

NORTHERN IRELAND POLICING BOARD

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

PRESENT:

Mr Gerry Kelly, Chair
Mr Les Allamby, V-Chair
Mr Cathal Boylan
Mr Peter Osborne *
Ms Nuala McAllister
Mr Frank McManus*
Mr Trevor Clarke
Ms Cheryl Brownlee
Mr Mark Durkan*
Mr Patrick Nelson*
Mr Thomas O'Reilly
Mr Alan Chambers*

**EX-OFFICIO MEMBER
IN ATTENDANCE**

Mr Brendan Mullan

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

(1) T/ACC Davy Beck
(1) T/Det Chief Superintendent Emma Neill
(1) Chief Superintendent Stephen Murray

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

(2) T/ACC Davy Beck
(2) Det Chief Superintendent Eamonn Corrigan
(2) Det Superintendent Stuart Griffin

**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) Present for Item 6.2 only
- (3) *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 18th April 2024.

A Member raised an issue arising at Item 6.2 in relation to misconduct delays on page 6 of the draft minutes. He stated that he did not wish to change the minutes but proposed to put on record that while an employer’s responsibility to its people is laudable, it cannot override the employer’s responsibilities to the general public when its employees are given considerable powers that others don’t have.

It was **RESOLVED:-**

That Minutes of the Performance Committee meeting on the 18th April 2024 were agreed.

4. UPDATE ON ACTION LOG

The Director of Performance provided an update on the open actions listed on the Action Log.

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 and a meeting is arranged for 12th June with the Chief Constable.

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. NCA have agreed the draft MOU. It will be signed by the Chair and the DG at the June Board meeting.

The Director provided an update on AP8 from the meeting held on 8 February 2024 Members requesting that additional time is allocated to allow Members to complete a self-evaluation of Committee Performance for the last year. Feedback is tabled at Item 6.3 of the agenda for discussion.

The Human Rights and Professional Stands provided an update on AP1 from the meeting held on 14 March 2024 to seek further information on timeframes in relation to Officer training on the NICHE system. PSNI provided a detailed response on the timeframes. Members requested further information on the NICHE system.

AGREED

Officials to arrange a presentation from PSNI for Members on the NICHE system. **(AP1)**

The Director provided an update on AP3 from the meeting held on 14 March 2024. Officials to follow up with T/ACC Mel Jones on recent correspondence issued to DoH in relation to the use of Spit and Bite Guard on a 12-year-old child and requested that any response to be shared with Committee. Correspondence issued to T/ACC Jones on 20 March 2024. PSNI are currently awaiting a response from DoH on this issue and will share that response with the Committee when available.

AGREED

Officials to follow up with T/ACC Jones and ascertain if a response has been received from DoH in relation to the use of Spit & Bite Guard on a 12-year-old child and if not, write to the Health Trust concerned. **(AP2)**

The Director provided an update on AP4 from the meeting held on 14 March 2024. 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. OPONI have responded to state that:

“On review of the Body Worn Video and examination of police documentation PONI concluded that the police use of a Spit and Bite Guard on (name deleted) on 01/10/2023 was justified, and complied with the regulations as set out in chapter 16 of the PSNI Conflict Management Manual in applying the Spit and Bite Guard.”

The Human Rights Advisor added that the Police Ombudsman has looked at the case again and reopened it under Section 55(6) Police Act (NI) 1998 and he will keep the Committee updated on progress.

The Director provided an update on AP5 from the meeting held on 14 March 2024. 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. Correspondence issued to T/ACC Jones on 20 March 2024. PSNI responded to state that they are working to compile the answer.

The Director provided an update on AP6 from the meeting held on 14 March 2024 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. Correspondence issued to T/ACC Henderson on 20 March 2024. Response received and included at Item 4.1 today. The Director highlighted the main points contained within the correspondence and Members were content with the response.

The Director provided an update on AP1 from the meeting held on 18 April 2024 Officials to write to the Head of PSD to request figures for Notifiable Memberships and FOI requests for the previous five-year period. Correspondence issued to D/Chief S/Intendent S Wright 19 April 2024. The Director conferment that a response was received and included at Item 4.1. He highlighted the main points contained within the correspondence and Members were content to close this action.

The Director provided an update on AP2 and AP 3 from the meeting held on 18 April 2024 Officials to write to T/DCC Todd requesting an update report on PSNI's response to the recommendations contained within the Angiolini Report and also a timeframe for the Board receiving a draft Revised Code Of Ethics. Correspondence issued to T/DCC Chris Todd on 19 April 2024. A response to the Chair is included at Item 5.1 on today's agenda.

The Director provided an update on AP4 from the meeting held on 18 April 2024 Officials to circulate the updated Committee Report and self-evaluation questionnaire for Members to consider and complete and send back to officials ahead of the next Performance Committee meeting for further discussion at the May meeting. An updated Draft and Questions were

circulated to members and feedback has been provided. This has been included at Item 6.3 on today's agenda for discussion.

4.1 Accompanying Correspondence

As part of the action log Members considered the correspondence received from the PSNI in relation to:

- AP6 March 2024 – Victims Payment Scheme
- AP1 April 2024 – Notifiable Memberships and FOI's.

5. CHAIRPERSON'S BUSINESS

Members considered correspondence from the T/DCC Chris Todd to the Chair in relation to the Angiolini Report and the timeframe for the Code of Ethics. Following discussion Members:

AGREED

Officials to meet with PSNI to discuss the timeframe around the Code of Ethics, finalise the next steps in the process and report back to Performance Committee. **(AP3)**

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Measure 1.2.2 Organised Crime Groups - Performance Plan 2024/25

A Board Official reminded Members this is the first time this measure has been considered by the Performance Committee within this reporting period and that the work of the Policing Plan Review Working Group proposed that

the descriptive terminology for impact be changed from frustrations, disruption and dismantling to minor, moderate and major impact. This is to bring Northern Ireland into line with the UK reporting framework on Organised Crime Groups (OCGs).

Members were reminded that as discussed at the April Performance Committee, Board Officials have included a new table to show the 'RAG status' for this measure over the past 2 years.

Members were asked to note that the PSNI' Serious and Organised Crime (SOC) and National Crime Agency (NCA) reports are now biannual. Q3 and Q4 SOC and NCA reports will be presented to the Board in June 2024. The Director General of the NCA Graeme Biggar will attend this Board meeting to discuss the NCA's biannual Q3 and Q4 report.

The Chairperson welcomed the PSNI to the meeting. He invited them to brief Members on the work relating to Policing Plan Measure 1.2.2 Organised Crime Groups.

The PSNI began by informing Members that it is responsible for investigating 61 OCGs, of which 40 of these are managed on the APMIS system. Drugs is the primary threat and accounted for the majority of Disruptions. The PSNI stated the report card provides examples of some recent successes, such as the seizure of £450,000 worth of Class C drugs in January 2024 in partnership with UK Border Force. There has also been a decrease of 5.5% in overall crime, however, there has been an increase in paramilitary assaults and shootings. The PSNI added that ongoing resourcing and funding gaps are providing challenges and there is a shortfall of £1m in funding for the Paramilitary Crime Taskforce this year and this funding will cease in 2025.

The PSNI explained it has now moved from the CRIMNET system to MORILE assessments which captures performance on the APMIS system. This

provides a clearer picture of the threat and a key benefit of using MORILE is that it is used by colleagues across the UK. Of the 379 disruptions, 6 were Major, 41 Moderate and 331 Minor. Drugs is the primary threat category and £21m in drugs was seized in 23/24 compared to £9m in 22/23. The PSNI added that in relation to the activities of the Paramilitary Crime Task Force (PCFT), there has been 107 disruptions and 33% of OCGs have paramilitary links. However, this funding came from the Fresh Start agreement and there is no further funding agreed beyond March 2025 so this is a huge resourcing pressure.

The PSNI also provided an update on the following areas:

- Operation Connexus;
- ATM thefts;
- Modern slavery and human trafficking;
- Drugs; and
- South East Antrim UDA.

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

- In relation to the drugs threat, a Member asked why there have been less arrests, searches, and criminal justice outcomes in the 2nd half of the financial year in certain areas;
- A Member sought further explanation regarding the South East Antrim UDA being downgraded from a P2 to P4 and asked on what basis was this decision made;
- A Member also queried if the South East Antrim UDA 14 arrests are directly related to criminal justice outcomes;
- In relation to the Policing Plan measure 1.2.2 Organised Crime Groups a Member asked how the outcomes directly impact on delivering against the Police Performance measure and whether they agree it is AMBER as decided by the Board;

- A Member voiced their concern that the influences of paramilitarism is prevalent among women and girls and asked what measures PSNI have in place to tackle this;
- In relation to neighbourhood policing a Member asked how the relationship is working with crime operations;
- A Member asked about exploring implementing multi-year budget planning in order to set longer term goals;
- A Member asked if there was strategy to protect children and young people from the influence of paramilitarism; and
- In relation to the relationship with the NCA, a Member asked how does this work in practice and is there a threshold for their involvement;

The PSNI provided the following responses to Members: -

- With regards to less criminal justice outcomes in the second half of the year, the PSNI explained that statistics fluctuate as often cases are protracted and complex and dictated by the level of criminal activity. There has been less drug seizures but higher quantities seized. They assured Members that extensive work is dedicated to intelligence gathering and investigations which may take a considerable amount of time for results to show;
- With regards to downgrading South East Antrim UDA from P2-P4 the PSNI advised that risks are scored according to various categories using the MORILE system. In this instance risks have been downgraded due to arrests, seizures and the capability to operate;
- In relation to the South East Antrim UDA arrests leading to criminal justice outcomes PSNI advised that not all activity will lead to a criminal justice outcome but at the minimum it disrupts activity to operate;
- The PSNI advised Members that in terms of measuring the impact of outcomes on Policing Plan Measure 1.2.2 this is the first reporting year of using APMIS and therefore outcomes need to be comprehensively reviewed and interpreted before a true analysis can be provided. The

PSNI added they agree with the assessment of the measure as AMBER as there is still work to be done;

- The PSNI assured Members that they are alive to the prevalence of women and girls targeted by paramilitary groups. There is a close working relationship with Public Protection Branch but they acknowledge there is a gap in data and a multi-faceted approach is required to address this. It is a complex area with various defining factors etc locality, anecdotal reporting;
- The PSNI informed Members that they maintain a good working relationship with neighbourhood policing and there is a cohesive joined up approach. Operation Conexus presents great opportunities to build resilient communities through delivering early intervention and prevention strategies;
- With regards to multi-year budget planning PSNI informed Members there is no ability for this due to the current funding gap in policing. Collaborative working with other government bodies also poses financial challenges. At present, TIU adapts a proactive approach but this will undoubtedly change to reactive again due to funding issues;
- The PSNI stated they were very alive to the dangers posed to children and young people in our communities and they are working with colleagues in Public Protection Branch as there is currently a gap in data on this issue. They are presently engaged with internal and external partners on identifying trends and require an assessment of the current position; and
- In relation to the relationship with the NCA, they are co located with the PSNI team and work collaboratively on a number of different levels, both operationally and tactically on a daily basis. An example of this is the seizure of a holiday home in Ballyhalbert linked to the South East Antrim UDA.

The Chair thanked the PSNI for their presentation and discussion and PSNI left the meeting.

6.2 PSNI Terrorism Investigation Unit

The Director of Performance reminded Members that they had requested an update on the work of the PSNI Terrorism Investigations Unit (TIU) and therefore Officials have arranged for the PSNI TIU to attend Performance Committee and present to the Committee.

The Chair welcomed T/ACC David Beck, Det Chief Superintendent Eamonn Corrigan and Det Superintendent Stuart Griffin and invited them to brief Members on the current work of the TIU.

The PSNI presented information on the following key areas:

- Security Situation in Northern Ireland;
- Extreme Right Wing Terrorism;
- Terrorist Offender Management Unit; and
- Criminal Justice

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

- The legislative gap in the ever changing threats on International terrorism - Extreme Right Wing Terrorism;
- Trajectory analysis on terrorism over the last five years;
- How many neurodivergent cases are linked to perpetrators;
- In relation to the firearms seized can the PSNI advise if they are old/new firearms; and
- With regards to National Security how do PSNI currently view the terrorist threat to NI.

The PSNI provided the following responses:-

- The PSNI informed Members that Extreme Right Wing Terrorism has been an emerging issue in recent years. They acknowledge a huge gap in tackling this area of terrorism due to financial and resourcing issues. PSNI emphasised the need for a willingness and support from all areas to effectively address the legislative gap in this area;
- PSNI informed Members that the threat of terrorism in NI has evolved in different areas ie. Extreme Right Wing terrorism over the last five years;
- PSNI explained that with regards to the link between perpetrators and neurodivergent cases is hard to quantify but assured Members forms part of PSNI wider discussions and highlights that a different approach is needed;
- In reference to the firearms seized PSNI informed Members that majority of firearms are old in that they pre date the good Friday agreement; and
- As of March 2024, the threat to Northern Ireland from Northern Ireland-related terrorism is substantial with the desire of moving this to moderate in the near future.

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

6.3 Committee Evaluation and Draft Programme of Work Performance Committee – June - December 2024

The Director of Performance recalled to Members that the Committee's Terms of Reference were last updated and agreed at the Committee's meeting of 14th September 2023. The Committee's items of business have focussed on its areas of responsibility as outlined in Section 5 of the Committee's Terms of Reference in relation to:

- PSNI Governance and General Matters;
- Other Police Performance;

- Human Rights;
- Police Professional Standards; and
- National Crime Agency.

At the last Committee meeting Members were asked to reflect on Committee Effectiveness by considering three self-evaluation questions. These questions were:

- Is the Committee delivering against its Terms of Reference?
- Could the Committee be more effective? How can it improve?
- What areas should the Committee focus on over the next 12 months?

The Director of Performance informed Members of the feedback that had been received from Members in relation to these three questions and invited any further comments. Members discussed the feedback and queried NCA scrutiny in the Terms of Reference and proposed that NCA officers could attend Committee if required.

Following discussion it was:-

AGREED

Officials to arrange for Measure 1.2.1 to come to Committee twice in the year due to its Red RAG status. **(AP4)**

6.4 Human Rights Advisor Monthly Report - April 2024

The Human Rights Advisor provided Members with an overview of areas within his current work programme during April 2024 including, drafting the Children and Young People and Policing Report and working with the PSNI to

ensure transparency and provide a degree of assurance to the Board for the report on the surveillance of journalists and lawyers.

The Human Rights Advisor also updated Members on his attendance at a range of meetings over the last four weeks and informed Members of his work plan for May including, drafting the Children and Young Persons Report, working with the PSNI to ensure transparency and provide a degree of assurance to the Board for the report on the surveillance of journalists and lawyers, attending the Board and Performance Committee meetings and assisting with preparation of other reports, as well as meetings with PSNI officers and others.

Following a brief discussion it was:-

AGREED;

Members to agree and issue a press release on Boards position to recent media on surveillance of journalists.

Following discussion it was:-

NOTED

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

6.5 Criminal Justice Inspection (NI) (CJINI) review of the Effectiveness of the Domestic Abuse and Civil Proceedings Act (NI) 2021, Part 1

A Board Official informed Members that this inspection concerned The

Domestic Abuse Civil Proceedings Act (Northern Ireland) 2021 which came into effect on 21 February 2022. Under Section 33 of the Act, the Criminal Justice Inspection Northern Ireland (CJINI) were appointed by the Minister of Justice to undertake an independent review of the Act every year. This is the first year, Part 1, and CJINI have conducted a review with stakeholders such as Department of Justice (DOJ), Police Service of Northern Ireland (PSNI), and the Public Prosecution Service (PPS).

Members were asked to note the main findings within the report and the eleven recommendations found in Annex A.

The Board official reminded Members that Criminal Justice Inspectors will work with DOJ and other criminal agencies on the recommendations made to improve how the Act is used to support victims and hold perpetrators to account. Criminal Justice Inspectors would like to see PSNI and PPS effectively using the Act to better protect victims and children impacted by domestic abuse.

Following discussion it was:-

NOTED

Members were content with the Criminal Justice Inspection (NI) (CJINI) review of the Effectiveness of the Domestic Abuse and Civil Proceedings Act (NI) 2021, Part 1.

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 No questions were identified for the Chief Constable.

8. COMMUNICATION ISSUES

No communication issues were identified.

9. ANY OTHER BUSINESS

No items of any other business raised.

10. DATE OF NEXT MEETING

It was agreed that the next Performance Committee meeting would take place on **Thursday 13th June 2024** at **9:30am** and is to be Chaired by the Vice Chair Les Allamby in the Chair's absence.

Meeting closed at 1:30pm.

PERFORMANCE DIRECTORATE

9th May 2024

Chairperson