

## NORTHERN IRELAND POLICING BOARD

### MINUTES OF A MEETING OF THE PERFORMANCE COMMITTEE MEETING HELD ON 12 MARCH 2020 at 10.00, WATERSIDE TOWER

**PRESENT:**

Mr Mervyn Storey, Chairperson  
 Prof. Brice Dickson, Vice Chairperson  
 Mrs Joanne Bunting  
 Mr Trevor Clarke  
 Ms Liz Kimmins  
 Mrs Dolores Kelly  
 Dr Tom Frawley  
 1 Dr Paul Nolan  
 2 Mrs Debbie Watters, Board Vice-Chair

**POLICE SERVICE OF  
 NORTHERN IRELAND IN  
 ATTENDANCE:**

3 ACC Mark McEwan  
 4 Chief Superintendent Simon Walls  
 5 Superintendent Robert Murdie  
 5 1 Other

**PUBLIC PROSECUTION  
 SERVICE:**

5 Senior Assistant Director Marianne O'Kane

**OFFICIALS IN  
 ATTENDANCE:**

Ms Jenny Passmore, Director of Performance  
 Five Board Officials

**HUMAN RIGHTS ADVISOR: 5**

Mr John Wadham

- (1) Item numbers: 4 to 10
- (2) Item numbers: 6.4 to 10
- (3) Item number: 6.4 to 6.5
- (4) Item number: 6.4
- (5) Item numbers: 6.5

## 1. APOLOGIES

Apologies were received from Mr Gerry Kelly and Mr Alan Chambers.

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

The Chairperson declared a conflict at Agenda Item 5.1 and Members agreed that the Deputy Chair would preside over the item.

## 3. DRAFT MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE

The Committee considered the minutes of the meeting held on the 13 February 2020. The Committee agreed the minutes.

It was therefore:-

### **RESOLVED:-**

That the draft minutes of the Performance Committee meetings held on the 13 February 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.**

#### **4.1 PSNI RESPONSE TO MENTAL HEALTH MEASURE 2.1.2 POLICING PLAN (AP4 17 DECEMBER 2019)**

The Members considered the requested PSNI comprehensive response as set out in the paper on PSNI performance in relation to mental health at Agenda Item 6.3 from the Committee Meeting held on 17 December 2019.

PSNI provided additional information on the following key issues:-

- The Mental Health Survey February 2019;
- PSNI Engagement Activities;
- Support Hubs in dealing with Mental Health;
- Detainees with Mental Health Issues; and
- Multi Agency Triage Team (MATT) Project.

Members discussed a number of issues in the information provided. There was acknowledgement that collaborative working had provided a positive impact demonstrated by the Custody Healthcare Reform Project piloted at Musgrave, however, it was recognised that the continuation and further roll out this valuable service was threatened by ongoing funding issues, an issue that has been raised with the Health and Justice Ministers.

Following discussion it was:-

#### **AGREED:-**

To write to PSNI to seek clarification on the reference to the lifelong development difficulty Autism Spectrum Disorder (ASD) and the link to mental health. **(AP1)**

#### **5.0 CHAIRPERSON'S BUSINESS**

##### **5.1 POST-OPERATIONAL REVIEW OF APPRENTICE BOYS OF DERRY PROCESSION – DERRY/LONDONDERRY – 10 AUGUST 2019 (AP4 13 FEBRUARY 2020)**

The Board's Human Rights Advisor, John Wadham presented to Members his review of the evidence base of Police Scotland's Post Operational Review of the Apprentice Boys of Derry (ABOD) Procession in August 2019.

Mr Wadham provided Members with his assessment of PSNI actions during and following the ABOD procession in relation to both PSNI's legislative and human rights obligations. Members acknowledged that this was a difficult and divisive issue, however, it was agreed that the core concern was the detention of young people for a sustained period.

Members discussed the original terms of reference provided to Police Scotland and noted that this did not specifically include the detention of young people, however this issue would be raised directly with the Chief Constable.

In addition following discussion it was:-

**AGREED:-**

To write to PSNI for an update of the implementation status of the recommendations made by Police Scotland in their Post-Operational Review. **(AP2)**

## **6.0 ITEMS FOR COMMITTEE BUSINESS**

### **6.1 HUMAN RIGHTS ADVISOR'S MONTHLY REPORT FOR FEBRUARY 2020**

Mr Wadham provided an update to Members of his recent engagements and work that he carried out during February 2020. This included:-

- Human Rights Annual Report for 2019/2020;
- PSNI Biometric Retention Policy;
- Hate Crime Legislation Review;
- Review of the Apprentice Boys of Derry Procession; and
- Code of Ethics Review

Furthermore, Mr Wadham provided Members with his proposed future work including:-

- Review of proposed PSNI policies relating to policing of Bonfires; Body Worn Video; Biometric Retention; Spit and Bite Guards; and the PSNI Legacy Investigation Branch;
- Human Rights Monitoring Framework; and
- Monitoring PSNI training

## **6.2 REVIEW OF PSNI CODE OF ETHICS (AP3 17 DECEMBER 2019)**

The Human Rights Advisor provided an update to Members to PSNI's Draft Code of Ethics 2020.

Members discussed the draft Code of Ethics and were of the view that there should be further detail on the ethical values underpinning the service as a whole and a distinction made on how these apply to individual officers.

Members agreed that this should be a seminal document which should be clearly articulated and feedback sought from relevant organisations to ensure that it is fit for purpose.

It was:-

**AGREED:-**

To write to PSNI in relation to the Code of Ethics highlighting the views of Committee Members. **(AP3)**

### **6.3 NATIONAL CRIME AGENCY (NCA) SIX MONTHLY PERFORMANCE UPDATE 2019/20**

A Board Official presented the paper highlighting the NCA's operational activity in Northern Ireland and their performance from July 2019 to December 2019. Members were provided with information which included press coverage for NCA's recent work in Northern Ireland and further summaries of Performance Reports for work in the following areas:-

- Those who dominate communities and chase profits in the criminal marketplace;
- Those who undermine the UK's economy, integrity, and infrastructure and institutions;
- Those who exploit the vulnerable;
- NCA Specialist Capabilities; and
- The Paramilitary Crime Taskforce.

Members were asked to note the information provided to aid discussion with NCA's Director General who is scheduled to attend the Board meeting in May 2020.

It was:-

#### **AGREED:-**

That the NCA Six Monthly Performance Update 2019/20 be approved and uploaded onto the Board's website. **(AP4)**

### **6.4 UPDATE ON THE POLICING PLAN 2019/20 MEASURE 2.1.2 – OLDER PEOPLE**

A Board Official presented the paper highlighting the analysis of the work relating to PSNI performance against the Policing Plan 2019/20 in regards to improving the service to vulnerable groups and improving outcomes in collaboration with partners in respect of crime against older people.

Members were provided with analysis on performance indicators including:-

- What activity has been undertaken to improve service to vulnerable victims of crimes against older people, particularly repeat victims;
- What contribution was made to collaborative working with partners in reducing harm and protecting vulnerable victims to crime against older people, particularly repeat victims;
- What activity has been undertaken to address the issue of understanding hidden demand with regard to victims of crimes against older people;
- Quality/Effect- What difference has been achieved as a result of activities and initiatives; and
- Quantitative indicator – Number of crimes with older person as a victim reported and breakdown of outcome rates including narrative for patterns and trends and comparison with previous years.

Members were asked to note the information provided to aid discussion with PSNI who would be in attendance.

The Chair welcomed ACC Mark McEwan and Chief Superintendent Simon Walls and invited them to brief Members on the PSNI response to crimes against Older People.

Chief Superintendent Walls provided a presentation to Members. The presentation identified the following to members:-

- PSNI identify older people as 60 years+;
- Crime against older people has dropped over the 5 year period from 2015/16 to 2019/20 from around 7,500 to around 6650;
- All theft offences is the majority crime type against older people;
- There continue to be challenges of under reporting in certain crime types where older people are victims including we understand Domestic Abuse and Fraud; and
- There is a decrease in outcomes for crimes committed against older people.

Further information was provided on how PSNI's are addressing the problem with the use of a scientific approach to understand the problem and why individuals may be targeted and how best to combat this crime. Support of this approach is provided by

the use of questionnaires and specific training for officers including the Burglary Toolkit.

PSNI continue to attempt to engage more with older victims of crime as they recognise the level of vulnerability and the higher rate of fear of crime in this age classification. Chief Superintendent Walls provided examples of the collaborative approach to the problem with information on key partners from the Scamwise NI initiative and other pilot schemes that have been trialled including the First Responder work with St John's Ambulance in the Ards & North Down and Lisburn & Castlereagh Council areas.

The Chairman thanked PSNI for their attendance and they left the meeting.

Following discussion it was:-

**AGREED:-**

To write to PSNI in relation to:

The number of arrests that lead to prosecutions regarding crimes against old people;  
and,

Request a copy of the Older People Strategy. **(AP5)**

## **6.5 UPDATE ON POLICING PLAN MEASURE 4.1.1**

- **More efficient and effective delivery of Justice; and**
- **Update on the Working Together Continuous Improvement Project 2019/20 (AP7 11 APRIL 2019)**

A Board Official presented the paper to provide Members with an analysis of the work relating to the PSNI's performance against the Policing Plan 2019/20 in respect of the measure on Delivery of Justice and highlighted the Working Together Project.

Members were provided with overview of the analysis on performance indicators and additional information that highlighted key issues including:-



- The development status of the Disclosure Improvement plan between PSNI and PPS;
- Single Lifetime DNA Sample project;
- Review of Indictable Case Project;
- Disclosure Training for PSNI staff;
- Impact of EU Exit on the Prüm initiative for sharing of DNA and fingerprint data between EU Member States; and
- Engagement with victims and families through the PSNI Research, Engagement, Development, and Strategic Support team.

A further summary of the Working Together Project was provided and Members were asked to note the information within the paper to inform them for their discussion with PSNI who would be in attendance.

The Chair welcomed ACC Mark McEwan, Superintendent Robert Murdie, 1 other PSNI officer and the Public Prosecution Service (PPS) Senior Assistant Director Marianne O’Kane and invited them to brief Members on the PSNI and PPS Working Together Project.

PSNI provided a presentation to Members, highlighting that the Working Together Project was a response to recommendations made by the Criminal Justice Inspectorate NI (CJINI) in 2015 resulting in the creation of collaborative working partnership with PPS to achieve the following objectives:-

- Improved quality of case files;
- Improved the effectiveness of decision making; and
- Reduced delay.

PSNI gave a summary of three initiatives of Working Together comprising of:-

- The Working Together Project – collaborative working between PSNI and PPS to improve agreed processes and standards of evidence collection and file building. First piloted in Belfast in 2017/18 with improvements seen in areas including a reduction in the Requests for Further Information by 50% and an increase in cases submitted to PPS within time target to 93%.

- Indictable Case Process – for specified offences including murder/ attempted murder/ manslaughter; Section 18 and Section 20 assault; serious drug offences; and conveying a List A Article into/from prison. This concentrates on early engagement between PSNI and PPS; PSS engaging with defence at an earlier stage; proportionate evidence; case management and effective sentencing. First piloted in Ards in 2015 with the average end to end processing reduced from 555 days to 252 days leading to a roll out service wide in May 2017.
- Disclosure – involves the objectives of Standards and Consistency; Collaborative Working; and Education and Support.

PSNI completed their presentation with a forward look to what they hoped to achieve:-

- Working Together Project - addressing a change of culture in the ways of working; building capacity to drive the project forward; and providing quantitative measures;
- Indictable Case Project – extend links with the judiciary and defence; increase offence types; and address resource challenges such as the Prüm EU initiative.
- Disclosure – big data including social media; third party disclosure including information from Social Services and understanding risks and taking appropriate action; and implementing a Disclosure Standards Policy.

Members raised a number queries with their PSNI and PPS colleagues about the Project and the ongoing collaboration. In their discussions they addressed issues in regards to statistics, successes and complications faced for the project.

The Chairman thanked PSNI and PPS for their attendance and they left the meeting.

Members discussed the information provided and it was:-

**AGREED:-**

To write to PSNI to request the outcomes of the milestones in tracking the Working Together Project and, through the tracking, ask if the Service achieved the anticipated outcomes and results envisioned at the start of the project. **(AP6)**

## 7.0 QUESTIONS FOR THE CHIEF CONSTABLE

Members **noted** the response to the Chief Constable question submitted following the February Performance Committee meeting regarding the implications of the European Court of Human Rights Judgement on PSNI's decision to retain Mr Gaughran's personal data and when PSNI would be in a position to publish the policy on retention of biometric material.

Members **agreed** to ask the Chief Constable the following three questions:

### Apprentice Boys of Derry (ABOD) Parade

In considering the Police Scotland Review of the ABOD Parade on 10 August 2019, Members discussed the significant issue of the detention of Young People. Could the Chief Constable comment on:-

- a) the rights of Children and Young People considered at parades, given the different level of protection by UNCRC?
- and,
- b) what learning points have been taken forward in respect of this parade in relation to the detention of young people?

### Notifiable Membership

Could the Chief Constable advise when a review of Notifiable Memberships for Police Officers will be undertaken and the expected completion date?

### On the Runs (OTR)

In light of recent media reporting on OTR nominals, specifically 33 'Priority One' suspect cases being reviewed and who have already reportedly been questioned, can the Chief Constable advise on the status of these cases and what the financial implications are in relation to undertaking this work?

## **8.0 COMMUNICATION ISSUES**

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

## **9.0 ANY OTHER BUSINESS**

On behalf of the Committee Members the Chair thanked Professor Brice Dickson and Dr Paul Nolan for their invaluable contributions during their tenure at the Board and in particular to the work of the Performance Committee.

## **10. DATE OF NEXT MEETINGS**

It was agreed that the next meeting would take place on Thursday 14 May 2020 at 10.00am in Waterside Tower.

The meeting closed 1.55pm.