

NORTHERN IRELAND POLICING BOARD

**MINUTES OF A MEETING OF THE PERFORMANCE COMMITTEE MEETING
HELD ON 13 JUNE 2019 at 10.00, WATERSIDE TOWER**

PRESENT:		Mr Mervyn Storey, Chairperson Prof. Brice Dickson, Vice Chairperson Mr Tom Frawley 4 Mrs Dolores Kelly 4 Mr Alan Chambers Mrs Joanne Bunting Mr Philip McGuigan Mr Paul Nolan
POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:	1 1 1 2 2 2	T/ACC Tim Mairs C/Supt John McVea T/Supt Jon Burrows T/ACC Barbara Gray D/Ch/Supt Paula Hilman 1 other PSNI official
GUESTS IN ATTENDANCE:	3 3 3 3	Ms Louise Kennedy – Victim Support Ms Claire Gallagher – Victim Support Ms Sarah Mason – Women’s Aid Ms Teresa McAllister – Safeguarding Board for NI
OFFICIALS IN ATTENDANCE:		Ms Jenny Passmore, Director of Performance 5 Board Officials

- (1) Item number : 6.3
- (2) Item number : 6.4
- (3) Item number : 6.5
- (4) Item number : 3 – close of meeting

1. APOLOGIES

Apologies were received from Mr Keith Buchanan and Mr Gerry Kelly.
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

Committee Member Joanne Bunting declared a potential conflict of interest which was noted by the Chairperson.

3. DRAFT MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE

The Board considered the minutes of the meeting held on the 9 May 2019.

Several matters were raised as a result of the Committee's consideration of the minutes and following discussion,

It was:-

AGREED:-

- Regarding item 6.3 of the minutes, *Stop and Search Key Issues*, Members should be advised of the key stakeholders to which the PSNI draft Stop & Search policy will be circulated for consultation; and , **(AP1)**
- That an overview of the use of Community Resolution Notices should be sought from PSNI including information on the numbers used, their impact and usefulness. **(AP2)**

It was also :-

AGREED:-

That the minutes of the 9 May 2019 Performance Committee be amended to reflect the reason for the apologies listed at the meeting was due to Committee Members being engaged in alternate Board business. **(AP3)**

4. UPDATE ON ACTION LOG

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

5 CHAIRPERSON'S BUSINESS

5.1 Biometric Retention provisions

The Committee considered correspondence between the PSNI and the Department of Justice Permanent Secretary, to which the Board was copied in relation to the provisions for the retention of Biometric data.

Board officials briefed Members on the key aspects of the correspondence including the implementation of the 'snapshot' where a snapshot of material to be disposed of will be retained and stored with the relevant hard copy material. Members noted that this 'snapshot' would not then be searchable by PSNI. Members stressed the importance of being assured that no information could be disposed of which could compromise future convictions.

Members also discussed:

- The establishment within the PSNI of a Biometrics and Data Protection Committee and the PSNI's invitation for the Board to be represented on the Committee;
- The retention of biometric data as it relates to foreign convictions; and,
- That the PSNI's planned implementation date for their voluntary compliance with this provision of the Criminal Justice Act (NI) 2013 has moved from November 2019 to March 2020.

Following discussion,

It was:-

AGREED:-

To consider a future briefing to the Performance Committee from the PSNI in relation to Biometric Retention Provisions. **(AP4)**

5.2 PSNI response to Body Worn Video

The Committee considered a response received from the PSNI to correspondence regarding Body Worn Video (BWV) issued following 9 May 2019 Performance

Committee meeting in which Members sought clarification on a number of areas including Stop and Search, Complaints, Domestic Abuse and the sharing of BWV data between criminal justice agencies.

Members considered that further clarity should be sought on a number of areas and, It was:-

AGREED:-

Correspondence is issued to the PSNI requesting:

1. Further information on the dip-sampling process including how often dip sampling occurs and the factors which may trigger a dip sample;
2. Additional information on the processes and ongoing work in relation to the sharing of BWV with other criminal justice agencies;
3. Confirmation of the timeframe for the retention of BWV footage where it is not required for criminal justice purposes;
4. A timeframe for the completion of the Operational Guidance document; and,
5. A response regarding evidence that interviews are not carried out until the subject is fit for interview.

(AP5)

It was also :-

AGREED:-

To progress arrangements for a PSNI site visit for Committee Members to see examples of Body Worn Video in practice. **(AP6)**

6. ITEMS FOR COMMITTEE BUSINESS

6.1 National Crime Agency (NCA) Memorandum of Understanding (MOU)

The Director of Performance briefed the Committee on a paper providing an update to Members on the current status of the issues raised by the NCA on the draft revised MoU between the Board and the NCA.

The Committee noted the response received from the NCA in relation to the matters previously raised including that the Director General has the ability in law to delegate certain statutory functions to “a senior NCA officer” and that in the event she is unable to attend a Board meeting, she is content for the MoU to specify that the Director General of Operations will attend in her absence.

Members were updated on legal advice received concerning the MoU and noted that while the MoU is an agreement between both organisations, it is not a legally binding document.

Following consideration:

It was :-

AGREED:-

That the suggested wording at 6.3 in the revised draft MoU would remain.

It was also :-

AGREED:-

To write to the NCA Director General with an amended revised draft MoU to include the Committee’s discussion on all the points raised by NCA and arrange sign off with the Board Chair. **(AP7)**

6.2 HMICRFS Inspection 2019/20

Board officials briefed the Committee on a paper seeking their views in relation to the HMICFRS PEEL Inspection 2019/2020.

Member discussed that while the Efficiency and Effectiveness methodology had been used in previous inspections of the PSNI, the Legitimacy pillar had not yet been used and noted the proposal to proceed with the 2019/2020 inspection of the PSNI using the Legitimacy pillar of the PEEL methodology.

Members discussed the definition of Legitimacy in relation to the PEEL methodology and whether this would address issues of concern to Members, specifically in relation to matters such as Child Sexual Exploitation, Organised Crime and the morale of officers.

The Committee noted that views were also being sought from the Partnership and Resources Committees and that a composite paper would be brought for further consideration to the 27 June 2019 Board meeting.

Following discussion:

It was :-

AGREED:-

To include in the paper to the June Board meeting details of the Performance Committee's agreement to support the HMICRFS Inspection of PSNI 2019/20 using the Legitimacy pillar of the PEEL methodology subject to the concerns raised by the Committee being further discussed with a view to these being addressed within the inspection. **(AP8)**

6.3 PSNI Professional Standards Annual Report 2018/19

The Committee considered a report on the Board's Professional Standards Monitoring Framework for the period 1 April 2018 – 31 March 2019. Members noted that this paper, including the PSNI Annual Report of Professional Standards and the PSNI Policy Evaluation Group Annual Report, was provided in support of a briefing to be delivered by PSNI.

The Chairperson welcomed T/ACC Tim Mairs, C/Supt John McVea and T/Supt Jon Burrows to the meeting and invited them to brief the Committee on the Professional Standards – Discipline and Anti-Corruption & Vetting Annual Report.

T/ACC Mairs provided a short introduction to the work of the Branch including areas of work covered by the different departments and introductions to new staff members following which he handed over to T/Supt Jon Burrows.

The key areas discussed with the Committee comprised of;

- Anti-Corruption and Vetting strategic priorities, including Disclosure of Information, Inappropriate Association, Controlled Drugs use and supply and Sexual misconduct;
- Levels of vetting within the PSNI, the types of roles within PSNI which require developed vetting and how the vetting process is managed for new PSNI recruits;
- Complaints and allegations and how, or if it is possible to compare the PSNI to other UK forces, and;
- How consistency of approach is applied in relation to misconduct processes and procedures.

Members also discussed with PSNI the number of officers currently repositioned and suspended, including those on long term suspension and the ongoing cost to the PSNI in these circumstances.

The PSNI provided Members with examples of the factors taken into consideration in determining if an officer could be repositioned rather than suspended and also briefed Members on a key difference in the new 2016 suite of Regulations relating to police conduct. This provides that criminal and misconduct proceedings can now, under certain circumstances, run concurrently whereas previously the criminal process had to be concluded prior to the completion of any misconduct process. Members noted that this has mitigated some of the delays in the misconduct process however some cases remain to be concluded under the previous regulations. The PSNI advised that they would be content in future to share with the Committee information regarding the reasons, timescales and impact of delays in bringing misconduct proceedings to a conclusion.

The Chairperson thanked the PSNI and they left the meeting.

Following discussion,

It was :-

AGREED:-

1. To ensure in future the Committee is provided with information regarding the

reasons, timescales and impact of delays in bringing misconduct proceedings to a conclusion, and; **(AP9)**

2. To provide the Committee with information regarding the annual cost of PSNI suspensions as a result of misconduct proceedings. **(AP10)**

6.4 Update on the Gillen Review

The Committee considered a paper providing Members with an overview of the Gillen Review Report into the law and procedures in serious sexual offences in Northern Ireland which was published on 9 May 2019.

Members noted that the review included 253 recommendations and that 26 of these recommendations over five chapters related specifically to the PSNI. The five areas to which the recommendations relate are Delay, Disclosure, The Voice of Marginalised Communities, The Voice of the Child and Training.

The Chairperson welcomed T/ACC Barbara Gray, D/Ch/Supt Paula Hilman and another PSNI officer to the meeting and invited them to brief the Committee on the PSNI's response to the Gillen Review recommendations.

T/ACC Gray advised that the PSNI would this afternoon (13/6/2019) be attending a meeting of the Gillen Review Joint Response Group taking place at the Department of Justice (DoJ) and that the purpose of the group was to outline a holistic approach to the implementation of the recommendations in order that overall services would be improved. She advised the Committee that she would welcome the opportunity to come back to the Committee in early Autumn to further discuss progress on the recommendations.

D/Ch/Supt Paula Hilman (Head of Public Protection Branch) advised Members that she had been on the Advisory Panel to Sir John Gillen and discussed next steps following the publication of the report. Members were provided with an overview of ongoing work as a result of recommendations from previous inspection reports. One example highlighted was that, while 12 of the Gillen Review recommendations related to

disclosure, as a result of previous recommendations a joint PSNI/PPS Disclosure Improvement Plan was already in place.

Key areas discussed with the Committee included:

- The role and effectiveness of MARAC (Multi-Agency Risk Assessment Conference);
- Delays in cases coming to court and the impact of these delays on victims, particularly children;
- Training needs in relation to Achieving Best Evidence (ABE) interviews;
- The compatibility of digital systems and new developments in relation to how uploads can be received from the public whilst mitigating the risk of malware;
- Risks associated with a deterioration in public confidence in policing and how victims from hard to reach areas may access alternate pathways to support through advocates such as Women's Aid;
- Ongoing work with PCSPs to raise awareness of the work of Public Protection Branch;
- Issues relating to victims using the 101 service, and;
- Timeframe for the implementation of the recommendations and when the Committee can expect to be provided with a copy of the draft implementation plan.

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

Following discussion,

It was:-

AGREED:-

Correspondence is issued to the PSNI requesting:

1. The PSNI provide the Committee with a copy of the joint PSNI/PPS Disclosure Improvement Plan;
2. That the Committee be provided with a copy of the implementation plan regarding the recommendations pertaining to the PSNI in the Gillen Review; and,
3. That the Committee to be provided with an update following the meeting of the

6.5 Policing Plan update on Domestic Abuse

The Committee considered a paper regarding PSNI performance against the Policing Plan 2019/2020 in relation to Domestic Violence and Abuse and noted that the information provided would also inform the round table discussion with victims' organisations in attendance this afternoon.

The Chairperson welcomed Ms Louise Kennedy and Ms Claire Gallagher of Victim Support, Ms Sarah Mason of Women's Aid and Ms Teresa McAllister of the Safeguarding Board for NI (SBNI) to the roundtable discussion with the Performance Committee on Domestic Violence and Abuse. An apology was noted from Ms Rhonda Lusty from the Men's Advisory Project who was unable to attend.

Board officials provided an overview of the briefing paper in order to provide context and inform the discussion and Members concluded that the briefing paper should be provided to the guests following the meeting.

The Committee again discussed the effectiveness of MARAC and sought the views of guests in that regard. Aspects discussed included the number of agencies represented at MARAC, capacity issues affecting the availability of victim support organisations to attend and the disparity in figures between the PSNI and MARAC in relation to reporting of domestic violence (PSNI statistics indicate an increase and MARAC report falling numbers). Members noted that this could indicate that women are accessing help at an earlier stage in the process however more data would be required to evidence this.

Other areas for discussion included:

- Challenges relating to proceedings progressing through family court and the criminal justice system at the same time and the impact of this on victims;

- The positive role of Women's Aid workers being deployed in police stations;
- Legislative provisions supporting domestic violence victims to remain in their own homes;
- The role of refuges in supporting very high risk domestic abuse victims and that they are nearly always at full occupancy;
- The role of early intervention education and work being carried out within Primary Schools;
- The need for legislation around coercive and controlling behavior, and;
- Relevant research carried out by Queens University Belfast and how this could further inform the Committee's work in this area.

The Committee went on to discuss with the victims groups where, in their experience, they felt the PSNI could improve their service for domestic violence and abuse victims.

Areas highlighted included:

- A more structured approach to training broadly across the districts and the provisions in place for recruit training at Garnerville;
- Police officer engagement with children when they arrive at a domestic violence incident, and;
- Continuity of personnel dealing with cases; that it is traumatizing for victims to be handed over to different staff multiple times.

The Chairperson thanked the representatives from the victims' organisations for their attendance at the meeting and helping to inform the work of the Committee following which they left the meeting.

It was:-

AGREED:-

1. Stakeholders in attendance should be provided with a copy of the briefing paper considered by Performance Committee Members; **(AP12)**
2. To obtain relevant research on Domestic Violence and bring to a future meeting of Performance Committee, **(AP13)** and;
3. To progress arrangements for Committee Members to visit with Women's Aid colleagues. **(AP14)**

7. QUESTIONS FOR THE CHIEF CONSTABLE

Members noted the responses to the Chief Constable questions submitted following the April and May Performance Committee meetings and following consideration it was:-

AGREED:-

Further information should be sought in relation to the response received to the Performance Committee's question regarding Stop & Search which was submitted following the 9 May 2019 Performance Committee meeting. Members particularly wished to receive clarification on successful outcomes in respect of Stop & Search and the low arrest rates following stop and searches. **(AP15)**

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 12 September 2019 10.00am.

Meeting closed 2.40pm

**PERFORMANCE DIRECTORATE
JUNE 2019**