

NORTHERN IRELAND POLICING BOARD

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

PRESENT:

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

**EX-OFFICIO MEMBER
IN ATTENDANCE**

Mr Edgar Jardine

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

(2) ACC M McEwan
(2) 3 PSNI Staff
(3) Marie Breen Smyth

**OFFICIALS IN
ATTENDANCE:**

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

- (1) Present from Item 6.1**
- (2) Present for Item 6.1 only**
- (3) Present for Item 6.2 only**

*Attended via video conferencing

1. APOLOGIES

No apologies were received in advance of the meeting.

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 14 September 2023.

It was resolved:-

That Minutes of the Performance Committee meeting on 14 September 2023 were agreed with the caveat that Officials to amend 14 September draft minutes – item 6.4 move annual reporting agreement to the ‘Agreed’ section and include that the Human Rights Advisor and Board official will continue to attend the PSNI Service Accountability Panel meetings on this issue and to report to the Committee on a six monthly basis in order to keep Members informed of any developments during the year. **(AP1)**

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.

The Director provided an update on AP11 from the meeting held on 8 June 2023. The Board are still awaiting a response to this correspondence. Members agreed that Officials should write to PSNI regarding the length of time taken to respond to this correspondence regarding the TACT, section 41 arrests. **(AP2)**

The Director provided an update on AP1 from the meeting held on 14 September 2023 in relation to scanning equipment in custody and consideration of any surplus capital budget. The Board are still awaiting a response to this correspondence. Officials reported information from APCC (Association of Police and Crime Commissioners) and ICVA (Independent Custody Visitor Association) who have advised that they are not aware of any custody scanning equipment in custody suites across England and Wales.

The Director provided an update on AP2 from the meeting held on 14 September 2023 in relation to the Philomena Protocol. A response had been received from PSNI providing an update on the Protocol on missing children with the five Health Trusts. Members were content with the update.

The Director provided an update on AP3 from the meeting held on 14 September 2023 in relation to the Taser T10 model. Correspondence was issued to T/ACC Melanie Jones and the Board are still awaiting a response.

The Director provided an update on AP4 from the meeting held on 14 September 2023 in relation to the definition of a National Security Attack. The Director referred to information at Item 4.1 that sets out the PSNI's definition of a security related death and a shooting incident and that PSNI state that

MI5 are responsible for defining national security attacks. Officials confirmed that a letter had issued to Mr Hall to seek clarification on his use of the definition.

The Director provided an update on AP5 from the meeting held on 14 September 2023 in relation to Firearms Licencing. Correspondence was issued to T/ACC Mel Jones requesting an update for members on progress in the Firearms and Explosives Branch and the Board are still awaiting a response.

The Director provided an update on AP6 from the meeting held on 14 September 2023 in relation to the Code of Ethics. The Director reported that with the current circumstances in the PSNI that the last two meetings with the DCC had been cancelled and therefore an update on the Code of Ethics has not been provided. Officials will raise the issue at a forthcoming meeting with the responsible ACC.

The Director provided an update on AP7 from the meeting held on 14 September 2023 in relation to the PSNI's Integrity Board and the sexual misconduct review. Correspondence was issued to T/ACC Henderson and the Board is currently awaiting a response.

The Director provided an update on AP8 from the meeting held on 14 September 2023 in relation to a geographical breakdown of shoplifting. Correspondence issued to PSNI and the Board is currently awaiting a response.

The Director provided an update on AP9 from the meeting held on 14 September 2023 in relation to the Children and Young People's research Terms of Reference. This has been shared with both the Partnership and

Performance Committees for comments and agreed at the Board at its 5th October meeting. This action is now closed.

The Director provided an update on AP10 from the meeting held on 14 September 2023 in relation to the recommendations of the recent privacy report. An update on these are included at Item 6.4 on today's agenda.

The Director provided an update on AP11 from the meeting held on 14 September 2023 in relation to further Spit and Bite Guard usage. Correspondence was issued to T/ACC Melanie Jones and the Board are currently awaiting a response.

The Director provided an update on AP12 from the meeting held on 14 September 2023 in relation to updating the current MOU with the NCA. An updated MOU is tabled at today's meeting at Item 6.5 for discussion.

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

4.1 Accompanying Correspondence

Members discussed correspondence received from the PSNI in relation to:

- AP2 14 September 2023 – Update on the Philomena Protocol;
- AP4 14 September 2023 – Further information on the definition of a National Security Attack.

5. CHAIRPERSON'S BUSINESS

There was no Chair's business at this meeting.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Policing Plan Measure 1.4.2 – Violence Against Women and Girls

The PPM Manager outlined that this is the first Violence Against Women and Girls (VAWG) report to be considered through the provision of the PSNI OBA report card and the Tackling Violence against Women and Girls action plan in line with methodology adopted for the Policing Plan 2020-2025 and Annual performance plan 2023/24.

The PPM Manager asked Members to note that the briefing paper attempts to draw out the baseline data and draft impacts for this Measure. This section serves as a summary of the key data provided in the PSNI's report card to assist Members in the scrutiny of this area.

The PPM Manager highlighted to Members that the PSNI have recognised that much more needs to be done and on 27 September 2022 the PSNI launched the first formal Violence Against Women and Girls Action Plan for Northern Ireland. Members may welcome the detail contained in the Tackling Violence Against Women and Girls Action Plan with regard to the Themes and Objectives and the detailed analysis of these contained within the OBA report card.

The PPM Manager explained the PSNI outline that to deliver their two strategic outcomes there are a number of indicators which will be monitored. Outcome 1 – *'to have a society in which violence, abuse and intimidation against women and girls, in any form, and anywhere, is not acceptable and will not be tolerated.'* Outcome 2 – *'Build trust and confidence in women and girls in policing.'* As no narrative has been provided to detail how the PSNI are going to assess these indicators, Members may wish to ask the PSNI to explain how they plan to use and measure these indicators identified against Outcome 1 and Outcome 2.

The PPM Manager informed Members that the report card provides a variety of Violence Against Women and Girls related data. These offences account for 23.5% of overall crime with 25,870 offences, this is a reduction of 1,728 and 6.3% on the previous 365-day period. Members will welcome this reduction as Violence Against Women and Girls has been increasing since 2017/2018 and in the previous year was at its highest during this period.

The Chairperson welcomed the PSNI to the meeting. He invited them to brief Members on the work relating to Policing Plan Measure 1.4.2 Violence against women and girls.

The PSNI presented information and commentary on their performance to date in these Measures and discussed with Members the work carried out on a number of key areas including:

- The PSNI informed Members that they are one year on from the introduction of the VAWG strategy and outcomes primarily in relation to partnership working and building confidence have been met. 23 out of 41 actions have been completed;
- It was highlighted to Members that in comparison to England and Wales counterparts where a budget of £60 million is in place PSNI have no additional capital spend the statistics are favourable. There is a 6.4% outcome rate in NI for rape whereas in England its 1.9%;
- The PSNI informed Members that to date 2,000 officers have completed a training programme with NEXUS on non-fatal strangulation;
- There has been an increase in spiking offences since October 2022. Partnership work is ongoing with Women's Aid recognising PSNI as a key partner in tackling violence against women and girls. Huge developments have been made with the Night Time Economy group with the introduction of the safer socialisation steering group with Hospitality Ulster;

- The PSNI explained there has been a 6.3% reduction in sexual offences as previously there has been double recording of contact offences such as harassment and stalking. However now only the more serious offence is recorded such as harassment and not secondary offences such as malicious communication. The PSNI added they believe they are getting better at encouraging women to come forward;
- The PSNI referred to Operation Soteria a UK wide operation which investigates both rape and serious sexual violence. Statistics show that out of 26 actions taken, 14 are complete and 12 are in the advanced stages. PSNI reiterated that again unlike UK counterparts who have a £30million budget PSNI have no funding available. However, statistics illustrate that progress is being made which highlights the level of drive among officers;
- The PSNI provided a brief overview of the ONUS Safer Places scheme informing Members that 1,700 new businesses have registered this further embeds the partnership approach and ultimately keeps officers better informed in terms of key locations etc;
- Operation Vigilant is aimed at protecting Women and Girls through coordinated deployment of operational assets on the streets. An initial Pilot took place in August 2023 which generated good feedback. Phase 2 of the Operation is to be rolled out further via the Night Time Economy scheme; and
- The Ask Angela scheme continues to display encouraging indicators with the hospitality industry being extremely supportive. This collaboration with stakeholders enables more traction and better commitment from partners.

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

- A Member referred to the impact of the changing counting rules and queried if there is a baseline/ trend data within the VAWG reporting and what percentage of these are repeat victims and repeat offenders;
- A Member noted that although there was a new strategy there was no new budget to deliver it. The Member queried if there was a particular figure that showed how many girls are likely to experience violence;
- A Member queried that a cross-departmental research or prevalence study would be beneficial such as was completed in Republic of Ireland;
- A Member expressed their opinion that political parties and Executive Office also a part to play in tackling VAWG;
- Further clarity was sought by a Member in relation to emerging trends/ patterns in VAWG and certain age groups;
- Attention was drawn by a Member of the need for PSNI to share statistics and good news stories within the public domain;
- An explanation was sought where victims do not support the investigation and what percentage of the overall figure of 37.5% relates to repeat offenders;
- A Member applauded PSNI on the good work on the Ask Angela scheme and asked if data could be provided on how many people are using the service;
- A Member queried how can you measure the effectiveness of training and if reporting data highlights if particular communities are less likely to report crime e.g ethnic minorities, travellers or LGBTQ;
- A Member queried if data records the ethnicity of victims;
- A Member asked for clarity on the meaning of the term Offences Not Yet Assigned an Outcome;
- A Member queried if paramilitary presence within certain areas affected reporting from victims;
- In respect of the charge/summons outcome, a Member sought further clarity on where this is actually recorded on the graph and what charged/summons actually refers to;

- A Member queried the number of cases which lead to a conviction;
- A Member queried the number of sexual assaults that take place within care settings and the use of CCTV; and
- A Member referred to the Adult Safeguarding bill and the use of CCTV within care settings.

The PSNI provided the following responses:

- The PSNI informed Members that reporting on VAWG is increasing which suggests better engagement. They advised PSNI are aware of all offences even if not recorded. They advised that of the incidents reported 40% are repeat victims and 25% are repeat offenders;
- In relation to the Executive Office and Political parties having a part to play in VAWG, the PSNI advised that they would welcome help at government level as it is a very broad issue. The PSNI recalled to Members that with no working Executive it is extremely difficult to progress legislation in this area. Officers on the ground continue to work closely with PCSP's;
- The PSNI informed Members that reporting on VAWG is increasing which shows better engagement. The PSNI acknowledged the need to review MARAC in order to seek more efficient information on perpetrators;
- The PSNI stated that 1 in 3 women suffer domestic abuse and worldwide statistics show 98% of women have had a violent experience for example cat calling;
- In relation to trends and patterns within certain age groups regarding victims and perpetrators, the PSNI informed Members that in regards to victims data shows there is a trend in the age range of late 20-40 year olds particularly in a domestic setting;
- In relation to victims who do not support the investigation the PSNI advised Members that secured funding for evidence led prosecutions has aided ongoing projects of which one particular project focuses on why

victims disengage. To date this has generated positive feedback and will aid future cases;

- With regards to the Ask Angela scheme the PSNI recalled to Members that there is a gap in data in terms of numbers using the service that said it is a voluntary scheme and stakeholders may push back if bureaucratic measures are put in place in terms of evidence gathering;
- In relation to community backgrounds in reporting crime the PSNI informed Members that while the NEXUS training programme allows for gathering of more qualitative information in terms perceptions, gathering of this information presents different challenges in terms of situation ie, domestic violence, hate crime;
- The PSNI confirmed that the ethnicity of victims is recorded but there is ongoing work being done in capturing data;
- In relation to sharing these statistics, the PSNI advised there is a formal process to release data quarterly and this information is just operational data;
- In relation to offences not yet assigned the PSNI informed Members this refers to cases still under investigation with the PSNI file gone to PPS;
- The PSNI informed Members that paramilitary presence does affect reporting of crime within different communities of which they are aware and continue to look at ways at which to collate data to address this issue;
- In respect of the charge/summons outcome, PSNI informed Members that this represents cases where investigations have taken place perpetrators have been brought before the court but with no charge to PPS to prosecute;
- The PSNI informed Members that in regards to conviction rates it is a much broader issue outside of the PSNI's remit;
- In relation to sexual assaults within a care setting environment and the use of CCTV the PSNI discussed that this is reviewed on an annual basis with thematic areas drawn out. CCTV is not a regulation and there are

certain protocols to follow. At present there are ongoing discussions with RQIA around use of CCTV; and

- PSNI informed officers Members that the Adult Safeguarding bill is a work in progress and CCTV will not be mandatory. It will be used in certain settings and will be monitored on a case-by-case basis;

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

6.2 Report of the Independent Reviewer Justice and Security Act 2021\22

A Board Official presented Members with a paper in relation to Marie Breen Smyth as the Independent Review of the Justice and Security Act. The latest annual report of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007 (fifteenth report) is detailed and contains recommendations for the PSNI and the Board.

The Director of Performance advised Members that in this paper Officials have sought to identify and highlight the most relevant issues to Members to lead to a more informed decision at Committee.

The Chair welcomed Professor Marie Breen-Smyth to the meeting and invited her to brief Members on the main findings of her report.

Members discussed a number of issues within the report including:

- The changes and re-design of the JSA Authorisation process for Stop and Search from last year;
- The use of Stop and Search powers in relation to Travellers and Children and Young People and the poor outcome rates;

- The role of PCSPs in the JSA Authorisation process;
- Recommendations for a Youth Advisory Group for PSNI;
- The need for better PSNI and Board engagement with those disaffected with the PSNI; and
- Issues with Community Background Monitoring.

Professor Breen-Smyth discussed with Members:

- The use of Stop and Search is 14 times more likely within the travelling community. The Independent Reviewer continues to try to build relationships within the travelling community and suggests that there is over policing in some areas;
- The importance of recording and collating data for Stop and Search purposes is not fit for purpose and there is a need for further review;
- Wireless apparatus includes mobile phones and the current law is dated and not specific enough;
- The use of Community Impact assessments and the need for changes in this area. There is work to be done around PCSP engagement in order to get people involved and make use of this network and to have difficult conversations regarding Policing;
- The need for better lines of communication between the PSNI and PCSP's;
- The need for better partnership working between the PCSPs and the Board and the need to create a culture of continuous learning among PCSP's; and
- The apparent issue with the culture within the Armed Response Unit in comparison to local and neighbourhood policing.

The Chair thanked Professor Marie Breen-Smyth for attending the Committee and her presentation to Members.

Following discussion it was:-

AGREED

Officials to write to PSNI requesting a response to Annual report of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007 and; Officials to invite PSNI to future meeting to discuss issues in the report. **(AP3)**

6.3 OPONI Annual Report

A Board Official presented Members with an overview of the key issues from a number of reports from the Police Ombudsman's office for the year 2022/23. These included a statistical bulletin for the 2022/23 year, an Annual Report on Police Officer satisfaction, a report on Complainant Satisfaction, an Annual Report on the Public Awareness of the Police Complaints System and an Annual Equality Monitoring Report.

A Board Official highlighted the main findings contained within these documents which included that the number of complaints received by OPONI during 2022/23 was 3,185, an increase of 8% from the previous year. This is the highest number of complaints received since 2015/16. The latest figures up until September 2023 shows a continuation of this trend of increasing complaints continuing into this year with an increase of 13% when compared with the same period last year. Allegations remained at a similar level to the 2021/22 year, totalling 5,185 for the 2022/23 year.

The Board Official informed Members that OPONI officials were unable to attend today's Committee meeting due to staffing issues.

Members requested that OPONI Officials are invited to attend at the next committee meeting and that the key issues for discussion are sent to a Police Ombudsman representative prior to this meeting.

Following discussion it was:-

AGREED

Officials to invite OPONI officials to November Committee meeting identifying the key issues raised by members. **(AP4)**

6.4 Human Rights Advisor Update Report September 2023

The Human Rights Advisor provided Members with an overview of areas within his current work programme in September 2023 including, drafting the 5 year Review and Human Rights Annual Report, researching and drafting reports on the IPT case for the Board, advising on the data breach review draft TOR and judgement by Mr Justice Scoffield and; providing advice on the provisions of the Police Act (NI)

The Human Rights Advisor updated Members on his attendance at a range of meetings over the last four weeks. He also informed Members of his October work plan including, drafting the five year Review and Human Rights Annual Report, drafting the Children and Young People's report, Board and Performance Committee and assisting with preparation of other reports and meetings with PSNI Officers and others.

The Human Rights Advisor informed Members of his future work plan from October 2023 - June 2024. This included, a revised timeline for the publication of the five Year Review and Human Rights Annual Report and the

three year programme of work which includes the Human Rights review of PSNI custody.

The Human Rights Advisor informed Members that his contract ends on the 24th July 2024. He recommended that the new Advisor makes his/her own recommendations to the Committee on future reports. The Human Rights Advisor also recommended that the new Advisor's first report should be the Human Rights Annual Report 2023/24 which will allow a comprehensive analysis of PSNI's compliance with Human Rights.

The Human Rights Advisor asked Members to consider what reports should be produced by the current Human Rights Advisor between now and July 2024. A list of suggested reports was provided by the Human Rights Advisor.

The Human Rights Advisor updated Members on the progress in relation to the recommendations contain within the Human Rights review of Privacy and Policing. Due to other work commitments over the summer, he requested that Members agree to a 3 months extension to the timeframe for delivery of the commitments within the recommendations.

Following discussion it was:-

NOTED

Members were advised that Officials have started the necessary work for the recruitment of a new Advisor and a paper will be brought to a future Board meeting on this issue.

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

Members:-

AGREED

The Human Rights Review of Privacy and Policing recommendations timetable will extend by three months.

The Five Year Review and Human Rights Annual Report amended delivery date of January 2024.

6.5 NCA MOU Review

The Director of Performance reminded Members that on 3rd March 2016 the Chair of the Policing Board and the Director General (DG) of the National Crime Agency (NCA) signed the first Memorandum (MoU) between the Northern Ireland Policing Board and the Director general of the National Crime Agency concerning the NCA in Northern Ireland. The Performance Committee carried out a review of the MoU in 2019 and updated MoU was signed in December 2019.

Members were informed that under paragraph 10.1 the MoU is to be reviewed every two years. However, due to Covid and a change in the Director General of the NCA this timeline is now overdue.

The Director of Performance stated that the Committee is today asked to approve the changes that are tracked in the current MOU and for Officials to initiate a process of review with the NCA and following this review recommend a draft MOU to the Board for approval.

Members discussed the MoU and considered if any further amendments were required. Members raised questions regarding the bullet point on Annual Plan

and also bullet points in relation to Duty to disclose information. Members also asked that bullet point 6.8 under Duty to disclose information was amended to reflect correct timeline for NCA reporting. Members also requested the text “This Memorandum of Understanding does not and cannot restrict the powers or duties of the Board in exercising those functions in relation to the NCA” be inserted into paragraph 2.1 of the draft MOU. The Director of Performance stated that he would raise these points with NCA.

Following discussion Members:-

AGREED

In the case that there are changes other than those of a very minor nature following review with the NCA, those changes should come back to Committee.

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 Members identified the following 5 questions to ask the Chief Constable:

The National Police Chiefs’ Council said it would be updating its guidance for body-worn video next month and it would be “more strongly worded to recommend that forces need to take action towards officers who are not using BWV correctly”. Are PSNI aware of how many times officers have used BWV incorrectly? What have been the consequences of this e.g lost evidence? What action is taken against those who are not using BWV correctly?

We know that PSNI have been carrying out dip sampling on the use of BWV here. Can we get an update on that dip sampling?

The Police Ombudsman for NI has recommended that Armed Response Officers should be provided with head-mounted cameras to ensure improved footage of weapons discharges. This is being considered by PSNI. Could we get an update on this?

Following the recent CJI report, when can we expect a new, revised PSNI/PPS Working Together programme, dealing with disclosure, file quality etc?

In light of the finding in the fifteenth report of the Independent reviewer of the Justice and Security (NI) Act 2007 (1 August 2021 to 31 July 2022) that 'once again I must conclude that any meaningful discussion about PSNI compliance in relation to JSA stop and search is impossible until community background monitoring is implemented. I cannot exaggerate the deep frustration felt by many that this is not already the case' (para 6.33), what progress has been made in such monitoring and what impediments remain, if any to implementation?

8. COMMUNICATION ISSUES

There were no communication issues identified.

9. ANY OTHER BUSINESS

Officials to write to the Departments of Justice and Health enquiring of the merits of carrying out a prevalence study in relation to violence experienced by Women and Girls similar to the ongoing study in Ireland. **(AP5)**

Officials to inform Partnership Committee of the recommendations presented in the Annual report of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007 in relation to PCSP's. **(AP6)**

10. DATE OF NEXT MEETING

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

Meeting closed at 1.30pm.

PERFORMANCE DIRECTORATE

12th October 2023

Chairperson