

NORTHERN IRELAND POLICING BOARD

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

- PRESENT:**
- Mr Gerry Kelly, Chair
 - Mr Les Allamby, V-Chair
 - Mr Peter Osborne
 - Mr Trevor Clarke
 - Ms Cheryl Brownlee
 - Mr Patrick Nelson
 - Mr Thomas O'Reilly
 - Mr Alan Chambers*
- EX-OFFICIO MEMBER
IN ATTENDANCE**
- Mr Brendan Mullan
 - Mr Mukesh Sharma
- POLICE SERVICE OF
NORTHERN IRELAND IN
ATTENDANCE:**
- (1) D/Chief Superintendent Lindsey Fisher
 - (1) Superintendent Sue-Ann Steen
 - (1) Head of Strategic Performance & Insight Lindsey Jeapes
- POLICE SERVICE OF
NORTHERN IRELAND IN
ATTENDANCE:**
- (2) ACC Ryan Henderson
 - (2) Chief Superintendent Gary McDonald
- 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

Apologies were received from Frank McManus, Nuala McAllister and Cathal Boylan.

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 9th May 2024.

A Member requested that the wording in Item 6.4 in relation to report on the surveillance of Journalist and lawyers is amended to reflect the need for transparency in any necessary changes.

It was **RESOLVED:-**

That Minutes of the Performance Committee meeting on the 9th May 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 written to the Chief Constable requesting a meeting to discuss this issue. A meeting has been arranged for 4th July with the Chief Constable and the HRA will provide the Committee with an update in due course.

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 is re-looking at the incident and will report to the Board in due course. Members were content to close this action.

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. PSNI provided an update report on this issue and the Director highlighted the main points of the report. Following discussions it was agreed:

AGREED

Officials to request PSNI attend September Committee meeting to discuss the Community Background pilot in relation to Stop and Search and the recent PSNI Report on the JSA Powers - Stop Searches/Questions on members of the Irish Traveller Community.

(AP1)

Officials to invite the Independent Reviewer, Jonny Byrne, to September Committee to join discussions around Stop and Search Community Background pilot and Irish Traveller Community. **(AP2)**

The Director provided an update on AP1 from the meeting held on 9 May 2024 Officials to arrange a visit to PSNI for Members to receive a presentation on NICHE system. Officials have liaised with PSNI and this has been arranged for the October Performance Committee. (ACC Henderson wishes to be present but not available for September Committee).

The Director provided an update on AP2 from the meeting held on 9 May 2024 Officials to follow up with T/ACC Jones and ascertain if a response has been received from the Department of Health in relation to the use of Spit and Bite Guard on a 12-year-old child and if not, write to the Health Trust concerned. A response has been received from the Southern Health Trust and is included at Item 4.1. Members were content to close this action.

The Director provided an update on AP3 from the meeting held on 9 May 2024 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. Officials met with the T/DCC to discuss next steps. T/DCC is seeking clarification from Committee Members that they are content for him to proceed with the four steps outlined in his correspondence of 7th May and he will then confirm timeframe for returning to Committee with a draft Code of Ethics.

Officials to write to T/DCC Chris Todd in relation to the draft Code of Ethics and request a timeline for coming back to the Board. **(AP3)**

The Director provided an update on AP4 from the meeting held on 9 May 2024 Officials to arrange for Measure 1.2.1 to come to Committee twice in the year due to its Red RAG status. Officials confirmed that they will make the arrangements for M1.2.1 to come into Committee twice before March 2025. Members were content to close this action.

4.1 Accompanying Correspondence

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

- AP5 March 2024 – PSNI Report on the Irish Travelling Community and the use of JSA powers;
- AP2 May 2024 – Correspondence from the Southern Health Trust on the Use of Spit and Bite Guard on a child; and
- Follow up information from PSNI on Organised Crime Groups.

5. CHAIRPERSON'S BUSINESS

There were no items of business.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Measure 1.1.1 Repeat Victims - Performance Plan 2024/25

A Board Official informed Members this is the first time that Measure 1.1.1 has been considered by the Performance Committee within this reporting period.

Members will observe from the report card provided the comparable figures which show that in 2023/24, the number of repeat victims has reduced by 1,043 to 9,587 and the repeat victimisation rate has reduced by 0.5% points to 17.2%. These figures indicate that both the number and rate of repeat victims has decreased, and it can also be said that there are fewer repeat victims of crime. Both these figures are below the 2021 baseline which means this measure is on track to be achieved in the final annual performance assessment of the current policing plan next year. Furthermore, the statistics show fewer Repeat Victims of Domestic Abuse and Hate Crime.

Members were asked to note that a number of key issues have been identified including; increase in race motivated incidents, Operation Encompass, learning outcomes and how this features in their long term plans and budget prioritisation.

The Chairperson welcomed the PSNI to the meeting. He invited them to brief Members on the work relating to Policing Plan Measure 1.1.1 Repeat Victims.

The PSNI began by informing Members that there have been a lot of positive changes in this area which is reflected in an overall decrease in crime figures. Analysis shows there is a geographical trend in repeat Domestic Abuse and the 15–17-year-old category shows the highest figures for repeat victims.

The PSNI discussed the launch of its new initiative around Domestic Abuse in the workplace. Engagement from various stakeholders was crucial in developing this piece of work with a focus on supporting victims within the workplace and how they can be supported.

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

- A Member sought further explanation on the recent hate crime regarding intimidatory posters and if there is any guidance around this;
- With regards to repeat victims under the age of 18 how many are in care homes and do the PSNI have strategies in place to address this?
- A Member expressed the view that the introduction of new legislation of the Domestic Abuse Protection Order needs to be meaningful and impactful; and
- Members commended the PSNI for the good work on addressing this Policing Plan Measure.

The PSNI provided the following responses to Members: -

- With regards to the removal of intimidatory posters the PSNI advised that each case needs to be considered on its own merit and determine how such incidents should be classified;
- The PSNI advised Members that in relation to repeat victims under the age of 18 the majority are from a respite/foster care setting. There is ongoing work with other statutory bodies to address this; and
- The PSNI assured Members that the new legislation on Domestic Abuse is aligned with national policing work.

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

Following discussion it was:-

AGREED

Officials to request PSNI provide an update on the impact the introduction of the Domestic Abuse Protection Order has had on Domestic abuse victims. **(AP4)**

6.2 Children and Young People: Strip Searching in Police Custody – PSNI Update

The Director of Performance referred Members to the publication of the report on Children and Young People: Strip Searching in Police Custody.

The Chair welcomed T/ACC Ryan Henderson and Chief Superintendent Gary McDonal and invited them to brief Members on the PSNI response over the last 12 months to the Board's report.

The PSNI presented progress and up to date information on the ten recommendations contained within the Report, all of which the PSNI accepted. Members engaged in discussion with PSNI on a number of items including:-

- Incorporating information regarding health issues/medical requirements of the Child or Young Person into the Appropriate Adult guidance document;
- Why 2022 figures indicate an Appropriate Adult was present in only 6 out of 19 stop and search incidents;
- How the Niche system works;
- Availability of medical staff on a 24 hour basis; and
- Stop and Searches carried out under Section 75 grounds should have Community Background information recorded.

The PSNI provided the following responses:-

- The PSNI agreed to review guidance for Appropriate Adult and include information on medical issues;
- The Niche flag system now has a new threshold in place where the Custody Sergeant must complete the reasonable suspicion field to further support the decision making process; and
- With regards to health staff availability the PSNI advised Members this is only available in certain suites. There is ongoing work with the Trust and Public Health Agency to ensure all detainee's have access to medical care.

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

Following discussion it was:-

AGREED

Officials to request PSNI to provide further information on the NGO's consulted in the development of the guidance on Strip Searching in Children and Young People. **(AP5)**

Officials to request that PSNI provide further data on the Section 75 characteristics in relation to the 19 searches on Community Background in 2023/24. **(AP6)**

6.3 HMICFRS Inspection Report 2023/24 on PSNI: An inspection on Crime Data Integrity

The Director of Performance reminded Members that HMICFRS are required by virtue of Section 41(2) of the Police (Northern Ireland) Act 1998 to inspect and report to the Department of Justice (DoJ) on the efficiency and effectiveness of the PSNI at least once each year¹. The findings from these inspections play a pivotal role in assisting the Board to carry out one of its key statutory functions "to secure that the police and police support staff are effective and efficient".

Members were asked to note that HMICFRS is an inspection, rather than a regulatory body meaning it can make recommendations but cannot direct a Chief Constable to take a specified course of action.

The Director reported that the HMICFRS Inspection Report for 2023/24 entitled "The Police Service of Northern Ireland; An Inspection of crime data integrity" was recently published on 1 May 2024. The report was tabled at the 6th June Board Meeting for an opportunity for Members to provide initial feedback on the report.

¹ Section 41(1)-(2) Police Act (Northern Ireland) 1998.

Members are requested to consider the recent HMICFRS Inspection Report – “An Inspection of crime data integrity” 2023/24 and provide feedback.

Following discussion it was:-

AGREED

The Chair of the Board to write to CC to request his comments on the recent HMICFRS inspection report and bring these back to September Committee for further consideration. **(AP7)**

6.4 PSNI Priority 1 Outstanding Recommendations – June 2024

The Director of Performance reported to Members that at the Audit and Risk Committee meeting on 28th March 2024 Members reviewed the PSNI ARAC papers. The Chair of the ARAC Committee identified that there were a number of outstanding Priority 1 Recommendations relating to PSNI. The ARAC Committee requested that the Performance Committee follow up with PSNI on these Priority 1 Recommendations.

Officials have followed up with PSNI and an update Report on Priority 1 Recommendations has been provided that states:

“Of the 16 overdue Priority 1 recommendations previously reported to ARAC; 6 have been discharged, 1 is ready for discharge and 9 remain open.”

A report on the remaining 9 open recommendations is contained in Members papers for consideration and Members were asked to consider the updates provided by PSNI in relation to Priority 1 Recommendations.

Members expressed their view that a more expansive answer should be provided on all 16 recommendations.

Following a brief discussion it was:-

AGREED;

Officials to write to PSNI requesting an update on all 16 recommendations and in particular a more in-depth update on the recommendation on Vetting. **(AP8)**

6.5 Human Rights Advisor Monthly Report – May 2024

The Human Rights Advisor provided Members with an overview of areas within his current work programme during May 2024 including, drafting the Children and Young People and Policing Report and working with the PSNI to ensure a satisfactory report on the surveillance of journalists and lawyers is provided to the Board.

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 June 2024 including Board meetings, Performance Committee meetings, attending the oral report from IPCO at the end of its annual inspection of the PSNIs covert surveillance activities, meeting with DOJ for Children and Young Peoples report, attending the IPT hearing (London), meeting with McCaffrey and Birney (IPT case applicants), meeting with the Policing Authority in Ireland to discuss policing protest and human rights principles, meeting the Chief Commissioner of the NIHRC, meeting the Police Ombudsman, the Deputy Chief Constable, the Chief Constable and various meetings with Board officials.

Following discussion it was:-

NOTED

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

6.6 DOJ Consultation on Misconduct

The Director of Performance informed Members that the Board has been in consultation with DOJ and PSNI regarding recommendations to change the regulatory framework within the police officer misconduct process and how it operates. DOJ have provided a consultation document outlining the legislative proposals and requesting the Board's views on the proposed changes and this is included in Members papers at **Annex A**.

Several potential areas for improvement have been identified, within the last two years, some which form part of the Board's Review of PSNI Professional Standards, Recommendations for Improvement, which was published in November 2022². DOJ have issued documentation detailing the proposals and any required changes in legislation (**Annex B**). Officials have proposed a draft response to this consultation that reflects Members recent discussions and positions agreed in the 2022 review document.

Members were requested to discuss the information provided within the draft consultation and agree a response to be submitted to DOJ by the 28th June 2024.

² <https://www.nipolicingboard.org.uk/publication/professional-standards-review-recommendations-improvement>

Following discussion and the identification of a number of minor amendments, Members agreed that officials could submit the draft consultation response.

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 Members identified the following two questions to ask the Chief Constable:

Could the Chief Constable provide the figures for the number of times spit and bite guards were applied from 2020/21 through to 2023/24 and where there is an increase in use set out the reasons for the increase.

Could the Chief Constable also break down the use by reasons for application alongside community background, age ranges, PSNI District, length of application and other relevant data kept by PSNI.

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 12th September 2024** at **9:30am**.

Meeting closed at 1:00pm.

PERFORMANCE DIRECTORATE

13th June 2024

Chairperson