

NORTHERN IRELAND POLICING BOARD**MINUTES OF A MEETING OF THE PERFORMANCE COMMITTEE MEETING
HELD ON 10 SEPTEMBER at 10.00, WATERSIDE TOWER AND VIA VIDEO
CONFERENCING FACILITY**

PRESENT:	1	Mr Mervyn Storey, Chair Ms Carmel McKinney, Vice-Chair Mr Edgar Jardine Ms Deirdre Toner Mrs Joanne Bunting* Mr Trevor Clarke Mrs Dolores Kelly*
	2	Mr Gerry Kelly Ms Liz Kimmins
	1	Mr Mike Nesbitt
POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE	3	ACC Mark McEwan*
	4	T/ Chief Supt Anthony McNally*
	5	Chief Supt John McVea*
OFFICIALS IN ATTENDANCE:		Mr Adrian McNamee, Director of Performance Five Board Officials
HUMAN RIGHTS ADVISOR:		Mr John Wadham

(1) Item numbers: 1 to 6.2

(2) Item number: 1 to 6.3

(3) Item numbers: 6.1 to 6.2

(4) Item number: 6.1

(5) Item number: 6.2

* Denotes Members that joined the meeting using video conferencing facility.

1. APOLOGIES

No apologies were received for the meeting.

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". Members raised a concern of PSNI policy to join the Committee Meeting by video conferencing:-

It was:-

AGREED: -

That the Performance Committee Chair would discuss with the Policing Board Chair in respect of PSNI attending meetings in person.

2. CONFLICTS OF INTEREST

Carmel McKinney declared that she is currently an Equality Commissioner for Northern Ireland and it was requested that this was **NOTED** for transparency. The Chairperson declared a conflict at Agenda Item 4 as a member of the Apprentice Boys of Derry, the Director of Performance would preside over that item.

3. DRAFT MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE

The Committee considered the minutes of the meeting held on the 11 June 2020. The Committee agreed the minutes.

It was therefore:-

RESOLVED:-

That the draft minutes of the Performance Committee meetings held on the 11 June 2020 were agreed.

4.0 UPDATE ON ACTION LOG

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.**

It was also:-

AGREED:-

That Members will be provided with an update, when available (January 2021), of PSNI's implementation of the recommendations from the Police of Scotland's Operational Review of the Apprentice Boys of Derry Parade. **(AP1)**

4.1 SUMMARY OF ACTION LOG AND ACCOMPANYING CORRESPONDENCE/DOCUMENTATION

The Director of Performance informed Members that six additional pieces of correspondence had been received from PSNI. The correspondence related to a number of open actions from Committee Meetings held in March and May 2020 and had been arranged in a paper and contents table for ease of reviewing.

PSNI's Response in Relation to Measure 4.1.1 of Policing Plan 2019/20 – Delivery of More Effective and Efficient Justice and the Working Together Project (AP6 12 March 2012).

The Director of Performance provided Members with PSNI's response including details on tracking the milestones of the project and through the tracking whether the Service has achieved the anticipated benefits and results envisaged at the start.

Following discussion it was:-

AGREED:-

To write to PSNI and request an update on the status of the '*Service-wide roll out*' milestone of the Working Together Project. **(AP2)**

PSNI's response in relation to follow-up information on Measure 2.1.2 Policing Plan 2019/20 CSAE and Children who go missing (AP2 14 March 2020).

The Committee considered the written response from PSNI in relation to the request for further information regarding details on searches and arrests as a result of referrals from the Child Internet Protection Team and clarity on the Child Abduction Warning Notices subject to Care Order's.

Members agreed that they were content that the information provided by PSNI suitably answered their questions.

PSNI's response in relation to the request for additional information on Stop and Search (AP3 14 May 2020)

Members considered the substantial written response from PSNI in relation to the information that they had previously requested including—

- Outstanding recommendations and new recommendations within the Independent Reviewer of Justice and Security Act 12th Report;
- Monitoring of Community Background;
- Record keeping;
- Supervision and monitoring;
- Stop and Search Service Instruction;
- Request for the 3rd Report by Dr John Topping; and
- PSNI's response to the comments provided by the Board's Human Rights Advisor and Officials in relation to the Service Instruction.

Members had a robust discussion on the information provided and the Director of Performance indicated that this would be dealt with as an Agenda Item in Committee Business for the next meeting on 8 October 2020 with invites to be extended to a Community Project and to Dr John Topping.

Following discussion it was:-

AGREED:-

To write to PSNI highlighting that the anecdotal evidence as a rationale why officers failed to use Body Worn Video (BWV) was considered unacceptable by Members. Bearing in mind of the time lapsed Members would request reasons as to why BWV was not used. **(AP3)**

PSNI response to request for outcome rates and method of outcome applied to each crime recorded against Older People (AP4 14 May 2020).

Members considered the response from PSNI in respect of the requested statistical information for the method of outcome applied to each crime recorded against Older People and agreed that that answer provided was appropriate.

PSNI acknowledgement letter in relation to the Board's/Member's responses to the Legacy Investigation Branch documentation (AP5 14 May 2020).

Members discussed PSNI's holding response in relation to the Board's Human Rights Advisor's feedback for the revision of the Manual of Guidance to include a Family Engagement Strategy and an enhanced Conflict of Interest Policy.

PSNI thanked the helpful feedback and indicated that this was currently being considered and that Legacy Investigation Branch are open to formally discussing this matter at the request of the Committee. **NOTED**

Additionally, Members raised some queries to the Board's Human Rights Advisor for clarity on the feedback given and ongoing court cases that may have implications on the Legacy Investigation Branch to which the Advisor provided responses.

PSNI response in relation to the request for additional information on Spit and Bite Guards (AP7 14 May 2020).

Members considered PSNI's response in relation to requested information on –

- The Board not taking a role on a Working Group;
- The current legal challenge for the delay to implement spit and bite guards;
- The request for the evidence base for the proposed introduction;
- Equality Impact Assessment (EQIA) and Section 75 screening process;
- Age restrictions in particular for children and young people;
- Alternatives;
- Training;
- Use of Force detailing accountability measure; and
- Additional statistical information on the use of spit and bite during COVID and confirmation that each incident has been reported to Office of the Police Ombudsman for Northern Ireland.

Members expressed concerns in relation to the EQIA and the formal consultation for the introduction of spit and bite guards. The Director of Performance reminded the Committee that spit and bite guards were under review in the Board's Review of PSNI's Response during the COVID Pandemic. Furthermore, the Director of Performance proposed that this should be brought back to a future Committee (November 2020).

Members agreed that this should be brought back as a substantive paper and following discussion it also was:-

AGREED:-

To write to PSNI to clarify that no formal consultation has taken place as we have not had an information to suggest that proper consultation has taken place as part of the EQIA and also ask what future plans they have for a formal consultation. **(AP4)**

5.0 CHAIRPERSON'S BUSINESS

5.1 CORRESPONDENCE FROM A/ACC SAM DONALDSON OPERATIONAL SUPPORT DIVISION

The Director of Performance provided Members with information from correspondence that was received by the Chairperson in relation to PSNI's Operational Support Division. The update included details on:-

- Road Policing initiatives on:-
 - Central Investigation Unit to centralise and professionalise the investigation of fatal traffic collisions; and
 - Interceptor Team due to "go live" on 7 September 2020;
- Armed Response – in line with other UK police services to implement an increase in the availability of Conducted Electrical Devices/Taser; and
- Safe Transport Team to provide a dedicated response team for crime and Anti-Social Behaviour on the transport network in a 6 month pilot scheme with Translink commencing on 1 September 2020.

Following discussion it was:-

AGREED:-

To write to PSNI to request additional information on the policy to "centralise and professionalise" the investigation of fatal traffic collisions. Where would this Unit be based and what or how would they carry out investigations? **(AP5)**

6.0 ITEMS FOR COMMITTEE BUSINESS

6.1 PERFORMANCE PLAN DOMESTIC VIOLENCE AND ABUSE

A Board Official presented a paper to provide members with analysis of the work relating to PSNI's performance against measures within the Performance Plan 2020/21 specific to Domestic Violence/Abuse (DV/A).

Members were provided with an overview of PSNI's Outcome Based Accountability (OBA) Report Card with focussed analysis against measures:

- 1.1.1 Repeat victimisation rate and report on initiatives to support repeat victim;
- 1.2.1 Repeat offending rate and report on initiatives to reduce repeat offenders;
- and
- 2.4.1 Levels of crime outcomes to identify and respond to areas of concern in outcomes statistics.

PSNI's report highlighted an increase in domestic abuse incidents compared to the previous 12 months and this was the highest 12 month period recorded since 2005. Additionally, PSNI reported that during March 2020 to June 2020, calls for service in domestic abuse increased by 25%.

Members were asked to note the Board's analysis including key issues and opportunities within the paper to assist with further scrutiny of police performance and to inform discussion with PSNI who attended.

The Chair welcomed ACC Mark McEwan and T/Chief Superintendent Anthony McNally, who had joined the meeting via video conferencing, and invited them to brief Members on PSNI's performance against DV/A. PSNI presented information in the OBA Report Card and updated Members on what they identified as four key areas for consideration:

1. Legislation and Guidance

The introduction of the Domestic Abuse and Family Proceedings Bill 2020.

2. Training

The Introduction of a new universal online approach to roll out training specific to DV/A, to between 3,000 to 4,000 staff by the end of 2020. As a result of the proposed Bill PSNI outlined a classroom based training package which will be developed and rolled out to officers.

3. Investigative Standards

A new process that has been created to assess the quality of first contact for DV/A victims which is managed monthly through District Policing Command and Public Protection Branch (PPB) with management interventions to address poor performance.

PSNIs monthly monitoring at performance meetings which focus on the first point of contact through to file submission to Public Prosecution Service (PPS), evidence and increase usage in Body Worn Video at domestic motivated incidents.

4. Support for Victims

A number of initiatives that have been introduced to improve support such as changes to the Repeat Victims approach, looking at how close together incidents occurred, how many times and the seriousness.

The introduction of the Repeat Victim (Domestic Violence and Abuse) Strategy and monitoring of the Repeat Perpetrator Pilot as well as accelerating the 'Victim Call Back scheme'.

Improvements in the Domestic Abuse, Stalking and Harassment and Honour-based violence and risk identification, assessment and management model (DASH) with PSNI adopting an electronic system, anticipated to be operational in 6 months.

Members engaged in discussion with PSNI and sought clarity on number of issues including:-

- Possible gaps within the proposed Bill and how this could impact on PSNI's ability to protect victims;
- The impact of "Lockdown" on the response to DV/A including PSNI filling gaps of partner agencies through this time period;
- Statistics outlined in PSNI's OBA report;
- The introduction of an advocacy service for victims of domestic and sexual abuse;
- Provision of new IT platforms to enhance victim contact; and
- Engagement with the Safeguarding Board for Northern Ireland.

The Chairperson thanked PSNI for their attendance and briefing. PSNI officials then left the meeting.

6.2 PSNI CODE OF ETHICS REVIEW

A Board Official provided Members with a paper as an overview on the progress and discussion to date with PSNI on the Code of Ethics review. The paper included information on:-

- Background;
- Legislation; and
- Recent developments.

The Director of Performance instructed Members that ACC Mark McEwan was proposing a new approach to the review.

The Chair welcomed ACC Mark McEwan and Chief Superintendent John McVea to the meeting, via video conferencing and invited them to brief the Committee on their proposals for the next steps for the Code of Ethics Review.

ACC McEwan acknowledged the work that had already taken place in the Code of Ethics Review, however, he would like to recommend a new holistic approach with a working group collaboration between PSNI, the Policing Board and academics to produce a collegiate and user friendly outcome for the document.

Technical issues caused a failure in the video conferencing facility and Members were unable to express their concerns to PSNI. Members reaffirmed their belief that PSNI should attend in person due the potential technological problems as evidenced with this video call failure.

Officials summarised the position of the original work carried out on the Code of Ethics Review including that previous Member's concerns had been shared with PSNI and requests for a tracked changes of Code of Ethics document had been requested. No response has been received.

It was:-

AGREED:-

That the Director of Performance would meet with ACC Mark McEwan seeking the tracked changes version of the Code of Ethics document which Members had requested from PSNI and provide Members with an update before the next scheduled meeting of the Performance Committee. **(AP6)**

****** *The Chairperson had to leave the meeting at this juncture and the Vice-Chairperson preceded over the remaining items.*

6.3 DRAFT REVIEW OF PSNI'S RESPONSE TO COVID-19

The Director of Performance informed Members of the tight timeframes that was anticipated to submit the draft document to the Board at their next meeting on 1 October 2020 for their agreement to finalise and publish the report.

The Board's Human Rights Advisor, John Wadham, conveyed that there was still some work to be added to the report and that feedback could be considered from Members before the report is to be considered by the Board on 1 October 2020.

Members discussed the content of the document and praised Mr Wadham and Board officials for the report produced. Some concerns were raised about the issues of spit and bite guards; Black Lives Matter's protests; and wording in parts of the document.

Following discussion it was:-

AGREED:-

Officials will share the Draft Review of PSNI's Response to COVID report with all Board Members, with the deadline of 18 September 2020 to provide any comments or amendments to consider for inclusion in the report. The report will be tabled at the Board Meeting on 1 October 2020 seeking approval to publish. **(AP7)**

6.4 DRAFT HUMAN RIGHTS ANNUAL REPORT 2019/2020

A Board Official presented the Draft Human Rights Annual Report 2019/2020 to Members for their consideration. The paper provided Members with an overview of the performance of PSNI in complying with the Human Rights Act 1998.

Members were reminded that the report was previously considered at the meeting held on 11 June 2020. The 2019/20 Draft Human Rights Annual Report was developed using the existing Human Rights Monitoring Framework from 2003 but going forward Members agreed to a new contemporary approach for monitoring the PSNI's human rights compliance. Due to the challenges and changing work priorities the revised Monitoring Framework would not be available until the end of the year. As agreed in June's meeting the requested feedback mechanism had been added to the foreword to encourage views on design, content and style which in turn may assist in the review of the monitoring framework.

In light of recent social and political developments Members were asked to consider the status on recommendations from the Board's Thematic Review on Policing Race Hate Crime which included an additional paragraph to the report.

Members discussed the report and issues were raised in relation to spit and bite guards and additional wording to Recommendation 12 Use of Force to include how PSNI monitor the recording of use of force by officers.

The Board's Human Rights Advisor requested that the comments from Members in relation to spit and bite guards for the COVID-19 review would also be considered as part of the Human Rights Annual Report 2019/20.

It was:-

AGREED:-

Committee Members agreed that the draft Human Rights Annual Report 2019/20 would be recommended to the Board for publication subject to the agreement of the spit and bite guard recommendation. **(AP8)**

6.5 HUMAN RIGHTS ADVISOR'S UPDATE REPORT FOR JUNE, JULY AND AUGUST 2020

Members were provided with a paper to update them of the work that John Wadham had completed during May, June and July 2020 that included:-

- Amendments to the Human Rights Annual Report 2019/20 from Members;
- Reviewing the draft Human Rights Monitoring Framework following comments from Members;
- Review of the draft Code of Ethics;
- Reviewing the inspection report by the Independent Powers Commissioner's Office of the PSNI use of surveillance powers following annual inspection in March;
- Reviewing the Biometric Retention consultation document from the Executive;
- Preparing and reviewing papers for Board and Performance Committee; and
- The majority of his work over the 3 month period concentrated on the COVID-19 Review including collecting data; engaging and meeting with a diverse range of

stakeholders; monitoring PSNI's use of the new powers and equipment under Coronavirus Act and Health Department Regulations and drafting of the final report.

Mr Wadham informed Members that his future work included:-

- Finalising the Human Rights Annual Report 2019/20;
- Finalising the COVID-19 Review for the Board on 1 October 2020; and
- Attending a number of meetings in Belfast and Derry/Londonderry.

Members were content with the information provided by the Board's Human Rights Advisor on the work he has carried out to date and also with the future work programme as identified. **NOTED.**

6.6 PSNI USE OF SMALL UNMANNED AIRCRAFT (SUA)

The Director of Performance outlined a paper summarising the use of SUAs and the draft Service Instruction for Governance, Use and Accountability. Members were asked to provide feedback on the draft Service Instruction.

Members discussed the information available and highlighted the need to request additional information in relation to the purpose and use of the SUAs. The Board's Human Rights Advisor advised that he would explore the use if SUA's as there may be some human rights consideration in areas such as directed surveillance.

Following discussion it was:-

AGREED:-

The Board's Human Rights Advisor will explore further PSNI's use of Small Unmanned Aircraft further and provide feedback to Committee Members. **(AP9)**

6.7 PERFORMANCE COMMITTEE DRAFT PROGRAMME OF WORK

The Director of Performance provided Members with the proposed draft Programme of Work covering October to December 2020 based on the Committee's Terms of Reference to allow officials to plan for Committee Business going forward. Members were asked to provide feedback and identify areas/thematic approaches to be considered for January to March 2021 including potential of visits to PSNI's estate.

Members discussed the information available and considered themes that they thought would be appropriate. There was some debate on particular items continually being brought through the Committee such as Stop and Search. One member disagreed with this item coming back to Committee. It was suggested that new items should be brought forward on issues such as:-

- The current diversity and talent pool within PSNI;
- Drug issues;
- PCSPs; and
- Diversion policing removing large numbers out of the criminal justice system.

The Director of Performance stated that these areas are included within the Terms of Reference of either the Partnership or Resources committees, however, if there was overlap between Committees then papers could be provided to Performance Committee Members on these areas.

AGREED:-

Members agreed to proceed with the Draft Programme of work as outlined for October to December 2020. Members to provide the Director of Performance with any further items or areas that should be added to the Committee's programme of work for January to March 2021.

A Member registered their disagreement at repeatedly revisiting items such as Stop and Search.

7. QUESTIONS FOR THE CHIEF CONSTABLE

Members **noted** that responses from the Chief Constable in relation to the Durham Constabulary Investigation (Operation Yurta), upcoming litigation and “On the Run’s”.

Members **agreed** to ask the Chief Constable the following question:

- The Performance Committee, at its September 2020 meeting, recently reviewed the Policing Plan measures in regards to Domestic Abuse. In relation to the Reducing Offending in Partnership (ROP) model Members wish to ask the Chief Constable for an update on the PSNI review of their role in reducing offending and how it manages repeat offenders?

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

A member requested that the Chair write to:-

- The Justice Minister to express the Board’s support for the introduction of an advocacy service for victims of domestic and sexual violence **(AP10)** ; and
- The Justice Committee to highlight a potential gap in the legislative provisions within the Domestic Abuse and Family Proceedings Bill and to emphasise how this could impact on the PSNI’s ability to further protect victims. **(AP11)**

AGREED

10. DATE OF NEXT MEETING

It was agreed that the next meeting would take place on Thursday 8 October 2020 at 10.00am in Waterside Tower.

The meeting closed 2.10pm