

NORTHERN IRELAND POLICING BOARD

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

PRESENT:

- Mr Gerry Kelly, Chair
- Dr Janet Gray, Vice-Chair
- Ms Linda Dillon
- Mr Brendan Mullan
- Mr Trevor Clarke
- Mr Peter Osborne* (1)
- Ms Nuala McAllister
- Mr Mark H. Durkan (2)
- Mr Mike Nesbitt (2)
- Ms Joanne Bunting

**EX-OFFICIO MEMBER
IN ATTENDANCE**

Mr Edgar Jardine

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

- (3) Ch/Supt Davy Beck
- (3) Supt Lindsey Fisher
- (4) ACC Chris Todd
- (4) Ch/Supt Mel Jones
- (3-4) 3 PSNI Staff

**OFFICIALS IN
ATTENDANCE:**

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

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

*Attended via video conferencing

1. **APOLOGIES**

Apologies were received in advance of the meeting from Les Allamby and Frank McManus.

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 11 May 2023.

It was **RESOLVED**:-

That Minutes of the Performance Committee meeting on 11 May 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 open action AP5 from the meeting held on 9 March 2023 in respect of the Performance Committee to invite Jon Boutcher to a future meeting. The Board agreed in April 2023 to invite Jon Boutcher and a formal response is awaited.

The Director provided an update on AP1 from the meeting held on 11 May 2023 in respect of recent personnel changes in Firearms and Explosives Branch. Officials to write to PSNI noting that Members wish to be kept apprised of developments and progression of improvements. ACC Chris Todd will attend Performance Committee today to address these issues.

The Director provided an update on AP2 from the meeting held on 11 May 2023 in respect of Officials to schedule meeting for the Chair and ACC Chris Todd to further discuss implementations of CEDs. ACC Todd will attend Performance Committee today to address this issue.

The Director provided an update on AP3 from the meeting held on 11 May 2023 in respect of timeframes, specifically, the length of time for PSNI to respond to PPS information requests. The response from PSNI is provided at Item 4.1 of today's agenda.

The Director provided an update on AP4 from the meeting held on 11 May 2023 that Officials to follow up with PSNI in response to Prof John Topping's comment that his research was viewed as anecdotal. The response from PSNI is provided at Item 4.1 of today's agenda.

The Director provided an update on AP5 from the meeting held on 11 May 2023 that Officials to write to ACC Mark McEwan to request further information on OCG's, specifically the geographical area, the crime types they are engaged in and what enforcement action is being by PSNI; how these fit into the overarching strategy to frustrate, disrupt and dismantle OCG's. The response from ACC McEwan is provided at Item 4.1 of today's agenda.

The Director provided an update on AP6 from the meeting held on 11 May 2023 in respect of Officials to circulate to Members a Word version of the Draft Annual Performance Assessment 2022/23 for consideration and

comments. The Word version of Draft Annual Performance Assessment 2022/23 was circulated to Members following the May 2023 Committee meeting.

The Director provided an update on AP7 from the meeting held on 11 May 2023 in respect of Officials to circulate to Members a Word version of the Draft Human Rights Review of PSNI's Strip Searching of Children Recommendations for their consideration and comments. This was circulated to Members following the May 2023 Committee meeting.

The Director provided an update on AP8 from the meeting held on 11 May 2023 that Officials request if PSNI have considered the use of scanning equipment in custody suites, similar to that used in prisons, the use of which may decrease the necessity for strip searches. Awaiting a response from PSNI.

4.1 Accompanying Correspondence

Members discussed correspondence received from the PSNI in relation to:

- AP 3 May 2023 –PSNI timeframes, specifically, the length of time for PSNI to respond to PPS information requests;
- AP 4 May 2023 - Officials to follow up with PSNI in response to Prof John Topping's comment that his research was viewed as anecdotal;
- AP 5 May 2023 – Officials to write to ACC Mark McEwan to request further information on OCG's, specifically the geographical area, the crime types they are engaged in and what enforcement action is being by PSNI; how these fit into the overarching strategy to frustrate, disrupt and dismantle OCG's;

Members engaged in a brief discussion on the updates provided.

- Members considered the OCG Tracker in relation to AP5 May 2023 and the level of detail reported on OCG activity.

- A Member referred to the report issued by Restorative Justice / Queens University on geographical area and paramilitary activity.

Following discussion it was:-

AGREED

Officials to arrange meeting with PSNI and Member to discuss further the OCG Tracker. **(AP1)**

Officials to circulate the Restorative Justice / QUB Report. **(AP2)**

5. CHAIRPERSON'S BUSINESS

The Chair confirmed that no items of business have been received for discussion.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Policing Plan Measure 1.1.1 – Repeat Victims

The PPM Manager outlined that this is the first CSAE, Hate crime and overall repeat victimisation report to be considered through Performance Plan 2023/24.

The PPM Manager recalled to Members that the provided data has not seen much change since the previous update in February 2023. Members will have noted within the analysis, that the PSNI have reported that the number and rate of repeat victims has decreased slightly against the baseline. The PPM Manager referred to the number of repeat victims that remains largely consistent over the past 12 months.

The PPM Manager referred Members to the data which shows the number and rate of repeat victims of domestic abuse has also fallen marginally against the baseline. There has also been noted minor increases in the number of repeat victims of hate crime and CSAE.

The PPM Manager informed Members that additional statistics have been provided by the PSNI on Incidents and Crimes with a Hate Motivation noting that it is concerning that there were more sectarian, disability and transphobic hate incidents recorded when compared with the previous twelve months. Indeed, the level of sectarian incidents in 2022/23 is the second highest financial year recorded since 2015/16. Disability incidents increased from 123 to 139 and crimes rose from 93 to 102. The PPM Manager informed Members that these are the highest financial year figures for both disability incidents and crimes since the recording of disability motivation began in 2005/06. Members may wish to ask the PSNI to account for these figures and what action is being taken.

The Chairperson welcomed the PSNI to the meeting. He invited them to brief Members on the work relating to Policing Plan Measure 1.1.1 Repeat Victims.

The PSNI presented information through their report card and provided a statistical commentary of their performance against Measure 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 there are fewer repeat victims of crime this financial year compared to 2021/22. The repeat victimisation rate has also seen a slight reduction;
- It was highlighted to Members that as part of the repeat victim process the PSNI continue to focus on preventing crime and supporting victims;
- The PSNI referred to the increase in hate crime in the year ending 2022/23. They discussed with Members the cross-border work with An

Garda Síochána in respect of hate crime patterns, sharing best practice and supporting districts on the border;

- There has been a slight decrease in repeat victims of Domestic Abuse;
- A brief update was provided on the MARAC Review, which focuses on high risk victims and is nearing completion. The PSNI hope that the multi-agency approach to support repeat victims will see a decrease in numbers;
- The PSNI referred to the non-fatal strangulation offence that become law in England and Wales on 7 June 2022 as part of the Domestic Abuse Act 2021. This is replicated in Section 28 of The Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (non-fatal strangulation or asphyxiation) that applies in Northern Ireland;
- The continuing work with ASSIST NI who provide advocacy services to victims of domestic and sexual abuse. The PSNI report that over 800 people are supported; and
- The PSNI provided a brief overview of the training being provided in association with NEXUS that seeks to improve evidence led prosecutions in relation to sexual crimes.

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

- What constitutes a Hate Crime and a Non-Hate Crime was queried by a Member. The Member also referred to the 'Make Safe' campaign and asked how successful this has been;
- The reduction in CSE was referred to by a Member who queried what has been done to achieve this;
- Further clarity was sought by a Member in relation to child internet protection and the potential threat of individuals posing varying degrees of risk to children as reported in the 2021 NCA National Strategic Assessment of Serious and Organised Crime;
- Attention was drawn by a Member to partner agency work in respect of CSE and those people at risk or subject to Care Orders;

- An explanation was sought on how the PSNI identify a person of concern;
- A Member referred to the increase in sectarian incidents and queried what types of incidents are reported. The Member commended the PSNI for their efforts in tackling Transphobic Hate Crime but expressed concern at the increase in this type of crime and asked if the PSNI share this concern;
- Repeat Victimisation support and reduced resourcing was highlighted by a Member who queried how this affects the PSNI Repeat Victim strategy;
- A Member referred to the reductions in racist crime and incidents across all police districts with the exception of Belfast City. The Member queried what initiatives the PSNI have to deal with this;
- A Member asked if learning from Multi-Agency Support Hubs was fed back to PSNI; and
- In respect of Hate Crime, a Member sought further clarity on how a Hate Incident or Hate crime is categorised and how an incident becomes a crime.

The PSNI provided the following responses:-

- In relation to Non Hate Crime the PSNI advised that this can encompass a wide range of incidents ranging from Anti-Social Behaviour (ASB) to those designated 'Other reported crime.' The PSNI seek to support victims through interventions and problem solving;
- The PSNI recalled to Members that the 'Make Safe' operation is still ongoing and that it is too early to evaluate if it has been successful. The PSNI referred to the 'Ask Angela' campaign in the hospitality sector and that anecdotal positive feedback received;
- In relation to CSE, the PSNI referred to the ongoing work in respect of the Persons of Concern process. Vulnerability remains the key factor for intervention. This process has been made more robust in respect of actions being taken with those presenting as CSE. Work also continues with health Trusts and residential settings;
- With regards the NCA Report, the PSNI recalled to Members that Child Protection Team work closely with CID in respect of high risk referrals to

utilise additional detective resources. There is no current backlog of cases as all are allocated for investigation;

- In relation to CSE the PSNI referred to their Person of Concern Assessment Matrix (POCAM) that collates information from various sources such as Social Services to support decision making;
- Sectarian crime includes a wide range of offences and the PSNI accept that there may be under reporting but encourage people to come forward and report crime. The PSNI referred to Newtownabbey district recording a decrease and the higher numbers recorded in Belfast may reflect the population size;
- The PSNI referred to their positive learning engagements with Cara-Friend, who provide support to the LGBTQI+ community. The PSNI work with the community to make it as safe as possible for everyone;
- In relation to Repeat Victim strategy the PSNI discussed intervention thresholds, ongoing work at district policing level and allocations made via the Multi-Agency Support Hubs;
- It was highlighted to Members that with regards racist crime in Belfast work is ongoing with the community through the Strategic Community Engagement Team to understand issues and concerns. The PSNI referred to the Chief Commissioner of the Equality Commission for Northern Ireland press release of 8 June 2023 that finds racism in Northern Ireland is a daily fact of life;
- The PSNI confirmed that they share best practice experience with the Multi-Agency Hub partners through a DOJ organised collective group meeting; and
- The PSNI informed Members that all incidents are recorded but the difference between a Hate Crime and Hate Incident is the threshold of a crime. A Hate Incident when reported to police is recorded, for example anti-social behaviour, but as it may not trigger the threshold of a crime it remains an incident. When the criminal threshold has been met the hate motivation is added when the crime is recorded. A situation can occur

when there may be an increase in incidents reported but a decrease in crime.

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

Following discussion it was:-

AGREED

Officials to write to Officials to request numbers of Children at Risk, specifically those with Care Orders. **(AP3)**

Officials to inform Partnership Committee to consider engagements with repeat victims of CSE, hate crime and domestic abuse to take account of their interactions with PSNI and to highlight areas for improvement as a potential thematic area for the Board. **(AP4)**

6.2 Update on Spit and Bite Guards, Tasers and Firearms Branch

The Director of Performance recalled 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. The PSNI presented their second six monthly report to Members in February 2023.

The Director of Performance also recalled to Members that in February 2023, the Performance Committee discussed correspondence from the PSNI that highlighted the rollout of CEDs (Tasers) to Close Protection Unit officers. Following the March 2023 Performance Committee meeting, the Chair wrote to ACC Todd requesting that, *“In future the Performance Committee is informed and consulted in a timely manner if changes of policy or items of a contentious nature are being proposed.”* On the 16th March 2023, ACC Todd wrote to the Chair of the Committee stating that he *“would be keen to have your views in respect of some other Taser upgrade considerations that are on the horizon”* and offered to meet to discuss this in more depth.

The Director of Performance also recalled to Members that in January 2023, representatives of the British Association for Shooting and Conservation Group (BASC) attended Committee and made a number of complaints regarding the work of the PSNI’s Firearms and Explosives Branch (FEB). ACC Todd and Chief Superintendent Jon Henry attended Committee in February 2023 to update Members on the issues raised. On the 9th March ACC Todd provided Members with a written update on the performance of FEB and following discussion on this report at May 2023 Committee Members requested that a letter be issued to ACC Todd raising a number of queries.

The Chairperson welcomed the PSNI to the meeting.

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

- SBG training and number of SBGs deployed;

- Concerns with SBG use on vulnerable people such as on those in a care home setting;
- Police interventions and the potential for unnecessary demand;
- Frequency of SBG use;
- Community background data and those recorded as religion unknown; and
- Benchmarking against other forces.

The PSNI provided the following responses:-

- Clarification was provided that any officer who has completed Personal Safety Programme training and the online training package can carry and use a SBG. An amendment to PSNI policy and Service Instruction will be made to reflect this;
- All operational officers have completed training. Custody Officers are included in those trained and eligible to carry SBG;
- In respect of the vulnerable people, such as children and young people, SBG use is subject to review by the PSNI Service Accountability Panel (SAP). The External Reference Group (ERG) Members have viewed BWV of SBG deployment on children as an additional means of scrutiny. The PSNI suggest officers should not fear this scrutiny as it keeps them safe;
- Following ERG review of SBG use, the feedback provided to PSNI noted there was good evidence of de-escalation, control of the scene and communication between officers and the subject;
- There have been four complaints to Police Ombudsman for Northern Ireland (OPONI) in respect of SBG use, with one outstanding;
- In relation Recommendations 2 and 21 of the Human Rights Review of PSNI's use of SBGs relating to community background, the PSNI confirmed that an update paper will be presented to the Chief Constable at the next internal Strategic Management Board meeting outlining what is required, legal and technical requirements and the timescales for the programme of work; and

- PSNI provided a benchmarking analysis of SBG use across a number of police forces across the UK.

Following discussion it was:-

AGREED

Officials to request that PSNI provide further Spit and Bite Guard data for comparative purposes with Greater Manchester Police. **(AP5)**

The Chairperson invited the PSNI to brief Members and provide an update on CEDs (Taser).

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

- Authorised Firearms Officers (AFOs) currently use CEDs. The changes proposed would see Close Protection Team (CPT) and members of Armed Response Unit (ARU) issued with CEDs;
- CEDs are viewed by PSNI as the best available, less lethal option;
- Providing CEDs to ARU gives greater CED coverage across Northern Ireland; and
- A brief outline of the T2 CED currently deployed was provided and the differences with the proposed upgrade T10 model highlighted.

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

- The proposed upgrade to T10 CEDs, how will it be trialled and whether the new model is used by any other force;
- Any other CED manufacturer or models being considered; and
- The implications of CED deployment to other officers.

The PSNI provided the following responses:-

- Any trial of a new model T10 CED will be in a live environment, with issue controlled and limited to a small number of officers on a shift;
- The proposed upgraded T10 CED model is not currently used by any force in England or Wales. There is only 1 known manufacturer of CED devices, Axon Enterprize Inc;
- CED is viewed as the best option to deploy in less lethal circumstances; and
- The officers deployed with CED are currently based in Grosvenor Road and Cookstown. The Cookstown base is due to relocate to Maydown.

Following discussion it was:-

AGREED

Officials to write to PSNI to request that PSNI provide background information on T10 CED device and then arranges a demonstration of the T10 CED that includes representatives of Axon Enterprize Inc. prior to any decision being made on the purchase of these devices. **(AP6)**

Officials to write to PSNI to request number of occasions ARU deployed from Grosvenor Road and Cookstown, the circumstances necessitating their presence and how often tasers were used. **(AP7)**

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:

- Good progress has been made to address and reduce the backlog of applications;
- Quarterly meetings are now planned by PSNI going forward with the British Association for Shooting and Conservation (BASC) and Country Sports Ireland;
- Oversight control, Strategic Firearms Licensing Board and resourcing of FEB;
- Commencement of internal audit administered through DOJ to examine key issues of review / revoke and dip sampling records. PSNI welcome this valuable feedback; and
- PSNI are instigating a more customer focused approach, communicating clearly and assessing what improvements can be made.

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

- Members commended the PSNI for the improvements made to date; and
- The decreases in the current backlog of cases.

Following discussion it was:-

AGREED

Officials to request a breakdown of the number of allocated applications, how long they have been in the system and the number of appeals and complex issues that are currently outstanding. **(AP8)**

6.3 Human Rights Advisor Update Report May 2023

The Human Rights Advisor provided Members with an overview of areas within his current work programme in May 2023 including, finalising the Privacy and Policing Report and finalising the report on the Strip Searching of Children and Young People in PSNI Custody.

The Human Rights Advisor updated Members on his attendance at a range of meetings including; Performance Committee, Board meetings, Investigatory Powers Inspection Team, National Security and JSA Reviewer, JSA authorisations – PSNI and NIO, PSNI officers, PSNI officers (on strip searches), PSNI – community background and Deputy Chief Constable.

He also informed Members of his June work plan including, finalising the Privacy and Policing Report and meetings with PSNI officers, finalising the Strip Search Report. The Human Rights Advisor will also attend Board and Performance Committee and assist with preparation of reports.

The Human Rights Advisor suggested to Members a slight change to his next Annual Report. He recalled that in the last five years we have produced a series of human rights annual reports and a series of more specific human rights reports. The Human Rights Advisor proposed incorporating the details of the 2022/23 Annual Report into a wider five-year review. This report would include a wider assessment of the compliance of PSNI with human rights over that longer time scale - the period from September 2017 to March 2023. This report would consider the key issues from all of the reports during this period, their recommendations, the PSNI's formal responses and issues from 2022/23 (the material usually in annual report).

The Human Rights Advisor recalled to Members that in previous years he attended the 11th/12th July events as an on scene observer of PSNI operations. The Human Rights Advisor informed Members that as he has been invited to attend Gold Group meetings in advance of the 11th/12th events. He proposed that he would not attend this year in person.

Following discussion it was:-

NOTED

That Members agreed with the Human Rights Advisor proposal to incorporate the details of the 2022/23 annual report into a wider five-year review. Members were content that the Human Rights Advisor would not attend 11th/12th July 2023 events as an observer. Members were also content with the Human Rights Advisors Update Report and the remaining schedule of work for May 2023.

It was also:-

AGREED

Officials to circulate future Committee briefing papers and reports to Members in Word format. **(AP9)**

6.4 Independent Reviewer of Terrorism Report

A Board official presented Members with a paper in relation to Jonathan Hall K.C.'s Annual Report as the Independent Reviewer of Terrorism Legislation. The paper provides a summary of his Report covering 2021, of which Chapter 9 specifically relates to Northern Ireland and raises key issues for PSNI and the Board to consider.

The Board Official recalled to Members that the Performance Committee annually considers the Report of the Independent Reviewer and previously did so at the Committee meeting held on 13 October 2022.

Members discussed the findings of the Report and considered if any further information or clarification was required from the International Reviewer.

Following discussion it was:-

AGREED

Officials to write to NISRA requesting clarification on the difference between 'national security attacks' and 'deaths attributable to the security situation'. **(AP10)**

Officials to write to ACC McEwan regarding the TACT, section 41 arrests versus PACE arrests, requesting the current PSNI policy. **(AP11)**

6.5 Annual Review of Performance Committee Terms of Reference

The Director of Performance recalled to Members that Section 20 (a) of the Board's Standing Order notes, in accordance with paragraph 24 of Schedule 1 to the Police (NI) Act 2000, the Board may constitute committees of five or more of its Members as the Board may appoint. The Terms of Reference for all committees should be approved by the Board prior to the committee being established and reviewed at the beginning of each financial year.

The Director of Performance recalled to Members that the Committee is today asked to review the Terms of Reference and if content, make a recommendation to the Board that the Terms of Reference for the Board's Performance Committee be approved.

Members discussed the Terms of Reference and considered if any further amendments are required. Further information was requested in relation to how the Committee meets the bullet point stating "Monitor the implementation of recommendations from PSNI oversight bodies in respect of police performance, practice and policy" and also the bullet points regarding the oversight of the National Crime Agency. The Director of Performance stated

that he would consider these two points and bring clarification back to the next meeting of the Committee.

Following discussion it was:-

AGREED

Officials to consider Members comments and review the Committee's Terms of Reference to be considered at Committee in September 2023. **(AP12)**

7. QUESTIONS FOR THE CHIEF CONSTABLE

- 7.1** No questions were identified by Members at the May 2023 Performance Committee meeting.
- 7.2** Identify any questions arising out of this meeting which Members wish to raise with the Chief Constable at the next Board Meeting.

Following a discussion on the recent CJINI Report on File Quality, Disclosure and Case Progression, Members identified the following questions to ask the Chief Constable:

To ask the Chief Constable for an update on his plans to implement the recommendations made in the recent CJINI report "An Inspection of File Quality, Disclosure and Case Progression and Trial Recovery from the Covid-19 Pandemic".

8. COMMUNICATION ISSUES

9. ANY OTHER BUSINESS

The Director of Performance referred Members to CJI Inspection of File Quality, Disclosure, Case Progression and Trial Recovery Report. Avoidable Delay, the quality of files and how disclosure is dealt with has been reported on by Criminal Justice Inspection Northern Ireland (CJI) since 2006 as being significant problems within the criminal justice system in Northern Ireland. This inspection focused on developments in these areas since CJI's last inspection in 2015. It also reviewed the trial backlogs accumulated since the COVID-19 pandemic and steps being taken across the criminal justice system in response. Members agreed to ask the Chief Constable for an update on PSNI's progress in implementing the recommendations of this inspection report.

10. DATE OF NEXT MEETING

It was agreed that the following Performance Committee meeting would take place on **Thursday 14th September 2023** at **9:30am**

Meeting closed at 1:40pm.

PERFORMANCE DIRECTORATE

8th June 2023

Chairperson