

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE PERFORMANCE COMMITTEE MEETING HELD ON 17 SEPTEMBER 2015 AT 9.30 AM IN WATERSIDE TOWER

PRESENT:

- (1) Mr Jonathan Craig (Chairperson)
Ms Roisin McGlone (Vice Chairperson)
Professor Brice Dickson
Mr Trevor Lunn
- (3) Mr David McIlveen
Ms Caitriona Ruane
- (2) Dr Paul Nolan

GUESTS

IN ATTENDANCE:

Mr David Anderson QC
Mr David Seymour CB

BOARD'S HUMAN RIGHTS ADVISOR IN ATTENDANCE:

Ms Alyson Kilpatrick

OFFICIALS IN ATTENDANCE:

Mr Barney McGahan (Interim Chief Executive)
Mrs Amanda Stewart (Director of Policy)
2 Board Officials

- (1) Open to item 5.1
- (2) Item 2.1 to close
- (3) Open to item 5.1 and part item 5.4

1. APOLOGIES ETC

Apologies for today's meeting were received from Ms Catherine Pollock, Mr Gerry Kelly and Professor Ryan Feeney.

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

2. ESTABLISHMENT OF THE PERFORMANCE COMMITTEE

2.1 Performance Committee Terms of Reference

Following consideration of the Performance Committee Terms of Reference a Member made the following proposed amendments:

- Item 3.3 - the Human Rights Advisor be included as a normal attendee at Performance Committee meetings;
- Item 4.1 – that the Committee’s agenda and minutes be made available to all Board Members and researchers;
- Item 5.1 –monitor PSNI compliance with the Human Rights Act and produce an annual report;
- Item 5.1 – monitor compliance in professional standards in line with the Code of Ethics and review the Code of Ethics as required;
- Item 6.1 – to amend the wording of this item regarding the rights of the Performance Committee to read ‘The Committee may procure specialist ad-hoc advice at the expense of the organisation subject to procedures and budgets agreed by the Board’, and;
- Item 7.1 – to include that the Committee will also be provided with reports from the HIU when it is established.

Following discussion,

It was:

AGREED:

- The above amendments be made to the Performance Committee Terms of Reference, and;
- Subject to the above amendments, the Committee’s recommendation to approve the Performance Committee Terms of Reference is forwarded to the Board for consideration at the 1 October 2015 Board meeting.

2.2 Performance Committee First Day Brief and Programme of Work

The Committee noted information in a paper providing Members with background information on the role and responsibilities of the Performance Committee. The Chairperson asked Committee Members if they wished to raise any issues from the first day brief. No issues were raised at this time. NOTED.

2.3 Election of a Performance Committee Vice-Chairperson

The Performance Committee Chairperson invited nominations from Members for the election of a Performance Committee Vice-Chairperson. Ms Roisin McGlone was nominated for the role by Ms Caitríona Ruane and her nomination was seconded by Professor Brice Dickson. Following this,
It was:

AGREED:

Ms Roisin McGlone is elected to the role of Performance Committee Vice-Chairperson.

2.4 Performance Committee Schedule of Meetings

The Committee considered a proposed schedule of future meetings of the Performance Committee. Following discussion,
It was:

AGREED:

The Committee will meet at 9.30am on the third Thursday of each month from October 2015 – June 2016.

3. MATTERS ARISING FROM THE MEETING HELD ON 18 JUNE 2015

3.1 Draft Minutes of the Performance Committee meeting held on 18 June 2015

The Chairperson asked Members present at the 18 June 2015 Performance Committee meeting to consider the minutes of the 18 June 2015 Performance Committee meeting. Following consideration,

It was:-

AGREED:

To approve the draft minutes of the Performance Committee meeting held on 18 June 2015.

3.2 PSNI Response to Performance Committee Stop & Search Thematic Review (Item 3.2 of minutes refers)

Officials advised this item would be considered at item 5.3 of the agenda.

3.3 Operation Stafford Investigation (Item 3.3 of minutes refers)

The Committee noted correspondence received from PSNI providing an update on the Operation Stafford investigation and the decisions of the PPS in progressing prosecutions related to this investigation. NOTED.

3.4 Breaches of Data Protection Policy and Acceptable Use Policy (Item 3.5 of minutes refers)

The Committee noted correspondence received from the PSNI regarding breaches of Data Protection Policy and Acceptable Use Policy for police staff and officers for the period January 2013-June 2015. NOTED.

3.5 Corrupt or improper exercise of Powers and Privileges (Item 3.7 of minutes refers)

The Committee noted a response received from the Minister of Justice regarding the statutory offence of police corruption which has been

introduced in England and Wales. Members noted the Minister's intention to review this issue further following the release of the findings of the Law Commission's review. NOTED.

3.6 Regulation 20 Reports (Item 3.8 of minutes refers)

Officials provided a verbal update to the Committee regarding correspondence issued to the PSNI requesting clarification on the application of paragraph 3.31 of the NIO Guidance on Police Unsatisfactory Performance, Complaints and Misconduct Procedures. Members were advised that the PSNI are currently in discussions with OPONI on this issue and that an update would be brought to the Committee in due course. NOTED.

4 CHAIRPERSONS BUSINESS

4.1 Correspondence

Correspondence regarding Judge Piers Grant's comments in Hosick

The Committee considered correspondence received from Dolores Kelly MLA regarding Judge Piers Grant's comments in the Hosick case and her request that the Performance Committee receive a briefing on this issue.

Members noted that PSNI have commenced an internal review and have offered to update the Committee on completion of that review. Following discussion,

It was:

AGREED:

To progress arrangements for the Performance Committee to receive a briefing from the PSNI following completion of their internal review of the Hosick case in light of Judge Piers Grant's comments.

Correspondence regarding the use of water cannon in England and Wales

The Committee considered correspondence received from Dolores Kelly MLA regarding the Home Secretary's announcement regarding the use of water cannon in England and Wales. Members discussed Mrs Kelly's request that the Performance Committee write to the Home Secretary regarding her decision not to authorise the use of water cannon in England and Wales and Members also considered that different policies may exist in Scotland and the Republic of Ireland with regard to the use of water cannon. Following discussion, It was:

AGREED:

- Correspondence is issued to Police Scotland and the Garda Commissioner regarding the use of water cannon in Scotland and the Republic of Ireland, and;
- Correspondence is issued to the Home Secretary requesting details on her rationale for the non-usage of water cannon in England and Wales.

Correspondence from PSNI regarding future presentations to the Performance Committee

The Committee considered correspondence received from the PSNI regarding proposed briefings to the Performance Committee. Following discussion, It was:

AGREED:

- To progress arrangements for a possible joint briefing to Performance and Partnership Committees regarding the Youth Engagement Scheme and Restorative Justice, and;
- To issue an invitation to the PSNI to the October 2015

meeting of the Performance Committee to discuss the evaluation of the Body Worn Video Pilot scheme.

4.2 NCA Sub-Group

The Chairperson updated the Committee on the role of the Performance Committee Sub-Group which was established to consider the Memoranda of Understanding relating to the operation of the NCA in Northern Ireland. As the work of the Sub-Group was not completed before the dissolution of the previous Board the Chairperson asked Members to agree the reconstitution of the sub-group consisting of the Chairpersons and Vice-Chairpersons of the Performance and Resources Committees. During discussion a Member expressed concern that this issue was being dealt with by way of verbal update by the Chairperson rather than a paper brought for the Committee's consideration. Following discussion,

It was:

AGREED:

To circulate to Committee Members, clarification regarding the processes in respect of the reconstitution of the NCA Sub-Group.

5 ITEMS FOR DECISION

5.1 Requesting a report under Section 59 of the Police (Northern Ireland) Act 2000 in relation to the role of the PSNI in supporting legacy inquests

The Committee considered a paper outlining the procedure for requesting a report from the Chief Constable under Section 59 of the Police (Northern Ireland) Act 2000 and draft wording for a Section 59 request relating to the role of the PSNI in supporting legacy inquests. Members were tasked by the Board following its meeting in September 2015 to consider and make a recommendation to the October 2015 Board meeting, the wording of a request for a Section 59 report from the

Chief Constable in relation to the PSNI's role in supporting coronial inquests.

Officials also drew Members attention to correspondence dated 14 September 2015 received from the Minister of Justice restating his position regarding the Board's request for an inspection of the role of the PSNI in supporting legacy inquests. The Committee discussed the Board's position that they still want the HMIC Inspection to take place and expressed concern at the Minister of Justice's position regarding the Board's request. Members were of the view that further face to face engagement with the Minister was necessary to progress this matter further.

In respect of the proposed request for a report under Section 59 of the Police (Northern Ireland) Act 2000 Members discussed:

- Information provided to date by the PSNI in respect of their role in supporting coronial inquests;
- Previous engagement with the Coroner's office and the extent to which further engagement would be helpful;
- The role the Lord Chief Justice may have if/when he takes up the position of President of the Coroner's Court;
- Resourcing issues relating to any potential Section 60 Inquiry undertaken by the Board, and;
- Work to be progressed by officials with a Committee Member and the Board's Human Rights Advisor in respect of the draft wording of the Section 59 request.

Following discussion,

It was:

AGREED:

- To give consideration to inviting the Secretary to the

- Coroner to a future meeting of the Performance Committee;
- To progress arrangements for meeting with the Deputy Chief Constable to further discuss the role of PSNI in supporting coronial inquests;
 - To progress a possible visit to PSNI's Seapark facility to view how Legacy Support Unit staff carry out redactions on material relevant to legacy inquests;
 - To seek an urgent meeting with the Minister of Justice to reiterate the Board's request for the HMIC inspection asked for in March 2015 of the PSNI's roles in supporting coronial inquests, and;
 - To circulate for the Committee's consideration and approval ahead of the October Board meeting, draft wording for the Section 59 request for a report from the PSNI regarding their role in relation to coronial inquests.

The Chairperson submitted his apologies to the Committee as he had to leave for a prior engagement and the Vice-Chairperson assumed the Chair for the remainder of the meeting.

5.2 Performance against the Policing Plan

The Committee considered a paper providing Members with a summary and analysis of PSNI performance against the Policing Plan 2015-16 as at 6 September 2015. Members noted the Performance at a Glance Report and also the PSNI Corporate Dashboard which allows senior officers to view performance indicators across various areas.

The Committee noted several key findings including:

- The reduction in allegations of failure in duty, oppressive behaviour and incivility;
- The increased outcome rates for rape crime;
- The increase in the reporting of hate crime, and;

- The number of domestic burglaries and robberies in which older people have been victims.

Officials advised that monthly updates on PSNI performance against the Policing Plan 2015-16 would continue to be brought to meetings of the Performance Committee. Following discussion, It was:

AGREED:

Correspondence is issued to all Committee Members providing an update on what percentage of overall burglaries involve people over 60 years old.

5.3 PSNI update on the implementation of Stop and Search Thematic Review Recommendations

The Committee considered a paper updating Members on the PSNI's progress in implementing the recommendations made by the Board's Stop and Search Thematic Review. Members discussed with the Board's Human Rights Advisor the actions taken to date by the PSNI regarding several recommendations and a Member expressed concern at the proposed timeframe of late October 2015 for the commencement of a pilot scheme in Derry/Londonderry and Strabane to monitor community background during stop and search. The Committee also discussed the PSNI's proposed methodology for the capture of community background information during stop and search and a Member expressed concern that these are to be carried out by postal return.

5.4 Meeting with the Independent Reviewer of Terrorism Legislation and the Independent Reviewer of the Justice and Security (NI) Act 2007

The Vice-Chairperson welcomed Mr David Anderson QC (Independent Reviewer of Terrorism Legislation) and Mr David Seymour CB

(Independent Reviewer of the Justice and Security (NI) Act 2007) to the meeting and invited them to brief the Committee on emerging issues.

Mr Anderson provided a brief outline of his role in reporting on the operation of the Terrorism Act in Great Britain and Northern Ireland and the organisations, such as Police and NGOs, with whom he engages in the course of this work.

The Committee discussed with Mr Anderson:

- The number of arrests made in Northern Ireland under the Terrorism Act and how this compares to figures in Great Britain;
- The proportion of detainees released within 2 days;
- The conversion rates of arrest and detention into charges in Northern Ireland, and;
- Sentencing comparisons between Northern Ireland and England.

Members also sought Mr Anderson's views regarding the Terrorist Asset Freezing Act 2010 which is not used in Northern Ireland and the Proceeds of Crime Act which Mr Anderson advised is relied upon in Northern Ireland. Other areas considered by the Committee and Mr Anderson included the power of arrest under Section 41 of the Terrorism Act 2000 and the Counter Extremism Bill proposed by the UK Government. The Vice-Chairperson thanked Mr Anderson and he left the meeting.

Mr Seymour provided the Committee with a brief synopsis of his role in reviewing and reporting on the Justice and Security (NI) Act 2007 and went on to update Members regarding the issues raised in his current report including the way in which PSNI explain the exercise of their power, transparency and the monitoring of repeat stop and searches.

The Committee discussed with Mr Seymour:

- The upcoming commencement of a pilot scheme in Derry/Londonderry and Strabane to monitor community

- background during stop and search;
- An incident in Derry/Londonderry where the army were deployed in support of PSNI officers and its potential impact on community confidence;
 - The fall in the number of stop and searches over the previous 2 years, and;
 - How the PSNI could more effectively engage with the public regarding their use of these powers.

The Vice-Chairperson thanked Mr Seymour and he left the meeting.

5.5 Update from the Board's Human Rights Advisor on Parades Monitoring 2015

The Board's Human Rights Advisor provided a brief verbal update to the Committee on her monitoring of parades in 2015. Members were advised of the events at which she was present however noted that it had not been possible for her to be in attendance at PSNI planning meetings. Following discussion

It was:

AGREED:

A more detailed written briefing from the Board's Human Rights Advisor on 2015 Parades Monitoring would be provided to the Committee in due course.

The Committee also considered a PB1 form and PB2 form submitted by the PSNI regarding the discharge of attenuating energy projectiles and an incident of public disorder during July 2015.

6. INFORMATION PAPERS AND CORRESPONDENCE

6.1 Update on Human Rights Annual Report Recommendation 2 – PSNI Policy Review

- 6.2 Update on Human Rights Annual Report Recommendation 4 – Child Sexual Exploitation**
- 6.3 Use of Force Statistics, April 2014 – March 2015**
- 6.4 Stop and Search Statistics, Quarter 1 2015/16 (April – June)**
- 6.5 Custody Visiting Statistics, Quarter 1 2015/16 (April – June)**
- 6.6 Criminal Justice Board Communique**

The Committee noted the above information papers. NOTED.

6.7 PSNI Six Monthly Report on the Use of Small Unmanned Aircrafts (SUA)

The Committee considered a paper and correspondence from the PSNI providing a report on PSNI use of Small Unmanned Aircraft (SUA) between 1 January 2015 and 30 June 2015. Members noted the information contained in the paper and following discussion, It was:

AGREED:

A response is issued to PSNI correspondence dated 27 August 2015 in respect of the deployment of SUA between 1 January 2015 and 30 June 2015.

6.8 Correspondence

The Committee noted 6 items of correspondence included within their papers.

6.9 Freedom of Information Requests

The Committee noted 2 PSNI Freedom of Information requests. NOTED.

7. QUESTIONS FOR THE CHIEF CONSTABLE

It was:

AGREED:

Questions be drafted from the Performance Committee to the Chief Constable regarding:

- Domestic burglaries and older people;
- Army deployment in Derry/Londonderry;
- The proposed Counter-Extremism Bill;
- Arrests made under Section 41 of the Terrorism Act 2000
- Child sexual exploitation;
- Crime Data Integrity, and;
- The role of PSNI in support legacy inquests.

8. COMMUNICATIONS ISSUES

It was:

AGREED:

To publish information on the meeting with Mr David Seymour CB and Mr David Anderson QC.

9. ANY OTHER BUSINESS

There were no matters arising.

10 DATE OF NEXT MEETING

Members were advised the date for the next meeting of the Performance Committee is Thursday 15 October 2015.

(Meeting closed at 1:00pm)

Board Support

Date: September 2015

Chairperson