

## **NORTHERN IRELAND POLICING BOARD**

### **MINUTES OF THE PERFORMANCE COMMITTEE MEETING HELD ON 19 NOVEMBER 2015 AT 9.30AM IN WATERSIDE TOWER**

#### **PRESENT:**

- Mr Jonathan Craig (Chairperson)
- Ms Roisin McGlone (Vice-Chairperson)
- (5) Professor Brice Dickson
- Mr Trevor Lunn
- Mr Gerry Kelly
- (3) Mr David McIlveen
- Dr Paul Nolan
- Professor Ryan Feeney
- Ms Catherine Pollock
- (4) Ms Caitríona Ruane
- Ms Debbie Watters

#### **OPONI**

##### **IN ATTENDANCE:**

- (1) Mr Adrian McAllister (Chief Executive Officer)
- (1) Mr Tim Gracey (Director of Media & Information)
- (1) Ms Caroline Hickey (Senior Statistician)

#### **PSNI**

##### **IN ATTENDANCE:**

- (1) ACC Hamilton

#### **HMIC IN**

##### **ATTENDANCE**

- (2) Mr Paul Savill

#### **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)  
3 Board Officials

- (1) Item 5.1 only
- (2) Item 5.3 only
- (3) Item 3.1 to 5.3
- (4) Item 3.1 to close
- (5) Item 3 to close

## **1. APOLOGIES ETC**

No apologies were received for today's meeting.

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

## **2. DRAFT MINUTES OF MEETINGS OF THE PERFORMANCE COMMITTEE**

### **2.1 Draft minutes of the Performance Committee meeting held on 15 October 2015**

It was:-

#### **AGREED:**

To approve the draft minutes of the Performance Committee meeting held on 15 October 2015.

A Member requested a further briefing on the PSNI Continuous Improvement Project – Review of Crime Operations Department referred, to at item 6.3 of the 15 October 2015 Performance Committee minutes.

It was:-

#### **AGREED:**

To progress arrangements for the PSNI to provide a briefing to a future meeting of the Performance Committee regarding the PSNI Continuous Improvement Project – Review of Crime Operations Department.

## **3. MATTERS ARISING FROM THE MEETING HELD ON 15 OCTOBER 2015**

### **3.1 Correspondence (Item 3.1 of minutes refers)**

The Committee considered responses received from the Home Secretary and Police Scotland regarding the use of water cannon in their respective jurisdictions. The Committee considered the reasons laid out by the Home Secretary for not authorising the use of water cannon in England

and Wales and noted that she had sought advice from a number of Chief Constable's on the issue, including the PSNI Chief Constable.

Members discussed seeking further information from the PSNI in respect of the deployment of water cannon including:

- The decision making process for the use of water cannon
- The safeguards in place for its use;
- Training of officers, and;
- The use of different types of water cannon technology, including smaller mobile units, and their capabilities.

The Board's Human Rights Advisor advised that some of this detail will be covered in the NIPB Human Rights Annual Report 2015 and offered the Committee an advance copy of the relevant chapter to inform their discussion.

Following discussion,

It was:-

**AGREED:**

- To request the PSNI provide a copy of the advice forwarded to the Home Secretary in respect of the use of water cannon;
- To issue a question to the Chief Constable regarding the capabilities of the water cannon technology used in Northern Ireland including different water pressures, the use of smaller mobile units and their monitoring of injuries sustained as a result of water cannon deployment, and;
- The relevant chapter of the NIPB Human Rights Annual Report 2015 is forwarded to Committee Members.

The Committee also noted the response from Police Scotland advising that water cannon is not used in their jurisdiction and the steps they would take before any such decision was taken.

Officials advised that a response from An Garda Siochana is awaited and will be brought to the Committee in due course.

**3.2 PSNI six monthly report on the use of Small Unmanned Aircraft (SUA)(Item 3.3 of minutes refers)**

The Committee considered correspondence received from the PSNI regarding the deployment of SUA during 2015. Members expressed concern at the difficulties being experienced with the technology and that the Board had not previously been advised of these issues as part of a comprehensive briefing received in February 2015. Following discussion,

It was:-

**AGREED:**

The PSNI are invited to a future meeting of the Performance Committee to further discuss the issues arising from the correspondence dated 12 October 2015 in respect of the deployment of SUA.

**3.3 Establishment of the HIU**

The Committee noted correspondence issued to the Department of Justice regarding oversight of the Historical Investigations Unit (HIU) by the Policing Board. Officials advised a response is awaited and will be brought to the Committee in due course.

**3.4 Evaluation of the Body Worn Video Pilot Scheme (Item 5.1 of minutes refers)**

The Committee noted an update from the PSNI in respect of correspondence issued following the PSNI briefing to the October 2015 Performance Committee on the evaluation of the Body Worn Video Pilot Scheme. Members noted that the PSNI have requested a short

extension in order that a more comprehensive response may be delivered to the Committee by the end of November 2015. NOTED.

### **3.5 PFNI Independent Workforce Survey (Item 5.2 of minutes refers)**

The Committee noted correspondence issued to the PFNI following their briefing to the October 2015 Performance Committee regarding the PFNI Workforce Survey. Officials advised a response is awaited and will be brought to the Committee in due course.

## **4 CHAIRPERSONS BUSINESS**

### **4.1 Correspondence**

The Committee discussed correspondence from the PSNI regarding the use of Domestic Violence Protection Notices (DVPNs) and the PSNI's training and awareness in relation to this issue. Members noted that currently the PSNI do not have the power to issue these notices and that legislation for DVPNs in the Justice NI Act 2015 has not been commenced. The Board's Human Rights Advisor advised that a post implementation review is currently taking place in England and Wales and any outcomes could be addressed in future PSNI training. Following discussion,

It was:-

#### **AGREED:**

Correspondence is issued to the Minister of Justice seeking clarification as to whether it is his intention to commence the relevant provisions in the Justice Act 2015 for DVPN's (Domestic Violence Protection Notices).

The Committee considered correspondence from the PSNI in respect of their intention to refresh and re-launch discretionary disposals. The Board's Human Rights Advisor advised the Committee that consideration is being given to the use of discretionary disposals in respect of domestic

violence and hate crimes. Members expressed concern that such a move may have the potential to send the wrong message regarding these crimes and were of the view that these proposals would require further consideration by the Committee in consultation with stakeholder organisations. Following discussion,  
It was:-

**AGREED:**

- To progress arrangements for representatives from Woman's Aid organisations and the PSNI to be invited to a future meeting of the Performance Committee to discuss the use of discretionary disposals, and;
- Correspondence is issued to the PSNI suggesting engagement with stakeholders ahead of the planned relaunch of Discretionary Disposals.

The Committee noted correspondence from the PSNI providing updates on Recommendation 6 of the NIPB Human Rights Annual Report 2014 regarding the PSNI's response to disability Hate Crime and Recommendation 9 of the NIPB Human Rights Annual Report 2014 regarding PSNI evaluation of Youth Engagement Clinics. In respect of the Youth Engagement Clinics the Board's Human Rights Advisor advised that an analysis of the types of offences being dealt with by Youth Engagement Clinics is expected from PSNI and could be circulated to Members on receipt. Members also discussed issues relating to the use of discretionary disposals such as their disclosure during enhanced background checks and young people's lack of knowledge of the impact of accepting a discretionary disposal. Following discussion,  
It was:-

**AGREED:**

The report from the PSNI providing an analysis of offences dealt with by Youth Engagement Clinics is circulated to Committee Members on receipt.

## **5 ITEMS FOR DECISION**

### **5.1 Professional Standards 6 Monthly Report**

The Committee considered a paper providing Members with a six month report regarding complaints against PSNI officers in line with the Board's Professional Standards Monitoring Framework.

The Chairperson welcomed Mr Adrian McAllister, Mr Tim Gracey and Ms Caroline Hickey from OPONI and ACC Hamilton to the meeting and invited them to brief the Committee on the report's findings. Members were briefed on the broadly positive figures for the 6 months April – September 2015 including:

- Complaints and allegations reduced by 14.1%;
- Oppressive behaviour allegations reduced by 16.2%;
- Failure in duty allegations reduced by 25.4%, and
- Incivility allegations reduced by 11.3%

Members noted that the Policing Plan targets in respect of these areas are on target to be met. OPONI also provided the Committee with a brief overview of the 3 main types of cases they handle and the work of the investigation team which deals with serious cases referred to or undertaken by OPONI.

Other issues discussed with OPONI and PSNI included:

- The application of paragraph 3.31 of the NIO Guidance on Police Unsatisfactory Performance, Complaints and Misconduct Procedures. PSNI and OPONI confirmed that clarification provided by an OPONI Regulation 20 Report recommendation provides that misconduct matters can now be taken forward even following criminal proceedings.

- The rise in statute barred cases and potential reasons for the rise, and;
- The pilot in 'D' District relating to Local Resolution.

In respect of Local Resolution the Committee were advised that the long running pilot in (formerly) 'D' District would be coming to a close in early 2016 and would be replaced, service-wide, with an updated version of Informal Resolution. The updated Informal Resolution will incorporate the best elements of the Local Resolution pilot scheme and also the involvement of OPONI. Members were advised that the new Informal Resolution will help lead to speedier resolutions of the more minor complaints received by OPONI.

The PSNI also offered a briefing to the Committee on the work of Discipline Branch and the Anti-Corruption branch to update Members on internal discipline processes.

The Chairperson thanked OPONI and the PSNI for their presentation and they left the meeting.

Following discussion,  
It was:-

**AGREED:**

Correspondence is issued to the PSNI requesting the outcome of their work regarding any existing correlation between officers involved in the disciplinary process and sickness absence and a briefing from Discipline Branch and Anti-Corruption Branch in respect of PSNI internal discipline processes be included with the next 6 monthly Professional Standards report to the Committee.



## **5.2 Performance against the Policing Plan**

The Committee noted information included in a paper providing Members with:

- The Policing Plan 2015-2016 in-year “Performance at a Glance” summary as at 5 November 2015;
- The latest Corporate Performance Dashboard from the PSNI as at 5 November 2015, and;
- The latest Most Similar Force Comparisons: April to September 2014 compared to April to September 2015

Members expressed concern at the significant increase in the number of domestic burglaries and robberies in which older persons have been victims, an increase of 23.9%. The Committee noted that the PSNI had highlighted as an area of concern at the 15 October 2015 Performance Committee meeting and that Members have been advised of measures put in place by PSNI to tackle the rise in this type of crime.

## **5.3 Meeting with HMIC regarding PSNI Inspection Activity in 2015/16**

The Chairperson updated the Committee on a meeting held earlier in the week attended by Mr Paul Savill, HMIC and advised Members that, following that meeting, he and the Committee Vice-Chairperson felt a meeting with Mr Savill would be constructive in progressing issues in respect of HMIC inspection activity of PSNI for the remainder of 2015/16. Members were referred to a briefing paper providing background information regarding HMIC inspection activity of PSNI for the remainder of 2015/16 and the Chairperson welcomed Mr Savill to the meeting.

Mr Savill outlined to Members the statutory obligations on HMIC to conduct an annual efficiency and effectiveness inspection of PSNI and discussed with the Committee HMIC’s preferred methodology for

carrying this out by way of a PEEL (Police Effectiveness, Efficiency and Legitimacy) Inspection. Mr Savill discussed with the Committee the challenges of carrying out a full PEEL Inspection of the PSNI during the remainder of 2015/16 and put forward HMIC's proposals for an inspection achievable in-year.

The Committee discussed with Mr Savill:

- HMIC's typical timetable for inspections throughout the year;
- Other bespoke inspections which may feed into the overall efficiency and effectiveness statutory inspection;
- Previous HMIC inspection activity of PSNI, and;
- How the HMIC might support the CJINI inspection of legacy related issues.

In respect of the CJINI inspection of legacy related issues, Members were informed of the protocols in place regarding CJINI/HMIC engagement. The Committee also discussed sharing the Terms of Reference previously drafted for the proposed HMIC inspection of the PSNI's role in the disclosure of information to the Coroner for Coronial Inquests with CJINI in advance of their inspection.

The Chairperson thanked Mr Savill for his attendance at the Committee on short notice and he left the meeting. Following discussion, It was:-

**AGREED:**

- A recommendation is made to the Board to agree to the progression of a legacy issues inspection by CJINI;
- A recommendation is made to the Board to agree the progression of a HMIC Efficiency and Effectiveness Inspection of PSNI based upon the Efficiency Pillar and vulnerability strand within the Effectiveness Pillar of the 2015/16 PEEL

methodology;

- The Terms of Reference originally drafted for the proposed HMIC Inspection of the PSNI's role in the disclosure of information to the Coroner for Coronial Inquests are forwarded to CJINI;
- Arrangements are progressed for a meeting with the Minister of Justice further to his letter dated 18 November 2015;
- Arrangements are progressed for closer engagement with HMIC regarding PSNI inspection activity, and;
- Officials should progress work to identify previous HMIC inspection activity relating to the PSNI and establish at which Board Committee each inspection report was considered.

## **6 INFORMATION PAPERS AND CORRESPONDENCE**

### **6.1 PSNI Quarterly Report on Impact on Organised Crime**

### **6.2 PSNI 6 monthly Report on Counter-Terrorism**

The Committee noted the information contained in the above two confidential information papers forwarded by PSNI. Members expressed concern at the need for the level of protective markings applied to these reports and following discussion,

It was:-

#### **AGREED:**

Correspondence is issued to the PSNI regarding protective markings on the reports provided to the Board.

### **6.3 Custody Visitors Statistics July – September 2015**

This paper was deferred to the December meeting of the Performance Committee.

### **6.4 Correspondence**

The Committee noted the following items of correspondence included

within their papers.

- Correspondence from the Chief Constable dated 23 October 2015 regarding Requests made by the DPP Under Section 35(5) of the Justice (Northern Ireland) Act 2002;
- Correspondence from the PSNI dated 9 November 2015 regarding the HMIC Inspection Report: *Online and on the Edge: Real Risks in Virtual World*;
- Correspondence from the PSNI dated 9 November 2015 regarding Support Mechanisms for PSNI Officers engaged in Child Sexual Exploitation Investigations;
- Correspondence from the PSNI dated 2 November 2015 regarding NCA referrals, and;
- Correspondence from the PSNI dated 7 October 2015 regarding the Destruction of a PSNI Service Weapon.

In respect of the correspondence from the Chief Constable regarding requests made by the DPP Under Section 35(5) of the Justice (Northern Ireland) Act 2002 concerning the activities of an alleged former agent, a Member expressed concern that the correspondence did not provide clarity regarding PSNI actions in relation to this investigation and following discussion,

It was:-

**AGREED:**

Correspondence is issued to the Chief Constable seeking further information and clarification on issues raised in his letter dated 23 October 2015 regarding Requests made by the DPP Under Section 35(5) of the Justice (Northern Ireland) Act 2002.

## **6.5 Regulation 20 Reports**

The Committee noted 2 OPONI Regulation 20 Reports. NOTED.

## **6.6 Freedom of Information Requests**

The Committee noted 1 PSNI Freedom of Information requests. NOTED.

## **6.7 A Fresh Start – The Stormont Agreement and Implementation Plan**

The Committee noted a paper providing Members, for their information, a copy of the document 'A Fresh Start – The Stormont Agreement and Implementation Plan' which sets out the outcome of the Stormont talks. NOTED.

## **7. QUESTIONS FOR THE CHIEF CONSTABLE**

It was:

### **AGREED:**

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

- The use of water cannon technology;
- Domestic Violence Protection Notices;
- Crime Data Integrity, and;
- Attacks on members of the Muslim community.

## **8. COMMUNICATIONS ISSUES**

It was:

### **AGREED:**

A report on the Committee's work in relation to Professional Standards is included in the next issue of Policing Matters.

## **9. ANY OTHER BUSINESS**

No further business was conducted.

## **10 DATE OF NEXT MEETING**

Members were advised the date for the next meeting of the Performance Committee is Thursday 17 December 2015.

(Meeting closed 12.30pm)

### **Board Support**

**Date:** November 2015

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**Chairperson**