

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE PERFORMANCE COMMITTEE MEETING HELD ON THURSDAY

10 NOVEMBER 2016 AT 9.15AM WATERSIDE TOWER, BELFAST

PRESENT:

- (1) Mr Nelson McCausland (Chairperson)
Ms Roisin McGlone (Vice-Chairperson)
- (2) Ms Joanne Bunting
Dr Paul Nolan
Mr Gerry Kelly
Mr Keith Buchanan
Mr Raymond McCartney
Mrs Deirdre Blakley
Professor Brice Dickson

GUESTS IN ATTENDANCE

- (3) Mr David Anderson QC
- (3) Mr David Seymour CB

PSNI IN ATTENDANCE

- (4) D/Ch/Supt Raymond Murray
- (4) D/Supt Karen Baxter

BOARD'S HUMAN RIGHTS ADVISOR

Ms Alyson Kilpatrick

OFFICIALS IN ATTENDANCE

Mrs Amanda Stewart (Chief Executive Officer)
Ms Jenny Passmore (Temporary Director of
Policy)
2 Board Officials

- (1) Open to item 6.6
- (2) Item 6.1 to close (excludes items 1 – 4 only)
- (3) Item 6.1 only
- (4) Item 6.7 only

1. APOLOGIES, ETC

No apologies were received for the meeting.

The Chairperson asked Members to declare any conflicts of interests arising from the agenda. No conflicts of interest were declared.

2.1 DRAFT MINUTES OF PERFORMANCE COMMITTEE MEETING HELD ON 13 OCTOBER 2016

It was:

AGREED:

To approve the draft minutes of the Performance Committee meeting held on 13 October 2016.

3. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 13 OCTOBER 2016

3.1 PSNI Briefing on Legacy Investigation Branch (Item 3.3 of minutes refers)

Officials advised that following the 13 October 2016 Performance Committee meeting, a hard copy of the Legacy Investigation Branch (LIB) Manual of Guidance, including all supporting documents, has been provided to Board officials.

It was:

AGREED:

To circulate to Committee Members on request the relevant supporting documents they wish to have sight of from the LIB Manual of Guidance.

3.2 Correspondence regarding Patten Recommendation 65 (Item 4.1 of minutes refers)

The Committee noted that a response is awaited to correspondence issued to the PSNI in relation to security situation statistics provided in respect of Patten Recommendation 65 and when the security situation in Northern Ireland is reviewed. A response will be brought to the Committee in due course. NOTED.

3.3 Correspondence regarding Firearms Licensing (Item 4.2 of minutes refers)

The Committee noted correspondence received from the PSNI regarding the PSNI online firearms licensing process. Members also discussed references made to on-line applications for firearms licenses in the Crime and Policing Bill currently progressing through Westminster and the possibility for the useful exchange of information in relation to timescales for implementation etc. Following discussion,
It was:

AGREED:

To seek comparative information regarding the online application for firearms licenses referred to in the Crime and Policing Bill currently progressing through Westminster.

3.4 NIPB response to HMIC Efficiency and Effectiveness Inspections 2015/16 (Item 5.2 of minutes refers)

The Committee noted that a paper in respect of the Effectiveness Recommendations made in the HMIC PEEL Inspections 2015/16 would be considered at agenda item 5.1. NOTED.

3.5 Questions to the Chief Constable (Item 7 of minutes refers)

The Committee noted draft questions to be issued to the Chief Constable for a written response at the 1 December 2016 Board meeting. NOTED.

4. CHAIRPERSON'S BUSINESS

4.1 Chairpersons Correspondence

The Committee considered 3 items of Chairpersons correspondence:

- Correspondence from the PSNI dated 14 October 2016 regarding Human Rights Annual Report 2015 Recommendation 8 – Six Monthly report on the nature and extent of Small Unmanned Aircraft use;

- Correspondence from the PSNI dated 24 October 2016 regarding attacks on Orange Halls in the last 5 years, and;
- Correspondence from the PSNI dated 7 November 2016 regarding the roll-out and post-implementation evaluation of the use of Body Worn Video.

Following discussion,

It was:

AGREED:

- To seek further information from the PSNI in respect of regulations for the use of SUA, the ability to upgrade SUA cameras and the overall maintenance costs versus effectiveness.
- To issue correspondence to the PSNI requesting the draft Terms of Reference for the Post-Implementation Evaluation of the Body Worn Video

Officials also advised that information regarding the upcoming roll-out of Body Worn Video event taking place in Belfast would be forwarded to all Performance Committee Members should they wish to attend.

5. ITEMS FOR DECISION

5.1 HMIC PEEL Effectiveness Inspection 2015/16

The Committee considered a paper seeking Members approval on a draft letter to the Deputy Chief Constable requesting a response to other areas of concern identified in the HMIC Effectiveness Inspection 2015/16 and a draft letter of response to the Minister of Justice regarding the outcome of the HMIC Effectiveness Inspection 2015/16 to be considered at the 1 December 2016 Board meeting.

In respect of the draft correspondence to the Deputy Chief Constable, Members noted the issues on which the Committee is seeking the PSNI's views. These relate specifically to the low proportion of crimes recorded

where the victim is identified as vulnerable, figures of recorded domestic abuse related offences and arrests compared to England and Wales and figures relating to outstanding DASH assessments. Following consideration,

It was:

AGREED:

- The draft correspondence to the Deputy Chief Constable is issued requesting their views on additional areas of concern within the report, and;
- To take to the December meeting of the Board for approval the draft letter to the Minister of Justice regarding the HMIC Effectiveness report 2015/16.

6. ITEMS FOR DISCUSSION

6.1 Briefing with the Independent Reviewer of Terrorism Legislation and the Independent Reviewer of the Justice and Security (NI) Act 2007

The Chairperson welcomed Mr David Seymour CB (Independent Reviewer of the Justice and Security (NI) Act 2007) and Mr David Anderson QC (Independent Reviewer of Terrorism Legislation) to the meeting and invited them to update the Committee on their work over the last year.

Both Mr Seymour and Mr Anderson congratulated the Board on its 15th anniversary and went on to provide a brief synopsis of the key elements which Members could expect to see addressed their respective upcoming reports. Mr Seymour began by advising the Committee that while his remarks would focus on areas for improvement, they should be viewed in the context of many positive aspects within the PSNI such as their work in relation to intelligence, public order and the roll out of Body Worn Video.

He then advised the Committee that most of the recommendations in his upcoming report would relate to the greater need for transparency from

the PSNI and the need for them to explain more clearly their use of the powers afforded to them under the Justice and Security (NI) Act 2007

Mr Anderson advised Members that this would be his last report as the Independent Reviewer of Terrorism Legislation and provided Members with an overview of issues raised in his report such as Schedule 7 Port stops and the low charging rate following arrests made under TACT. He also highlighted issues which, in his view, may be matters for his successor such as matters in relation to cooperation with the Republic of Ireland, and the question of whether TACT legislation is being applied in an even handed way.

Mr Anderson and Mr Seymour also discussed with the Committee;

- Concerns regarding the over/under use of powers and awareness and training given with the PSNI to support the use of these powers;
- Community background monitoring during Stop and Search;
- How information regarding the use of these powers could be communicated via the PSNI website;
- The Independent Reviewers' methodology and who they engage with when compiling their reports;
- The impact on communities following the use of these powers;
- The stage at which the PPS become involved in cases in Northern Ireland contrasted with the stage at which the CPS become involved in England and Wales, and;
- The use of supplementary powers in relation to the activities of paramilitaries.

The Committee was supportive of Mr Anderson's intention to write to the Secretary of State suggesting a Thematic Review of how other powers are used in relation to the activities of paramilitaries.

The Committee expressed its thanks to Mr Anderson and Mr Seymour for attending the meeting and in particular to Mr Anderson for his 6 years' service in the role of Independent Reviewer of Terrorism Legislation.

6.2 Human Rights Advisor's Report

The Committee noted a paper and verbal update from the Board's Human Rights Advisor providing Members with an update on her work for the Board. The Committee noted that the final draft of the Human Rights Thematic Review – Policing Race Hate Crime, would be provided to Members as soon as ongoing policy changes within the PSNI in relation to hate crime have been finalised.

Members also noted the meetings attended by the Board's Human Rights Advisor since the last meeting of the Performance Committee. NOTED.

6.3 Trends in Domestic Abuse Incidents and Crimes recorded by Police in Northern Ireland 2004/05 – 2015/16

The Committee considered a paper providing Members with an overview of the key statistics included in the PSNI statistical bulletin on trends in domestic abuse incidents and crimes for the period 2004/05 – 2015/16.

Members discussed:

- The year on year upward trend;
- The difference between a domestic abuse incident and a domestic abuse crime and the need to understand better the stages at which domestic abuse incidents are falling out of the criminal justice system;
- Training provided to new officers and ongoing training provided at a District level;
- PSNI referral of victims to victim support, and;
- The inability to track cases from allegation through to criminal justice outcome.

The Committee also discussed the role of and funding for Criminal Justice Workers. Members noted that Independent Domestic Abuse Advocates

could compliment the work of Criminal Justice Workers although they would deal with high risk only cases while currently low and medium risk cases can be referred to Criminal Justice Workers. Following discussion,

It was:

AGREED:

The Committee is provided with comparative statistics from Most Similar Forces in GB, including outcome rates, in relation to the statistics in the PSNI statistical bulletin on trends in domestic abuse incidents and crimes for the period 2004/05 – 2015/16.

6.4 Regulation 20 Report

The Committee considered a paper providing Members with information concerning a Regulation 20 Report from the Police Ombudsman regarding unauthorised access of police computer systems by a police officer.

The Committee expressed concern that 12 officers are currently repositioned from their normal duties as a result of breaches of Data Protection and noted that HMIC has identified this as an area of concern nationally. Following discussion

It was:

AGREED:

Correspondence is issued to the PSNI requesting further detail in respect of the 12 officers currently repositioned as a result of breaches of Data Protection.

6.5 Correspondence

The Committee considered details included in a PSNI Freedom of Information request relating to escape from police custody.

Members expressed concern that the number of prisoners who have escaped from custody in the last 5 years is 59 and were of the view that further information, including the average amount of time a prisoner

evades custody, is required in order to fully understand the figures provided. Following discussion,
It was:

AGREED:

Correspondence is issued to the PSNI requesting further information regarding the data provided in the freedom of information request relating to escape from custody.

6.6 Performance Committee Programme of Work 2016/17

The Committee noted the updated Performance Committee Programme of Work 2016/17 including details of presentations to be given at the additional Performance Committee meeting taking place on Tuesday 13 December 2016. Officials also advised that details regarding proposed visits by Board Members to PSNI departments would follow in due course.

6.7 Briefing with the PSNI on TACT Arrests, Charges and Conviction rates

The Chairperson advised his apologies and requested the Vice-Chair assume the Chair for the remainder of the meeting.

The Vice-Chairperson welcomed D/Ch/Supt Raymond Murray and D/Supt Karen Baxter to the meeting and invited them to present their briefing in respect of Section 41 Terrorism Act (TACT) arrests to the Committee.

D/Supt Baxter presented the findings of the review carried out into all 2013/2014 arrests under TACT following a recommendation in the 2014 Human Rights Annual Report that the PSNI should review its policy and practice in respect of arrests under Section 41 of the Terrorism Act.

Information provided to Members included , the number of arrests made under TACT, the decision making process leading up to an arrest and the justification required to make an arrest under TACT, time spent in custody and figures in respect of charges made under TACT and PACE.

Following the presentation Members questions centred on:

- If and how many of the figures related to repeat arrests;
- The scope of the Custody Sergeant to refuse an arrest if they deem it appropriate;
- How intelligence is graded and filtered to officers making decisions regarding arrests, and;
- The decision making process which leads to a person being arrested under TACT instead of PACE.

The Vice-Chairperson thanked D/Ch/Supt Murray and D/Supt Baxter and they left the meeting. Following discussion,

It was:

AGREED:

Correspondence is issued to the PSNI requesting they provide details regarding the number of repeat arrests included in their figures, the number of instances where a Custody Sergeant has refused an arrest and a breakdown of the figures in terms of community background.

7. QUESTIONS FOR THE CHIEF CONSTABLE

It was:

AGREED:

Questions are issued to the Chief Constable from the Performance Committee regarding:

- The management of people in receipt of a sexual offences order and the policy for the release of images in such cases, and;
- The tracking of cases through the Criminal Justice system.

8. COMMUNICATION ISSUES

No communications issues were raised.

9. ANY OTHER BUSINESS

No further business was conducted.

10. DATE OF NEXT MEETING

The next meeting of the Performance Committee will be held on
Thursday 8 December 2016 at 9.30am.

(Meeting closed at 1:15pm)

BOARD SUPPORT

November 2016

Chairperson