

NORTHERN IRELAND POLICING BOARD

**MINUTES OF A MEETING OF THE PERFORMANCE COMMITTEE HELD ON
10 JUNE 2021 AT 9.30AM**

PRESENT:

Mr Mervyn Storey, Chair
Ms Carmel McKinney, Vice-Chair*
Mr Edgar Jardine
Ms Deirdre Toner*
Mr Trevor Clarke
Mrs Dolores Kelly*
Mr Gerry Kelly
Ms Liz Kimmins
Mr Mike Nesbitt*

**EX-OFFICIO MEMBERS
IN ATTENDANCE**

Mr Tom Frawley*

**POLICE SERVICE OF
NORTHERN IRELAND IN
ATTENDANCE**

(1&2) Deputy Chief Constable Mark Hamilton*
(1) Temporary Assistant Chief Constable Bobby
Singleton*
(2) Chief Superintendent Phil Knox*

**OFFICIALS IN
ATTENDANCE:**

Mr Adrian McNamee, Director of Performance
Six Board Officials

HUMAN RIGHTS ADVISOR:

Mr John Wadham

(1) Item Number: 6.1 only

(2) Item number: 6.2 only

***Attended via video conferencing**

1. APOLOGIES

Apologies were received for Joanne Bunting.

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 further items were declared.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. DRAFT MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE

The Committee considered the minutes of the meeting held on the 13 May 2021 and agreed the minutes.

It was therefore:-

RESOLVED:-

That the draft minutes of the Performance Committee meetings held on the 13 May 2021 were agreed.

4.0 UPDATE ON ACTION LOG

The Director of Performance provided an update on the actions listed on the Action Log. Members noted the remaining current open actions and expected timeframes for these matters to be brought back to the Performance Committee. **NOTED.**

Members discussed the updates on AP4 from the meeting held on 12 November 2020, highlighting to Members that there is an update at this June Performance Committee on the UK Legislation for “Duty of Care” updated within the analysis paper for Measure 1.1.1 – Repeat Victimisation, Child Sexual Abuse and Exploitation and Hate Crime as part of today’s agenda at Item 6.1.

The Director Performance also discussed with Members the updates on AP2 from the meeting held on 14 January 2021 regarding Small Unmanned Aircrafts (SUA) and highlighted to Members that the Human Rights Advisor has considered all recent information and reported an update on this issue in the Policy chapter of the Human Rights Annual Report at Item 6.3. A new recommendation has been made in relation to the Service Instruction and Privacy Impact Assessment.

5.0 CHAIRPERSONS BUSINESS

5.1 The Covert Human Intelligence Sources (Criminal Conduct) Act

The Director of Performance highlighted to Members a letter from the Deputy Chief Constable with the schematic which outlines the new proposed criminal conduct authorisation process, as requested by Members in the Performance Committee Meeting on 15 April 2021.

Members will be provided with an update on the progress of the Covert Human Intelligence Sources (Criminal Conduct) Act and its implantation in PSNI at future Performance Committee meetings.

6.0 ITEMS FOR COMMITTEE BUSINESS

6.1 POLICING PLAN MEASURES 1.1.1 – REPEAT VICTIMISATION, CSAE AND HATE CRIME

Board Officials presented a paper providing Members an analysis of work relating to PSNI against Policing Plan Measures specific to Repeat Victimisation, Child Sexual Exploitation and Hate Crime.

Board Officials gave an update focusing on:

- **Outcome 1:** *We Have a Safe Community*
 - **Indicator 1.1:** *Fewer Repeat Victims of Crime.*

It analyses PSNI performance against:

- **Measure 1.1.1:** *Repeat victimisation rate and report on initiatives to support repeat victims with a focus*

As this paper included the reporting of three areas, Members were presented with three report cards and Officials highlighted that they welcomed Member's views on this current format. Members noted that it was helpful to receive the three separate cards in this current format.

Members were asked to note and consider the information provided by PSNI and analysis within the paper to assist with oversight and scrutiny of police performance in relation to repeat victims - Overall, Child Sexual Abuse and Exploitation (CSAE) and Hate Crime.

The Chair welcomed Deputy Chief Constable Hamilton, Temporary Assistant Chief Constable Singleton and Superintendents Reid, McCalmont and McGrath and invited them to brief Members on the work relating to PSNI against Performance Plan 2021/22 Measure 1.1.1.

PSNI presented information in the OBA Report Card and provided a statistical commentary of their performance against the Measure and discussed with Members the work carried out on a number of key areas including:

Child Sexual Abuse

- PSNI noted how the report card highlighted the impact of Covid-19 and the initial decrease in reported Child Sexual Exploitation which has now increased with the return of the night time economy. PSNI stated that work is being undertaken to provide a focus in this area and support to those at risk.
- Members discussed their concerns with PSNI regarding the implications on looked after children and children in homes and foster care systems. PSNI noted that there has been a specific focus on this area, focusing specifically on how PSNI collaborate with partners. PSNI have found trigger points and an escalation process to work with care homes when a child goes missing three days and escalating the response at five days and then again at seven days. Different ranks of officers deal with each point in the escalation process.
- Members also discussed the process of children entering secure accommodation, PSNI noted how secure accommodation can provide extra one to one care, however there are transitional issues for the wellbeing of children when they re-enter care homes.
- Members also discussed the child protection disclosure scheme and the low success rate recorded in the report cards. PSNI noted that the low success is typically due to procedural errors in filling in form, as the problems arise when the person requested the disclosure information does not meet the criteria, therefore PSNI note that the figures are not a true reflection of that is being carried out in practice.
- Members also discussed the training that officers receive in dealing with vulnerable people. PSNI note that they provide trauma informed practice training to more than 2,000 officers to enable them to respond to trauma specifically. They also provide ongoing training in the domestic abuse bill coming into effect in November of this year.

Following discussion, it was:-

AGREED

That Board Officials would write to PSNI and request an update on PSNI's training uptake on vulnerability **(AP 1)**

Repeat Victimisation

- Members discussed with PSNI the evaluation that was carried out regarding Multi Agency Support Hubs or MASH in Northern Ireland.
- PSNI noted that repeat victimisation stood at 17.3%, which had increased by 1.8% in this reporting period. This was higher for females in particular, specifically due to domestic abuse reporting.
- PSNI discussed with members how Multi Agency Support Hubs continue to be at the fore in addressing repeat victimisation and that in March 2021, the DOJ published an Evaluation which made a number of suggestions for improvements moving forward. The PSNI stated that in order to improve and develop the level of service provided, the Multi Agency Steering Group commissioned a virtual workshop on the 20 May 2021 to develop the next steps following on from the evaluation.
- PSNI also noted that a report is being compiled regarding the Support Hubs after having discussions with partners and they are working towards improving consistency and function across Northern Ireland.

Hate Crime

- PSNI discussed with Members how in 2016/17, that was the first time that racist hate crime took over sectarian hate crime. Racist and Sectarian hate abuse has accounted for 77% of all hate abuse reported to the police in 2020/21.
- The PSNI noted that the attributing offences are most typically violence against the person and criminal damage. The PSNI also noted that the modus operandi of the crime often makes it difficult for perpetrators to be held

accountable and PSNI have adopted a prevention-first mind set in regards to hate crime. PSNI are providing quality assurance and dip-sampling of files in regards to repeat victims of hate crime.

- Members discussed with PSNI the difficulties in terms of classifying hate incidents and hate crime. PSNI noted how this classification is currently being challenged as the Home Office are asking to reconsider the expression hate incident nationally. PSNI discussed with members hate incidents in regards to labelling and disclosure purposes.

Overall, Members were content with PSNI's progress in relation to Measure 1.1.1 and the Chairperson thanked PSNI for their attendance and briefing. PSNI officials left the meeting.

6.2 PSNI PROFESSIONAL STANDARDS ANNUAL REPORT 2020/21

Board Officials presented Members with an analysis of the PSNI's Professional Standards Annual Report 2020/21 including a short update on the position in relation to the Code of Ethics and Notifiable Memberships. The analysis identified the key findings from the PSNI Professional Standards report for Members attention which covered areas such as discipline investigations, misconduct proceedings, suspensions and re-positioning, complaints and allegations.

The Chair welcomed the Deputy Chief Constable Mark Hamilton and Chief Superintendent Philip Knox and invited them to brief members on the PSNI Professional Standards Report and the progression of the Code of Ethics.

The PSNI presented to Members an overview of the Report and highlighted key findings to members such as, the number of overall investigations have decreased in 2020/21 in comparison to the previous year, the majority of these investigations involve driving offences or assault charges. PSNI also highlighted the new action plan to be undertaken internally to combat the rise of investigations regarding domestic abuse allegations against officers. PSNI also explained the confidential reporting mechanisms, noting that 22% of these reports have led to Anti-Corruption Unit and Professional Standards Department investigations.

PSNI presented the information from the report and discussed with Members the work carried out on a number of key areas including:

- The differences between the misconduct process for Police Officers and Police Staff. PSNI discussed with Members how the Professional Standards Department currently leads on any misconduct issues with Officer or designated staff and the Human Resources Department will lead on administrative staff misconduct and disciplinary issues. PSNI also noted how administrative staff are subject to NI Civil Service regulations.
- Members also discussed with PSNI the conclusions on misconduct cases, specifically if an Officers files for resignation or retirement whilst an investigation is ongoing. Deputy Chief Constable Hamilton noted how out of the last three applications from Officers under investigation to resign, only one application was accepted. The DCC noted that although this means that the misconduct proceedings will prove to be longer and incur larger legal fees, there are ethical implications in regards to accepting a resignation and also issues such as pensions. The DCC also noted how they are waiting on regulatory change in this area.
- PSNI discussed with Members the suspensions and repositioning of Officers. The DCC noted how in every case he reviews the public interest in repositioning an Officer and that he reviews these every month. The DCC also noted how there are no specific rules, it is decided on the individual issues of each case, regarding if the Officer should be repositioned to a role with no access to working with the public or no access to a firearm for example.
- Members sought an update in regards to Notifiable Memberships and PSNI explained to Members that the new Code of Ethics will cover areas like conflicts of interests, but there needs to be an executive decision made on the Code of Ethics before the outcome of the Notifiable Membership consultation can be progressed.
- Members discussed with PSNI the progression of the Code of Ethics. Members specifically discussed if there was any potential conflicts between the Code of Ethics and services instructions. PSNI assured Members that any service instruction has to comply with The Human Rights Act, Section 75 requirements and the Code of Ethics, therefore compliance with the Code of Ethics will take

precedence over any service instructions. Members also discussed with PSNI the specific seven ethical standards that the Code of Ethics is based upon.

Following discussion, it was:-

AGREED

That Board Officials would write to PSNI and request an updated draft of the Code of Ethics, which Officials will circulate to Members **(AP 2)**

It was also :-

AGREED

That Board Officials would write to PSNI and request a Professional Standards five year analysis on issues such as breakdown of gender, age and rank in regards to misconduct proceedings, suspensions and repositioning **(AP 3)**

6.3 DRAFT HUMAN RIGHTS ANNUAL REPORT

The Human Rights Advisor presented a paper to Members to provide the context and an introduction to the first draft Human Rights Annual Report. This report assesses the performance of the PSNI in complying with the Human Rights Act 1998 during 2020/21. Members were requested to note the development of the Human Rights Annual Report 2020/21 to date and to provide comments and feedback on this first draft to be incorporated into a final draft document.

The Human Rights Advisor also highlighted to Members that there are certain sections of the report that need updated as Officials are awaiting further information and updated statistics from the PSNI, which will be included once received.

Members discussed with the Human Rights Advisor specific areas of concern and discussed the recommendations made in the draft report. Members discussed their

particular concerns regarding the role of the Human Rights Advisor and the NCA, specifically regarding the accountability mechanisms put in place for the NCA to the Board. It was noted by Members that they will be responding to this specific concern in writing to the Board.

Following discussion, it was:-

AGREED

That Board Officials will circulate the draft Human Rights Annual Report to all Members to provide feedback **(AP 4)**

6.4 DRAFT HUMAN RIGHTS MONITORING FRAMEWORK

The Human Rights Advisor presented to Members the revised final draft of the Human Rights Monitoring Framework, following discussions with Members and key stakeholders. Members were asked to approve this Final Draft Human Rights Monitoring Framework and recommend this Draft to the Board at its next meeting as the approach to monitoring PSNI's compliance with the Human Rights Act.

The Human Rights Advisor outlined to Members the changes that were made to the Monitoring Framework following feedback received from Members.

Following discussion, the final draft of the Human Rights Monitoring Framework was:-

APPROVED

To recommend to the Board as the approach to monitoring PSNI's compliance with the Human Rights Act.

6.5 HUMAN RIGHTS ADVISOR UPDATE REPORT FOR MAY 2021

Members were provided with a paper providing an update on the work of the Board's Human Rights Advisor, John Wadham during May 2021 that included information on current work priorities and a list of meetings since the last report.

Mr Wadham informed Members of his future work priorities and Members were content. The Human Rights Advisor also discussed with Members the progress of his review of the PSNI's use of the Water Canon. Following discussion, it was:-

AGREED

That Board Officials will circulate the report on the PSNI use of the Water Canon review when received from PSNI **(AP 5)**

6.6 SPIT AND BITE GUARDS UPDATE

The Director of Performance provided Members with an on PSNI's current position in relation to Spit and Bite Guards and also an update on the statistics for PSNI's use of Spit and Bite Guards. The Director of Performance also highlighted to Members that the Police Ombudsman has also completed a second report on her review of the deployment of spit and bite guards.

Members were asked to note the update in relation to the PSNI's current position in relation to spit and bite guards and note the review report submitted by OPONI in relation to the deployment of spit and bite guards for the period January to April 2021.

The Director of Performance noted that PSNI are currently undertaking an Equality Impact Assessment on Spit and Bite Guards and are to return to the Board with an updated report. The Director of Performance informed Members that he will arrange for

PSNI to report to the Committee on the progress of the EQIA at the September Performance Committee meeting.

6.7 PSNI PUBLISHED STOP AND SEARCH STATISTICS APRIL 2020 TO MARCH 2021

The Director of Performance provided an update for Members regarding the recently released annual statistics in relation to Stop and Search. Members were asked to note the annual Stop and Search Statistics for April 2020 to March 2021 compiled by NISRA.

6.8 COMMITTEE PROGRAMME OF WORK SEPTEMBER TO DECEMBER 2021

The Director of Performance provided Members with information on the work of the Performance Committee until December 2021. Members were asked to provide feedback on the Draft Programme of Work for September to December 2021 and identify any other areas/thematic approaches to be added to the Draft Programme for the remainder of 2021.

Following discussion, the Draft Programme of Work Performance Committee from September to December 2021 was :-

APPROVED

7. QUESTIONS FOR THE CHIEF CONSTABLE

Members **agreed** that they had no questions arising out of the meeting for the Chief Constable.

8. COMMUNICATION ISSUES

Members were asked to consider if there were any communications issues arising from the meeting. No communications issued were raised.

9. ANY OTHER BUSINESS

There was no other business.

10. DATE OF NEXT MEETING

It was agreed that the next meeting would take place on **Thursday 10th September 2021** at **09.30am** in Waterside Tower.

The meeting closed at 1.00pm.

PERFORMANCE DIRECTORATE

10 June 2021

Chairperson