

NORTHERN IRELAND POLICING BOARD

**MINUTES OF A MEETING OF THE PERFORMANCE COMMITTEE HELD ON
13 MAY 2021 AT 9.30AM VIA VIDEO CONFERENCING FACILITY**

PRESENT:

Mr Mervyn Storey, Chair
Ms Carmel McKinney, Vice-Chair
Mr Edgar Jardine
Ms Deirdre Toner
Ms Joanne Bunting
Mr Trevor Clarke
Mrs Dolores Kelly
Mr Gerry Kelly
Ms Liz Kimmins
Mr Mike Nesbitt

**EX-OFFICIO MEMBERS
IN ATTENDANCE**

Mr Tom Frawley

**POLICE SERVICE OF
NORTHERN IRELAND IN
ATTENDANCE**

(1&2) Deputy Chief Constable Mark Hamilton
(1) Temporary Assistant Chief Constable Bobby
(2) Singleton
Temporary Assistant Chief Constable Jonathan
Roberts

**OFFICIALS IN
ATTENDANCE:**

Mr Adrian McNamee, Director of Performance
Six Board Officials

HUMAN RIGHTS ADVISOR:

Mr John Wadham

(1) Item Number: 6.1 only

(2) Item number: 6.2 only

1. APOLOGIES

No apologies were received.

The Committee agreed the agenda for the meeting.

The Chair asked Members to advise of any items they wished to raise at Item 9 under "Any Other Business". No further items 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 15 April 2021 and agreed the minutes.

It was therefore:-

RESOLVED:-

That the draft minutes of the Performance Committee meetings held on the 15 April 2021 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.**

Members discussed the updates on AP7 from the meeting held on 11 March 2021, the discussion centred on the PSNI's communications. This included how the PSNI use and maintain social media with Members considering if a PSNI policy was in place, or needed. It was also noted that, following a meeting between DCC Hamilton and the Board's Human Rights Advisor, the PSNI have agreed to provide further information on its use of social media monitoring. Members also discussed the updates on AP9 from the meeting held on 15 April 2021, as a Member asked the Chair if he could advise the Committee on his Party's response to the OPONI report recommendations. The Chair advised that the response was submitted on the morning of the May Performance Committee and that he did not have a copy of the response in front of him.

The Director of Performance highlighted correspondence received in relation to AP 7 of 11 March 2021 regarding the impact of Fixed Penalty Notices on the BAME community. Also correspondence received from the Deputy Chief Constable in relation to AP 4 and 5 of April 2021 regarding Covert Human Intelligence Sources, IPCO reports and the schematic process diagram was highlighted.

5.0 CHAIRPERSON'S BUSINESS

5.1 - CORRESPONDENCE FROM T/ACC ROBERTS RE POLICING POWERS DELIVERY GROUP

Members considered the correspondence from T/ACC Roberts. The Director of Performance highlighted that the correspondence linked to the Board's Human Rights Annual Report and he noted that reports included within the correspondence had not been shared with Members before. He concluded by advising that T/ACC Roberts had offered within his correspondence to ensure that future reports would be shared with Members.

5.2 - CORRESPONDENCE FROM T/ACC ROBERTS RE STOP & SEARCH

The Director of Performance introduced Members to the correspondence received from T/ACC Robert on Stop and Search. It was noted T/ACC Roberts would be present for Item 6.2 on the issue of Stop and Search and all queries would be taken within that agenda item.

6.0 ITEMS FOR COMMITTEE BUSINESS

6.1 PSNI PERFORMANCE – PERFORMANCE PLAN 2021/22 - MEASURES: 1.1.1, 1.2.1 AND 2.4.1.

Board Officials presented a paper providing Members an analysis of work relating to PSNI against Performance Plan 2021/22 Measures specific to Domestic Violence and Abuse (DV/A).

Board Officials gave an update focusing on:

- **Outcome 1:** *We Have a Safe Community:*
 - **Indicator 1.1:** *Fewer Repeat Victims of Crime;*
 - **Indicator 1.2:** *Fewer Repeat Offenders of Crime;* and

- **Outcome 2:** *We Have Confidence in Policing:*
 - **Indicator 2.4:** *Delivery of Effective Crime Outcomes.*

Board Officials also provided an overview of PSNI performance against **Measures:**

- **1.1.1:** *Repeat victimisation rate and report on initiatives to support repeat victims with a focus on victims of (i) Domestic Abuse;*
- **1.2.1:** *Repeat offending rate and report on initiatives to reduce repeat offenders with a focus on Domestic Abuse in 2021/22; and*
- **2.4.1:** *Levels of crime outcomes to identify and respond to areas of concern in outcome statistics, with a particular focus on domestic abuse in 2021/22.*

Members were asked to note and consider the information provided by PSNI and the detailed analysis by Board officials within the Paper to assist with oversight and scrutiny of police performance in relation to Domestic Violence and Abuse (DV/A).

The Chair welcomed Deputy Chief Constable Hamilton, Temporary Assistant Chief Constable Singleton and Chief Superintendent Anthony McNally and invited them to brief Members with PSNI's performance against the measures specific to Domestic Violence and Abuse (DV/A).

PSNI presented information in the OBA Report Card and provided a statistical commentary of their performance against the Measure and updated Members on work carried out on a number of key areas including:

1. Building performance and governance standards

Improvement work is being undertaken with District policing colleagues to improve performance and governance standards on Domestic Abuse incident handling. A new dip sampling process is undertaken weekly to assess performance on this issue including call handling response, use of Body Worn Video (BWV), arrests made and appropriate referrals to agencies. This provides close to real time feedback to District areas on where improvements to service can be made.

2. Public Protection Notice (PPN)

The PPN was launched in November 2020 and is intended to help better identify the highest risk victims of domestic abuse. It encourages the use of officer assessment to identify risk to victims. PSNI are looking at further automation of the PPN system to remove the risk of human error.

3. Domestic Abuse Act 2020 Implementation Training

The four module training programme on the implementation of the Domestic Abuse Act has been rolled out, with 750 officers now trained. The modules

have been developed with the Police Training College, Public Protection Branch and third sector partners.

4. Crime Recording Accuracy Audit

An audit of crime recording accuracy on domestic abuse incidents is being undertaken within the PSNI by its crime registrar to ensure PSNI are meeting the Home Office crime reporting rules and standards. This exercise is intended to measure compliance and identify opportunities for improvement as appropriate. PSNI will keep the Committee apprised on the outcome of this project.

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

- How the Domestic Abuse Call-Back Scheme will be evaluated to determine if it is maintained post-lockdown;
- If the PSNI has made a strategic link with regard to the increased use of BWV in domestic abuse calls and the increasing percentage of outcome rates;
- What improvements are underway to ensure the provision of strategic links to evidence meaningful impacts through future submitted OBA report cards;
- The progress made to achieve the recommendations set out in CJINI's 'No Excuse' inspection, with particular regard to the current activity of the PSNI and MARAC Operational Board;
- If the training programme on the implementation of the Domestic Abuse Act will be compulsory to all new and existing PSNI officers and staff;

The PSNI provided the following responses:-

- The Domestic Abuse Call-Back Scheme is delivered by PSNI officers who have been shielding during the pandemic. With restrictions lifting, the Call-Back Scheme will be evaluated with regard to its impact on Outcomes, Victim Experience and Satisfaction as well as the

programme's financial and resource requirements to determine if there is merit in continuing the scheme. PSNI will take learning from the Call-Back scheme to determine if there are wider operational improvements to engagement with victims that can be applied.

- Determining the impact of BWV on prosecution outcomes for Domestic Abuse incidents is difficult and would require the PPS to undertake a review of cases where this applies. PSNI recognise the use of BWV as best practice and is undertaking work to drive uptake and officer awareness of BWV at District level.
- PSNI recognised the opportunity to improve the reporting of impacts through its OBA report cards, whilst noting that there is an absence to effective crime survey data available. PSNI is taking forward its own survey work in relation to sexual violence, to be delivered this financial year. It was also noted that work is ongoing with DOJ to improve data on crime sentiment and crime impact in relation to Hate Crime, Domestic Abuse and Burglary.
- Due to the pandemic work on the PSNI and MARAC Operational Board has not progressed at the intended pace. However, activity is underway to invigorate this and the Operational Board is taking forward two pieces of work over the next 6 months. The first of these will review the referrals process to MARAC across agencies and will undertake a training needs and awareness review. The second will assess the effectiveness of MARAC and consider the development of a national audit tool. PSNI will provide further updates to the Committee on progress as appropriate.
- A four module training package on the implementation of the Domestic Abuse Act training is delivered to all new PSNI recruits through the Police Training College. The training will be mandatory for all officers and staff. There is a legislative duty on PSNI to provide refresher training through the new Domestic Abuse Bill.

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

6.2 STOP AND SEARCH CURRENT ISSUES

The Director of Performance presented a paper to Members that provided a summary of the key strategic issues in respect of the PSNI's use of stop and search powers. The paper also provided Members with an analysis of PSNI's response.

The key five key strategic issues identified were:

- Trends: the high proportion of people being stopped by the police where there's no cause to arrest them;
- Ineffective Internal Monitoring;
- Culture of Stop and Search;
- Lack of clarity on how the PSNI assess the external impact of stop and search; and
- The Recording of Community Background.

Members were briefed on the need for improved recording, monitoring and analysis of the stop and search powers, improving the public's understanding on how and why the powers are used, intelligence-led and targeted approach to stop and search and improving the 'stop-to-outcome' ratio. The paper also provided detailed analysis of each of the issues raised by the Board and the response provided by the PSNI. Members were requested to use the information contained within this paper to further discuss the issues raised with PSNI.

The Chair welcomed the Deputy Chief Constable Mark Hamilton and Temporary Assistant Chief Constable Roberts and invited him to brief Members on the PSNI's use of stop and search powers and respond to the issues identified in this paper.

T/ACC Roberts discussed with Members PSNI's ongoing commitment to resolving the issue of recording of the community background of those stopped and searched, recognising that this was a recommendation from 2013. He

advised Members that advice had been sought from the Information Commissioner on the way forward and that the options available would be presented to the PSNI Senior Team to agree and inform the Board.

Members also raised the issue of body worn video [BWV] and how operator error was the reason noted in over a third of cases where BWV was not used. PSNI advised that improvements are being made across the districts.

Members raised concerns over the high use of stop and search rate and low outcome rate in comparisons made against the use of similar powers in England and Wales and the negative impact that this can have on community confidence in policing.

DCC Hamilton stated that he was aware of the debate in relation to the efficacy of the use of stop and search as a tactic and the potential negative impact that it has on communities. However, the PSNI know that people move drugs, firearms and knives et cetera, therefore stop and search is used as a deterrent. Its use needs to be proportionate, but this is complicated by the fact that PSNI are unable to measure what has been prevented by its use and therefore outcomes are difficult to report against. DCC Hamilton acknowledged the Board's view that PSNI was not currently providing sufficient justification for its use and that PSNI would seek to address this.

In terms of recording the community background of those stopped and search DCC Hamilton confirmed that the option analysis process regarding this is coming to an end and a decision on how to collect this data would be taken in the next month.

Members also discussed previous research by Dr John Topping and the identification of issues of PSNI using stop and search as a management and supervision tool by setting specific targets. T/ACC Roberts provided clarification that this was not the case within PSNI. Members requested that PSNI consider publishing the reports completed by Dr John Topping. PSNI confirmed that they would consider this request.

Members expressed support for PSNI using stop and search as a tactic and that Police needed to be proactive and visible and this also builds community confidence. The PSNI need to be allowed to do their job by using this tool proactively.

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

6.3 SIX MONTH UPDATE REPORT – THE RECOMMENDATIONS OF THE COVID-19 REPORT

Board Officials presented a paper to Members providing an update on the recommendations of the Board's Thematic Review of the Policing Response to COVID 19 published on 12 November 2020. Officials outlined the progress made in implementing each of the eighteen recommendations of the report over the last six months.

A member queried the PSNI's response to Recommendation 7 and asked what steps the Board should take next in relation to PSNI's interpretation of the legal advice regarding Fixed Penalty Notices. The Board's Human Rights Advisor stated that he was aware that the Police Ombudsman had made a similar recommendation in their report and that in his opinion the PSNI's current position is wrong. It was expected that the PSNI would amend their position.

After discussion it was decided that the Board should write to PSNI and request an update on their current position in relation to the matter.

A member also requested further information in relation to Recommendation 12 regarding the establishment of an IAG on Protests and also that a further update paper is brought back to Members on all the recommendations of the COVID Report in six months' time.

It was:-

AGREED

That Board Officials would write to PSNI and request an update on PSNI's current position in relation to Recommendation 7. **(AP 1)**

That Board Officials would obtain further information in relation to Recommendation 12 regarding the establishment of an IAG on Protests. **(AP 2)**

6.4 NATIONAL CRIME AGENCY (NCA) NORTHERN IRELAND PERFORMANCE UPDATE ON OCTOBER-DECEMBER 2020 (Q3)

Board Officials presented a paper to provide Members with a summary report of the NCA performance and activity in Northern Ireland covering the period October to December 2020 (Q3). The paper highlighted the key issues that Members may wish to consider and discuss in anticipation of the NCA's Director General Lynne Owens attendance at the 3 June Board Meeting. The paper provided Members with analysis on key issues such as the NCA's work combatting serious and organised crime, cybercrime, child sexual abuse, illegal immigration and human trafficking, impact of EU exit and also drew comparisons with UK-wide activity.

Members were asked to note and consider the information provided by NCA and the detailed analysis by Board officials within the paper.

Following discussion it was outlined that at the time of writing of this paper, the NCA Quarter 4 (January - March 2021) report had not been received and it was later received by the Board on the 7 May 2021. Following receipt of the report Board officials will undertake its analysis, including a comparative with NCA Q3 report, which will be included in the Paper for the June Board meeting.

6.5 HMICFRS REPORT – POLICING IN THE PANDEMIC

The Director of Performance presented a paper to Members providing an overview of the findings and recommendations of the recent HMICFRS Report on Policing in the Pandemic. He outlined that the report focuses on the 43 police forces in England and Wales but also considers information gathered from the PSNI, Jersey Police and British Transport Police. The report makes a number of recommendations for all UK police services and highlights a number of comments in relation to the PSNI.

The Director of Performance highlighted that the Report makes five recommendations to forces to help in the continuing response to the pandemic. The recommendations made were across areas such as managing registered sex offenders, legislation and guidance, test, track and trace, custody records and overall scale and impact of changes.

Specifically, in relation to the PSNI, the Director identified that the report noted in relation to quickly adapting to the pandemic a positive example was the PSNI annually reviewing its business continuity planning arrangements, issuing a certificate of assurance to show that its plans were up to date and compliant. This ensured the service's preparedness to respond to any contingency such as a pandemic.

Members were requested to note the recommendations identified by the HMICFRS Report on Policing in the Pandemic and their comments on the PSNI.

Following discussion it was;

AGREED:-

The Committee Chair would write to PSNI requesting their response to the HMICFRS Policing in the Pandemic Report. **(AP3)**

6.6 HUMAN RIGHTS ADVISOR UPDATE REPORT FOR APRIL 2021

Members were provided with a paper providing an update on the work of the Board's Human Rights Advisor, John Wadham during April 2021 that included:-

- Drafting of the Human Rights Annual Report for 20/21;
- Taking forward the recommendations of the COVID report and the Human Rights Annual Report;
- Consulting on the Human Rights Monitoring Framework and re-drafting;
- Considering PSNI's approach to the Covert Human Intelligence Sources (Criminal Conduct) Act; and
- Considering the JSA stop and search review of authorisations (by Counsel).

The Human Rights Advisor also attended the following meetings/calls since the last report:

- Performance Committee meeting;
- Board meeting;
- Independent Reviewer of JSA;
- NICCY;
- Deputy Chief Constable;
- Seapark estate Gold meeting; and
- Various meetings with Board officials

Mr Wadham informed Members that his future work would include:-

- Finalising the Human Rights Monitoring Framework review;
- Drafting of the Human Rights Annual Report for 20/21;
- Attending the Gold Command meetings in relation to the Murder Archive in PSNI's Seapark operation;
- Board and Performance Committee and assisting with preparation of reports;

- Guidance for the implementation of the Covert Human Intelligence Sources
- (Criminal Conduct) Act; and
- Meetings with PSNI lawyers and other PSNI officers.

Mr Wadham also informed the Board that he had the opportunity to review body worn video of stop and search and the use of spit and bite guard. He also attended the post operational review of PSNI's use of the water cannon during recent protests in April 2021.

Members discussed the recent use of AEPs and water cannon during disturbances and noted their concern that 120 officers were injured during the street protests and offered their support to those officers and their families.

Following discussion it was;

AGREED

To write to the Police Ombudsman seeking an update on the outcome of their investigation into the use of AEPs during the recent protests in April 2021. **(AP4)**

6.7 OVERVIEW OF ALL RESPONSES TO COMMITTEE EFFECTIVENESS REVIEW

The Board Vice Chair and Board Director of Partnership provided Members with an update in relation to the Annual Committee Effectiveness Review and outlined the purpose of the paper to provide Members with an overview of the responses to the online Effectiveness Review of each of the Policing Board's four Committees. The paper contained the response findings for each Committee.

The Board Vice Chair presented the paper on general responses to the Committee review and outlined a brief summary on commonly agreed themes as well as areas of concern including:

- The vast majority of Committee Members understand the Terms of Reference of their Committees and the roles / responsibilities of their Committees;
- All agreed that Committees have the appropriate range of skills / expertise and experience to meet the requirements of the Committee ToR in each case;
- All agreed that their Committees are representative;
- Vast majority responded positively with regard to meetings sticking to agendas and running to agreed timeframes;
- Committees spend too much time on operational rather than strategic issues; and
- Range and frequency of presentations from PSNI and others was raised as an issue.

The Director of Partnership outlined that the role and scope of Committees was personalised to each, based on the Committees Terms of Reference (ToR). The Director of Partnership highlighted a number of areas where a range of responses were provided for Performance Committee and that there was a variance of views expressed by Members of this Committee on the following:

- The Committee's monitoring of PSNI Compliance with the Human Rights Act;
- The Committee's monitoring of PSNI compliance with its Code of Ethics;
- How the Committee considers PONI reports; and
- How it monitors the work of PSNI's Legacy Investigation Branch.

Members discussed the next steps for the Annual Committee Effectiveness Review and the Director of Partnership confirmed that the raw survey material needs to be structured into an overview and analysis paper in order to bring forward for consideration and facilitate discussion at a future Members away day. It was highlighted that the final document is pending and will be shared with Members when this analysis is finalised.

7. QUESTIONS FOR THE CHIEF CONSTABLE

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 10th June 2021** at **09.30am** in Waterside Tower.

The meeting closed at 1.00pm.