view to identifying any inefficiencies. A new IT system has been introduced that required testing and fixes. Collectively these have presented challenges. Staff have demonstrated flexibility in moving to different work streams dynamically to assist processing;
- Increasing online capability and reducing the current labour intensive process is a future consideration;
- The PSNI reported to Members that their recent interaction with BASC has been positive and they accept the validity of the complaints made;
- The issue with weapons control has been as a result of staff retirement. The PSNI are currently seeking to fill this role and are identifying staff with the necessary skills; and
- The PSNI are liaising with DOJ regarding the legislation on firearms controls.

Following discussion it was:-

AGREED

Officials to follow up with ACC Chris Todd on the publication of the SBG Report. **(AP 7)**

6.3 Human Rights Advisor Update Report January 2023

The Human Rights Advisor provided Members with an overview of areas within his current work programme in January 2023 including, publishing and

launching the Human Rights Annual Report 2021/22 and the Use of Force Report on CEDs (TASER). The Privacy and Policing Report is currently being drafted.

The Human Rights Advisor updated Members on a range of meetings he attended in January including; Performance Committee, Board meetings, JSA Reviewer, NGOs (for the Privacy Report), PSNI lawyers and various meetings with Board officials.

He also informed Members of his February work plan including, drafting the Privacy and Policing Report, meetings with Human Rights NGOs, NIHRC and PSNI and Seapark (Murder Archive) meeting. During February the Human Rights Advisor also plans to meet with PSNI officers. The Human Rights Advisor will also attend Board and Performance Committee and assist with preparation of reports.

Following discussion it was:-

NOTED

That Members were content with the Human Rights Advisors Update Report and the remaining schedule of work for February 2023.

6.4 Proposals for Research in relation to Children and Young People's Interaction with the PSNI

The Director of Performance reminded Members that at the meeting of the Performance Committee on 19th January 2023 Members discussed the need for the Board to carry out specific research in relation to PSNI and its interaction with Children and Young People. A number of issues had arisen in

the previous Committee meetings in relation to the strip searching in custody of children and young people.

Members requested that officials prepare a paper setting out options for how best to deliver research on the subject of PSNI's Interaction with Children and Young People.

The Director of Performance provided Members with four options for producing a Report and the possible impact in terms of costs, impact on other work areas within the Human Rights Monitoring Framework (HRMF) and the timeframes for a report to be produced. The Director of Performance stated that the current Human Rights Monitoring Framework (HRMF) has been agreed previously by the Board and has been consulted upon externally. The next two areas for the Human Rights Advisor to examine are Victims of Crime and the Use of Police Powers. The options proposed that in delivering these areas the Human Rights Advisor focuses on how they impact on Children and Young People only.

The committee considered the four options outlined:

Option 1 (A) - Review of PSNI's Strip Searching of Children and Young People in Custody.

Option 1 (B) - Report on PSNI's Engagement with Children and Young People as victims or potential victims of crime or the children of victims.

Option 1 (C) - Report on the PSNI's Use of Police Powers on Children and Young People.

Option 2 - Thematic Report on PSNI's Interaction with Children and Young People

The Director of Performance outlined that the Human Rights Advisor could deliver option 1(a) with a minimal impact of a small delay on the delivery of the Framework as it currently stands and discussed the terms of reference for this review.

The Human Rights Advisor could deliver options 1(b) and 1(c) with some external assistance. The impact of this option is that the areas would focus on Children and Young People and not the wider public.

Option 2 is in addition to the Human Rights Monitoring Framework and would cause significant delay to the delivery of the Framework and would incur significant costs, to be sourced, and would take considerable time to procure for such a project.

The Director of Performance recommended to Members that the Human Rights Advisor proceeds with carrying out Option 1(a) in the short term, and moves to implement Option 1(b) and 1(c) as part of the Human Rights Monitoring Framework but with a specific focus on Children and Young People.

Members engaged in discussion on the options.

Following discussion it was:-

AGREED

That Members were content that the Human Rights Advisor proceeds with carrying out Option 1(a) in the short term, agreeing the terms of reference and Option 1(b) and 1(c) as part of the Human Rights Monitoring Framework but with a specific focus on Children and Young People and not to proceed with Option 2.

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 Six questions were identified by Members at the January 2023 Performance Committee meeting. The Chief Constable's response to 4 of these 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 by Members to ask the Chief Constable:

8. COMMUNICATION ISSUES

Members agreed to issue a communication regarding the Human Rights Review of the Strip Searching of Children and Young People.

9. ANY OTHER BUSINESS

Following the Human Rights Report on PSNI's Use of Force and more specifically, their use of CEDs, a Member queried the PSNI's CED (Taser) use, supply, and training.

Following discussion it was:-

AGREED

The Chair would write to PSNI requesting further information on the number of officers who currently carry Tasers, the supply and training in relation to CEDs (Taser), why an extension of the use of CED (Taser) devices is needed and on the number of additional officers this extension will involve? **(AP 8)**

10. DATE OF NEXT MEETING

It was also agreed that the following Performance Committee meeting would take place on **Thursday 9th March 2023** at **9:30am**

Meeting closed at 1:10pm.

PERFORMANCE DIRECTORATE

9th February 2023

Chairperson