

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

PRESENT:		Mr Mervyn Storey, Chair Mr Edgar Jardine (1) Ms Deirdre Toner (2) Mr Trevor Clarke Mrs Dolores Kelly* Mr Gerry Kelly Ms Liz Kimmins Mr Mike Nesbitt
ABSENT:		Ms Joanne Bunting
EX-OFFICIO MEMBERS IN ATTENDANCE		Mr Tom Frawley, Board Vice-Chair*
POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE	(3) (3) (3)	ACC Mark McEwan Chief Supt Emma Bond PSNI staff member*
OFFICIALS IN ATTENDANCE:	(1)	Amanda Stewart, Chief Executive* Mr Adrian McNamee, Director of Performance Six Board Officials
HUMAN RIGHTS ADVISOR:		Mr John Wadham*

(1) Item numbers: 1 to 6.1

(2) Item number: 4.1 to 10

(3) Item numbers: 6.1

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

1. APOLOGIES

Apologies were received from Ms Carmel McKinney.

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".

**A Member declared that they would like to ask questions in relation to a COVID-19 outbreak in the Police College and the subsequent decision to continue with promotion examinations.

The Board Chief Executive informed Members that PSNI had been made aware of the request and that ACC Mark McEwan and Chief Superintendent Emma Bond would provide a response following completion of Agenda Item 6.1 for the Performance Plan Measure 1.1.1 on Repeat Victimisation and Hate Crime.

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 8 October 2020. The Director of Performance indicated that the PSNI had requested a change to the wording of the final bullet point at Agenda Item 6.1 from:-

- The requirement for the document to be aspirational for officers

to

- The standards set out are not negotiable but the New Zealand document provided a more inspirational tone.

Members agreed the change and it was therefore:-

RESOLVED:-

That the amended draft minutes of the Performance Committee meetings held on the 8 October 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. Concern was raised in respect of failure from PSNI to respond to correspondence issued in September to which the Director of Performance assured Members that Officials had issued reminders and this was outside of their control. **NOTED.**

4.1 SUMMARY OF ACTION LOG AND ACCOMPANYING CORRESPONDENCE/DOCUMENTATION

The Director of Performance informed Members that three pieces of correspondence had been received from PSNI, one from the Justice Committee Chair Paul Givan and asked members to consider a proposed letter to MPs in relation to the Duty of Care Online Protection Legislation. The correspondence related to a number of open actions from Committee Meetings held in September and October 2020.

PSNI's response in relation to anecdotal evidence provided for the failure for officers to use body worn video equipment as unacceptable and further to provide Members with full reasons for this failure.

The Director of Performance provided Members with PSNI's response including a statistical response as to why Body Worn Video was not used between January and June 2020 and the requested Terms of Reference for the Police Powers Development Group. Following discussion it was:-

AGREED:-

That Officials would provide Members with all information accumulated to date on Body Worn Video including how it is used, when it is used and by whom it is used. **(AP1)**

PSNI's response for the request for additional information on the Section 75 Equality Screening process and the Engagement Event that was held on 28 July 2020 in respect of spit and bite guards.

Members considered the written response from PSNI which included a summary of the July 2020 engagement event including:-

- Attendees;
- Presentations;
- Demonstration;
- Discussion/Concerns;
- Training;
- Alternatives; and
- Statistics.

Furthermore, the correspondence which outlined PSNI's long term position on the proposed introduction of spit and bite guards outside of COVID-19 was discussed by the PSNI Strategic Management Board where it was agreed that a full Equality Impact Assessment would be conducted prior to any final decision being made.

Following discussion it was:-

AGREED:-

To write to PSNI to request the following:-

- A more detailed breakdown of the 265 recorded “spitting/biting” incidents from 1 January 2020 to 2 September 2020 into total incidents of (i) spits and (ii) bites.

and

- The ages of each of the 22 perpetrators under the age of 18 that were recorded for incidents of “spitting/biting” and how many were “Cared for Children”. **(AP2)**

Also it was:-

AGREED:-

That an invite will be issued to PSNI to attend a future Committee to further discuss the proposed introduction of spit and bite guards following the outcome of the pending Judicial Review requested by the Police Federation and the provision of the requested evidence report. **(AP3)**

PSNI’s response to the request for additional information on Roads Policing 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?

The Committee considered the written response from PSNI that highlighted the role and the remit of the Collision Investigation Unit including the location, staffing complement and training. Members were content that PSNI had provided sufficient information to suitably answer their questions.

Justice Committee response to correspondence on the potential gap in the legislative provisions within the Domestic Abuse and Family Proceedings Bill emphasising how this could impact on the PSNI’s ability to further protect victims.

Members considered the response from the Justice Committee that acknowledged the gap in the legislative provisions. The Justice Committee agreed to forward correspondence they had received from the Justice Minister of her intention to focus on policy development in relation to Domestic Abuse Protection Notices and Orders.

Furthermore, the Justice Committee agreed to bring forward an amendment to the Domestic Abuse and Family Proceedings Bill at consideration stage to place a duty on the Minister to provide a scheme within 24 months of commencement of this legislation with the aim of ensuring appropriate progress had been made.

Members discussed some implications behind PSNI resourcing to police this legislation but agreed that the answer provided had suitably addressed their concerns.

Research by Board Officials following Members' request to write to MPs in October to show the Committee's support in compelling all internet service providers and social media platforms to sign up with UK Legislation for "Duty of Care" online protection.

The Director of Performance provided Members with information in relation to UK Legislation for "Duty of Care" online protection. This included:-

- Background on the Online Harms White Paper which was published jointly by the Department for Digital, Culture, Media and Sport (DMCS) and the Home Office in 2019 calling for a new system of regulation for tech companies with the goal to prevent online harm for which the full consultation is yet to be published;
- PSNI Chief Superintendent Anthony McNally advised that work on online harms was being progressed by a UK working group, chaired by Chief Constable Simon Bailey of Norfolk Constabulary who is chair of the National Police Chiefs' Working Group and PSNI is represented on this group; and
- That the Bill has still not progressed to Parliament and DCMS Minister Caroline Dinenage could not commit to bringing the Bill forward until the end of 2021 suggesting that the Online Harms Bill would not come into effect until 2023 or 2024.

The Director of Performance obtained Members agreement that they revisit the issue in six months' time when the Chief Superintendent would be due to bring Child Sexual Exploitation report card to Committee and provide Members with an update. **(AP4)**

5.0 CHAIRPERSON'S BUSINESS

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

6.0 ITEMS FOR COMMITTEE BUSINESS

6.1 PERFORMANCE PLAN: MEASURE 1.1.1 REPEAT VICTIMISATION AND HATE CRIME

A Board Official presented a paper providing Members with analysis of work relating to PSNI's performance against a Measure within the Performance Plan 2020/21 specific to Repeat Victimisation and Hate Crime. Members were also asked to note the key issues and opportunities within the paper to assist with further scrutiny of police performance and to inform discussion with PSNI who attended the meeting.

The Chair welcomed ACC Mark McEwan and Chief Superintendent Emma Bond and invited them to brief Members on PSNI's performance against Repeat Victimisation and Hate Crime. PSNI presented information in the OBA Report Cards and provided a statistical commentary of their performance against the Measure. PSNI highlighted that hate crime had been a focus for a considerable period of time and that it touches upon broader societal issues. PSNI agreed they had lessons to learn from their recent approach to Black Lives Matter demonstrations and their need to identify the role PSNI will play going forward.

PSNI updated Members on work being carried out for Repeat Victimisation and Hate Crime including:-

- The use of the Recency, Frequency, Gravity (RFG) methodology to develop consistency with recording of hate crime and identify trends;
- Vulnerability Risk Assessment Matrix (VRAM) completed by attending officers to categorise the impact of the instance of hate crime as low, medium and high;
- Focus on Prevention First Strategy;
- The Hate Crime Advocacy Scheme;
- Refocus Neighbourhood Policing Teams to provide support for and build relations with local minority communities;
- Establishment of relationships with statutory and non-statutory agencies at District level;
- Engagement strategies with minority groups as evidence indicates under-reporting, identify blockers and support retain victim participation in the justice process; and
- Provide greater scrutiny through District outcome leads.

Going forward PSNI are awaiting the recommendations from Judge Marinan's report into Hate Crime and exploring with stakeholders the possible introduction of disposal outcomes including Community Resolution Notices or Fixed Penalty Notices for some of the lower categorisation of crimes.

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

- Attacks on places of worship;
- What differentiates a hate incident and hate crime and the analysis on the number of hate incidents that are categorised as hate crime;
- If any PSNI officer has committed a hate incident/crime;
- Lessons learned from the policing of the Black Lives Matter demonstrations;
- Differentiation between race hate crime and sectarian hate crime;
- Confidence issues for under-reporting and the need to engage with victim groups and communities to improve outcome rates;
- Crimes against LGBTQ+ group and what engagement was taking place through Rainbow and Butterfly Club partners; and
- Statistics outlined in PSNI's OBA report.

As indicated at the beginning of the meeting under **Agenda Item 1 Members requested an update from Chief Superintendent Emma Bond as the lead for the Police College in relation to the recent COVID-19 outbreak on the premises and the subsequent decision to continue with promotion examinations.

PSNI discussed with Members the situation of the positive cases and the actions that they had completed and measures they had put in place in accordance with the Public Health Authority including:-

- Number of officers testing positive;
- Identifying through PSNI Contact Tracing officers to self-isolate;
- College closure;
- Cleaning of premises for safe re-opening ; and
- Arrangements put in place for officer examination including use of fluid repellent face masks for all attendees.

The Chairperson thanked PSNI for their attendance, briefing and update on the COVID situation at the Police College. PSNI officials then left the meeting.

Following discussion it was:-

AGREED:-

To write to PSNI to provide some clarification of information discussed at 12 November 2020 Performance Committee including:-

- Confirmation if any PSNI officer or staff member committed a hate crime in 2019/20;
- A breakdown of offenders in relation to attacks on places of worship, to include, if available, age profile and gender of offenders and what other factors were identified, such as drug or alcohol abuse by offenders;
- The names and contact information for the Hate Crime Champions in each district; and
- The names and contact details for the Hate Crime Advocates. **(AP5)**

6.2 NATIONAL CRIME AGENCY Q1 PERFORMANCE UPDATE APRIL – JUNE 2020

The Director of Performance provided Members with a paper summarising the NCA performance and activity in Northern Ireland for the period from April to June 2020 in relation to the following areas:-

- Overall Disruptive Impact;
- Those who Dominate Communities and Chase Profits in the Criminal Market;
- Those who Undermine the UK's Economy, Integrity, Institutions and Infrastructure;
and
- Those who Exploit the Vulnerable.

The Director informed Members that Officials had recently been furnished with the second Quarter report and an updated paper would be provided for Members at December Policing Board meeting at which the NCA Director General Lyne Owens would be attending. Furthermore, the Deputy Director General Craig Naylor was to attend the November Partnership Committee and that information in the paper could be considered to aide their discussion.

It was:-

AGREED:-

The issue of the NCA's implementation of the recommendations from the recent Criminal Justice Inspection for Northern Ireland report on Modern Day Slavery and Human Trafficking was discussed. It was agreed to include this issue in the paper being prepared for Members for the 3 December 2020 Board meeting. **(AP6)**

6.3 HUMAN RIGHTS MONITORING FRAMEWORK

The Director of Performance and the Board's Human Rights Advisor provided Members with a paper to update them on the review of the Policing Board's Human Rights Monitoring Framework.

The Committee was reminded that this was previously considered and agreed at the June meeting of the Performance Committee, but that due to other work commitments relating to the Board's Review of PSNI's Response to COVID-19 the stakeholder engagement had been delayed.

The Members were asked to approve the new approach as suggested in the Draft Human Monitoring Framework that identified key areas for consideration for the 2021/22 year and approve the engagement process with key stakeholders as outlined in the paper.

AGREED.

6.4 HUMAN RIGHTS ADVISOR'S UPDATE REPORT FOR OCTOBER 2020

Members were provided with a paper to update them of the work that the Board's Human Rights Advisor, John Wadham had completed during October 2020 that included:-

- Amending the COVID-19 report for the Board and Performance Committee;
- Planning the next stage of the Human Rights Monitoring Framework engagement;
- Consideration of the Covert Human Intelligence Sources (Criminal Conduct) Bill; and
- Meetings.

Mr Wadham informed Members that his future work included:-

- Finalising the Review of PSNI's Response to COVID-19 Review Report;
- Attending the PSNI Gold Command meetings in relation to the PSNI's Murder Archive stored at Seapark;
- Attending the Board meeting (5 November) and the Performance Committee meeting (12 November) by video-conferencing;
- Attending meetings with PSNI officers concerning Small Unmanned Aircraft (SUA) and Covert Human Intelligence Sources (informers) Manual; and
- Meetings with PSNI lawyers and other officers.

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.**

6.5 PSNI STOP AND SEARCH SUMMARY PAPER

A Board Official presented a paper to Members to provide a summary of the key strategic issues in respect of the PSNI's use of stop and search powers. This followed discussions that had been held with community and academic representatives at the Performance Committee meeting on 8 October 2020. Members agreed to elevate the issue to the Chief Constable to request a positive and strategic dialogue and to invite a senior officer/s to a future Committee to present their response to the following identified issues:-

- The trend of high proportion of people stopped by police where there is no cause to arrest them;
- Ineffective internal monitoring;
- Culture of stop and search;
- Lack of clarity how the PSNI assess the external impact of stop and search; and
- Recording of Community Background.

Following discussion it was:-

AGREED:-

To write to the Chief Constable in relation to the Members concerns in respect of stop and search and request how PSNI will propose to resolve these issues. **(AP7)**

It was also:-

AGREED:-

When this response is received and discussed by Members that a Senior Officer should attend a future Committee meeting to present their proposals. **(AP8)**

6.6 PROFESSIONAL STANDARDS ANNUAL REPORTS 2019/20

Members were provided with a paper by a Board Official to consider PSNI's performance in respect of Professional Standards. This included an overview of PSNI Professional Standards Annual Report 2019/20 and the Office of the Police Ombudsman for Northern Ireland (OPONI) Statistical Bulletin for 2019/20.

A statistical summary of the PSNI Professional Standards Annual Report for key findings of Discipline Branch and Anti-Corruption and Vetting Branch including details on:-

- Anti-Corruption Investigations;
- Breaches of the Code of Ethics;
- Investigations;
- Duty Adjustments;
- Misconduct Proceedings;
- Police Officer Criminal Convictions; and
- Statute Barred Cases.

A further summary was provided on the OPONI Statistical Bulletin for the year 2019/20 including their role in providing an independent and impartial service for handling complaints from members of the public and issues referred by other public bodies.

Analysis was provided on key findings from OPONI's Bulletin including:-

- Complaints received;
- Complaints Categories; and
- Complaints by District.

Members raised some concerns including:-

- The need to re-engage the tri-partite approach with PSNI, OPONI and the Board;
- Duration of investigations and the reasons for significant delays;
- How suspensions in PSNI compare to other forces in UK;

- What causes delay in presenting to the Public Prosecution Service for Statute Barred cases; and
- What information is returned to OPONI from PSNI in relation to recommendations made and as to whether they have been accepted/implemented?

Members expressed an interest in having the Police Ombudsman or one of her officials introduce to Members some basic information about OPONI including:

- The difference between OPONI investigations and PSNI investigations;
- How OPONI deals with the issue of trends and patterns;
- How OPONI deals with the issue of policy and practice;
- Regulation 20 reports;
- Who must accept OPONI recommendations?

The Director of Performance stated that the Ombudsman was due to meet with all Board Members in October but this meeting had been postponed due to Covid until a late date. The Director stated that he would keep Members informed of any rescheduled date.

Following discussion it was:-

AGREED:-

To contact PSNI and invite the new lead for Professional Standards Branch, Chief Superintendent Phil Knox, to attend a future Committee to brief the Committee on issues within Professional Standards and to provide an update on the Draft Code of Ethics. **(AP9)**

7. QUESTIONS FOR THE CHIEF CONSTABLE

Members were reminded that there were no questions submitted to the Chief Constable following the Performance Committee meeting on 8 October 2019.

Members **agreed** that they had no questions arising out of the meeting for the Chief Constable.

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 10 December 2020 at 10.00am in Waterside Tower.

The meeting closed at 1.00pm