

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE PERFORMANCE COMMITTEE MEETING HELD ON 10 MARCH 2016 AT 10.30 AM, WATERSIDE TOWER, BELFAST

PRESENT:

Mr Jonathan Craig (Chairperson)
Ms Roisin McGlone (Vice-Chairperson)
Professor Brice Dickson
Mr Ryan Feeney
Mr Gerry Kelly
(3) Ms Caitriona Ruane
Mr Trevor Lunn
Mr Paul Nolan
Ms Catherine Pollock

PSNI

IN ATTENDANCE:

(1) D/C/Supt Clarke
(1) 1 PSNI Officer
(2) C/Supt Cargin
(2) 1 PSNI Officer

BOARD'S HUMAN RIGHTS ADVISOR IN ATTENDANCE:

Ms Alyson Kilpatrick

OFFICIALS IN ATTENDANCE:

(4) Mr Edgar Jardine (Interim Chief Executive)
Mrs Amanda Stewart (Director of Policy)
5 Board Officials

- (1) Item 5.1 only
- (2) Item 5.8 only
- (3) From item 3.5
- (4) Open to item 5.1 & part item 5.8

1. APOLOGIES ETC

Apologies were received for today's meeting from Mr David McIlveen.

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 18 February 2016

It was:-

AGREED:

To approve the draft minutes of the Performance Committee meeting held on 18 February 2016.

3. MATTERS ARISING FROM THE MEETING HELD ON 18 FEBRUARY 2016

3.1 Correspondence regarding DVPNs and the Refresh and Relaunch of Discretionary Disposals (Item 3.1 of minutes refers)

The Committee noted correspondence issued to the PSNI regarding funding for Women's Aid workers co-located or seconded into local Domestic Abuse teams. Officials advised a response is awaited and will be brought to the Committee in due course.

3.2 Professional Standards 6 Monthly Report (Item 3.2 of minutes refers)

The Committee noted correspondence received from the PSNI advising that analysis has not shown any direct correlation between statute barred cases and officers on sickness absence. NOTED.

3.3 Legacy Investigation Branch (Item 3.4 of minutes refers)

Officials advised that a response is awaited to correspondence issued to the PSNI following their briefing to the Performance Committee in January 2016. Officials advised the response would be brought to the Committee in due course.

3.4 CJINI Inspection on Legacy (Item 3.5 of minutes refers)

The Committee noted correspondence to CJINI and the Minister on

providing the Board with the Terms of Reference for the inspection of the arrangements in place in the PSNI to manage and disclose information in support of the Coronial process. Officials advised that a paper would be considered at agenda item 5.4.

3.5 Immigration Bill proposals to tackle labour exploitation (Item 3.7 of minutes refers)

Officials advised correspondence was issued to the Minister of Justice regarding the Board's response to the Immigration Bill proposals to tackle labour exploitation. A Member raised an issue in relation to the Director of Labour Market Enforcement's role in Northern Ireland and intelligence and data sharing to support his role. Following discussion, It was:-

AGREED:

Correspondence is issued to the Minister of Justice seeking further information on why, if the Director of Labour Market Enforcement 's role in Northern Ireland relates only to the minimum wage, the intelligence and data sharing hub to support the Director would apply to all aspects of the Westminster Immigration Bill

3.6 Chairpersons correspondence (Item 4.1 of minutes refers)

The Board's Human Rights Advisor updated the Committee on consultation with the Independent Reviewer of Terrorism Legislation regarding the PSNI's report on Recommendation 7 of the NIPB Human Rights Annual Report 2014 - PSNI review of section 41 Terrorism 2000 (TACT) arrests.

The Board's Human Rights Advisor also advised the Committee that she had accepted the role of Special Advisor to Independent Reviewer of Terrorism Legislation. Members were advised that this role will

compliment her work with the Board and that no conflict of interest exists in her acceptance of this post. Members wished their support for her appointment to be recorded and congratulated her on her appointment to the post.

In respect of the Board's response to the public consultation on the creation of a specific domestic abuse offence and Domestic Violence disclosure scheme, officials advised that a meeting with Women's Aid organisations had been scheduled and a draft response would be brought to the April 2016 meeting of the Performance Committee.

3.7 Draft Human Rights Annual Report 2015 (Item 5.1 of minutes refers)

The Committee noted the redrafted Legacy Section of the Board's Draft Human Rights Annual Report 2015. The Board's Human Rights Advisor advised Members that the PSNI response had been received and that following receipt of all feedback some minor amendments would be made to the final report. The Committee discussed a proposal that, as the final report is due for publication by 31 March 2016, the Chairperson and Vice-Chairperson should have delegated authority to sign of the final Human Rights Annual Report 2015.

The Committee also discussed the inclusion in the report of wording to reflect the Board's support for political agreement on legacy issues. Members were also of the view that a statement from the Board expressing support of progress towards a political solution on legacy issues would be timely. Following discussion, It was:-

AGREED:

- The Chairperson and Vice-Chairperson of Performance Committee will sign off the final Human Rights Annual Report 2015 for publication before 31 March 2016;

- To circulate for Member's approval wording to be included in the Human Rights Annual Report 2015 in respect of the Board's support for political agreement on Legacy Issues;
- To draft a proposed statement from the Chairperson of the Board regarding the Board's support for progress towards a political solution on Legacy Issues; and
- The Committee to agree at a later stage the arrangements to launch the Human Rights Annual Report.

3.8 Performance against the Policing Plan (Item 5.2 of minutes refers)

The Committee noted correspondence issued to the Director of Public Prosecutions regarding the use of discretionary disposals to deal with offences committed under the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland). Officials advised a response is awaited and will be brought to the Committee in due course.

3.9 Possible Pension Forfeiture – Former Police Officer (Item 5.4 of minutes refers)

The Committee noted that following the referral of this case to the Minister of Justice for consideration of a certificate regarding pension forfeiture, the DOJ has advised that the Minister does not intend to deal with this issue until sentence in the case has been passed. NOTED.

3.10 HMIC's proposed 2016/17 Inspection Programme and Framework (Item 5.3 of minutes refers)

Following agreement at the February 2016 Performance Committee to invite HMIC to a future meeting regarding their proposed 2016/17 Inspection Programme and Framework officials advised that arrangements are being progressed to invite HMIC to the April Board meeting.

3.11 Correspondence (Item 6.3 of minutes refers)

The Committee noted a Home Office Comparison Report on CS and PAVA Sprays. NOTED.

3.12 Freedom of Information Requests (Item 6.4 of minutes refers)

Officials updated the Committee on a response received from the PSNI to the Committee's request for clarity in respect of their Section 40 exemption response to a Freedom of Information request regarding Staff Suspensions.

It was:-

AGREED:

To circulate to all Committee Members the response received from PSNI to correspondence issued in respect of a Freedom of Information request regarding staff suspensions.

3.13 Briefing on the eighth report of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007 (Item 6.5 of minutes refers)

The Committee noted arrangements are being progressed for a meeting of the Performance Committee with David Seymour CB, Independent Reviewer of the Justice and Security (NI) Act 2007.

3.14 Any Other Business (Item 9 of minutes refers)

The Committee noted the Chairperson's update on a meeting which took place with the PSNI to discuss the work of the PSNI Air Support Unit. NOTED.

4 CHAIRPERSONS BUSINESS

4.1 Correspondence

The Committee noted 3 items of Chairpersons correspondence:

- Correspondence dated 25 February 2016 from the PFNI offering to attend at the Committee's convenience to discuss policing issues from the perspective of rank and file officers;
- Correspondence dated 18 February 2016 from the PSNI confirming the designation as 'National Statistics' of PSNI crime statistics, and;
- Correspondence dated 19 February 2016 from the PSNI regarding the inquest into the death of Sean Brown

Following consideration,

It was:-

AGREED:

- To progress arrangements for the PFNI to invited to a future meeting of the Performance Committee as requested in their correspondence dated 25 February 2016, and;
- To issue a reply to the PSNI correspondence regarding the inquest into the death of Sean Brown dated 19 February 2016 seeking clarification on how long it will take to prepare the folders for release to Mr Brown's family.

5 ITEMS FOR DECISION

5.1 PSNI Response to Child Sexual Exploitation

The Chairperson welcomed D/C/Supt Clarke to the meeting and invited him to update the Committee on PSNI's response to Child Sexual Exploitation.

D/C/Supt Clarke thanked the Committee for the invitation and provided a brief overview of the work handled by Public Protection Branch.

Members were provided with figures regarding cases of child abuse referred to the PSNI and the numbers of children considered at risk of child sexual exploitation.

In response to questions from Members, the PSNI discussed:

- PSNI progress in tackling online CSE including support now available from the NCA;
- E-Safety awareness campaigns including the “Think u Know” campaign;
- The delivery of campaigns delivered to children and parents/carers and evaluation of their effectiveness; and
- Differences between CSE in Northern Ireland and the rest of the UK.

Members also discussed the evaluation of the Safe Choices/PSNI co-located pilot initiative at Willowfield and that Public Protection teams are now Health Trust based instead of Policing District based. The PSNI highlighted how partnerships with Social Workers and other agencies assist in assessing young people at risk from CSE and involve the PSNI at an earlier stage in the safeguarding process.

Other areas discussed with the PSNI included:

- PPANI arrangements for the management of sex offenders;
- Arrangements in place for looked after children who go missing from care; and
- Welfare provisions in place for Public Protection Branch officers.

The Chairperson thanked D/C/Supt Clarke and his colleagues and they left the meeting.

Following discussion, it was:

AGREED:

- To forward to Performance Committee Members information received from the PSNI regarding their E-Safety message.

5.2 Human Rights Annual Report 2015

The Committee noted the previous arrangements regarding the Human Rights Annual Report discussed at agenda item 3.7. NOTED.

5.3 NCA Annual Report on Strategic Priorities

The Committee considered a paper providing Members with a copy of the draft National Crime Agency (NCA) Annual Plan for 2016/17.

Members were asked to consider the Plan and approve a draft response to the consultation on the NCA Annual Plan.

The Committee noted that issues previously raised by Members at the March 2016 Board meeting had been incorporated in the draft response, including:

- Proposals to strengthen the section on accountability to the Policing Board; and
- An explicit reference to the requirement for NCA officers operating in Northern Ireland to be guided by the PSNI Code of Ethics.

The Committee also discussed a Member's view that references in the highest priority threats table to 'facilitation of illegal immigration' spreads the net too wide and that the table should be amended to reflect an NCA concentration on trafficking

Following discussion, it was:

AGREED:

The draft response to the NCA consultation on the NCA Annual Plan is issued following an amendment to the highest priority threats table to include an NCA concentration on trafficking.

5.4 CJINI Inspection of PSNI's role in support of the Coronial Process

The Committee considered a paper providing Members with a copy of

the Terms of Reference concerning the planned CJINI inspection of the arrangements in place in the PSNI to manage and disclose information in support of the Coronial process in Northern Ireland.

Members noted that correspondence indicated that the inspection was already underway and were of the view that further consideration should be deferred until the completion of the CJINI inspection.

5.5 Qualitative Reports on Northern Ireland Policing Plan 2015/16

The Committee considered a paper providing Members with PSNI qualitative reports in relation to targets contained within the Northern Ireland Policing Plan 2015-16. The PSNI qualitative reports related to:

- Service provided to vulnerable groups; and
- The impact on serious and organised crime.

The Committee also discussed recent media reports regarding the Northern Ireland Audit Office Report in relation to PSNI performance against the Policing Plan. The Committee expressed concern that

Board Members had not had sight of the Report prior to media reporting. Members also discussed the Board's internal processes with regard to the review and distribution of NIAO Reports and the need for a review of the number of targets included within the upcoming Policing Plan in light of the NIAO Report.

Members discussed a proposal for the establishment of the Performance Committee Working Group to consider matters relating to the monitoring of PSNI performance against the Policing Plan. Following consideration the Committee:

AGREED:

- A Performance Committee Working Group is established and

arrangements are progressed for a meeting of the Working Group to consider matters relating to the monitoring of PSNI performance against the Policing Plan. Membership of the Working Group will be the Chairperson and Vice-Chairperson of the Performance Committee, Committee Members - Mr Ryan Feeney and Mr Paul Nolan, and Interim Chief Executive – Mr Edgar Jardine;

- Draft Terms of Reference for the Performance Committee Working Group are circulated to all Committee Members;
- A review of the draft Policing Plan for 2016-17 is carried out with a view to taking on board the recommendations included in the NIAO Report on the 2015-16 Policing Plan; and
- Internal arrangements for the processing and distribution of NIAO Reports are clarified for Committee Members.

5.6 Draft Research Projects for 2016/17

The Committee considered a paper regarding the proposed draft research projects for 2016/17 that will support the 2016/17 Annual Policing Plan and the 2016/2020 Strategic Outcomes for Policing. Members were also asked to identify any other relevant projects not currently included.

The Committee was satisfied that no other projects had been omitted from the draft proposed research document and officials noted for inclusion in the document comments from Committee Members.

5.7 Draft Performance Monitoring Arrangements of the Strategic Outcomes for Policing 2016-2020

The Committee discussed a paper providing Members with a draft framework for the monitoring of PSNI performance against the Strategic Outcomes for Policing 2016-2020.

The Committee considered that the Performance Committee Working Group previously agreed at agenda item 5.5 would be the appropriate forum for further discussion in respect of this paper.

In response to a Members query regarding the Performance Committee's consideration of 1 of 5 themes at each of its monthly meetings,

It was:-

AGREED:

The Performance Committee working group will consider the role of the Performance Committee and Policing Board in relation to the proposed monthly consideration of a theme in respect of monitoring arrangements of the Strategic Outcomes for Policing 2016/2020.

5.8 Briefing on the Relaunch of Discretionary Disposals Scheme

The Chairperson welcomed Supt Cargin and his colleague to the meeting and invited them to update the Committee on the PSNI's upcoming launch of the Community Resolution Scheme.

The PSNI provided a short background regarding the Scheme previously introduced in 2010 as Discretionary Disposals, and advised the Committee that this Scheme would be re-launched in June 2016 as Community Resolution.

Members were given a presentation outlining the key differences between Discretionary Disposals and Community Resolution, the offences which would be specified as being eligible for Community Resolution and progress and Next Steps towards the roll-out of Community Resolution.

In response to questions from Members the PSNI discussed:

- That the focus of Community Resolution will be on offences where there is an identifiable victim and a restorative type outcome;
- The exclusion of traffic offences from being dealt with via Community Resolution;
- Monitoring and consistency in the use of Community Resolution;
- The disclosure of a Community Resolution Notice (CRN) during an Enhanced Criminal Record Check; and
- Community background monitoring when s CRN is issued.

Members also expressed concern that the offence of Paying for Sexual Services – Section 15 Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) is listed as an offence which can be dealt with by way of A CRN. Members noted that the Committee is currently awaiting a response from the Public Prosecution Service in relation to this matter (see Item 3.8).

The Chairperson thanked Supt Cargin and his colleague for the presentation and they left the meeting. Following discussion, it was:

AGREED:

- To seek clarity from the PSNI regarding the disclosure of Discretionary Disposals/Community Resolution Notices during enhanced security checks; and
- To progress arrangements for an update on Community Resolution to be provided to the Performance Committee in late 2016.

6 INFORMATION PAPERS AND CORRESPONDENCE

6.1 Q3 Stop and Search Statistics, October – December 2015

The Committee noted a paper advising Members of the stop and search statistics for 1 October 2015 – 31 December 2015. NOTED.

6.2 Regulation 20 Reports

The Committee noted 1 OPONI Regulation 20 report. NOTED.

6.3 Freedom of Information Requests

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

7. QUESTIONS FOR THE CHIEF CONSTABLE

It was:

AGREED:

A question be drafted to the Chief Constable from Performance Committee regarding the monitoring of the PSNI launch of Community Resolution specifically in relation to the consistency of application and monitoring of Section 75 categories.

8. COMMUNICATIONS ISSUES

There were no matters arising

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 21 April 2016.

(Meeting closed 1:40 pm)

Board Support

Date: March 2016

Chairperson