



OFFICIAL - PUBLIC

**CHIEF CONSTABLE'S REPORT TO NORTHERN IRELAND POLICING BOARD
1 OCTOBER 2020 (report submitted 24 September 2020)**

PURPOSE

The purpose of this report is to provide Members with updates on the following matters:

1. HMICFRS Report
2. Update on Covid-19
3. EU EXIT

From March Your Police Service Has Issued:

763 CRNs Community Resolution Notice	788 COV1 Penalty Notice starting at £60 fine rising to a max of £960 over 18's only
109 COV2 57 Commercial / 52 Private Prohibition Notice for licensed premises or for restriction of gatherings in a private dwelling	15 COV3 Failure To Isolate (£1,000 fine)

Covid Crews have been deployed to 1,353 incidents

Police Service of Northern Ireland

1/ HMICFRS Report

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) published their report, "An Inspection of how well the service treats its workforce and the people of Northern Ireland," on 10 September 2020. I have received a formal request from the Chair to provide my comments upon the report and the action plan arising from our implementation of any recommendations, in line with Section 42(4) of the Police (NI) Act 1998 (as amended).

The purpose of this section of my Report is to provide Board Members with my initial response to the report, and interim views as to how matters will be addressed. The report itself is currently being assessed in some detail and will be formally considered at our Strategic Management Board later in October. Following that, I will be in a better position to provide a final response to the Board and a detailed action plan.

It is very pleasing to note that HMICFRS rated the Police Service of Northern Ireland as "Good" overall, comparing us favourably with other Services in England and Wales despite our unique context. They have recognised the complicated and challenging environment in which officers and staff work, and believe we have done well to inspire confidence within the workforce and towards policing. They noted positive developments in local neighbourhood policing and increasing access to schools.

Does the service inspire public confidence? HMICFRS graded us as GOOD

Areas identified for improvement by HMICFRS:

- Officers are not consistently submitting the correct form after incidents where they have used force. This means the Service is not recording its use of force accurately. It needs to implement a system that identifies when a form is missing and prompts officers to submit one.
- The Service should consult widely on making conducted energy devices (CEDs, such as Tasers) available to more frontline uniform officers.

- The Service should improve its recording of stop and search data and the quality of its scrutiny, particularly external scrutiny, into the use of this power and its effect on communities.

Policing in Northern Ireland often raises sensitive and challenging issues. How we use force and intrusive powers such as stop/search are clearly within those categories. HMICRS has recommended that we give further consideration to the wider roll out of conducted energy devices (such as Taser) to more frontline officers. At an internal governance board on 28 July it was agreed that, whilst an increase in CEDs may be required (the Operational Business Case is currently being developed), that roll out to front line officers was not practical at that time and that any uplift would be to Armed Response Unit Officers within already existing Command Protocols. This remains under active consideration, and we will come back to the Board with our final response to this particular recommendation in the coming months. We are also considering how to address the recommendation concerning the recording of use of force by officers. We are examining our systems and processes to find any empirical evidence of the gap in recording. Any rectification will be a combination of supervisory prompts via our IT systems and reinforcement of the requirements amongst officers.

I understand that the issue of how to better understand the community background of those individuals subject of a stop/search by officers has been of great interest to the Board for a number of years. HMICFS outline the challenges we face in accurately recording community background in Northern Ireland without directly asking the subject. We will continue to work with the Board in exploring how this may be lawfully addressed. In addition, I am keen to bring external scrutiny to how we use our Stop/Search powers, and have asked T/ACC Roberts to consider how this may be achieved in a manner that compliments rather than undermines the role of the Policing Board.

Is the behaviour of the service's workforce ethical and lawful? HMICFRS graded us as GOOD

Areas identified for improvement by HMICFRS:

- The service should make better use of its computer monitoring software.
- The service should develop a process, such as a People's Intelligence Board, of the kind that some other forces use. That process would deal with welfare and performance matters and act on intelligence about personnel who may be at risk of corruption.
- The service should consider giving briefings about abuse of position for a sexual purpose to existing supervisors, not just those who have been promoted recently.

HMICFRS are satisfied that we have a, "strong ethical culture," and strong anti-corruption procedures and resources to address ethical risks, in particular those involving abuse of position for a sexual purpose. Much work has been done in recent years to raise awareness of behavioural and ethical risks within the organisation in order to minimise such behaviours, and to ensure that they are addressed with the utmost seriousness when they do arise. We will redouble our efforts in this regard. Further consideration will be given to the use of existing monitoring software and the concept of a "Peoples Intelligence Board."

Does the service inspire the confidence of its workforce? HMICFRS graded us as GOOD

Areas identified for improvement by HMICFRS:

- The service should provide its workforce with better information about the grievance procedure.
- The service should introduce a more consistent process for managing poor performance.
- The service should seek to reduce waiting times for mental health support.

HMICFRS report that we treat our workforce fairly, and that we continue to make considerable efforts to increase representativeness. The challenges of achieving this are well known to the Board, and we will continue to make this one of our highest priorities in the years ahead. A revised Individual Performance Review (IPR) process will be launched in April 2021. This will be designed to help line managers address underperformance and improve how we identify emerging talent. Wider development of our corporate performance management framework will bring greater internal clarity to what effective performance is, for officers and staff alike, and will further assist the measurement and monitoring of underperformance as recommended by HMICFRS.

The Grievance process has been refined and a great deal of effort has been put into ensuring issues are dealt with at the earliest opportunity and at the appropriate level. To support this, a mediation programme has been introduced to help colleagues resolve matters without the necessity of a lengthy and adversarial grievance process. We will consider what further support is required in the area of mental health.

As advised earlier, I will be able to bring a final action plan before the Board after each recommendation within the Report has been formally considered by our Strategic Management Board later in October.

2/ Update on Covid-19

The most recent announcements by the Health Minister and Northern Ireland Executive concerning changes to the Health Protection Regulations (The Regulations) have brought this issue back into sharp focus for us all. Our response to the challenges, both operationally and as an employer, will be one of our biggest priorities in the months ahead.

We are here to support the medical professionals in managing what is a health crisis, not a policing crisis. This does continue to present a challenge to our officers and staff as they continually adapt to changes in Regulations and guidance, whilst dealing with our traditional policing priorities. In fulfilling our responsibilities with regard to the Regulations we will continue to adapt our approach known as the **Four E's**, namely **engaging, explaining and encouraging** compliance with social distancing. We will maintain a graduated response, and will only move to **enforcement** as a last resort. Our current priorities are to focus upon disruptive behaviour at house gatherings, the night time economy and crowded spaces.

However, events of recent weeks illustrate that some people remain oblivious to the risk they are presenting to themselves and others. We have conducted a pro-active operation in South Belfast over recent weeks to address the ongoing anti-social behaviour issues that occur on an almost annual basis. This has been further complicated by the Covid risk. This operation has been conducted in partnership with the Universities and Belfast City Council. Working with partners, we took a graduated response to the gatherings, by explaining and encouraging compliance with both Regulations and guidance. Sadly many did not respond to that, and enforcement action was necessary.

Our enforcement from 7 September 2020 to 21 September 2020 was as follows:

<u>Holylands</u>	<u>Stranmillis</u>	<u>Overall Totals</u>
COVID 1 - £60 – 172	COVID 1 – 30	COVID 1 – 202
COVID 2 Notices – 20	COVID 2 – 3	COVID 2 – 23
COVID 3 - £1000 - 1	CRN – 1	COVID 3 – 1
CRN – 9		CRN – 10
		A&G – 136

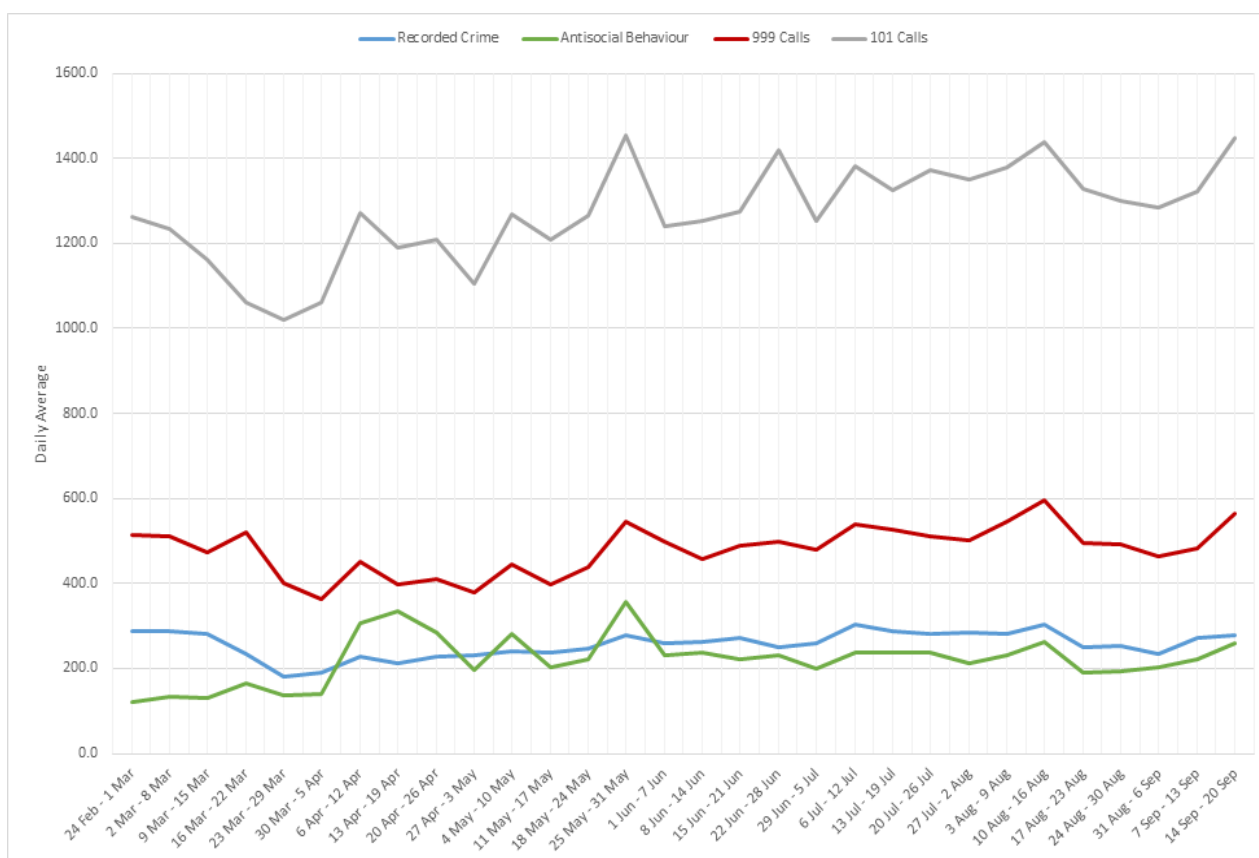
In addition, 16 people were arrested, and a further three advised they would be reported to the Public Prosecution Service for a number of offences.

The anti-social behaviour that arises on an annual basis in the Holylands area is well known and a continuing issue. Whilst we will continue to work in partnership with others to both encourage and enforce compliance, it remains clear that much remains to be done to address the recurring problem. The issues of multi occupied housing, the responsibilities of landlords, regulations and a lack of a long term planning for that area remain to be addressed to everyone’s satisfaction.

Turning to the weeks ahead as the recently revised Regulations bed in, it is clear that the Police Service of Northern Ireland will face considerable demands upon our resources. When the initial lockdown of March took place, we witnessed sharp decreases in reported crime and calls for service, allowing us to divert resources to Covid related duties without a dramatic impact upon service levels. However, crime levels and calls for service have returned to normal levels, so when coupled with greater expectations upon us to enforce Covid Regulations, I must make it clear that it will place extra demand upon the Service. We will keep the impact of this under continual review.

The Board can be assured that I have instructed planners not to abstract Neighbourhood Officers from their core duties at this time, in order to maintain continuity of service in those key areas. Any future abstraction would only be as a last resort. We will need to make creative use of our other resources, and if demand increases significantly, it is also reasonable to expect that financial costs via overtime and equipment are likely to increase once again. We remain alive to the £60m of additional funding given to policing and local authorities in England and Wales to deal with their Covid responsibilities. The following graph illustrates the change in demand levels since March.

Period	Dates	Average Crimes per Day	Average ASB Incidents per Day	Average 999 Calls per Day	Average 101 Calls per Day
Four weeks prior to Lockdown	24 Feb - 22 Mar	272.8	137.3	504.4	1179.6
First four weeks of Lockdown	23 Mar - 19 Apr	202.9	229.3	403.0	1137.0
Most recent four weeks	24 Aug - 27 Sep	259.2	219.4	500.5	1339.8



We continue to work with Staff Associations and Trade Unions to maintain a safe workplace for our officers and staff. You will have noticed that officers now wear face coverings in vehicles, on the basis of national guidance. We have put in place a system to ensure that colleagues working from home have had appropriate risk assessments conducted by line managers and the support of our Occupational Health professionals continues to be invaluable. In addition, we have issued nearly 3000 laptops and mobile devices to support agile working and reduce workplace contact.

The introduction of test, track and trace has presented recent challenges when we witnessed the need to “self-isolate” a team of officers in Antrim and Newtownabbey District. Strandtown Station was also subject to a temporary closure to facilitate a deep clean. On both occasions our contingency planning worked, and the public continued to receive a normal level of service.

With the knowledge that the Covid challenge would be with us for quite some time, the Garda Commissioner and I agreed to have a shared learning debrief undertaken by a number of senior officers in both organisations. The outcomes from that exercise will help to shape our response to the next phase of Covid. The final report will be submitted to the Policing Board very soon.

3/ EU EXIT

This issue is becoming time critical now as the transition period comes to a close in three months' time. It is important for me to continue to outline the challenges faced by policing as we plan for that reality.

Funding

As outlined recently, we have yet to receive confirmation of continuing EU Exit funding. A critical issue is an unresolved funding shortfall for the current financial year 2020/21. An in-year funding bid of £4.5m for EU Exit via October Monitoring has been submitted. This A bid for a three-year resource plan for costs associated with the Ireland/Northern Ireland (IRL/NI) Protocol has also been submitted to Treasury via the Department of Justice (DOJ) for approval. It should be noted that 308 officer and staff posts are based upon the EU Exit related funding received in 2019/20 and there have been no assurances to date as to the sustainability of that resource. I am assured that colleagues in the Departments of Justice and Finance are proactively addressing this issue with Treasury. In total, against the assumptions of the original bid in 2019, £16m per annum is the cost required to sustain the EU Exit related posts.

Justice and Home Affairs Matters

While contingency arrangements will be available, we consider that they will be slower, costlier and more bureaucratic to operate. The loss of access to or barriers to the use of Schengen Information System (SISII), European Arrest Warrants, the EU Criminal Record database (ECRIS), Europol/Interpol and current data adequacy agreements may result in reliance on sub-optimal replacements or contingency fall backs. Risks of this include slower processes, the delay or loss of information or intelligence, potential lack of arrest powers, additional costs and some countries refusing/ being unable to extradite their citizens to the UK under the nationality bar or due to constitutional issues. All of this should be viewed in providing an effective and efficient service to victims of crime.

The operational impact is illustrated as follows:

A. ECRIS

Should we no longer have access to ECRIS (the EU Criminal Record database) we could potentially fall-back to the use of the 1959 Convention Mutual Legal Assistance, this may;

- Extended response times
- No obligation on EU Member state to respond
- Increased processing times
- Restricted to certain crime types in some countries
- No checks for non-criminal proceedings (immigration, firearms, child safety)

The PSNI used ECRIS (Foreign Criminal Record checks) on 2229 occasions in 2019 and 1461 occasions to date in 2020.

B. EAWs

The European Arrest Warrants (EAW) is how we extradite from/to the EU. The EAW is a much faster and more efficient process than alternatives. Outgoing EAWs are circulated via Schengen Information System (SISII) as an alert. This can only be done when an EAW has been granted via the Prosecution Service and the Courts.

The UK will lose access to the EAW and most likely revert to using the European Convention on Extradition 1957. Under the 1957 Convention, some EU countries have a nationality bar that prevents them extraditing their own citizens. Obtaining a warrant under the 1957 Convention is more labour intensive and bureaucratic leading to time delays in circulating and identifying offenders. The PSNI will continue to action these warrants and other mutual legal assistance matters through its international unit. The Service dealt with 82 EAW's in 2019 with a further 45 so far this year.

C. SISII

The UK may lose access to the live alert platform SISII. The contingency will be to use INTERPOL Diffusions or Notices, which will require all relevant Police Services to have sufficient I-24/7 (Interpol Database) operator access. It will take longer to create outgoing circulations and they will not be automated. We will be dependent on EU Member state “double keying entries” across the SISII and I24/7 platforms. We use SIS II on a frequent basis; with the figures below for Outgoing Requests illustrating this:

- **SIS Art 26 Alerts** (Person wanted for arrest) 01/01/2019 – 25/06/2020: 79 (39 of these were persons from the Republic of Ireland).
- **SIS Art 32 Alerts** (Missing Persons) from 01/01/2020 – 25/06/2020: 1336 (this includes all missing persons reported, including those in our jurisdiction).
- **SIS Art 36 Alerts** (Persons or objects for discreet or specific checks) are also widely used, in particular by Modern Slavery and Human Trafficking Unit, for alerting victims and suspects.

D. PRUM

Prum is the EU fingerprint, DNA and vehicle detail database. The UK is currently operational with Prüm DNA (Prüm Fingerprints is due to go live in October). To date we have received

- 12 x Inbound Notifications; when biometric data from a Prüm Member State (MS) is searched against the UK database, there is a hit and the Member State requests the release of UK Demographic Data.
- 23 x Outbound Notifications; when UK biometric data is searched against a Prüm Member State (MS) database and there is a verified ‘Hit’.

Planning and Contingencies

ACC McEwan is the Gold Commander overseeing our planning and response for the end of the Transition period. He and his team have ongoing engagement and planning with stakeholders regarding the operationalisation of the IRL/NI Protocol (as agreed by the EU and United Kingdom). The Service is in regular contact with all relevant local and national stakeholders and partners to ensure the impact upon policing in Northern Ireland is well understood. The ongoing debate in Parliament with regard to the Internal Market Bill is illustrative of the continued uncertainty. Further clarity regarding operating models is needed to enable detailed support and consequence planning.

Ends