

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE PERFORMANCE COMMITTEE MEETING HELD ON 14 March 2019 at 10.00 am, WATERSIDE TOWER

PRESENT:

Mr Keith Buchanan
Mrs Joanne Bunting
Mr Alan Chambers
Prof Brice Dickson
Mr Tom Frawley
Mr Gerry Kelly
Mr Philip Mc Guigan
Mr Mervyn Storey
Ms Deborah Watters

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POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

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ACC George Clarke
D/Chief Superintendent Sean Wright
4 PSNI Officials

OFFICIALS IN ATTENDANCE:

1

Mrs Amanda Stewart, Chief Executive
Ms Jenny Passmore, Director Of Performance
3 Board Officials

(1) Item numbers - Item 6.4

1. APOLOGIES

Apologies for the meeting were received from Dr Paul Nolan and Mrs Dolores Kelly.

The Committee agreed the agenda for the meeting.

The Chair asked Members to advise of any issues they wished to raise at item number 9 under "Any Other Business". No issues were declared

2. CONFLICTS OF INTEREST

The Chairperson asked Members to declare any conflicts of interests arising from the agenda.

No conflicts of interest were declared.

3. DRAFT MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE

The Board considered the minutes of the meeting held on the 14 February 2019.

It was:-

RESOLVED:

That the draft minutes of the Performance Committee meeting held on the 14 February be agreed.

4. UPDATE ON ACTION LOG

Members noted updates on the action log from the Committee meeting held on 14 February 2019. **NOTED.**

4.1 4.1 Sec 75 Impact Community Resolution Notices

Regarding number AP5 on the Action Log, Members were asked to note a recent meeting attended by an Official who advised that the issue is ongoing and discussed at quarterly PSNI Youth Champion Forums. Further information will be brought to the Committee as and when it arises from the Forum. Members requested further details of Youth Organisations involved in PSNI Youth Champions. **(AP1)**

4.2 PSNI Policy recommendations from the Ombudsman

Members were asked to note that this action is considered under Item 6 Programme of Work.

5 CHAIRPERSONS BUSINESS

There was no Chairpersons business.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Programme of Work

An Official presented a proposed Programme of Work following discussions on priorities from the February Committee Meeting. Members discussed and considered the Programme of Work and proposed small amendments. Members were further advised that the document is a live document and will be modified depending on Committee priorities going forward. **NOTED**

Members agreed the Programme of Work subject to amendments. It was therefore:-

AGREED:-

- The PSNI Briefing on Custody Healthcare (Dec 19) to include Mental Health
- Working Together Briefing (Jan 20) to include Public Prosecution Service (PPS) input. **(AP 2)**

6.2 NCA Briefing Paper & Memorandum of Understanding (MOU)

Committee Members noted the NCA briefing Paper, which provided background to the NCA in Northern Ireland and a synopsis of the NCA work over the last 8 quarters. An accompanying MOU between the Board and NCA was also considered and discussed. Members were further advised NCA will provide a briefing on their work and Annual Plan at the April Board meeting. NCA Director General Lynne Owens is not able to attend however her deputy will be representing her at the meeting. After a discussion it was:-

AGREED:-

- A letter be sent to NCA requesting clarification on Code of Ethics Training for NCA officers to include quality assurance of the training and;
- Request a geographical breakdown of the schools involved in the Ambassador Initiative programme. **(AP3)**

During discussion on the Memorandum of Understanding the Committee agreed that, subject to two further minor amendments, the Board Chair signs the MOU on behalf of

the Board. It was:-

AGREED:-

- Section 6.1 to be amended from 'commit to attend' to 'will attend'
- Section 6.3 'Board's prior agreement' to be kept within this section

(AP 4)

6.3 Draft Human Rights Annual Report (HRAR) & Child Sexual Exploitation (CSE) Thematic Report

An Official presented the paper to Committee Members. Members considered and engaged in discussion in respect of the five options presented within the paper to seek agreement regarding the draft Human Rights Annual Report and the Child Sexual Exploitation (CSE) Thematic Review report. It was :-

AGREED:-

- To write to the former Human Rights Advisor requesting availability and approximate costs associated with finalising the draft HRAR.(Option 4) **(AP5)**
- Forward the draft HRAR to Chief Constable with a request for an approximate cost of fact checking the report in terms of hours and total cost. **(AP6)**
- Share the draft CSE report with PSNI and NCA for information and request a response to the 12 recommendations contained therein.(Option 2) **(AP7)**

6.4 Briefing on Legacy Investigation Branch

Members considered the Legacy briefing paper outlining the Legacy Investigation Branch including a historical background to the unit and work to date. **NOTED**

The Chair welcomed T/ACC George Clarke and his team from the PSNI Legacy & Legal Department. T/ACC George Clarke introduced the team and briefed the Committee on the department giving an overview of the history and internal structure which is divided into two branches – the Legacy Investigation Branch (LIB) and the Legal Services Branch (LSB). Responding to questions from Members he also provided an overview on;

- Case Sequencing Model for historical cases and scoring method
- Current caseload
- Differences in approach to investigations between the Legacy Investigation Branch which replaced the Historical Enquiries Team (HET)
- Complexities of cases including issues around discovery, DNA and responsiveness to new and emerging technologies
- The work and role of the Coroner's Office in relation to Legacy cases
- The work and role of the Family Liaison Officers

The Chair and Committee Members thanked the PSNI Officers and they left the meeting

Members further discussed the information presented and agreed to ask the Chief Constables a question in relation to Legacy, particularly in relation to the case sequencing model currently being used.

It was also:-

AGREED:-

- To make both PSNI's and the Board's response to the NIO consultation on the draft legislation for the Historical Investigations Unit available for Members on SharePoint. **(AP8)**

6.5

Stop & Search Briefing

An Official presented members with a briefing paper which provided a background and context to Stop and Search Authorisations. **NOTED.**

The Chair then welcomed Joanne Hannigan to the meeting.

Joanne briefed the Committee on her work in respect of Stop & Search Authorisations with an overview of the legal context of the Justice & Security Act (JSA) in which authorisations are obtained and the powers specific to Northern Ireland.

She further outlined the process and methodology in which she conducted her reports and confirmed that she had viewed all the specific authorisations and associated documentation following strict protocols. She also discussed the recommendations contained within her reports.

Joanne responded to questions from Committee Members as to how authorisations are obtained, how they are completed, and conventions around who has designated responsibility for authorisations as well as the number of authorisations that were issued. Responding to a Members question in relation to the intelligence behind the authorisations Joanne confirmed that she did not have access to this or was informed as to where the intelligence originates.

The Chair thanked Joanne for her detailed reports and her briefing to Committee Members. She then left the meeting.

Following discussion it was:-

AGREED:-

- To request Joanne Hannigan to complete a further Stop & Search Authorisation report covering 1 October to 31 March **(AP 9)**
- Write to Chief Constable seeking views on the key issues raised by J Hannigan in her reports **(AP10)**

7. QUESTIONS FOR THE CHIEF CONSTABLE

The Committee considered the responses from Chief Constable questions arising out of the February Performance Committee meeting. In response Members raised concerns over the rationale for a PSNI Command Secretariat representative attending Committee meetings during PSNI briefing sessions as it did not address the original concern of Official Sensitive documentation.

Officials advised Members that as Command Secretariat were part of the PSNI communications teams their role was to ensure the committee had access to all information that was requested and were therefore attending in that capacity.

The Committee were asked to consider whether there were questions arising out of the meeting which it wishes to raise with the Chief Constable at the next Board meeting.

Members requested :-

1. The Board have a legislative requirement to oversee the functions of NCA in Northern Ireland. Can the Chief Constable comment on the added value of PSNI working with NCA in tackling serious and organised crime in Northern Ireland?
2. During Lord Justice Treacy's considerations in respect to the recent Judicial Review Challenge by Stephen Ramsey he acknowledged that PSNI, in failing to record the basis for the use of the power, was acting in breach of the requirement of the Code of Practice for the exercise of the powers in the Justice and security (NI) Act 2007. Can the Chief Constable advise on what action has been taken to address this finding?
3. Members of Performance Committee were recently advised that since the formation of the Legacy Investigation Branch 10 family reports have been completed. Can the Chief Constable provide the Board with reassurance that the case sequencing model does not disadvantage single family cases compared to the more resource intensive complex cases?

8. COMMUNICATIONS ISSUES

No issues raised

9. ANY OTHER BUSINESS

No other business was discussed.

10. DATE OF NEXT MEETING

The Committee agreed the date of the next meeting as 11 April 2019 at 10.00am

PERFORMANCE COMMITTEE

March 2019