

NORTHERN IRELAND POLICING BOARD

**MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD
12 September 2024 at 9:30am**

PRESENT: Mr Gerry Kelly, Chair
Mr Les Allamby, V-Chair
Mr Peter Osborne
Mr Trevor Clarke
Mr Patrick Nelson
Mr Thomas O'Reilly
Mr Frank McManus*
Mrs Nuala McAllister
Mr Cathal Boylan
Ms Kathleen Laverty (3)

**EX-OFFICIO MEMBER
IN ATTENDANCE** Mr Mukesh Sharma

**OPONI OFFICIALS
ATTENDANCE:** (1) Hugh Hume
(1) Nikki Davis
(1) Ursula Mezza
(1) Paul McAlister

**POLICE SERVICE OF
NORTHERN IRELAND IN
ATTENDANCE:** (2) T/CC Mel Jones
(2) Chief Superintendent Amanda Ford
(2) Inspector Stephen Burke

**JSA INDEPENDENT
REVIEWER** (2) Mr Johnny Byrne

**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) Present for Item 6.7 only

*Attended via video conferencing

1. APOLOGIES

Apologies were received from Cheryl Brownlee and Alan Chambers.

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 13th June 2024.

A Member requested that the wording in Item 6.5 in relation to report on the surveillance of Journalist and lawyers is revised.

It was **RESOLVED:-**

That Minutes of the Performance Committee meeting on the 13th June 2024 were agreed.

4. UPDATE ON ACTION LOG

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

In relation to 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 stated that he and Jonathan Hall had met with the Chief Constable on 4th July 2024 to discuss these issues and that the Chief Constable is to follow up in writing with an update. When this is received the Human Rights Advisor will report the outcome to the Committee.

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. The Human Rights Advisor has followed up directly with Ombudsman who confirmed that she is re-looking at the incident and advised that a further follow up can be addressed to the OPONI officials at Item 6.1 on today's agenda. Members were content with this response and the action is now closed.

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.

The Director provided an update on AP1 from the meeting held on 13 June 2024 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. Officials have arranged for PSNI to be in attendance at September Committee to discuss this item on the agenda at Item 6.2. Members were content with this response and the action is now closed.

The Director provided an update on AP2 from the meeting held on 13 June 2024 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. Officials have invited the Independent Reviewer to attend for Item 6.2 discussions of today's agenda. Members were content with this response and the action is now closed.

The Director provided an update on AP3 from the meeting held on 13 June 2024 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. Correspondence issued on 18 June 2024 and response received on 31 July 2024. The response confirmed that PSNI are currently engaging stakeholders on potential changes and will consider a draft at their SET meeting at the end of September. Members were content with this response and the action is now closed.

The Director provided an update on AP4 from the meeting held on 13 June 2024 Officials to request PSNI provide an update on the impact the introduction of the Domestic Abuse Protection Order has had on Domestic abuse victims. Correspondence issued on 14 June 2024 and response received on 3 July 2024. Members discussed the response and requested that further information is sought from the PSNI.

Following discussions it was agreed:

AGREED

Officials to write to T/ACC Beck in relation to Domestic Abuse Protection Order seeking clarification on resources and next steps.

(AP1)

The Director provided an update on AP5 from the meeting held on 13 June 2024 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. Correspondence issued on 14 June 2024 and response received 28 June 2024. The response detailed those consulted and Members were content with this response and the action is now closed.

The Director provided an update on AP6 from the meeting held on 13 June 2024 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. Correspondence issued on 14 June 2024 and a response was received 28th June 2024. Members were content with this response and the action is now closed.

The Director provided an update on AP7 from the meeting held on 13 June 2024 Board to write to the Chief Constable to request his comments on the recent HMICFRS inspection report and bring back to September Committee. Correspondence issued on 17 June 2024 to the Chief Constable. A response was received on 23 August. This action is on today's agenda at Item 6.4 for discussion. Members were content with this response and the action is now closed.

The Director provided an update on AP8 from the meeting held on 13 June 2024 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. Correspondence issued on 17 June 2024 and a response was received on 28th August and is included at Item 4.1. Members were content with this response and the action is now closed.

4.1 Accompanying Correspondence

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

- AP3 June 2024 – ACC Todd correspondence re revised Draft of the Code of Ethics;
- AP4 June 2024 – Domestic Abuse Protection Orders;
- AP5 June 2024 – NGO's;
- AP6 June 2024 – Strip Searching data Section 75; and
- AP8 June 2024 – Outstanding Priority 1 Recommendations

5. CHAIRPERSON'S BUSINESS

The Chair directed Members to one item for Chair's business, correspondence from T/ACC Henderson responding to a request from the Performance Committee Chair to provide an update on national changes in Strip Searching recording. The Human Rights Advisor identified a number of issues contained within the letter, including the definition of Strip Searching and PSNI's response to fixing the problem that has now arisen. Members expressed a number of concerns and a need for further information regarding what mechanisms PSNI are currently exploring.

Following discussion it was:-

AGREED

The Chair to respond in writing 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. **(AP2)**

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Police Ombudsman Annual Report

The Chairperson welcomed OPONI Chief executive Hugh Hume and three OPONI officials and invited them to provide the Committee with an overview of their Annual Report for 2023/24. An OPONI Official delivered a presentation on the work carried out by OPONI including analysing trends and patterns of complaints over the 2023/24 year.

Further discussion with Members included:-

- Background information on the statistics and the rising number of complaints;
- The nature of the complaints;
- Police Officer satisfaction report;
- Complainant satisfaction report;
- Public awareness and Equality Monitoring reports;
- Procedure for complaints to OPONI, timeliness and threshold classifications for referrals to Public Prosecution Service;
- Streamlining of OPONI processes to make more efficient;
- Engagements with young people and complaints from young people;
- Internal education – continuous learning; and
- PSNI's implementation of the recommendations made by OPONI, particularly in relation to policy.

OPONI officials confirmed that it was their view that PSNI implemented these recommendations in the main and it was only in exceptional circumstances that they were not. They also identified a number of emerging themes that included abuse of power, stop and search and vulnerability issues. OPONI

officials confirmed that they are keen to share their learning and recommendations with the Board and to improve relations.

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

6.2 Stop and Search – PSNI Update on Community Background Pilot and Irish Travellers Issues

The Director of Performance reminded Members that at the June Performance Committee Members received a report from PSNI in relation to previous queries regarding the use of Justice and Security Act Powers by the PSNI on members of the Irish Traveller Community. A number of Members identified areas that they requested exploring further with senior PSNI officers and requested that this be examined as a business item for the September Committee. Members also requested that the current Independent Reviewer of the JSA powers be invited to Committee to join Members for this discussion. In addition, Members requested that an update on the PSNI pilot on providing Community Background information on Stop and Searches.

The Chairperson welcomed T/ACC Melanie Jones and two PSNI officers to the meeting and invited them to provide the Committee with an overview of the Community Background Pilot and an update on the issues highlighted by Members regarding the Irish Traveller Report.

T/ACC Jones provided Members with an update on the Community Background Pilot from 1st May up until the end of August 2024. She reported that in relation to JSA Searches there had been 831 searches in the period, with 129 (16%) from the Catholic, Nationalist, Republican community (CNR), 65 (8%) from the Protestant, Unionist, Loyalist community (PUL), 52 (6%) identified as other and 551 (66%) refused to

provide the information. 34 were classified as not recorded.

In terms of TACT searches, T/ACC Jones reported that 116 searches had taken place in the period with 28 (24%) from the Catholic, Nationalist, Republican community, 1 (1%) from the Protestant, Unionist, Loyalist community, 3 (3%) identified as other and 84 (72%) refused to provide the information.

T/ACC Jones stated that she was currently reviewing this information to identify the lessons learned to date and that officers being reluctant to ask the question in the first place is still a barrier to getting the information resulting in the high number of refusals. PSNI are currently working on developing online materials to help improve compliance and they are currently focused on that issue.

In relation to the Irish Travellers issue, T/ACC Jones provided Members with an update on 19 stop and search encounters with the Travelling community. When examining the data behind these she was reassured that officers were using their powers correctly and that there was evidence of using right powers, right place and right time.

Members engaged in discussion with PSNI on a number of items including:-

- In relation to OPONI recommendations with regards to JSA do PSNI keep a track on those implemented and the outcomes learned;
- When recording the lawful basis for JSA 24 the report states that there was 100% compliance, but this does not mean that the stops were 100% appropriate;
- Members expressed their view that they are not supportive of the current Community Background pilot and the use of the CNR and PUL labels;
- Data reflective of more use of powers used against the CNR community and this is disturbing;

- Lack of outcome from using these powers with the report detailing a 93% negative outcome and looks like they are being used disproportionately against the Catholic and Traveller communities;
- Lack of clear rationale for using JSA powers for stopping Irish Travellers even if the basis was lawfully recorded. This is allied to a 100% no object found is a cause for concern; and
- On completion of the Community background pilot what do PSNI plan to do with the information collected and what are next steps?

The PSNI provided the following responses:-

- The PSNI assured Members all OPONI recommendations are reviewed and outcomes learned;
- Strip Search and Stop & Search data are recorded using two different databases, Niche and Origin respectively and therefore collect different pieces of information;
- On the issue of disproportionate use of powers T/ACC Jones stated that when you considered the crime levels attributable to the Traveller community then the use of these powers can be justified, but if there is disproportionate use then the PSNI need to explain this or change what they are doing but at the minute it is not unlawful; and
- PSNI assured Members they will continue to engage with Board on any future decisions but ultimately it is an operational decision.

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

Following discussion it was:-

AGREED

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. **(AP3)**

6.3 Measure 1.4.1 Crime Rates and 1.4.2 Crime Outcomes

The Director of Performance informed Members that PSNI representatives would not be attending today's Performance Committee to discuss these measures due to the time taken on the previous two issues. The assessment of these two Measures in the recent Annual Assessment was green for Measure 1.4.1 and orange for Measure 2.4.1. Officials have identified some key issues in the paper and if Members have any questions or queries on the Report Cards these can be noted by officials and sent to PSNI by written procedure to attain a PSNI response.

Members queried a number of areas including:-

- The increases in shoplifting and would like to request further information from the PSNI on whether this was opportunistic, acquisitive or organised?
- The decrease in charged/summons rates for domestic abuse victims and what measures PSNI are implementing to address this;
- The reduction in reporting crime across all categories and how PSNI plan to combat this and encourage reporting;
- Further information on the PSNI drugs operating model.
- Initiatives around current increase in hate crimes across.

Following discussion it was:-

AGREED

Officials to write to ACC Henderson to request additional information on trends and patterns associated with shop lifting crime. **(AP4)**

6.4 HMICFRS Inspection Report 2023/24

The Director of Performance reminded Members that following the discussion at the 6th June Board meeting and 13th June Performance Committee meeting, the Board Chair wrote to the Chief Constable on 17th June inviting him to comment on the Report and include an action plan to address the areas for improvement outlined in the report, including the timeframes for completion. The Chief Constable has now submitted these comments and they are enclosed at Annex B. Members are now requested to consider the PSNI'S response to the recent HMICFRS Inspection Report – “An Inspection of crime data integrity” 2023/24 and provide feedback in order to progress to the final stage of the process.

Members raised the following queries in relation to the action plan:

- Inspection Area 1 - Crime Recording Process – PSNI intend to improve through training its recording and classification of rape and other sexual crimes. Members would like to ask how will the PSNI measure whether the training has actually led to an improvement?
- Inspection Area 3 - Transferring Crimes to/from other Police Forces – The PSNI's management response refers to the newly formed Crime Recording Project Board and Members have requested further information on this Board, specifically who sits on the Board and what is their remit?

- Inspection Area 6 - Equality – The management response to assessing what S75 group information the PSNI will collect from victims of crime states that it will be informed by the Stop and Search JSA pilot. Members stated that this seems a considerable distance from recording data about victims of crime which is unlikely to raise the same issues – so how does the PSNI see the pilot relating to recording of victim equality data?
-

Following a brief discussion it was:-

AGREED;

Officials to seek further information on these issues from the PSNI on their response to the HMICFRS Inspection of Crime Data Integrity.

(AP5)

6.5 PSNI Update on the Angiolini Report

The Director of Performance stated that the PSNI have now provided Members with an Update Report regarding the progress in implementing the 16 recommendations made in the Angiolini Report and this is attached at Annex B. He highlighted to Members that PSNI have not accepted three of these recommendations but have provided an update on the other 13.

Members indicated that they would wish to discuss this update further when the T/Deputy Chief Constable is in attendance at the next Committee meeting on 10th October 2024. A Member highlighted that he would like to raise the response to Recommendation 8: Recruitment and vetting policy, processes and practices with the PSNI.

Following a discussion it was:-

AGREED;

Officials to write to T/DCC to request further information on the PSNI's response to Recommendation 8 of the Angiolini Report and invited the T/Deputy Chief Constable to the next Committee meeting. **(AP6)**

6.6 Human Rights Advisor Monthly Report – June - August 2024

The Human Rights Advisor provided Members with an overview of areas within his current work programme during June, July and August 2024 including, finalising the Five-Year Review materials, speaking at the launch of the report on 2nd July, drafting the Children and Young People and Policing Report, assessing the PSNI's second report on the surveillance of journalists and lawyers to the Board, the McCullough Review and attending the regular stakeholder group as an observer, assessing the draft Terms of Reference, and keeping in touch directly with Angus McCullough.

The Advisor also informed Members of his working in partnership with the Criminal Justice Inspector's staff to contribute to its follow up review of their Custody Inspection Report.

The Human Rights Advisor also updated Members on his attendance at a range of meetings over the last twelve weeks and informed Members of his work plan for September 2024.

Following discussion it was:-

NOTED

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

6.7 Final Draft of the Children and Young People Human Rights Report

The Human Rights Advisor introduced a draft of the Children and Young People Human Rights Report to Members and welcomed further comment on this draft.

Members discussed the report at length and focussed on the recommendations that were set out in the report. Detailed feedback was provided by a number of Members on the wording for the recommendations 1, 3, 8, 14 and 16. Comments were considered.

Following discussions it was:-

AGREED;

The Human Rights Advisor would take into consideration all comments and feedback received from Members and reissue a further draft of the report to be considered at the next meeting of the Performance Committee.

6.8 Business Interest Appeal

The Human Rights and Professional Standards (HR&PS) Manager provided Members with background information and all the relevant papers to enable Members to make a decision on a Business Interest appeal from a PSNI officer. Members were asked to note that the officer applied for a Business

Interest on 23 April 2024, in relation to holistic therapy, and it was rejected on the grounds of Performance/Attendance.

Members were requested to consider the recommendation made by the Board's Official to uphold the decision of the Business Interest Panel and the Appeal decision of the Assistant Chief Constable; and recommend to the Board that the Officer's Business Interest Appeal is rejected.

Following discussions Members agreed with the recommendation.

Following discussions it was:-

AGREED;

Officials to write to PSNI to request clarification regarding the Business Interest Appeal process in respect of the original grounds of appeal. **(AP7)**

6.9 DoJ Consultation on review of the PACE Codes of Practice

The Director of Performance informed Members that the DoJ Consultation on review of the PACE Codes of Practice is currently open and officials are compiling a Board response. Members are requested to submit comments/responses to officials by Friday 27th September 2024 in order to enable officials to compile a draft response to the consultation for discussion at the October Performance Committee.

Members agreed to submit all comments by Friday 27th September 2024.

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 A Member indicated that they wish to ask a question to PSNI on the application of Spit and Bite guards. The Member agreed to forward wording to Officials to be sent to 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 10th October 2024** at **9:30am**.

Meeting closed at 2:15pm.

PERFORMANCE DIRECTORATE

12th September 2024

Chairperson