

**NORTHERN IRELAND POLICING BOARD**

**MINUTES OF A MEETING OF THE PERFORMANCE COMMITTEE MEETING  
HELD ON 11 April 2019 at 10.00, WATERSIDE TOWER**

**PRESENT:** Mr Mervyn Storey, Chairperson  
Prof. Brice Dickson, Vice Chairperson  
Mr Alan Chambers  
Mr Tom Frawley  
Mrs Dolores Kelly  
Mr Gerry Kelly  
Mr Philip Mc Guigan  
Dr Paul Nolan

**POLICE SERVICE OF** 1 ACC Mark Hamilton  
**NORTHERN IRELAND IN** 1 Chief Superintendent Emma Bond  
**ATTENDANCE:** 1 3 PSNI Officials

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

**(1) Item numbers - Item 6.2**

**1. APOLOGIES**

Apologies were received from Mr Keith Buchanan and Mrs Joanne Bunting.

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**

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 March 2019.

It was:-

**RESOLVED:-**

That the draft minutes of the Performance Committee meeting held on the 14 March 2019 were agreed.

**4. UPDATE ON ACTION LOG**

Committee Members were advised that items of correspondence recorded in the Action Log would be considered under Item 5 Chairpersons Business. Members noted other updated actions from the Committee meeting held on 14 March 2019. **NOTED**

**5 CHAIRPERSONS BUSINESS**

**5.1 Correspondence A. Kilpatrick (AP5)**

Members considered a letter from the former Human Rights Advisor in respect of the draft Human Rights Report. In respect of the next steps it was;

**AGREED:-**

- To write to Ms. Kilpatrick advising her that the Committee would not require any further input from her in respect of the draft Human Rights Reports and to convey the appreciation of Members for her work in drafting the reports. **(AP1)**
- Write to PSNI to request fact checking of the Human Rights Annual Report, once costs from PSNI have been received (as per action AP6 from the March meeting). Members agreed to provide delegated authority to the Chair to approve when the response is received **(AP2)**
- Human Rights Annual Report to be published as at the position in September 2017 with an introductory section explaining the delay (once PSNI fact checking is complete) **(AP3)**
- Assurance Reports produced by Officials in the absence of a Human Rights Advisor to be amalgamated into a comprehensive report and accompany the Human Rights Annual Report for publishing. **(AP4)**

## 5.2 Correspondence R Burgess, National Crime Agency (NCA) (AP7)

Members noted correspondence from NCA in relation to one recommendation from the Child Sexual Exploitation (CSE) thematic review. Members were also informed that PSNI would be providing an update on the other recommendations from the report at the Performance Committee meeting in May. **NOTED**

## 5.3 Correspondence NCA (MOU) (AP4)

Members considered the response from NCA in relation to the amendments requested at the March Committee to the Memorandum of Understanding between the Board and the NCA. Members were content with the response in relation to point 6.1 of the MOU however expressed concern over the response in relation to point 6.3. Members therefore:

### **AGREED:-**

- To issue further correspondence to NCA on the matter of point 6.3 MOU to ask NCA to reconsider their position **(AP5)**

## 5.4 Correspondence Draft Response to CSE Legislation

Members considered the correspondence and agreed with the draft reply on behalf of the Committee. Members welcomed the proposed measures for ensuring that the legal framework is up to date, appropriate and effective at protecting children from sexual exploitation. Members also discussed the implications of recent court cases regarding sharing of indecent images of children and would encourage the Department to consider options for public education on the nature of online offending, how young people use the internet and potential risk-taking behaviours.

It was:

### **AGREED:-**

- To include a line within the draft response to encourage the Department of Justice to consider options for public education on the implications and potential offending in sharing indecent images **(AP6)**

## 6. ITEMS FOR COMMITTEE BUSINESS

### 6.1 PSNI Performance against the Policing Plan 2018/19: Performance Committee Measures

Members considered a paper in relation to PSNI performance against the policing plan.

**NOTED.** Members discussed a number of issues highlighted in the paper including Body Worn Video Evidence, the findings within the initial Gillen Report and also focused a discussion on the issue Domestic Violence and Sexual Abuse. In particular, Members noted the issue surrounding police led investigations in this area, support to victims and training of officers. Members also discussed the PSNI led Working Together Project and requested further information on its progress. It was therefore:

#### **AGREED:-**

- Members to be provided with an update of effectiveness, scope and cost of the Working Together Project. **(AP7)**
- Organisations that are represented on the Domestic Abuse and Sexual Violence IAG invited to the June Committee meeting for a round table discussion with Members **(AP8)**

### 6.2 Briefing on Human Rights Thematic Review on Policing Race Hate Crime.

Members considered a paper outlining the 14 recommendations for PSNI within this thematic review which were accepted and actioned.

The Chair welcomed ACC Mark Hamilton, Chief Superintendent Emma Bond and three other PSNI Officials who presented on their work in relation to Race Hate Crime and the wider Hate Crime portfolio. ACC Mark Hamilton introduced the team and briefed the Committee on the work to date in this area. Responding to questions from Members, the PSNI team;

- Provided an update on the 14 recommendations from the Race Hate Thematic Review, including actions already taken and progress against each;
- Outlined the definition in law of Race Hate Crime and components needed to secure a prosecution;

- Advised that while Race Hate Crime has increased and sectarian crime has decreased, the figures must be read with caution and cannot be compared against one another as they are not equal comparators;
- Outlined the role and function of District Champions;
- Provided details on the role of Support Hubs, comprising of multi-agency groups at district level;
- Advised that training of PSNI officers is an ongoing process with specialist interest groups brought in to ensure continued and relevant learning;
- Advised that the UK has the widest definition of Race Hate crime and therefore figures can appear higher than those of other countries, including the Republic of Ireland, who have a different threshold for crimes to be considered hate crime. Therefore comparison can be difficult due to the scope of definition;
- Provided an overview of the positive engagement between PSNI and Muslim community in the Newtownards who were the focus of recent race hate crime activities.

ACC Hamilton and Chief Superintendent Bond advised they will provide further information to Committee Members including: **(AP9)**

- Race Hate Crime figures which includes a further breakdown of religion against ethnicity;
- Recommendation 1 to be updated to identify the process by which PSNI liaise with communities;
- The use of Community Resolution Notices for Hate Crime;

Members also are seeking the number of those convicted of hate crimes and what sanction was administered from PPS. **(AP10)**

This information will be provided to the committee as part of the monitoring of measure 2.1.2 (Hate Crime) in the 2019/20 Policing Plan in October 2019.

The Chair and Members thanked PSNI Officials and they left the meeting.

### 6.3 Briefing paper in the Independent Review of Justice and Security (NI) Act 2007 report

Members considered a paper which provided an overview of David Seymour's fifth report which covers the period 1 August 2017 to 31 July 2018. Members also noted the full report which accompanied the paper. Members discussed a number of key issues of concern from the report including the use of Stop and Search powers under Justice and Security Act and in particular impact on Children, Body Worn Video and the judgement on the Ramsey case. **NOTED.**

### 6.4 Briefing on Stop and Search

Members noted a paper containing research and statistics from Dr John Topping's work on Stop & Search. The Chair then welcomed Dr. Topping to the meeting to present further detail on his research. Dr. Topping clarified the different authorisations permitted under Stop & Search and that his research is focused on Stop and Search under PACE using data from PSNI. He also advised the Committee that he is currently working with PSNI on a consultancy basis in relation to Stop and Search. He is working with a group of PSNI student officers and will monitor their use of stop and search powers over a period of time in District Local Policing Teams. Dr. Topping will be presenting PSNI with interim reports on his findings. Responding to questions from Members, including a request for suggestions on key areas for Committee consideration, Dr. Topping commented on the following key points;

- Northern Ireland has a higher rate of Stop and Search under PACE than other areas of UK, England and Wales have reported a 75% reduction;
- The arrest rate resulting from Stop and Search is significantly lower than other parts of the UK;
- There is a disparity between the higher number of Stop and Searches conducted and low amounts of arrests resulting from them;
- PSNI at present are unable to provide full Section 75 data in relation to individuals stopped under Stop and Search powers, however police in Scotland are able to record this data through their use of IT technology. This is an area that needs to be explored further by sharing best practice;
- There is a significant difference in levels of police confidence between younger

and older people, with younger people having significantly lower confidence in PSNI;

- Community confidence, (particularly among a younger demographic) in PSNI may dissipate with the increased use of Stop and Search powers.

The Chair and Members thanked Dr. Topping for his presentation he left the meeting. Members were advised that ACC Alan Todd would be attending the Committee meeting in May to provide a briefing on Stop & Search. Members discussed issues they wish to raise with ACC Todd and it was therefore:

**AGREED:-**

To advise ACC Todd on the issues surrounding Stop and Search highlighted during the April Committee meeting **(AP11)**

**7. QUESTIONS FOR THE CHIEF CONSTABLE**

The Committee considered the responses from Chief Constable questions arising out of the March Performance Committee meeting.

Members raised concerns in respect of the response to Question 1 (Judicial Review in Ramsey case), and were not content that the response was adequate, and although an appeal from PSNI is pending, wished to know how PSNI intended to comply with the findings. In respect of Question 3 (LIB and issue of case sequencing) members did not consider the response from the Chief Constable comprehensive enough to address the issue. A more comprehensive question was to be submitted as part of April Committees questions to the Chief Constable. Members also wished to be notified on PSNI's decision regarding an appeal to the judgement in respect to the response to Question 4 (McQuillan case).

It was;

**AGREED:-**

- Ask PSNI what steps have been taken to address Lord Justice Treacy's findings.

This issue to be addressed by ACC Todd at the Performance Committee meeting in May 2019. **(AP12)**

- Officials to keep Committee Members informed as to any potential PSNI appeal against the McQuillan judgement. **(AP13)**

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. Taking into consideration Police Scotland's proactive training of over 14,000 officers ahead of the implementation of the Domestic Abuse (Scotland) Act 2018 on 1 April 2019, in respect of the planned introduction of a new domestic abuse offence that encompasses coercive and controlling behaviour, can the Chief Constable advise of the measures taken to prepare officers for dealing with these intended criminal behaviours?
2. Recent reviews and inspections of the criminal justice system in Northern Ireland have highlighted significant barriers to effective communication between the PSNI, the PPS and the NICTS. Can the Chief Constable explain what progress or investment, if any, has been made in relation to creating more efficient and collaborative systems? Of particular concern are incidents of incompatibility of body-worn video evidence at Court and the quality of ABE interview footage.
3. Can the Chief Constable provide the name of the deceased, and the date of death, of each of the deaths in single family cases reviewed by the Legacy Investigation Branch since its formation in 2015 and which of these cases have resulted in the issue of a family report to the family concerned?

## **8. COMMUNICATION ISSUES**

Members were informed that a Race Hate Crime event was due to take place on 18 June 2019 and were encouraged to attend.

**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 the 9<sup>th</sup> May at 10.00am.

**PERFORMANCE DIRECTORATE  
APRIL 2019**