

NORTHERN IRELAND POLICING BOARD

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

PRESENT:

Mr Mervyn Storey, Chairperson
Prof. Brice Dickson, Vice Chairperson
Mr Keith Buchanan
Mr Gerry Kelly
Mr Philip McGuigan
Dr Paul Nolan

POLICE SERVICE OF 1 ACC Alan Todd
NORTHERN IRELAND IN 1 2 other PSNI Officers
ATTENDANCE: 1 & 2 1 other PSNI (Secretariat) Official
2 T/ACC George Clarke
2 D/Chief/Supt Bobby Singleton
2 3 Other PSNI Officers

OFFICIALS IN Ms Jenny Passmore, Director of Performance
ATTENDANCE: 4 Board Officials

HUMAN RIGHTS ADVISOR: Mr John Wadham

(1) Item number : 6.4

(2) Item number : 6.5

1.0 APOLOGIES

Apologies were received from Mrs Dolores Kelly, Mrs Joanne Bunting, Mr Alan Chambers and Mr Tom Frawley.

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.

2.0 CONFLICTS OF INTEREST

No conflicts of interest were declared.

3.0 DRAFT MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE

The Committee considered the minutes of the meeting held on the 10 October 2019. The Committee agreed the minutes.

It was therefore:-

RESOLVED:-

That the draft minutes of the Performance Committee meeting held on the 10 October 2019 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 BODY WORN VIDEO (AP2 SEPTEMBER 2019)

The Committee considered the PSNI response into issues previously raised in relation to Body Worn Video. Members were reminded there would be a full briefing and presentation at Musgrave PSNI Station to December's Committee meeting. Discussion took place around the information received and a number of further questions arose.

It was:-

AGREED: -

To write to PSNI requesting that information is provided in their briefing for December.

This should include clarification on –

- The guidance issued to officers in relation to when to use BWV, particularly in relation to the balancing of privacy concerns and human rights considerations.
- Training in relation to the use of BWV and whether this is provided to both student officers and serving officers. **(AP1)**

PPS RESPONSE TO OUTCOME DATA ON POLICE INVESTIGATIONS (AP 9

4.2 SEPTEMBER)

The Committee considered the PPS written response that provided statistical information requested in relation to the outcome of cases initiated or investigated by the police. The information was examined and recognised that the figures provided would have more significance with comparative data from either that of other forces or data from previous periods.

Following discussion it was:-

AGREED:-

To write to PPS and ask if comparative statistical information for previous years' data is available to allow for a more detailed analysis to be carried out. **(AP2)**

5.0 CHAIRPERSON'S BUSINESS

5.1 COMMITTEE REVIEW ON POLICING DOMESTIC ABUSE

The Committee appraised the Board's Domestic Abuse Committee Review and agreed that this was a useful reference document and that it would be an informative record for the public on the work of the Performance Committee. It was acknowledged by Members

that a number of valuable contributions had been made by external stakeholders in producing the document.

It was:-

AGREED:-

To share the Review document with key organisations who represent victims of domestic abuse and thank them for their valuable input through the PSNI Domestic and Sexual Violence Independent Advisory Group. **(AP3)**

It was also:-

AGREED:-

To seek the Board's approval to publish the Review. **(AP4)**

5.2

SECTION 8 ATTORNEY GENERAL'S GUIDANCE ON THE USE OF IRISH LANGUAGE

The Committee considered the response from PSNI to the Board Chair's request for information on Section 8 Guidance on the use of the Irish Language. Members were asked to note that in the correspondence PSNI had requested that the Board's Human Rights Advisor assist in the development of their policy. Members were content for this arrangement. **NOTED**

6.0 ITEMS FOR COMMITTEE BUSINESS

6.1 NATIONAL CRIME AGENCY (NCA) NORTHERN IRELAND MEMORANDUM OF UNDERSTANDING (MoU)

The Director of Performance presented a paper to Members to update them on the response from the NCA Director General on the draft revised MoU and to provide Members with a copy of NCA's Communication Strategy.

Members discussed the changes highlighted in the MoU and were content to agree to two of the three proposed changes. Members also noted the NCA Communication Strategy. **NOTED**

Following discussion it was:-

AGREED:-

The Board Chair to advise the NCA Director General of the decision of the committee and provide an amended MoU for final sign off by the Director General. **(AP 5)**

6.2 STOP AND SEARCH AUTHORISATIONS

Committee officials delivered a paper asking Members to note the Final Addendum Report on PSNI's use and application of stop and search authorisations between 1 April 2019 and 30 September 2019 prepared by Joanne Hannigan, BL.

The report concluded that during the reporting period the relevant policies and procedures adopted by PSNI were appropriate and human rights compliant. Moreover all authorisations under the Justice and Security (Northern Ireland) Act 2007 were made in accordance with the provisions of the governing legislation and were considered justified, necessary and proportionate, however these should not be taken for granted and should be kept under review.

It was agreed that the Board's Human Rights Advisor will now take forward this monitoring work on behalf of the Board for stop and search authorisations in place from 1 October 2019. **NOTED**

6.3 HUMAN RIGHTS ADVISOR PROPOSED PROGRAMME OF WORK 2019/20

The Chairperson welcomed the Human Rights Advisor, Mr John Wadham, and invited him to provide the Committee with an overview of his proposed programme. Mr Wadham provided his proposed programme of work for the Board to monitor PSNI's compliance with the Human Rights Act and to review the Human Rights Monitoring Framework for the remainder of 2019/20.

Mr Wadham indicated what he considered were key areas for Human Rights Monitoring arrangements within PSNI and provided detail for his proposed work in the areas contained within the current Human Rights Monitoring Framework, outstanding recommendations from previous Human Rights Annual Reports and Thematic Reviews as well as other emerging issues.

Members agreed with the areas to be monitored and also suggested other general issues of public concern that may be appropriate for monitoring. **NOTED.**

6.4 BRIEFING ON PSNI'S PROPOSED INTRODUCTION OF SPIT AND BITE GUARDS

The Human Rights Advisor provided the Committee with an overview to PSNI's proposal to introduce spit and bite guards. Members were reminded that some discussion had previously taken place at both the September and October 2019 Performance Committee meetings.

Previous correspondence had been issued to PSNI which highlighted Members concerns including:-

- The use of a spit and bite guard on a vulnerable person;
- Consideration to provide alternative solutions; and
- Clarification on incidents of officers contracting a disease through either a spit or bite.

Mr Wadham addressed some further issues with Members through discussion and Members noted the paper for their briefing with PSNI.

The Chair welcomed ACC Alan Todd and two PSNI officers to the meeting and invited them to brief the Committee on PSNI's proposal to introduce spit and bite guards.

ACC Todd delivered a presentation which focused on:-

- The context for use;
- The national position;
- The advantages and disadvantages of the introduction of Spit and Bite Guards to Custody Suites and Operational Officers;

- Legal considerations and safeguards (including video application of guard); and
- Next steps.

During the ensuing discussion Members recognised that there was a duty of care for PSNI staff, but raised a number of concerns including; a possible use of escalation of the use of force, the practical application of the guard and the potential impact on public confidence in PSNI.

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

Following discussion,

It was:-

AGREED:-

To issue a letter to PSNI to provide more statistical evidence based on incidents of spitting and biting including the number of cases of officers contracting an infectious disease, alternative solutions; why the guards are being used on suspects and not officers, the EQIA to be conducted; the guidance and training to be provided to officers if they are introduced; and the consideration given to the impact on confidence in policing.

(AP 6)

It was also:-

AGREED:-

To seek information from the Northern Ireland Prison Service on their policy regarding the use of spit and bite guards in prisons and to provide a statistical analysis for the number of occasions that they have used spit or bite guards. **(AP 7)**

6.5 BRIEFING ON THE WORK OF THE PSNI LEGACY INVESTIGATION BRANCH (LIB)

The Director of Performance briefed Members with a summary of the Committee's requirement to monitor PSNI Legacy Investigation Branch and outlined the current

responsibilities of the Branch. Members noted the information provided to aid their discussion with PSNI.

The Chairperson welcomed T/ACC George Clarke and Detective Chief Superintendent Bobby Singleton along with three other PSNI colleagues. The Chairperson invited the PSNI Officers to provide the Committee with an overview of the work undertaken by LIB. Members were provided with an outline of the current caseload of 1130 incidents involving 1421 deaths and the use of a Case Sequencing Model to prioritise work, alongside the challenges that the branch experience to provide positive outcomes to investigations.

During subsequent discussion Members made observations around the family reports issued, the practical independence of LIB and new investigative opportunities given the advances in forensic evidence gathering.

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

7.0 QUESTIONS FOR THE CHIEF CONSTABLE

Members noted the responses to the Chief Constable questions submitted following the October Performance Committee meeting on PSNI's Media Policy and Conducted Electrical Devices.

Members agreed to ask the Chief Constable the following question from the meeting:

Legacy Investigation Branch

At a recent briefing by PSNI on the work of Legacy Investigation Branch Members were advised that the branch comprises of 70 officers and staff and has an annual budget of £4.5 million. Given that the number of staff currently working on legacy investigations accounts for less than 1% of PSNI's workforce and the budget for the branch is less than 1% of the overall PSNI budget, is the Chief Constable content that there are sufficient resources to address the outstanding legacy matters?

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

There was no other business.

10. DATE OF NEXT MEETINGS

It was agreed that the next meeting would take place on Wednesday 27 November 2019 at 10.00am in Waterside Tower to consider PSNI's use of Stop and Search powers.

Further agreement was given for a meeting that would take place on Tuesday 17 December 2019 at 1.30pm in Musgrave PSNI Station which would include a demonstration of Body Worn Video and a visit to the PSNI Custody Suite.

The meeting closed 1.00pm.