

NORTHERN IRELAND POLICING BOARD

**MINUTES OF A MEETING OF THE PERFORMANCE COMMITTEE MEETING
HELD ON 10 OCTOBER 2019 at 10.00, WATERSIDE TOWER**

PRESENT:

Mr Mervyn Storey, Chairperson
Prof. Brice Dickson, Vice Chairperson
Mr Keith Buchanan
1 Mr Alan Chambers
Mr Tom Frawley
Mrs Dolores Kelly
Mr Gerry Kelly
Mr Philip McGuigan
2 Ms Debbie Watters
4 Ms Wendy Osborne

**INDEPENDENT
REVIEWERS:**

3 Mr Jonathan Hall QC, Independent Reviewer of
Terrorism Legislation
3 Mr David Seymour CB, Independent Reviewer of the
Justice and Security (Northern Ireland) Act 2007

**OFFICIALS IN
ATTENDANCE:**

Ms Jenny Passmore, Director of Performance
4 Board Officials

HUMAN RIGHTS ADVISOR:

Mr John Wadham

- (1) Item number : 2**
- (2) Item number : 6.3**
- (3) Item number : 6.3 & 6.4**
- (4) Item number : 6.5 (only)**

1. APOLOGIES

Apologies were received from Mrs Joanne Bunting and Dr Paul Nolan.

The Committee agreed the agenda for the meeting.

The Chair asked Members to advise of any issues they wished to raise at Item 9 under “Any Other Business”. No issues were declared.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. DRAFT MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE

The Committee considered the minutes of the meeting held on the 12 September 2019. Agreement of the minutes was proposed by Mrs Dolores Kelly and seconded by Mr Tom Frawley.

It was therefore:-

RESOLVED:-

That the draft minutes of the Performance Committee meeting held on the 12 September 2019 were agreed.

UPDATE ON ACTION LOG

4. The Director of Performance provided an update on the actions listed on the Action Log. Members noted the remaining current open actions and expected timeframes for these matters to be brought back to the Performance Committee. **NOTED.**

As per Action Point 5 from September 2019's Committee Mr John Wadham, the Board's new Human Rights Advisor was in attendance as previously requested by Members. The Chair welcomed Mr Wadham to the Committee for the proceedings and advised Members that he would deliver a paper at Item 6.5 on his proposed Programme of Work and at Item 6.6 PSNI's Proposal to Introduce Spit and Bite Guards.

It was:–

AGREED: -

To update and amend AP14 June 2019 - that an additional request be added for this action point to include LGBTQ representation, specifically Rainbow and Carafriend representatives.

5. CHAIRPERSON'S BUSINESS

The Chair confirmed that he had no items of business for discussion.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 NATIONAL CRIME AGENCY (NCA) NORTHERN IRELAND SIX MONTHLY PERFORMANCE UPDATE JANUARY – JUNE 2019

The Committee considered a paper on the operations of the NCA in Northern Ireland; how their role is adopted for Northern Ireland; and the Board's responsibility for monitoring the NCA's functions and its role in the prevention of organised crime and serious crime.

The paper provided Members with a summary of the NCA Quarterly Reports to the Board for Quarter 4 2018/19 (January – March 2019) and Quarter 1 2019/20 (April – June 2019). The reports covered the NCA's work across the following areas:

- Vulnerability – including child sexual abuse and exploitation (CSAE), modern day slavery and human trafficking (MSHT), and organised immigration crime (OIC);
-
- Prosperity – including money laundering, fraud and other economic crime and cybercrime;
- Commodities – such as drugs and/or firearms;
- Specialist Capabilities – relating to cases of sextortion, protected persons, international crime, major crime investigations and missing persons; and
- Paramilitary Crime Task Force (PCTF) – relating to organised crime linked to paramilitary activity.

Following consideration Members discussed the following issues:

- Measures in place to challenge the abuse of illegal prescription drugs;
- Unexplained wealth orders and in what circumstances they are used;
- The number of successful outcomes from CSAE disseminations; and
- The NCA's role in cross-border investigations between PSNI and An Garda Síochána after the high profile kidnapping of Kevin Lunney in Co Fermanagh.

It was:-

AGREED:-

A briefing paper capturing the above issues will be provided to Board Members prior to the NCA's Director-General visit to the Board in November which will frame their discussion. **(AP1)**

It was also:-

AGREED:-

That Board approval is sought to publish the NCA two Quarterly Reports on the Board's website. **(AP2)**

6.2 POLICING PLAN MEASURE 2.1.2 HATE CRIME

The Committee considered a paper on the analysis of work relating to PSNI performance against the Policing Plan 2019/20 measure 2.1.2 Hate Crime, highlighting the key issues:

- The Public Prosecution Service (PPS) has seen an increase in case files from PSNI in 2018/19 for hate crime incidents in comparison to 2017/18. Of these files two fifths are related to Race Hate Crime;
- Since 2015/16, the number of race crime incidents have decreased, however since the most recent statistics 2018/19 race motivated hate crime has increased;
- Race hate crime is the most prevalent type of hate crime recorded, yet outcomes for victims stand at 15%;
- A review of the current hate crime legislation is being carried out by Judge Marrinan and is expected to conclude in summer 2020; and
- PSNI's response against this Measure outlines a range of positive engagement and collaborative working, signalling positive intent to improve the service provided to vulnerable victims. However, without detailed analysis it is difficult to quantify the success of their response.

Members discussed the paper and requested further information in relation to meaningful analysis of the PSNI responses against the Policing Plan Measure.

After discussion it was:-

AGREED:-

To write to the PSNI requesting information on the following:

- What Command & Control System Closing Code has been used to indicate hate crime, as closing code BRXT in relation to EU Exit had not been applied as per reporting template received 19 September 2019; and

The effectiveness of the training at the Police College in dealing with victims of hate crime, how this training is evaluated and what improvements have been achieved especially where training has been outsourced. **(AP3)**

It was also:-

AGREED:-

To provide the Committee with a draft response to consider Judge Marrinan's review of hate crime legislation after the preliminary report for public consultation is published in January 2020. **(AP4)**

6.3 MR JONATHAN HALL QC, THE INDEPENDENT REVIEWER OF TERRORISM LEGISLATION

AND

6.4 MR DAVID SEYMOUR CB, THE INDEPENDENT REVIEWER OF JUSTICE AND SECURITY (NORTHERN IRELAND) ACT (JSA) 2007

Officials briefed the Members on the reports of the former Independent Reviewer of Terrorism to inform their discussion with the newly appointed Jonathan Hall QC. Members also received a briefing in relation to the report by David Seymour CB in his role of Independent Reviewer for JSA.

The Chairperson welcomed both Mr Hall and Mr Seymour. Mr Hall provided the Committee with an overview of the issues of Terrorism Legislation and National Security and how it relates to Northern Ireland.

Members discussed both the similarities and the differences for Terrorism Legislation in Great Britain (GB) compared to Northern Ireland and the need to have the JSA legislation specific to Northern Ireland.

Further consideration was given to themes including:

- Stop and Search;
- Body Worn Video;

- Counter terrorism;
- Prescribed groups;
- Impact of Brexit;
- Duration of Authorisation (JSA Schedule 3) seeking legislative change to increase from the current 2 week period to 3 months; and
- Independent Custody Visiting Scheme.

After their discussion the Chairperson thanked both Independent Reviewers for their attendance and they left the meeting.

6.5 HUMAN RIGHTS ADVISOR – APPROACH TO PROGRAMME OF WORK

The new Human Rights Advisor to the Board, Mr John Wadham provided a briefing paper to Members. This set out his proposed Programme of Work and how the Board may wish to monitor PSNI's compliance with the Human Rights Act (1988) in the future.

Mr Wadham acknowledged his key responsibilities as Human Rights Advisor to the Policing Board including issues identified by the Board and previous Advisors. He proposed that PSNI should have more responsibility in promoting greater human rights compliance and accountability. This would allow the Board and the Advisor to better scrutinise PSNI's human rights policies and practices.

Following discussion it was:-

AGREED:-

The Human Rights Advisor to provide a more detailed paper outlining the Programme of Work for the remainder of 2019/20 and 2020/21 onwards. **(AP5)**

It was also:-

AGREED:-

The Board's Chief Executive to write to PSNI advising on Board's approach to monitoring Human Rights compliance going forward. **(AP6)**

6.6 PSNI'S PROPOSAL TO INTRODUCE SPIT AND BITE GUARDS

The Human Rights Advisor provided a briefing to Members in response to correspondence from the Chief Constable regarding PSNI's proposal to introduce spit and bite guards.

The Advisor outlined the legal implications of their use, a duty of care for officers and potential risk of infection and concerns raised by Mental Health practitioners. Furthermore, the Board should request that recommendations contained in the Human Rights Annual Reports are addressed by PSNI.

Members discussed the paper and raised a number of concerns.

It was:-

AGREED:-

The Committee should write to PSNI requesting that they brief Members of the types of assaults involving spiting/biting and how the PSNI have considered the Human Rights implications of their use. **(AP7)**

7. QUESTIONS FOR THE CHIEF CONSTABLE

Members noted the responses to the Chief Constable questions submitted following the September Performance Committee meeting.

Members agreed to ask the Chief Constable the following questions:

PSNI Media Policy

Can the Chief Constable advise of the policy in place guiding PSNI on its engagement with the media to ensure it respects a suspects right to privacy and the release of information about a police investigation or ongoing operation? Can the Chief Constable also advise on:

- How often this policy is revised?
- On what basis would it be revised? and,
- When it was last revised?

Conducted Energy Devices

Following recent public commentary on the Chief Constables vision for increasing the provision of conducted energy devices (CEDs) to frontline officers across the police service, can the Chief Constable provide further information outlining the tactical needs assessment for this proposed increase and whether there are any identifiable risks as a result? In light of the publicity surrounding the Chief Constable's intention to increase the provision of CED's could he also set out details of the assurances in place which support the operational use of CEDs in accordance with law and human rights obligations?

8. COMMUNICATION ISSUES

Members were asked to consider if there were any communications issues arising from the meeting. No communications issued were raised.

9. ANY OTHER BUSINESS

There was no other business.

10. DATE OF NEXT MEETING

It was agreed that the next meeting would take place on Thursday 14 November 2019
10.00am.

Meeting closed 1.10pm