

NORTHERN IRELAND POLICING BOARD

MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD 13 February 2025 at 9:30am

PRESENT:

Mr Gerry Kelly, Chair
Mr Les Allamby, Vice Chair
Ms Cheryl Brownlee*
Ms Nuala McAllister
Mr Patrick Nelson
Mr Thomas O'Reilly
Mr Cathal Boylan
Mr Frank McManus*
Mr Peter Osborne
Mr Trevor Clarke

EX-OFFICIO MEMBER IN ATTENDANCE

Mr Brendan Mullan

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(1) A/ACC Stephen Murray
(1) Det Chief Superintendent Zoe McKee
(1) Superintendent Joanne Gibson

POLICE SERVICE OF NORTHER IRELAND IN ATTENDANCE

(2) ACC Mel Jones
(2) Chief Superintendent Amanda Ford
(2) Inspector Stephen Burke

OPONI OFFICIALS IN ATTENDANCE

(3) CEO Hugh Hume
(3) Paul Murphy
(3) Urzula Mezza
(3) Warren McAuley
(3) Paul McAlister

**OFFICIALS IN
ATTENDANCE:**

Ms Sinead Simpson NIPB CEO
Mr Adrian McNamee, Director of Performance
Mr John Wadham, Human Rights Advisor
6 Officials

- (1) **Present for Item 6.1 only**
- (2) **Present for Item 6.2 only**
- (3) **Present for Item 6.3 only**

*Attended via video conferencing

1. APOLOGIES

Apologies were received from Mark H Durkan.

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 items were raised.

2. CONFLICTS OF INTEREST

No conflicts of interests were declared.

3 MINUTES OF THE PREVIOUS MEETING

The Committee considered the draft minutes of the Performance Committee meeting held on 12th December 2024.

It was **AGREED:-**

That Minutes of the Performance Committee meeting on the 12th December 2024 were agreed.

4. UPDATE ON ACTION LOG

The Director of Performance provided an update on the open actions listed on the Action Log.

The Director provided an update on AP1 from the meeting held on 12 December 2024 – Officials to follow up with ACC Jones requesting an update on the recommendations in the Ards and North Down report. Correspondence issued on 16th December 2024 – This is included at Item 6.2 on today’s

agenda. Members were content with this response and this action is now closed.

The Director provided an update on AP2 from the meeting held on 12 December 2024 - PSNI to provide further information on VAWG statistics, geographical breakdown, charge/summons data and comparative figures with other UK police forces. Correspondence issued 18th December 2024 requesting this data and officials are currently awaiting a response. PSNI confirmed that the information would be available for the next Committee meeting.

The Director provided an update on AP3 from the meeting held on 12 December 2024 - Code of Ethics Working Group to arrange meeting before the end of January 2025 and Members to submit final comments by 6th January 2025 to facilitate meeting. The Director confirmed that the Code of Ethics Working Group met on 15th January and on 7th February to consider Members comments and will bring a recommendations paper to March Committee meeting. Members were content with this response and this action is now closed.

The Director provided an update on AP4 from the meeting held on 12 December 2024 - Officials to add Priority 1 recommendations to the Committee Programme of Work and also consider inviting the NCA to a future Committee meeting. Priority 1 Recommendations were last reviewed in June 2024 and have been added to the Committee Programme of Work for review in June 2025. Members were content with this response and this action is now closed.

The Director provided an update on AP5 from the meeting held on 12 December 2024 - Officials to obtain an update regarding the current regulations concerning PSNI officers retiring when misconduct investigations

have been initiated from the Department of Justice. Officials sought an update and DoJ officials confirmed that the Department is currently conducting pre-consultation stakeholder engagements with a view to consulting formally on proposed legislative changes later in 2025. The Director also highlighted a recent response to an assembly question (AQW 18506/22-27 Ms Sinéad McLaughlin (SDLP - Foyle) To ask the Minister of Justice to detail the action she is taking to address any legislative gap preventing disciplinary proceedings to be taken against a retired PSNI officer, as exists in the UK. In response the Minister stated that: "The ability to conduct disciplinary proceedings in relation to a former PSNI officer is currently under consideration. As the legislation governing this in England and Wales is primary legislation my Department is currently exploring how a similar provision can be achieved here."

Following discussion it was:-

AGREED

Officials to request an update from PSD on the judgement of the R (Lino Di Maria) case and what if any implications this has for the PSNI.

(AP1)

The Director provided an update on AP6 from the meeting held on 14 November 2024 - Officials to prepare a draft response to the Consultation on Proposals for inclusion in a Victims and Witnesses of Crime Bill. A draft response has been prepared by officials and it is on today's agenda at Item 6.5. Members were content with this response and this action is now closed.

5. CHAIRPERSON'S BUSINESS

The Chair confirmed that there were no items of business.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Measure 1.2.1 – Repeat Offenders

A Board Official informed Members that this is the first time the Performance Committee has considered this measure Performance Plan 2024/25 performance monitoring. This paper includes an analysis of the OBA report card relating to Measure 1.2.1 – Repeat Offenders.

The Chairperson welcomed the PSNI to the meeting and invited them to brief Members on the work relating to Policing Plan Measure 1.2.1 Repeat Offenders.

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

- The PSNI informed Members that PSNI Repeat Offender statistics are similar to that of UK counterparts;
- Figures show there has been a decrease in repeat offenders this year;
- Repeat offenders account for 48.6% of all offences in the last 12 months with an average of 3.1 offences each;
- PSNI informed Members that the Repeat Offending Units target repeat offenders assessed as presenting the highest risk of re-offending and with is in mind PSNI have applied a focus on acquisitive crime; and
- The PSNI gave an update in relation to the pilot Daily Risk Assessment Management Meeting (DRAMM) which will run in tandem the MARAC initiative. This new risk management pilot aims to allow for earlier intervention in risks;

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

- A Member referred to the report card provided which indicates that nothing has really changed and queried how PSNI plan to address this;
- A Member noted the high number of repeat offenders being juveniles and asked how PSNI deal with this cohort of individuals;
- A Member sought further information on the number of repeat offenders who themselves are victims of domestic abuse;
- A Member queried the increase in sexting;
- A Member queried the huge increase in the number of repeat offenders who are responsible for 50% of all crime;
- A Member queried what obstacles Neighbourhood Teams encounter when responding to reports of domestic violence; and
- A Member queried the use of body worn video when dealing with domestic violence victims.

The PSNI provided the following responses:-

- With regards to repeat offender's statistics displaying no real change the PSNI informed Members there is ongoing work particularly in repeat offender units where they have secured dedicated resource with DoJ to work on an initiative looking at strategies to defer those offenders before they hit the 10+ category. PSNI emphasised the need for support from other partners in this area in driving numbers down;
- With regards to the high number of repeat offenders being juveniles and to dealing with a cohort of individuals the PSNI advised that early intervention is key in this area and that they work closely with partners in this area including the Youth Justice Agency, Local Authorities and sporting and community partners. Prison should be viewed as a last resort with focus more on rehabilitation;
- The PSNI informed Members that data in relation to sexting comes from the Youth Justice Agency. Anecdotally it would appear there are

increasing (incidents) but there are good materials for children to access particularly Safeguarding Board NI;

- children are aware of the service and are communicating better;
- The PSNI informed Members that a holistic approach is needed in tackling crime as a whole and they are looking nationally for learning in this area; and
- With regards to neighbourhood policing dealing with domestic violence reports the PSNI advised that they investigate all reports of domestic violence. The primary focus is around safeguarding the victim and is very much a victim led investigation. Where there is clear evidence of a domestic nature PSNI will even in the absence of a complaint investigate. PSNI outlined the policy in relation to body worn video even when dealing with domestic abuse incidents.

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

Following discussion it was:-

AGREED

PSNI to provide more information on the issues with the Health Trusts in agreeing a terms of reference for the Daily Risk Assessment Management Meeting (DRAMM) **(AP2)**

6.2 Community Background Pilot Evaluation

The Human Rights Advisor referred Members to the background paper provided on the issue of gathering Community Background data by the PSNI. He highlighted the historic nature of this issue and the various legal cases and reports that have made comment and recommendations on this issue.

The Chairperson welcomed the PSNI to the meeting. He invited them to brief Members on the work relating to the Community Background Pilot.

The PSNI presented information and discussed with Members the findings from the Community Background pilot including:-

- The use of the terrorism related powers has shown steady decline from 2020 – 2023 with an increase in 2024. This was as a result to an increase in threat levels arising from the John Caldwell shooting and the Ards and North Down feud;
- The Community Background Pilot went live on the 30th April 2024;
- During the period 30th April – 31st Dec 2024 the use of the relevant terrorism related question/search has been used 1,745 times;
- A key change in the pilot was moving the Community Background Monitoring (CBM) data collection field to the first step in the search. This was to address areas where 'refused' data was input by officers and to identify officers who weren't asking the question;
- PSNI stated that the next steps in the pilot are to include revised wording on use of the power in terrorism related searches; remove the CNR and PUL data fields and to issue briefing documents to supervisors to highlight the requirement for CBM in order to ensure compliance amongst officers.

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

- A member expressed their view that moving the CBM data field to the beginning of the search may actually prove more problematic with regards to resistance from the civilian to answer;
- A Member commended the PSNI on a informative report;

- A Member queried the reasons for non-compliance from police officers;
- A Member queried is it reasonable to ask officers to ask terrorism related questions and does it in fact make their job more difficult;
- A Member requested further information on why the pilot can't be applied to other areas of policing; and
- A Member expressed their view that statistics collected from Stop and Search questions are being weaponised against the PSNI.

The PSNI provided the following responses: -

- With regards to non-compliance amongst officers PSNI emphasised that this was a small proportion of the reasons that it was not asked;
- PSNI stressed the importance of command coming top-down and embedding the requirement to ask the question within the overall culture. They informed Members that Body Worn Video footage is reviewed on a monthly basis and the necessary follow up action that is taken where there is non-compliance;
- With regards to moving the data field to the beginning of the search the PSNI informed Members that this was a means to reduce non-compliance and ensure the question was asked;
- In relation to making officers jobs more difficult by asking the question the PSNI advised that whilst it is difficult job it is necessary as part of police accountability and can be done in a fair and just way; and
- With regards to applying the pilot to other area's of policing the PSNI recognise this is a bespoke piece of work and may not be the best fit for other areas. From a practical viewpoint it would mean using a large number of data entry fields which would be operationally unrealistic.

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

6.3 OPONI Engagement Gender Based Violence and Policing

The Director of Performance informed Members 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.

Members were informed that the Chief Executive Officer of the Ombudsman's Office recently contacted Board Officials to arrange an engagement with Members on Gender Based Violence and Policing. In particular, the CEO wishes to update and engage with Members on recent trends and patterns in relation to:

- Police Predatory Behaviours; and
- Failures to investigate Violence Against Women and Girls (VAWAG).

The Chairperson welcomed the CEO of OPONI and OPONI officials to the meeting and invited them to brief Members on their work to date.

OPONI presented information and commentary on their recent findings in relation to Gender based violence and Policing including:

- The requirement for direct investment into Police conduct and investigations to effectively address the level of accuracy in this area;
- OPONI highlighted a number of emerging themes and concerns with recent PSNI investigations and also information in relation to Abuse of

Position for Sexual Purposes (APSP) and Police Predatory behaviour;
and

- OPONI requested assistance from NIPB to work collaboratively to address issues within PSNI.

Members engaged in discussion with OPONI on a number of items including:-

- OPONI's view on the PSNI current discipline process and how effective it is;
- What are the most common failures when dealing with VAWG;
- Internal reporting of wrong doing and OPONI recommendations to address this;
- A Member expressed their view that there is a gap in how PSNI are held to account and the need for investigations to be reported in a timely manner; and
- A Member asked for clarity on what is the 'ask' from OPONI to NIPB.

OPONI provided the following responses:-

- In relation to OPONI's view on the effectiveness of the current discipline process they advised that they are currently asking for the legislation to be revised. Work remains ongoing in raising awareness to instil confidence among victims to report;
- With regards to the most common failures surrounding VAWG, OPONI informed Members that the main area of concern is acceptance of the male version of events which significantly affects risks assessments. This is an emerging piece of work looking to identify pattern/trends in this area;
- OPONI informed Members that evidence suggests that reporting within the police is two fold - colleagues will have known or suspected but not reported the behaviour or reported it but no actions was taken. Both resulting in a negative impact on policing;

- OPONI agreed that there is a gap in reporting those officers facing misconduct charges and they are currently looking at implementing fast track recommendations; and
- OPONI wish to collaborate with NIPB through using their insights as an aid to accountability and also raise awareness of their role to build confidence among women and girls.

OPONI MOU

Members also re-engaged with the OPONI CEO in relation to updating the MOU between the Board and OPONI. After some discussion and agreement for a minor change, Members were content to submit a final response to the Board for approval.

The Chairperson thanked OPONI for their attendance and presentation and they left.

Following discussion it was:-

AGREED

Officials to follow up with OPONI to share further information on a summary of recommendations and the timings between OPONI recommendations and the PSNI misconduct process. **(AP3)**

6.4 Human Rights Advisor Monthly Report – December 2024 and January 2025

The Human Rights Advisor provided Members with an overview of areas within his current work programme during December 2024 and January 2025 including:

- The launch of Children's and Young People report in December 2024;
- The McCullough Review: attending the regular stakeholder group as an observer and keeping in touch directly with Angus McCullough;
- Working with the Criminal Justice Inspector's staff on the custody follow up report – to be published in March;
- Advising on the custody visitors system and access to custody records;
- Attending the PSNI strip search Scrutiny Panel (as an observer);
- Attending the DCC Quarterly meeting;
- Meeting with the Police Ombudsman (CEO) to discuss PSNI's investigations of the deaths of women and domestic violence;
- PSNI Service Accountability Panel;
- Advising on the Code of Ethics; and
- Researching and drafting 2024/25 Human Rights Annual Report.

The Human Rights Advisor also updated Members on his attendance at a range of meetings over the last four weeks and informed Members of his work plan for February 2025.

Following discussions it was:-

NOTED

Members were content with the Human Rights Advisors Update Report and the remaining schedule of work for December 2024 and January 2025.

6.5 Consultation on Proposals for Inclusion in a Victims and Witnesses Bill

The Director of Performance reminded Members of the meeting on 12 December 2024 where Members were provided with the Department of

Justice's Consultation on Proposals for Inclusion in a Victims and Witnesses Bill. It was agreed that a reply should be issued on behalf of the Board.

Correspondence was issued to Members requesting comments and responses were received by 21st January 2025.

Members were requested to consider and approve the draft Consultation Responses set out in Annex A for submission to the Department of Justice on behalf of the Board.

Following discussions it was:-

AGREED

Members were content with the draft consultation with the caveat that a few minor amendments were made.

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 No questions were identified for the Chief Constable.

7.2 Members noted the detailed response from the Chief Constable to a question from the Committee vice chairperson. The response outlines the work of the PSNI on recommendations made in a national report on the police response to stalking. Members agreed that the Board should issue a public statement in relation to this response.

8. COMMUNICATION ISSUES

No other communication issues were identified.

9. ANY OTHER BUSINESS

No Items of any other business were raised.

10. DATE OF NEXT MEETING

It was agreed that the next Performance Committee meeting would take place on **Thursday 13th March 2025** at **9:30am**.

Meeting closed at 1:55pm.

PERFORMANCE DIRECTORATE

13th February 2025

Chairperson