

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE PERFORMANCE COMMITTEE MEETING HELD ON THURSDAY 8 DECEMBER 2016 AT 9.30AM WATERSIDE TOWER, BELFAST

PRESENT:

- (3) Mr Nelson McCausland (Chairperson)
Ms Roisin McGlone (Vice-Chairperson)
- (4) Ms Joanne Bunting
Mr Gerry Kelly
Mr Keith Buchanan
Mr Raymond McCartney
- (5) Mrs Deirdre Blakley
Professor Brice Dickson
Ms Debbie Watters

OPONI IN ATTENDANCE

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

PSNI IN ATTENDANCE

- (1) ACC Stephen Martin
- (1) Ms Yvonne Cooke
- (1) Ms Heather Palmer
- (2) Ch/Supt Stephen Cargin
- (2) D/Supt John McCaughan
- (2) 1 PSNI Officer

BOARD'S HUMAN RIGHTS ADVISOR

Ms Alyson Kilpatrick

OFFICIALS IN ATTENDANCE

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

- (1) Item 6.2 only
- (2) Item 6.6 only
- (3) Item 3.6 to close
- (4) Open to item 6.5
- (5) Open to item 6.4

1. APOLOGIES, ETC

Apologies for the meeting were received from Dr Paul Nolan and Mr Daniel McCrossan.

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 10 NOVEMBER 2016

It was:

AGREED:

To approve the draft minutes of the Performance Committee meeting held on 10 November 2016.

3. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 10 NOVEMBER 2016

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

The Committee noted that the relevant supporting documents from the Legacy Investigation Branch Manual of Guidance have been forwarded as requested to Committee Members. NOTED.

3.2 Chairpersons Correspondence (Item 4.1 of minutes refers)

The Committee noted correspondence received from the PSNI providing clarification on several issues raised by Members in relation to the use of Small Unmanned Aircraft (SUA). NOTED.

The Committee noted correspondence issued to the PSNI regarding the Body Worn Video Project. Officials advised that a response outlining the proposed Terms of Reference for the post-implementation review of the roll out of Body Worn Video had been received on the morning of the meeting and would be circulated to Members as soon as possible.

It was:-

AGREED:

To bring to the May 2017 meeting of the Performance Committee an update on the District roll-out of Body Worn Video.

3.3 Trends in Domestic Abuse Incidents and Crimes recorded by police in Northern Ireland 2004/05 – 2015/16 (Item 6.3 of minutes refers)

Following a request from Members at the November 2016 Performance Committee meeting, the Committee noted a paper providing Members with comparative statistics recorded by police services in England and Wales and Police Scotland regarding domestic abuse. NOTED.

3.4 Regulation 20 Report (Item 6.4 of minutes refers)

The Committee noted correspondence issued to the PSNI requesting further detail in respect of the 12 officers currently repositioned as a result of breaches of Data Protection. A response is awaited and will be brought to the Committee in due course. NOTED.

3.5 Correspondence (Item 6.5 of minutes refers)

The Committee noted correspondence issued to the PSNI requesting further information regarding the data provided in the freedom of information request relating to escape from police custody. A response is awaited and will be brought to the Committee in due course. NOTED.

3.6 Briefing with the PSNI on TACT Arrests, Charges and Conviction Rates (Item 6.7 of minutes refers)

The Committee considered a response received to correspondence issued to the PSNI following their briefing at the November 2016 Performance Committee regarding their review of Section 41 Terrorism Act Arrests. Members noted the information provided but requested clarification be provided in relation to the instances where a Custody Sergeant refused to authorise detention. Following discussion, It was:-

AGREED:

Correspondence is issued to the PSNI seeking clarification in relation to the instances where a Custody Sergeant refused to authorise detention following a Section 41 Terrorism Act arrest.

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

The Committee noted responses received to questions submitted 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 the following items of Chairpersons Correspondence:

- I. Correspondence from the PSNI dated 9 November 2016 regarding PSNI Legacy Investigation Branch. The Committee noted the update provided in relation to the On-the-runs investigation. The Committee also considered proposed changes to the wording included in the LIB Case Sequencing Model and Manual of Guidance. Following discussion,
It was:-

AGREED:

Correspondence is issued to the PSNI advising the Committee's agreement to the proposed changes to the wording in the LIB Case Sequencing Model and Manual of Guidance.

- II. Correspondence from the Department of Justice dated 18 November 2016 regarding the Legislative Consent Motion: Criminal Finances Bill. Members noted this correspondence. NOTED.
- III. Correspondence from the PSNI to the Police Ombudsman dated 24 October 2016 regarding police action in response to information received in an anonymous letter. Officials advised that OPONI's full report on this matter would be brought to a future meeting of the Performance Committee.
- IV. Correspondence from the Committee for Justice dated 22 November 2016 regarding their Review of the Need for Stalking Legislation in Northern Ireland. The Committee considered a draft

response however were of the view that Members would like to consider a fuller response at their next meeting on 13 December 2016. Following discussion,
It was:-

AGREED:

To bring to the 13 December 2016 meeting of the Performance Committee a revised draft of the Board's response in relation to the Committee for Justice Review of the need for Stalking Legislation in Northern Ireland.

5. ITEMS FOR DECISION

5.1 Consultation on Non-Jury Trial Provision

The Committee considered a paper providing Members with a summary of a public consultation on the non-jury trial provisions of the Justice and Security (Northern Ireland) Act 2007. The Committee noted the current proposal to extend non-jury trial provisions for another two years. Members also noted the previous position of the Board that political parties and independent Members could provide individual responses to the consultation. Following discussion,
It was:-

AGREED:

A response to the non-jury trial provision consultation would be issued advising that political parties and Independent Members would respond to this consultation separately.

6. ITEMS FOR DISCUSSION

6.1 Human Rights Advisor's Update

The Committee considered a paper providing Members with an update on the engagements carried out by the Board's Human Rights Advisor and

also an amended draft of the Human Rights Thematic Review – Policing Race Hate Crime. Following consideration,
It was:-

AGREED:

Officials will progress the factual accuracy check in relation to the Human Rights Thematic Review – Policing Race Hate Crime.

6.2 PSNI Briefing on Custody Healthcare and Custody Reform

The Chairperson welcomed ACC Martin, Ms Yvonne Cooke and Ms Heather Palmer to the meeting and invited them to brief the Committee in relation to Custody Healthcare and the Custody Reform Project.

Following a brief introduction from ACC Martin, Ms Palmer provided the Committee with an update on the Custody Reform Project which aims to rationalise police custody and concentrate resources on a smaller number of better equipped custody suites. Members noted the investment taking place at the Waterside custody suite, that the Musgrave suite in Belfast has been operational for some time and that the aim of the project is, by 2019, to have 8 custody suites. The PSNI also provided Members with a Custody Suite Works Summary 2016/17.

Ms Cooke briefed Members on progress in relation to the provision of healthcare in custody. Key areas highlighted by the PSNI included the joint CJINI/RQIA Inspection report on Police Custody, the high percentage of detainees requiring healthcare in custody, significant challenges in respect of the availability of forensic medical officers and mental health nurses and progress regarding partnership working with other agencies including the DHSSPS. Members were also provided with copies of the Health Needs Assessment recently completed in collaboration with the Public Health Agency.

Following the PSNI presentation Members questions centred on:

- The extent of collaboration with the voluntary sector in areas like suicide prevention and the access available within custody suites to organisations such as Lifeline and the Samaritans;
- The issue of young people in custody, how vulnerability issues are managed, the number of looked after children in custody and the Appropriate Adult Scheme;
- The provision of training to police officers and Custody Detention Officers (CDOs);
- The need for the provision of a purpose built place of safety outside of police custody and the emergency department environment;
- The impact on travel time and resources following the completion of the rationalisation of custody suites, and;
- The review to be carried out to ensure the most efficient processes are being adhered to when detainees are brought into custody.

The Chairperson thanked the PSNI and they left the meeting.

Following discussion,

It was:-

AGREED:

- To progress arrangements for the Public Health Agency to present to the Performance Committee their findings in relation to the Custody Health Needs Assessment;
- To issue correspondence to the Minister of Justice outlining the Board's position that PSNI custody suites are not suitable to be used as 'safe places', and;
- To issue correspondence to the PSNI regarding the issues raised during the Custody Healthcare and Custody Reform briefing.

6.3 NCA Performance Quarter 2 Update

The Committee noted a paper providing Members with an update on NCA performance activity in Northern Ireland during Quarter 2, 1 July 2016 – 30 September 2016. NOTED.

6.4 PSNI Continuous Improvement Project Update – Working Together

The Committee considered a paper providing Members with an update on the PSNI Continuous Improvement Project, Working Together which relates to new collaborative working arrangements between the PSNI and the PPS. Members noted that a full report on all PSNI Continuous Improvement Projects would be brought in May 2017.

Areas discussed by Members included PSNI progress in relation to recommendations made in the 2015 CJINI Inspection Report on the File Quality and Timeliness of Police Files and evidential thresholds and barriers to the progression of cases through the criminal justice system.

The Committee also sought clarification on the date for the anticipated roll-out of the new processes in relation to the Working Together project. Following discussion,
It was:-

AGREED:

- To clarify with the PSNI the anticipated date for the roll-out of the new processes in relation to the Working Together project, and;
- To bring to a future meeting of the Performance Committee an update in relation to the recommendations included in the CJINI Inspection Report on the File Quality and Timeliness of Police Files.

6.5 Stop and Search Quarter 2 Statistics – July – September 2016

The Committee noted a paper providing Members with the PSNI's Quarter 2 stop and search statistics, 1 July 2016 – 30 September 2016. NOTED.

6.6 Six Monthly update on the Professional Standards Monitoring Framework

The Committee considered a paper providing Members with a six monthly update report concerning trends and patterns in complaints against PSNI

officers in line with the Board's Professional Standards Monitoring Framework. Officials briefed Members on the key statistics following which the Chairperson welcomed representatives from OPONI and the PSNI to the meeting and invited them to provide Members with the six monthly update.

Representatives from OPONI made introductory comments which included an overview of the statistics in relation to complaints and an update regarding an ongoing OPONI investigation. In addition the PSNI updated Members regarding performance management guidance to be issued in relation to statute barred cases and the implementation of the new Police Misconduct, Performance and Attendance Regulations.

Following this the Committee's questions focused on:

- Variations in District performance in certain areas and incidents which occurred locally which may have led to an increase in complaints to the Ombudsman;
- Figures in relation to statute barred cases in one particular district and actions taken to address this issue;
- Figures regarding historical investigations and the extent to which they involve current serving officers;
- The introduction of the use of Body Worn Video and its impact on complaints against police officers, and;
- Figures relating to the increase in domestic incidents.

The Chairperson thanked Mr McAllister, Mr Tim Gracey and Ms Hickey from OPONI and Chief Superintendent Cargin and his colleagues following which they left the meeting.

6.7 Cross Border Joint Agency Task Force – 6 Monthly Report

The Committee noted a paper providing Members with the second update on the operational work undertaken by the Cross Border Joint Agency Task Force – 1 April - 30 September 2016. NOTED.

6.8 Correspondence

The Committee noted correspondence received from the PSNI dated 29 November 2016 regarding Patten Recommendation 65 providing Members with further information regarding reviews of the security situation in Northern Ireland. NOTED.

6.9 Report on the operation of the Terrorism Acts in 2016 – David Anderson QC

The Committee considered a paper providing Members with a summary of the latest annual report on the operation of the Terrorism Acts by the Independent Reviewer of Terrorism Legislation, David Anderson QC. Members noted some of the key issues covered in the report, in particular, the use of Schedule 7 TACT powers regarding port and border controls. Following discussion,
It was:-

AGREED:

- To issue correspondence to the PSNI seeking information on the extent to which PSNI officers support port officers in executing their function at ports, and;
- To circulate to Performance Committee Members the full report from the Independent Review of Terrorism Legislation.

7. QUESTIONS FOR THE CHIEF CONSTABLE

No questions were agreed for issue to the Chief Constable.

8. COMMUNICATION ISSUES

It was:

AGREED:

A press release is issued in respect of the Performance Committee's meeting with OPONI and PSNI regarding the Professional Standards Monitoring Framework.

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 13 December 2016 at 9.45am.

(Meeting closed at 12:40pm)

BOARD SUPPORT

December 2016

Chairperson