

**NORTHERN IRELAND POLICING BOARD**

**MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD ON  
14 March 2024 AT 9:30am**

**PRESENT:**

Mr Gerry Kelly, Chair  
Dr Janet Gray, Vice-Chair  
Mr Cathal Boylan  
Mr Brendan Mullan  
Mr Peter Osborne  
Ms Nuala McAllister  
Mr Frank McManus\*  
Mr Les Allamby  
Mr Trevor Clarke  
Ms Cheryl Brownlee  
Mr Mark Durkhan

**EX-OFFICIO MEMBER  
IN ATTENDANCE**

Mr Edgar Jardine

**POLICE SERVICE OF  
NORTHERN IRELAND IN  
ATTENDANCE:**

(1) C/Supt Claire McGuigan  
(1) T/ACC Ryan Henderson

**OFFICIALS IN  
ATTENDANCE:**

Mr Adrian McNamee\*, Director of Performance  
Mr John Wadham, Human Rights Advisor  
4 Board Officials

- (1) Present for Item 6.1 only  
(2) \*Attended via video conferencing

**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 items were raised.

**2. CONFLICTS OF INTEREST**

No conflicts of interest were declared.

**3. MINUTES OF THE PREVIOUS MEETING**

The Committee considered the draft minutes of the Performance Committee meeting held on 8<sup>th</sup> February 2024.

It was **RESOLVED**:-

That Minutes of the Performance Committee meeting on the 8<sup>th</sup> February 2024 were agreed.

**4. 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 to be brought back to the Performance Committee.

**NOTED.**

The Director provided an update on AP2 from the meeting held on 9 November 2023 that the Human Rights Advisor would follow up with the Chief Constable in due course on the issues of PACE and TACT arrests. The Human Rights Advisor has contacted the Chief Constable in relation to this matter.

The Director provided an update on AP5 from the meeting held on 14 December 2023 that Officials to request a copy of the PSNI's policy regarding adding flags to the NICHE system. The information requested in December'23. Response received from PSNI to state that there is currently no policy on this. They have included details of Officer training on this and that a work on developing a policy on this has started. Response included at Item 4.1 today.

#### **AGREED**

Officials to seek further information on timeframes in relation to Officer training on the NICHE system. **(AP1)**

The Director provided an update on AP6 from the meeting held on 14 December 2023 that Officials to prepare options paper on Legally Qualified Chairs for disciplinary panels within PSNI. An update on the Review of PSNI Professional Standards, Recommendations for Improvement, November 2022 was included in last month's agenda. An updated paper with positives and negatives is tabled at Item 6.5 on today's agenda.

The Director provided an update on AP8 from the meeting held on 14 December 2023 that Officials to write to PSNI regarding whether personal profiling is carried out on officers as part of the vetting process. Members sought further clarity on whether "personal" or "personality" profiling is carried out as part of the vetting process. PSNI clarified that 'personality profiling' or 'personal profiling' is not carried out as part of the vetting process.

The Director provided an update on AP1 from the meeting held on 8 February 2024. Officials requested issues raised by Members regarding T10 CED device and submitted to T/ACC Mel Jones. Follow up issues received from Members and submitted to PSNI on 20<sup>th</sup> February. The PSNI's response from T/ACC Mel Jones is included at Item 4.1. Members were content to close this action.

In relation to AP2 where Members advised that Officials should not attend PSNI panels and that Board officials should be removed from the Strip Searching of Juveniles Scrutiny Panel TOR, Board officials have been removed as observers from the scrutiny panel. Members were content to close this action.

The Director provided an update on AP3 from the meeting held on 8 February 2024. Officials followed up with ACC McEwan on Operation Roric, domestic abuse statistic and MARAC issues raised under Item 6.1 VAWG. An update was provided from PSNI on each issue.

### **AGREED**

Officials to follow up with PSNI seeking further clarification on Operation Roric to include information on patterns, themes and timeframes. **(AP2)**

The Director provided an update on AP4 from the meeting held on 8 February 2024. Officials followed up with T/ACC Jones on her recent correspondence to DoH regarding the use of a Spit and Bite Guard on a child. T/ACC Jones has shared her correspondence of 24<sup>th</sup> January 2024 and is included in Item 4.1.

### **AGREED**

Officials to follow up with T/ACC Mel Jones on recent correspondence issued to DoH in relation to the use of Spit & Bite Guard on a 12-year-old child and request that any response to be shared with Committee.

**(AP3)**

Officials to follow up with OPONI to check if the recent incident of a use of Spit and Bite Guard on a 12-year-old child has been examined by OPONI officials. **(AP4)**

The Director provided an update on AP5 from the meeting held on 8 February 2024. Officials to follow up with PSNI on JSA recommendations in relation to Irish Travellers and community background monitoring. T/ACC Jones has provided Members with an update on each of these issues in her correspondence of 5<sup>th</sup> March 2024. This is included at Item 4.1.

### **AGREED**

Officials to follow up with PSNI on why the JSA Stop and Search powers are used on the Irish Traveller Community when the authorisation is specific to terrorism and if the recent research can be shared with Performance Committee. **(AP5)**

The Director provided an update on AP6 from the meeting held on 8 February 2024. Members requested that Officials share the draft Human Rights Five Year Review two weeks in advance of the March Committee. A draft Summary Report, a Draft Report and a tracked changes version was shared with Members on 1<sup>st</sup> March for consideration and it tabled today at Item 6.4 for further discussion.

The Director provided an update on AP7 from the meeting held on 8 February 2024. Officials to follow up on the NCA MOU and discuss Members views on

the NCA proposed changes. Members feedback shared with NCA and this is currently under consideration and awaiting NCA response.

The Director provided an update on AP8 from the meeting held on 8 February 2024. Members requested that additional time is allocated to allow Members to complete a self-evaluation of Committee Performance for the last year. Time for this will be factored into the April Performance Committee meeting.

Members were content with the updates provided in relation to the Action Log.

#### **4.1 Accompanying Correspondence**

Members considered the correspondence received from the PSNI in relation to:

- AP5 December 2023 – Policy on Flags
- AP1-4-5 February 2024 – issues raised at February Committee
- AP1 February 2024 - Tasers
- AP3 February 2024 – Op Roric
- AP3 February 2024 – Marac
- AP3 February 2024 - Domestic Abuse legislation
- AP4 February 2024 – Domestic Abuse legislation
- AP5 February 2024 – letter to DoH regarding use of SBG (redacted copy).

## **5. CHAIRPERSON'S BUSINESS**

The Director of Performance directed Members to one item for Chair's business this month. Correspondence from ACC Singleton responding to a request from the Human Rights Advisor to update the Performance Committee on PSNI's position on the immigration status of victims and witnesses and their relationship with the Home Office was shared with Members.

Members were content with the response provided.

## **6. ITEMS FOR COMMITTEE BUSINESS**

### **6.1 PSNI Update on Legacy**

The Director of Performance informed Members that there is a responsibility for the Committee to “Monitor the work of PSNI Legacy Investigations Branch” in the Terms of Reference for the Performance Committee, under the section concerning Other Police Performance (5.2). This duty has been fulfilled by arranging for the Legacy Investigations Branch to attend Committee and to provide an update on its latest caseload. Officials, therefore, have arranged for senior officers to present the latest information concerning the Legacy and Disclosure Branch to Members.

The Chairperson welcomed T/ACC Ryan Henderson and Chief Superintendent Claire McGuigan to the meeting. He invited them to brief Members. T/ACC Henderson presented an update to Members that included:

- Current personnel;
- Update on the current workload;
- Update on Litigation and disclosure;
- Victims Payment; and
- The impact of the Legacy Act 2023.

The main points from the PSNI presentation included:

- The PSNI highlighted to Members the work of the Legacy Investigations Branch which currently investigates homicides and security forces related deaths arising from the Northern Ireland ‘troubles’ between 1969 and 2004 and unsolved ‘non- troubles’ related deaths between 1969 and 2004. The Branch consists of 182 staff across five branches;

- At present there are currently 1,108 live cases with the Legacy and Disclosure Branch. As of the 1<sup>st</sup> May 2024 the Branch will retain approximately 200 legacy non troubles related murdered investigations;
- Informing Members that the new Legacy Act 2023 will come into effect on the 1<sup>st</sup> May 2024 and the impact for this on the Branch;
- The new Act will result in PSNI no longer investigating cases between 1<sup>st</sup> June 1966 to 10 April 1998. These will now be passed to the independent Commission for Reconciliations and Information Recovery (ICRIR).
- The ICRIR is a new body designed to support victims and survivors of the troubles and its legacy in Northern Ireland. The body is demand led and therefore will only take forward reviews that are requested by families of the victim or survivors;
- In the interim period of the new body IRCIC coming into play, PSNI advised they are fully committed to working closely with families to manage expectations and providing clear lines of communication to ensure no undue distress is caused;
- The PSNI referred to the Sensitive Litigation team. They informed Members of the many challenges in this area of investigation with regards to meeting court timetables;
- The Victims Payment Scheme is an evidence gathering role with the PSNI as the key evidence provider. This scheme is funded externally and the PSNI regard it as extremely worthwhile work. 94% of all requests are completed within the 28 day SLA. Members were informed that PSNI must compile a list of investigations on VPS and provide to the courts by the 1<sup>st</sup> May 2024.

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

- A Member asked for clarity on ownership of the investigation process and the disclosure process once the Legacy Act comes into force;



- A Member sought further explanation around disclosure of information for remaining cases on file and if this could result in further reputational damage to PSNI;
- A Member referred to the remaining 200 non trouble related murders and asked how these will be managed from a resourcing perspective; where they are currently with these cases and if it is realistic to complete within the 5 year period;
- A Member queried if the PSNI anticipate any difficulty in acquiring information on outstanding legacy cases;
- Members queried high value claims and the use of Public Interest Immunity (PII) certificates;
- A Member asked for clarity regarding outstanding evidence cases in relation to the Victim Payment Scheme and when they envisage the backlog will be cleared;
- A Member queried if files have a shelf life? and
- In relation to digitalisation of documents a Member asked if they foresee any issues with accessing older systems?

The PSNI provided the following responses:-

- With regards to ownership of the investigation and disclosure process PSNI advised Members that the ICRIR will be the sole body responsible for investigations into deaths and other harmful conducts during the troubles;
- In relation to providing reassurance to families that work remains ongoing ahead of the Legacy Act (2023) PSNI highlighted that whilst these cases are complex and processes must be followed the primary objective is to be transparent with families at all stages of the investigation. PSNI advised there is work currently underway which looks at streamlining this process;
- The PSNI advised that the 200 non troubles related murder investigations are all relatively new cases which provides opportunity for deeper investigations to be conducted. Changes being brought in means the

PSNI will have a dedicated investigative branch solely focused on those cases;

- PSNI informed Members that they will report back on the outstanding cases in relation to the Victims Payment Scheme;
- PSNI informed Members that there is a legal obligation to retain all files; and
- With regards to accessing older system the PSNI advised that whilst a lot of files have been digitised there is still a lot of material held on old systems and there is an ongoing piece of work in how to best maintain these files.

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

Following the discussion it was:-

### **AGREED**

Officials to follow up with PSNI on the Victims Payment Scheme and seek further information on the 6% of evidence requests not achieved within SLA. **(AP6)**

## **6.2 Terrorism Investigation Unit**

The Chair advised Members that PSNI have indicated that they would wish to postpone the discussion on this item today and return to it at a later when a senior officer is available to report to the Committee.

Following discussion it was:-

## **AGREED**

Officials to reschedule meeting with PSNI Terrorism Investigation Unit.

### **6.3 Human Rights Advisor Monthly Report – February 2024**

The Human Rights Advisor provided Members with an overview of areas within his current work programme during February 2024 including, finalising the drafting of the Five Year Review and Human Rights Annual Report and scoping and drafting the Children and Young People and Policing Report.

The Human Rights Advisor updated Members on his attendance at a range of meetings over the last four weeks. He also informed Members of his February work plan including, finalising the Five Year Review and Human Rights Annual Report, drafting the Children and Young Persons Report, attending officer training event and a PHD student seminar at Ulster University and Queens, events with children and young people for the above report, Victims of Crime Commissioner; College of Policing lecture/discussion, regular meeting with Deputy Chief Constable, Service Accountability Panel, Board and Performance Committee and assisting with preparation of other reports and meetings with PSNI officers and others.

Following discussion it was:-

## **NOTED**

Members were content with the Human Rights Advisors Update Report and the remaining schedule of work for March 2024.

## 6.4 Human Rights Five Year Review

The Human Rights Advisor reminded Members that the Performance Committee had the opportunity to discuss the draft Human Rights Five-Year Review at their December Committee meeting. Following this meeting, Members were provided with the opportunity to make comments and provide feedback on the current draft. The draft was also issued to PSNI for a factual accuracy check as per normal practice and comments were received in late January.

Following consideration of the full Five-Year Review report at the December meeting, Members forwarded a number of helpful comments, which have been considered by the Human Rights Advisor and changes have been made in relation to most of these and these have been set out as tracked changes in this new version of the Report.

The Human Rights Advisor informed Members that DUP Members suggested that, where they disagree with the position taken in the report, their objections should be noted. This has been done where this is possible. However, there is a section of the report on stop and search where the DUP's position conflicts with the main thrust of the report. In this case the DUP's position has been set out in the report (page 47). In order, to try to achieve consensus on the draft report and to agree a version for recommendation to the Board, further discussion will be necessary at the Committee.

The Human Rights Advisor asked Members to note that a comprehensive fact check was received from PSNI and changes were made as a result. These changes made are also tracked in this new version. The delay in being able to finalise this report, has also been used to update a few areas of the report, and these are also tracked in the new version. Finally, this delay also enables the report to cover the period until the end of December 2023, and complies

with the requirement to produce a Human Rights Annual Report (as required by the Police (Northern Ireland) Act 2000).

Members were requested to **consider** this update on the development of the Human Rights Five-Year Review and **recommend** to the Board that all three documents are published.

Members reviewed and discussed recommendations within the report.

Following discussion it was:-

### **AGREED**

Members agreed that the draft report be amended to reflect the Committee's consensus view.

Members agreed to send in amendments to board Officials ahead of issuing final draft copy for recommendation to Board.

## **6.5 LQC's and Senior Officers chairing Misconduct Hearings**

The Human Rights and Professional Standards Manager (HRPSM) informed Members that this paper outlines the advantages and disadvantages of having Legally Qualified Chairs (LQCs) or Senior Police Officers preside over police misconduct hearings, as well as Senior Police Officers chairing with LQCs in an advisory role. Members had requested that officials bring forward a paper highlighting the positives and negatives of using Legally Qualified Chairs in police misconduct proceedings.

The HRPS Manager stated that The Police (Conduct) Regulations (Northern

Ireland) 2016<sup>1</sup> state that Misconduct Hearings in Northern Ireland are chaired by a PSNI Assistant Chief Constable (ACC) and include another senior officer, (regulations state, an officer holding rank above that of Chief Superintendent), from PSNI, as well as an independent person. The availability of an ACC in the PSNI to carry out this function is impacted upon due to their ACC roles and responsibilities.

Members were informed that in October 2022 a review into the process of police officer dismissals was announced. As a result, the Home Office recently published that, from April 2024, England and Wales misconduct panels will be chaired by the Chief Constable or delegated officer, an LQC, in an advisory role, which will now be known as a Legally Qualified Advisor (LQA) and two independent panel members, therefore, amending the Police Conduct Regulations 2020. This is designed to ensure that the system is fair and effective at removing those officers who are not fit to serve.

Members discussed the paper.

Following discussion it was:-

### **AGREED**

Members agreed to consider the wider issue surrounding LQC and Senior Officer chairing Misconduct hearings in greater detail.

Officials to invite PSD to a Performance Committee meeting to discuss delays in misconduct proceedings and the use of Legally Qualified Chairs. **(AP7)**

## 6.6 Community Policing Survey

The Director of Performance stated that Measure 3.1.3 of the Policing Plan requires the Board to assess and evaluate the impact of partnership working with local communities, including but not exclusively, in areas of high deprivation and areas that have been repeatedly victimized. As part of monitoring and evaluating this Measure, the Board carries out an annual Community Policing Survey which provides valuable information on the experience of community involvement in policing. The paper provides Members with an update on the Policing Plan Survey 2024.

Members were requested to provide feedback on the draft 2024 Survey and note the update on the work carried out by the Board's statistician in relation to the Community Policing Survey for 2024.

Members considered the Policing Plan Survey 2024 and raised a number of issues regarding the Policing Plan Survey 2024 and the low levels of response. They questioned the value of carrying out the survey and the need for a more targeted outreach in order to yield better results. The Director stated that this survey is the main source of information for Measure 3.1.3 and as this is the final year of the 2020-2025 Policing Plan that it would be beneficial to proceed with the Survey this year but then review its value as part of a new Policing Plan for 2025-30.

Following discussion it was:-

**AGREED:**

Official to proceed with the Community Survey for 2024.

## 7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 Members identified the following question to ask the Chief Constable:

*Officials to follow up on the Chief Constable's response regarding Rape Myths Training requesting a timeline in relation to training and to include how many Officers are yet to undertake training and when will this take place. (AP8)*

7.2 Members noted the responses from PSNI that had been provided to the previous Chief Constable questions.

## 8. COMMUNICATION ISSUES

No communication issues were identified.

## 9. ANY OTHER BUSINESS

## 10. DATE OF NEXT MEETING

It was agreed that the next Performance Committee meeting would take place on **Thursday 18<sup>th</sup> April 2024** at **9:30am**

Meeting closed at 1:40pm.

**PERFORMANCE DIRECTORATE**

**14<sup>th</sup> March 2024**

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**Chairperson**