

NORTHERN IRELAND POLICING BOARD

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

PRESENT: 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*
Mr Peter Osborne

**EX-OFFICIO MEMBER
IN ATTENDANCE** Mr Brendan Mullan

**POLICE SERVICE OF (1) T/ACC Davy Beck
NORTHERN IRELAND IN (1) Det Chief Superintendent Stephen Murray
ATTENDANCE: (1) Superintendent Emma Gibson**

**OFFICIALS IN
ATTENDANCE:** Mr Adrian McNamee, Director of Performance
Mr John Wadham, Human Rights Advisor
6 Officials

(1) Present for Item 6.1 only

*Attended via video conferencing

1. **APOLOGIES**

Apologies were received from the Committee Chair, Gerry Kelly.

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 14th November 2024.

It was **AGREED:-**

That Minutes of the Performance Committee meeting on the 14th November 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 14 November 2024 - Officials to follow up with 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.

Correspondence issued and agreement reached with T/ACC Jones to produce a public facing version of the report for Members. This is included at Item 4.1 on today's agenda.

Following discussions it was agreed:

AGREED

Officials to write to ACC Jones requesting an update on the recommendations in the Ards and North Down report. **(AP1)**

The Director provided an update on AP2 from the meeting held on 14 November 2024 - Board Chair to write to the Secretary of State in support of amendments to extend the JSA authorisation from 2 weeks 4 weeks. Correspondence was approved by Members at the Board meeting of 5th December 2024 and issued on 10th December 2024. Members were content with this response and this action is now closed.

The Director provided an update on AP3 from the meeting held on 14 November 2024 - Officials to follow up on the issues of the Community background question when ACC Jones attends February 2025 Committee Meeting. Members were content with this response and this action is now closed.

The Director provided an update on AP4 from the meeting held on 14 November 2024 - Officials to follow up with Members to submit all comments on revised Code of Ethics by 22nd November in order for revised draft to be presented at December Committee. Request issued to Members on 14th December 2024 and comments received. This is tabled at Item 6.2 on today's

agenda. Members were content with this response and this action is now closed.

The Director provided an update on AP5 from the meeting held on 14 November 2024 - Officials to draft a paper detailing OPONI investigations and legislation framework. This paper is included at Item 6.7 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 14 November 2024 - Officials to arrange an Options paper on the McCullough review to be tabled for December Board meeting. Paper provided and agreed at the December Board meeting. 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 1.4.2 – Violence Against Women and Girls

A Board Official informed Members that this is the first time the Performance Committee has considered this measure within this reporting period. This paper includes an analysis of the OBA report card relating to Measure 1.4.2 – Violence against Women and Girls (VAWG), as well as the updated PSNI's Tackling Violence Against Women and Girls (VAWG) Action Plan – Years 3 – 7.

Members were asked to note that the PSNI report card provides a variety of VAWG related data. This includes highlighting; a reduction in VAWG offences

recorded, VAWG crime accounting for less overall crime, less repeat victims of VAWG offences, and VAWG offences accounting for less sexual and violence against the person offences. While these reductions are welcomed, Members may wish to raise with the PSNI the increase in VAWG homicides which has increased to eight in the current 365-day period in comparison to four in the previous 365-day period. Members will also be concerned in regarding the recent media coverage of Violence Against Woman and Girls.

The Chairperson welcomed the PSNI to the meeting. He invited them to brief Members on the work relating to Policing Plan Measure 1.4.2 Violence against women and girls.

The PSNI presented information and commentary on their performance to date in this Measure and discussed with Members the work carried out on a number of key areas including:

- The PSNI informed Members that significant progress has been made from the launch of the seven-year plan in September 2022 including 33 of the 41 initial actions being completed with 8 remaining a work in progress;
- The 3–7-year plan will adopt the VAWG framework of a four P’s approach – Prepare, Protect, Pursue and Prevent;
- PSNI have adopted the National framework in tackling violence against women and girls with a key focus on the safety of women and girls;
- There is a specific safety plan in place for victims with a bespoke problem-solving approach;
- The PSNI gave an update in relation to Domestic Abuse offences to date under the new legislation in respect of arrests for stalking offences and non-fatal strangulation. The PSNI noted that the increase in non-fatal strangulation arrests is as direct impact of the introduction of new legislation which came into place June 2023;

- There has been a decrease of 15% in sexual offences over the past year but over 10 years there is a 40% increase.
- The role of the Public Protection Branch Officer in providing appropriate support and signposting for victims;
- PSNI continue to work hard on building relationships with key partners;
- Operation Seasons Greetings is underway with a key focus on those areas where there is a greater risk of harm allowing Districts to look at these areas and provide visible presence and covert policing;
- The partnership approach between PSNI and local business in relation to the Ask for Angela scheme allows businesses to connect with officers;
- The PSNI highlighted to Members the commitment shown in delivering this plan; and
- With regards to Repeat Victimisation the PSNI explained that they are working alongside the Executive Office to address this wider societal issue and it is encouraging to hear schools are delivering programs on this.

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

- A Member queried the high number of repeat offenders and if there would be comparative data against the seven similar forces in Great Britain and if there was any correlation between these data sets;
- A Member requested an update on new legislation introduced last year where prosecutions proceed even where victims do not support the case;
- A Member queried if unexplained deaths/suicides also look at possibility of victims having a history of Domestic Abuse;
- A Member commended the PSNI on statistics produced since the introduction of new legislation in relation to Domestic Abuse;

- A Member queried if victims with a history of domestic abuse have a Multi Agency Risk Assessment Conference (MARAC) tag on their file so that Officers are aware of this when attending a murder scene;
- A Member referred to coercive control among victims and the impact the current housing crisis will have on this;
- A Member asked for PSNI views in relation to industry wide use of spiking kits;
- A Member requested a breakdown of statistics in relation to the Charged/Summons by District figures;
- A Member sought further information on the Ask Angela scheme; and
- A Member referred to the Home Office guidance regarding stalking in particular the naming of stalkers and the inconsistencies on telling victims.

The PSNI provided the following responses:-

- It is challenging to provide comparisons with other forces as some individual forces do not produce VAWG's data like PSNI. They therefore have limited information and only compare outcome rates which are higher and crime rates. The PSNI also does not publish VAWG data;
- With regards to prosecutions where there is no victim support the PSNI informed Members that to date the number of cases is small and it won't be appropriate in every case. The use of Body Worn Video has greatly helped in supporting cases and they continue to work closely with PPS. PSNI advised there is great focus on victim support in this area;
- In relation to victims of unexplained deaths/suicides where there is a history of domestic abuse the PSNI informed Members this is taken into consideration, however, it is a complex area. There is a

commitment within the 3-7 year plan which focuses on new learning being made in this area;

- In relation to victims having a MARAC tag on their file, PSNI emphasised that there is a continuous risk assessment on all victims which is passed to Public Protection Branch with the aim being to ensure this is flagged across all agencies. High risk victims would be subject to MARAC;
- In relation to PSNI views on the use of spiking kits, PSNI advised that the kits only test for certain substances which limits the capabilities. PSNI continue to encourage reporting of spiking incidents and the need to minimise the shame felt by the victims. They continue to work closely with door staff to safeguard any person they might suspect has been spiked;
- The PSNI agreed to provide a breakdown in statistics of Charged/Summons by District;
- The Ask Angela scheme continues to work well and has a positive effect, but nonetheless, it is only one piece of the puzzle and won't solve everything. The PSNI are now looking forward at next steps; and
- The PSNI agreed to provide an update on UK counterparts recent response to stalking.

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

Following discussion it was:-

AGREED

PSNI to follow up on:

- Statistics on the number of prosecutions without victims support;
- Provide a geographical breakdown by district on the VAWG 5 year trends table;

- Provide a breakdown in charge/summons data on how many go to court; and
- Provide comparative figures from other UK police forces in order to draw comprehensive analysis. **(AP2)**

6.2 Update on the Code of Ethics

The Director of Performance reminded Members that at the November 2024 Performance Committee, Members were provided with PSNI's proposed amendments to the articles in the Code which lay down the standards of professional conduct and practice for police officers and agreed to provide their proposed amendments for consideration in writing.

Members were requested to submit their proposed amendments by 22nd November 2024. This paper sets out the comments received from Members aligned to the sections of the draft Code.

Members are asked to note that with the appointment of a new Deputy Chief Constable that there may be further changes and amendments to be made to the current PSNI's proposed draft Code.

In addition, the Director of Performance advised the Human Rights Advisor has identified changes that were proposed to the 2019 Review of the Code of Ethics that are now not considered within this current draft. These changes have also been provided.

Members were requested to highlight critical priority areas of work.

Members engaged in discussion and agreed that a Working Group of the Committee would be set up to consider all Members comments and bring agreed proposal back to the Committee.

It was agreed that Gerry Kelly, Trevor Clark, Nuala McAllister, Mark Durkan, Les Allamby and Peter Osborne would be Members of the Working Group.

Following discussion it was:-

AGREED

Officials to arrange Code of Ethics Working Group meeting by end of January 2025 and to request Members to submit final comments by 6th January 2025 in order for revised draft to be brought back to Committee. **(AP3)**

6.3 Draft Committee Programme of Work

The Director of Performance referred Members to a draft Programme of Work that has been developed based on the Committee's Terms of Reference in order to guide the Performance Committee's work for the period February to June 2025.

Members were reminded that the Committee's Terms of Reference and forward work programme were last updated and agreed at the Committee's meeting of 9th May 2024.

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.

It was highlighted to Members that this Draft Programme needs to have some flexibility to be able to adapt to evolving issues that emerge from the work of the PSNI. It is also prudent to revisit the Programme of Work on a regular basis so that it can be updated with emerging issues for the Committee.

Members considered the Draft Programme of work for February to June 2025 and

Following discussion it was:-

AGREED

Director of Performance to add Priority 1 recommendations to the Committee Programme of Work and also consider inviting the NCA to a future Committee meeting. **(AP4)**

6.4 Human Rights - Future Programme of Work

The Director of Performance informed Members 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.

In 2021, officials worked with Committee Members to identify the areas that required further research and focus by the Human Rights Advisor. This was developed into a draft Framework and the Board consulted with key stakeholders in the Human Rights sector to take on board their views of the important areas for the Board to focus on. The Board then published its Human Rights Three Year Programme of Work on its website. Officials would

recommend that a similar process is followed in developing a new Programme of Work for Human Rights for the 2025-2028 period.

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

Members provided some feedback on the recommendations made within human rights reports and the need to consider how we make these going forward. Other areas to be considered also included the McCullough review, privacy and biometrics. Officials are to consider these areas in developing the Framework further.

6.5 Human Rights Advisor Monthly Report – December 2024

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

- Finalising the Children and Young People and Policing Report and amending 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;
- Working with the Criminal Justice Inspector's staff and inspecting custody suites and starting drafting report;
- Advising on the custody visitors system and access to custody records; and
- Advising on the Code of Ethics.

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 December 2024.

Following discussions it was:-

NOTED

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

6.6 Regulation 20 Report – Use of a Spit and Bite Guard

A Board Official informed Members of the findings of the Ombudsman Regulation 20 Report in relation to an application of a Spit and Bite Guard on a child. Members had viewed the body worn video of this incident.

Following discussions it was:-

NOTED

Members were content with the report provided by OPONI.

6.7 Overview of OPONI investigations and Legislation

A Board Official informed Members of the paper that was requested on an overview of the work of the office of the Ombudsman.

Following discussions it was:-

NOTED

Members were content with the overview provided by Officials.

7. QUESTIONS FOR THE CHIEF CONSTABLE

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

The recent report for England and Wales by the IOPC, HMICFRS and College of Policing 'The police response to stalking – Report on the super complaint by the Suzy Lamplugh Trust on behalf of the National Stalking Consortium' found clear evidence that the concerns raised were founded and legitimate and that while police understanding of stalking was improving, nonetheless, cases are not being taken seriously enough and the quality of investigations are inconsistent.

A number of the recommendations are relevant for PSNI. Could the Chief Constable set out its specific approach to taking on board the conclusions and recommendations which are considered relevant to the organization? Moreover, in England and Wales the approach to telling victims of anonymous cyber stalking who the perpetrator is once discovered by police forces in England and Wales was not consistent. Could the Chief Constable also set out what is the policy and approach taken to this issue in Northern Ireland and provide any relevant documents available to officers?

Officials to obtain an update regarding the current regulations concerning PSNI officers retiring when misconduct investigations have been initiated from the Department of Justice. **(AP5)**

8. COMMUNICATION ISSUES

No communication issues were identified.

9. ANY OTHER BUSINESS

The Director of Performance informed Members of the Consultation on Proposals for Inclusion in a Victims and Witnesses Bill. The Minister of Justice is seeking views and comments from as wide a range of people as possible on the requirement for A Victims and Witnesses of Crime Commissioner, independent from the justice system and from government, who can act as motivator for change, highlighting where rights, entitlements and reasonable expectations such as those contained within the Victim Charter and Witness Charter, are not met, and make recommendations based on evidence and data. The proposals on legal representation for victims in serious sexual offence cases, and for changes to the disclosure process, aim to implement best practice in ensuring that while all relevant evidence is made available, the rights of both parties are upheld and protected.

Following discussion it was:-

AGREED

Board Officials would send a response on behalf of the Board and a draft copy will be brought to February's Committee for approval. **(AP6)**

10. DATE OF NEXT MEETING

It was agreed that the next Performance Committee meeting would take place on **Thursday 13th February 2024** at **9:30am**.

Meeting closed at 2:00pm.

PERFORMANCE DIRECTORATE

14th December 2024

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Chairperson