

**NORTHERN IRELAND POLICING BOARD**

**MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD  
10 October 2024 at 9:30am**

**PRESENT:**

- Mr Gerry Kelly, Chair
- Mr Les Allamby, Vice Chair
- Ms Cheryl Brownlee
- Ms Nuala McAllister
- Mr Peter Osborne
- Mr Trevor Clarke
- Mr Patrick Nelson\*
- Mr Thomas O'Reilly
- Mr Cathal Boylan

**EX-OFFICIO MEMBER  
IN ATTENDANCE**

Mr Mukesh Sharma

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

- (1/2) T/DCC Chris Todd
- (1/2) Chief Superintendent Stephen Wright
- (1/2) Det Superintendent Julie Mullan

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

- (3/4) T/ACC Ryan Henderson
- (3/4) Chief Superintendent Gary McDonal
- (3/4) Inspector Katie Campbell
- (3/4) Sergeant Stevie Garrett

**OFFICIALS IN  
ATTENDANCE:**

Mr Adrian McNamee, Director of Performance  
Mr John Wadham, Human Rights Advisor  
3 Officials

(1,2) Present for Item 6.1 & 6.2 only  
(3,4) Present for Item 6.3 & 6.4 only

\*Attended via video conferencing

## 1. **APOLOGIES**

Apologies were received from Frank McManus.

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 12<sup>th</sup> September 2024.

It was **AGREED:-**

That Minutes of the Performance Committee meeting on the 12<sup>th</sup> September 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 AP1 from the meeting held on 9 May 2024 Officials to arrange a presentation on NICHE system. The Director confirmed that officials have liaised with PSNI and this has been arranged for

the October Performance Committee. Members were content with this response and this action is now closed.

The Director provided an update on AP1 from the meeting held on 12 September 2024 Officials to write to T/ACC Beck in relation to Domestic Abuse Protection Order seeking clarification on resources and next steps. Correspondence issued to T/ACC Beck on 17<sup>th</sup> September 2024 and we are currently awaiting a response.

The Director provided an update on AP2 from the meeting held on 12 September 2024 Officials to draft a letter of response from the Chair to T/ACC Henderson seeking further information on Strip Search definition and records management and to invite the T/ACC to October Performance Committee to aid further discussions on these issues. Correspondence issued to T/ACC Henderson on 23<sup>rd</sup> September 2024. A response has been received and is included on today's agenda at Item 6.4. Members were content with this response and this action is now closed.

The Director provided an update on AP3 from the meeting held on 12 September 2024 Officials to write to T/ACC Jones to invite her to return to the Committee upon completion of the Community Background pilot and to report on any operational rollout. Correspondence issued to T/ACC M Jones on 19<sup>th</sup> September 2024. Correspondence received to state that the pilot is operational until January 2025 and that T/ACC Jones has offered to return to Committee in February 2025 to provide Members with a further update on the pilot. Members were content with this response and this action is now closed.

The Director provided an update on AP4 from the meeting held on 12 September 2024 Officials to write to T/ACC Henderson to request additional information on trends and patterns associated with shop lifting crime. Correspondence issued to T/ACC Henderson on 18<sup>th</sup> September 2024 and

this item is on today's agenda at Item 6.4. Members were content with this response and this action is now closed.

The Director provided an update on AP5 from the meeting held on 12 September 2024 Officials to seek further information from the PSNI on their response to the HMICFRS Inspection of Crime Data Integrity. Correspondence issued to the Chief Constable from the Chair on 24<sup>th</sup> September 2024. This has been included at Item 6.9 on today's agenda. Members were content with this response and this action is now closed.

The Director provided an update on AP6 from the meeting held on 12 September 2024 Officials to write to T/DCC to request further information on the PSNI's response to Recommendation 8 of the Angiolini Report. Correspondence issued to T/DCC Todd on 19<sup>th</sup> September 2024 and this item is on today's agenda at Item 6.2.

The Director provided an update on AP7 from the meeting held on 12 September 2024 Officials to write to PSNI to request clarification regarding the Business Interest Appeal process in respect of the original grounds of appeal. Correspondence issued to PSNI on 16<sup>th</sup> September 2024. PSNI confirmed that this will be actioned going forward. Members were content with this response and this action is now closed.

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

The Chair informed Members PSNI would be attending to provide a briefing on the recent murder of Mary Ward. The PSNI discussed the timeline of events leading up to the murder and gave a high-level overview of the PSNI investigation.

PSNI also outlined their engagement with the victim prior to the murder being discovered and their referral of this matter to the Police Ombudsman. The suspect was arrested in Republic of Ireland which has resulted in the investigation becoming more complicated.

Members engaged with PSNI and discussed the following: -

- The timeframe and the known movements of the perpetrator;
- The delay between the withdrawal of the statement and police follow up;
- The role of Social Media;
- The referral to OPONI;
- Presence of women officers in this case;
- Responsibility of UK police forces to work collaboratively;
- The need to highlight the case as a Domestic Violence case; and
- Jurisdictional issues to consider when prosecuting.

The PSNI provided the following responses: -

- PSNI agreed that more work needs to continue to identify the behaviours of suspected perpetrators;
- PSNI advised that everything on social media, regarding ongoing investigations, should be treated as speculation, regardless of source;
- PSNI used lessons learned from previous domestic murders and had the Major Investigation Team at the scene from the beginning to ensure all evidence was preserved;
- PSNI advised that Northern Ireland do not have domestic violence orders which would enable the monitoring of suspects. It was confirmed that PSNI were working with UK Police Forces and Garda and that this murder was being treated as a domestic violence case; and

- PSNI confirmed the suspect was arrested in Republic of Ireland and therefore there would be jurisdiction complexities. PSNI were liaising with the Garda to ascertain the lead in relation to the prosecution of the suspect.

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

### **6.1 Professional Standards Annual Report 2023/24**

A Board Official informed the Committee of its responsibilities in respect of section 3(3)(c)(i) of the Police (Northern Ireland) Act 2000, regarding the Board keeping itself informed of police complaints, disciplinary proceedings and any trends or patterns emerging from these complaints. This work is undertaken by the Performance Committee which oversees the extent to which the service is respecting professional standards of police conduct.

A Board Official presented Members with an overview of the key issues from the PSNI Professional Standards Annual Report 2023/24, identifying key issues which Members may like to address.

A copy of the full report was provided to Members and was accompanied by a briefing from PSNI PSD leads. The Chairperson welcomed the PSNI to the meeting.

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

- Recent learning from Misconduct Hearings and Misconduct Meetings;
- The increase in the levels of dishonesty amongst officers within the organisation;

- The possibility of using soft searches early in the Vetting process, raising their concern regarding 13 potential officers Vetted and only two passing;
- Police officers owning property and declaring the rent income as a business interest, is it a business interest?
- Complaints have fallen, and if this is as a result of PSD moving in the right direction?
- The use of ethical officers and vexatious complaints generating counter complaints;
- The community background of all police officers under investigation;
- In relation to the 1,153 Breaches of the Code of Ethics has there been any analysis of the information in identifying recurring cases?
- Repositioning of Officers under investigation and the repercussions to the workforce ie. De-skilling; and
- Members questioned the rise in suspension of Officers under investigation.

The PSNI provided the following responses:-

- The PSNI advised that a senior team review all complaints received to determine the level of sanction;
- The PSNI advised Members that there is a good leadership within the PSD team with a culture of transparency. Overall, they perceive dishonestly levels as relatively low;
- The PSNI informed Members that Vetting takes place late in the recruitment process and only provides a snapshot at that moment in time. Therefore, if done at the early stages it would still need to be revisited at a later stage;
- PSNI confirmed that owning a property and renting it out is a business interest, however, if declared it is not usually an issue;

- The PSNI advised that no misconduct is ignored and by engaging and educating officers this appears to have helped regarding officer behaviours;
- The PSNI advised that there are no specific ethical officers within PSNI and added that there was no current knowledge of any vexatious/counter complaints, stating that if any were identified the T/Deputy Chief Constable would be alerted to this immediately;
- PSD currently do not hold any information regarding the community background of any officers under investigation;
- The PSNI advised that misconduct cases vary case by case with difficult legislation to navigate. They do try to apply professional judgement where they can but ultimately the process is timely. Repositioning is an alternative to suspension and usually happens where an officer is unlikely to be dismissed; and
- The longest suspension currently sits at 3 years. Misconduct cases are already a lengthy process and combined with current budgetary pressures this further delays the process. PSNI continue to work alongside the PPS to address this.

Following discussion it was: -

**AGREED**

Officials to write to PSD requesting community background information on officers investigated by PSD branch and if this is proportionate with numbers within the workforce. **(AP1)**

## **6.2 Update on the Code of Ethics and Angiolini Report**

A Board Official advised members that this paper addresses issues that were raised regarding the timeframe for the PSNI to bring forward a draft Code of Ethics. The T/Deputy Chief Constable provided Members with an update on



the current progress made with the draft Code of Ethics and that PSNI will be in a position to share this draft with Members in the next few weeks, which will then start the Board's consultation process.

In addition, the Department of Justice recently wrote to the Board and PSNI enquiring about the implementation of the recommendations included in the Angiolini Inquiry Report Part 1 that was published on 29<sup>th</sup> February 2024 and this was addressed by the T/DCC in the meeting who provided Members with an update on the implementation of the recommendations of the Angiolini Report following the report to the Committee in September 2024. This included an update on the progress on vetting and the potential of home visits during the recruitment process. Members were advised that home visits, as part of the police vetting process which currently happens in England and Wales, will not be happening in Northern Ireland. Members were advised that the general consensus for Northern Ireland is to arrange meetings with officers for a direct conversation in a neutral place to reduce any security risks and to eliminate any potential towards discrimination or bias.

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

Following discussion it was:-

### **AGREED**

Officials to write to PSD to request a copy of the tracked changes version of the draft Code of Ethics and a date for when the final copy will be received. **(AP2)**

## **6.3 Presentation on the PSNI NICHE system**

A PSNI Official delivered a presentation on NICHE system and how PSNI use the system and what is available to officers whilst on duty.

Following the presentation Members engaged in discussion with PSNI on the following areas:-

- How often the system is reviewed;
- How long data is held on the system;
- Victim contact times; and
- Use of Flags on the system.

Following discussion it was:-

### **AGREED**

Officials to write to PSNI to request further information on the victim follow up times in relation to the NICHE system. **(AP3)**

#### **6.4 Update on Strip Search definition and Shoplifting trends**

The Director of Performance reminded Members that following the discussion at the 12<sup>th</sup> September Performance Committee, the Chair wrote to T/ACC Henderson requesting further information on strip search definition in particular the removal of outer clothing and records management. Members also requested further information regarding Shoplifting trends and patterns. Both responses were shared with Members.

T/ACC Henderson outlined the difficulties faced by PSNI in recording Strip Search on the current system to accommodate the recent change in definition. PSNI outlined their plan in place to facilitate the technical changes

to the system and how this would affect reporting to the Board. PSNI confirmed that all changes/upgrades should be completed by next March and normal reporting to the Board will then resume.

Members clarified the information that they are expecting to get in the interim period and were content with the proposals outlined by T/ACC Henderson.

## 6.5 Human Rights Advisor Monthly Report – September 2024

The Human Rights Advisor provided Members with an overview of areas within his current work programme during September 2024 including:

- Finalising the Children and Young People and Policing Report and making amendments following comments from Members;
- The McCullough Review: attending the regular stakeholder group as an observer, assessing the draft Terms of Reference and keeping in touch directly with Angus McCullough; and
- Working with the Criminal Justice Inspector's staff to plan the contribution to its follow up review of their Custody Inspection Report – starting in October and Drafting a plan of work for October 2024 to July 2025.

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 October 2024.

The Advisor also informed Members that a PSNI internal paper on the specific use of the JSA was discussed at the Service Accountability Panel in September: **Review of the Use of Stop and Search Justice and Security (NI) Act 2007 powers during North Down & Ards Feud, 22<sup>nd</sup> March 2023 – 22<sup>nd</sup> September 2023**. This was recognised as an excellent report and reveals an important and successful approach.

Following discussions it was:-

## **AGREED**

Officials to seek PSNI permission to share Ards and North Down report. **(AP4)**

it was also:-

## **NOTED**

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

### **6.6 Children and Young People and Policing Draft Report**

The Human Rights Advisor reminded Members that a draft of the report was discussed at the September Committee meeting and feedback was provided by Members in a number of areas. All feedback provided by Members both at the Committee and in follow-up written comments and made amendments to this final draft has now been considered. The major changes have been included in this draft for Members information and for approval.

Members were requested to approve the final draft Report and recommend the final draft Report to the Board for publication.

Members engaged in discussion with the Human Rights Advisor on Recommendation 8 of the report in relation to the criminal age of responsibility. A Member objected to the recommendation and to asking for the age of criminal responsibility to be raised.

The Chair stated that it was his party's policy that the age of criminal responsibility should be raised to 14, except for the most serious offences. Other Members expressed their support for the recommendation. A DUP

Member requested that his objection be recorded against this recommendation. As a result the recommendation was amended to remove the word “consider” and change the word “increasing” to “increase”.

Following discussion, it was agreed that a caveat would be added to the report stating the following:

“This report was prepared by the Policing Board’s Human Rights Advisor with the assistance of the Board’s Human Rights and Professional Standards team. The Policing Board, by consensus, has adopted and published this report but not every member of the Board endorses each and every part of this report.”

Following discussion it was:-

### **AGREED**

Members agreed to recommend the report with the caveat to the Board for publication; and

Members agreed that once the final draft of the Children and Young People Report is approved by the Board it should be sent to the Health Minister and the Trust. **(AP5)**

## **6.7 Draft DoJ PACE Codes Consultation Response**

The Director of Performance informed Members that a draft response to the Department of Justice’s (DOJ) Consultation into the Codes of Practice A to H and new PACE Code I (Annex A) is contained within the paper. This consultation was discussed at the Board meeting on 5 September 2024 and responsibility for compiling and submitting a response was delegated to the

Performance Committee. The Human Rights Advisor and Board Officials have provided comments and these have now been collated into a draft response.

Members were requested to approve the Board's draft response to the DOJ Consultation in relation to the PACE Codes of Practice for submission to the Consultation by 16 October 2024.

Members engaged in discussion and agreed that the response to the Department should highlight the need for legislative change in relation to **Code C (Detention, Treatment and questioning)** and that the Human Rights Advisor would make this change.

Following discussion it was:-

**AGREED:-**

Members agreed that the draft response could be submitted as the Board's response to the Consultation. Members also agreed that the Board should issue a letter to DOJ highlighting the issues regarding viewing of Custody Records and what area of legislation requires amendment in Police (NI) Act 2000 to bring Northern Ireland up to date with England and Wales legislation.

**6.8 OPONI MOU amendments**

The Director of Performance informed Members that this paper provides details of the Memorandum of Understanding (MOU) between the Board and the Police Ombudsman for Northern Ireland (OPONI).

Members agreed to defer this item until November Performance Committee.

**6.9 HMICFRS Inspection Report - Update**

The Director of Performance informed Members that officials are currently working through the statutory process in order to respond to the recent HMICFRS report for 2023/24 on Crime Data Integrity.

Members considered the response from the Chief Constable to a number of issues that were raised in relation to the PSNI's implementation of the recommendations. Members commented that they were content with two of the PSNI's responses but were not content with the response on Equality. It was agreed that this would be followed up separately. Members therefore agreed for the Chief Constable's response to proceed to the next stage where officials will prepare a final paper for the November Board meeting.

Following discussion it was:-

**AGREED:-**

For officials to bring a draft report on the HMICFRS 2023/24 Report to the November Board meeting.

**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 14<sup>th</sup> November 2024** at **9:30am**.

Meeting closed at 2:30pm.

**PERFORMANCE DIRECTORATE**

**31<sup>st</sup> October 2024**

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**Chairperson**