

NORTHERN IRELAND POLICING BOARD

**MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD
14 November 2024 at 9:30am**

PRESENT:

Mr Gerry Kelly, Chair
Mr Les Allamby, Vice Chair
Ms Cheryl Brownlee
Ms Nuala McAllister
Mr Patrick Nelson
Mr Thomas O'Reilly
Mr Cathal Boylan
Mr Mark H. Durkan
Mr Frank McManus*

**EX-OFFICIO MEMBER
IN ATTENDANCE**

Mr Brendan Mullan

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

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

**JSA INDEPENDENT
REVIEWER**

(2) Mr Jonny Byrne

**OFFICIALS IN
ATTENDANCE:**

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

- (1) Present for Item 6.1 only
- (2) Present for Item 6.2 only

*Attended via video conferencing

1. APOLOGIES

Apologies were received from Peter Osborne, Alan Chambers and Trevor Clarke.

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 10th October 2024.

It was **AGREED:-**

That Minutes of the Performance Committee meeting on the 10th October 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 12 September 2024 - Officials to follow up with T/ACC Beck in relation to Domestic Abuse Protection Order seeking clarification on resources and next

steps. Correspondence issued to T/ACC Beck on 17th September 2024. A response was received on 11th October 2024 and is included at Item 4.1 on today's agenda. Members were content with this response and this action is now closed.

The Director provided an update on AP1 from the meeting held on 10 October 2024 - Officials to follow up with PSD requesting community background information on officers investigated by PSD branch and if this is proportionate with numbers within the workforce. Correspondence issued to Head of PSD on 11th October 2024. A response has been received and is included at Item 4.1. Members were content with this response and this action is now closed.

The Director provided an update on AP2 from the meeting held on 10 October 2024 - Officials to follow up with PSD to request a copy of the tracked changes version of the Code of Ethics and a date for when the final copy will be received. Correspondence issued to Head of PSD on 11th October 2024. A response has been received and is included on today's agenda at Item 6.3. Members were content with this response and this action is now closed.

The Director provided an update on AP3 from the meeting held on 10 October 2024 - Officials to follow up with PSNI to request further information on the victim follow up times in relation to the NICHE system. Correspondence issued to PSNI on 11th October 2024. A response was received providing victims' follow up information and this is included at Item 4.1. Members were content with this response and this action is now closed.

The Director provided an update on AP4 from the meeting held on 10 October 2024 - Officials to seek PSNI permission to share Ards and North Down report. Correspondence issued to PSNI on 18th October 2024. A response was received on 21st October from T/ACC Mel Jones stating that the

document "Was never intended to be an external or public facing document so it is not authorised for wider circulation".

Following discussion it was:-

AGREED

Officials to draft a letter from the Chair to T/ACC Jones to express disappointment in not sharing the report and note it is not to set a precedent for future reports to be shared with the Committee to aid future work. **(AP1)**

The Director provided an update on AP5 from the meeting held on 10 October 2024 - Members agreed that once the final draft of the Children and Young People Report is approved by the Board to send to the Health Minister and the Trust. The final draft of the report was approved at 7th November Board meeting with copies to be issued to the Health Minister and the Trusts. This will be completed upon publication of the Report. Members were content with this response and this action is now closed.

5. CHAIRPERSON'S BUSINESS

The Chair confirmed that there were no items of business.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Measure 1.2.2 OCG's – Performance Plan 2024/25

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

Members were asked to note that there has been a change in recording terminology which has now been in place for 18 months. Therefore, annual comparisons in terms of disruptions cannot yet be made. However, Board Officials have made attempts to compare the available data in the two separate 6-month periods of April – September 2023 against 2024. When both sets of data are compared, there are mixed results. Positively, there has been less paramilitary activity, increased drug related arrests, an increase in P2 & P4 gradings and an increase in overall disruptions. However, there has been a decrease in drug seizure incidents, less major and moderate disruptions and less OCG outcomes. Within the paper, Members have been provided a number of key issues they may wish to consider.

Members were informed that the PSNI's Serious and Organised Crime (SOC) and National Crime Agency (NCA) reports are now biannual and Q1 and Q2 PSNI and SOC reports will be presented to the Board in December 2024.

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 (OCGs).

The PSNI began by informing Members that drugs are the primary threat and accounted for the majority of disruptions. PSNI outlined the number OCGs that they are currently dealing with. From April to September 2024 the number of disruptions and searches has increased whilst arrests and charges have decreased this is indicative of resourcing and financial pressures. Officers are being extracted from core jobs for other duties such as policing planned events and attending incidents.

The PSNI informed Members that from April – August 2024 there have been five murders. They emphasised the huge resourcing issue in this area which has resulted in a reduction in neighbourhood policing which in turn has greatly impacted the PSNI's investigative approach. Without the public help it is difficult to fully understand the issues and this in turn poses a risk in terms of delivery.

The PSNI also provided an update on the following areas:

- OCG activity and disruptions;
- Paramilitary Crime Task Force (PCTF) activity and disruptions;
- Firearms threat;
- Illicit money lending;
- Drugs;
- Modern Day Slavery and Human Trafficking; and
- Cyber crime.

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

- A Member sought further clarity in relation to the drugs threat increasing yet criminal justice outcomes in this area have decreased;
- In respect of Modern Slavery and Human Trafficking (MSHT), a Member queried why there has been an upward increase in referrals to the National Referral Framework since July 2024;
- A Member sought further clarity in relation to the make up of specialist teams investigating MSHT and if PSNI continue to proactively investigate this area;
- A Member queried whether district policing could help with investigations of unsolved murders in East Antrim and the role neighbourhood teams could play;

- A Member queried if the PSNI are winning the fight against serious and organised crime and actively reducing the capabilities and capacity of Organised Crime Groups (OCGs);
- A Member also requested an update on the results of the wastewater sampling survey to show what opioids are in our water system;
- A Member referred to the reduction in OCGs currently under investigation and if this decrease is an indication that gangs are merging;
- A Member acknowledged the statistics provided are historic and queried whether PSNI have targets moving forward and about vacancies within the PCTF;
- A Member queried if PSNI are working in tandem with private courier companies in relation to intercepting drugs coming into Northern Ireland;
- A Member queried what happens to the cash and goods recovered from PSNI operations and what it can be used for;
- In respect of disruptions, a Member queried if PSNI work collaboratively with Garda Síochána for activities across both jurisdictions; and
- In relation to under reported illegal money lending, a Member queried if PSNI work collaboratively with credit unions and what investigations are carried out into drug related deaths to see who is supplying these drugs.

The PSNI provided the following responses:-

- With regards to why outcomes in Drugs have decreased the PSNI advised this is two-fold. One because it is an area of work that involves lengthy investigations e.g. encrypting phones and the level of sophistication in terms of hides has increased;

- In relation to the increase in referrals of Human Trafficking, PSNI indicated this is likely reflective in changes in government policy since the Election and the conclusion of the Rwanda Scheme;
- In relation to proactively investigating Modern Slavery and Human Trafficking the PSNI assured Members that whilst the specialist team is no longer present, specialist officers are now deployed throughout various teams, and they continue to proactively investigate this area of work;
- In regard to the role of district policing in unsolved murder investigations in East Antrim, the PSNI explained they would not put a high level operation onto a district team but could use this approach for some lower level activities. Neighbourhood teams are vital for intelligence gathering but they are being extracted;
- In terms of reducing the capability of OCG's, PSNI emphasised that the activity against drugs threat impacts the availability of commodities to OCGs thus impeding their ability to benefit financially. Wastewater samples reconfirm drug consumption rates which is comparative to major UK cities. Cocaine and alcohol are found together which shows the social consumption. PSNI also advised that all UK agencies and the NCA are now consistent in using the APMIS system adopting a more streamlined approach and this may help move towards being able to give an overall score against OCGs. The previous system CRIMNET was not as sophisticated;
- That the number of gangs being investigated change continually means they are being monitored but no longer actively investigated;
- In relation to the development of targets, the PSNI stated they would welcome exploring that however OCGs is a dynamic area. Paramilitary attacks have reduced by 34%;
- PSNI informed Members that a huge quantity of drugs come into NI which have been bought on the black market. They praised the

excellent working relationship with Border Force who have the powers to stop and intercept postal deliveries;

- Money and goods recovered from seizures goes back to the Treasury via the Assets Recovery scheme with only a small percentage going back to the PSNI which is utilised to pay for Finance Investigators;
- The good working relationship and collaborative work between PSNI and An Garda Síochána in the recovery of firearms and that joint task force meetings are held Bi-annually; and
- In relation to credit unions, these are vital to build community resilience and to stop illegal money lending. Regarding drug death investigations, all drug deaths will be investigated by CID.

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

6.2 Report of the Independent Reviewer Justice and Security Act 2022\23

The Director of Performance referred Members to the latest annual Report of the Independent Reviewer Justice and Security (Northern Ireland) Act 2007, Sixteenth Report (August 2022 – July 2023) published in October 2024.

Members were advised that in the accompanying paper Officials have sought to identify and highlight the most relevant issues to inform Members and contribute to a more informed discussion. It also outlines the recommendations made in Annual Report of the former Independent Reviewer of the Justice and Security (NI) Act 2007 for the period August 2022 to July 2023.

The Chair welcomed Mr Jonny Byrne to the meeting and invited him to brief Members on the findings of the report.

Mr Jonny Byrne discussed with Members:

- The unique political landscape in Northern Ireland for which the use of JSA powers is still required however, there is a need for evolution in this area;
- The JSA powers were meant to be temporary powers. If they are still required, there is an onus to explain their need better and there is always the question if they are still needed?
- PSNI are currently comfortable and complacent in using these powers;
- There is a question about the need for the authorisation process to be every two weeks. The Reviewer believes that the current timeframe of review every two weeks is counterproductive as there is insufficient time to be of any value.
- The Independent Reviewer would welcome the Board's support to increase this to at least a four week process;
- A re-examination of PSNI's training in this area would be welcomed and a re-evaluation of what these powers mean in 2024; and
- The monitoring of Community background needs to be simplified and fully embedded into the organisation.

Members discussed a number of issues within the report including:

- The need for an update on the findings within the Community Background pilot study as otherwise it lacks integrity and robustness;
- The Reviewer views on how and why the use of the JSA powers increased then decreased;
- Stop and Search encounters under JSA and the need to correctly address and monitor Community Background;
- The need for the Report to clearly highlight that the use of JSA is an issue;
- The security threat in NI is not comparable to the rest of the UK and therefore needs a bespoke approach;

- A definitive report that justifies the continuation of these powers, however, the question is are PSNI using them appropriately? and
- The potential role that PCSPs could play in helping to explain the use of these powers locally.

The Chair thanked Mr Jonny Byrne for attending the Committee and his presentation to Members.

Following discussion it was:-

AGREED

Human Rights Advisor to draft a letter from the Board Chair to the Secretary of State in support of amendments to extend the JSA authorisation from 2 weeks 4 weeks. **(AP2)**

Officials to include the issues of the Community background question, how and where it is asked in the paper to Committee when T/ACC Jones next attends to present the findings of the Community Background pilot. **(AP3)**

6.3 Update on PSNI Code of Ethics

The Director of Performance highlighted to Members that over the past six months the PSNI have been reviewing the current Code of Ethics. The PSNI have now produced a draft Code with amendments for Members consideration. This paper provides Members with a brief update on the Board's legislative requirements and updates Members on the current situation and progress in this area.

Members engaged in a discussion in relation to omissions from this current draft, for example, the Duty of Candour and other areas. There is a this draft to be more inclusive and not all areas are included within this draft Code, Articles 1-10.

Following discussion it was:-

AGREED

Officials to request Members submit all comments on the draft Code of Ethics by 22nd November in order for revised draft to be presented at December Committee. **(AP4)**

6.4 Police Ombudsman Memorandum of Understanding amendments

A Board Official reminded Members this paper was deferred from October Committee. Following engagement and discussion with OPONI Officials at the September 2024 Performance Committee meeting, the OPONI Chief Executive Officer reviewed the existing MOU between the Board and OPONI. He identified and proposed a number of amendments to the current MOU for Members consideration. These amendments included:

- Enhancing communication and information sharing between the two bodies regarding trends/patterns, policy/practice and analysis that indicates a systemic requirement for improvement within policing (paragraph 6);
- It also adds an agreement for OPONI to attend Performance Committee at least once a year to update Members on annual statistics (paragraph 7); and
- Adhering to embargoes (paragraph 8).

The Chair of the Committee also requested an amendment to paragraph 3 of the MOU.

Members engaged in a discussion and did not agree with the suggested amendments to paragraph 6. It was agreed that officials would consult further with OPONI officials and bring the MOU back to a further committee meeting.

Following discussion it was:-

AGREED

Officials to draft a paper detailing OPONI investigations and the legislation framework. **(AP5)**

6.5 Human Rights Advisor Monthly Report – October 2024

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

- Finalising the Policing and Children and Young People Report;
- 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;
- Working with the Criminal Justice Inspector's staff and inspecting custody suites and starting drafting report;
- Drafting paper on community background; and
- Drafting a plan of work for December to July.

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 November 2024.

The Advisor also informed Members that the request to view the report: **Review of the Use of Stop and Search Justice and Security (NI) Act 2007 powers during North Down & Ards Feud, 22nd March 2023 – 22nd September 2023** was not permitted to be shared by T/ACC Jones. Therefore, a short summary of the report was provided to Members.

Following discussions it was:-

NOTED

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

6.6 Human Rights Programme of Work

The Director of Performance reminded Members that the Board has a legislative requirement to monitor the performance of the police in complying with the Human Rights Act and to include an assessment of their performance in the Board's Annual Report.

As the 2021-2024 three-year programme is now coming to an end at the end of this year, officials have assessed this period in preparation to plan for a new three-year period 2025-2028 and also for the appointment of a new Human Rights Advisor during 2025.

Members were requested to consider a new three-year Human Rights Programme of Work and identify any potential priority areas to be included within a new three-year Programme to inform officials in developing a new draft.

Due to time constraints, Members agreed that this item should return to the December Performance Committee for further consideration.

6.7 Section 59/McCullough Review

The Director of Performance referred Members to correspondence issued from the Board Chair to the Chief Constable in relation to the final report from McCullough Review.

Members engaged in a discussion concerning the current status of the Board's position on the McCullough Report and whether this currently constituted a section 59 Report? The Board's legislative position in relation to a section 59 report was discussed and a number of options were identified.

Following discussions it was:-

AGREED

Officials to draft an Options paper on the status of the McCullough Review and to bring this forward for further discussion at the December Board meeting.

7. QUESTIONS FOR THE CHIEF CONSTABLE

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

Can the Chief Constable advise on the policy and practice in relation to permission to resign, retire or medically retire when PSNI misconduct investigations or proceedings or PONI investigations have been initiated / are ongoing?

In the last 5 years can the Chief Constable advise, broken down by rank, the number of officers who have been permitted to (a) resign (b) retire or (c) medically retire while misconduct investigations or proceedings or PONI investigations are ongoing?

Can the Chief Constable outline what representations (including the details) have been made to the Department of Justice on the need to reform the relevant regulations to prevent retirement and resignation to be used to avoid misconduct investigations?

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 December 2024** at **9:30am**.

Meeting closed at 2:00pm.

PERFORMANCE DIRECTORATE

14th November 2024

Chairperson