

NORTHERN IRELAND POLICING BOARD

**MINUTES OF A MEETING OF THE PERFORMANCE COMMITTEE MEETING
HELD ON 11 JUNE 2020 at 10.00, WATERSIDE TOWER (VIA ZOOM)**

PRESENT:

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

ABSENT

Mr Alan Chambers

**EX-OFFICIO MEMBERS IN
ATTENDANCE**

Dr Tom Frawley, Board Vice-Chair*

**OFFICIALS IN
ATTENDANCE:**

- | | |
|----------|--|
| 1 | Ms Amanda Stewart, Board Chief Executive
Mr Adrian McNamee, Director of Performance |
| 2 | Ms Aislinn McGuckin, T/Director of Police Admin
Four Board Officials |

HUMAN RIGHTS ADVISOR:

Mr John Wadham*

(1) Item numbers: 4.1 to 10

(2) Item number: 6.6

* Denotes Members that joined the meeting using Zoom

1. APOLOGIES

No apologies were received for the meeting.

The Committee agreed the agenda for the meeting.

The Chair provided Members with an explanation that PSNI would not be attending the meeting as detailed in the Agenda at Item 6.4 to provide a briefing for their Update on the Code of Ethics Review.

Members expressed their disappointment at the developments and proposed that PSNI's draft paper on the Code of Ethics Review should be provided well in advance for when the briefing is rescheduled. **NOTED.**

The Chair asked Members to advise of any issues they wished to raise at Item 9 under "Any Other Business". Members raised a number of issues for discussion under "Any other Business" including the PSNI proposed rebranding, Black Lives Matters and the Chief Constables Report to the Board.

2. CONFLICTS OF INTEREST

The Chairperson declared a conflict at Agenda Item 4.3 and members agreed that the Director of Performance would preside over that item.

3. DRAFT MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE

The Committee considered the minutes of the meeting held on the 14 May 2020. The Committee agreed the minutes.

It was therefore:-

RESOLVED:-

That the draft minutes of the Performance Committee meetings held on the 14 May 2020 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.**

4.1 PSNI RESPONSE TO THEIR IMPLEMENTATION OF THE RECOMMENDATIONS FOR THE HUMAN RIGHTS ANNUAL REPORT 2016/17 (AP1 13 FEBRUARY 2020)

The Members considered PSNI's response to the Committee's request for further detail for the steps taken by PSNI towards the implementation of the six recommendations from the Draft Human Rights Annual Report 2016/17.

The Director of Performance highlighted that Recommendations 1, 2 and 6 had been fully implemented with Recommendations 3, 4 and 5 still outstanding and it was noted that the Human Rights Advisor will continue to monitor their implementation into the 2020/21 reporting year.

Members discussed the requirements to complete each outstanding recommendations to an acceptable level, however, it was suggested a contemporary approach may be required as the report related to the 2016/17 period.

4.2 PSNI RESPONSE TO MEASURE 2.1.2 OF THE POLICING PLAN 2019/20 MENTAL HEALTH (AP1 12 MARCH 2020)

The Committee considered the written response from PSNI in relation to the request for further information regarding PSNI Engagement Activities specifically for other learning disorders in addition to Autism Spectrum Disorder and information for any potential training/awareness packages.

Furthermore, discussion was given to PSNI's reply on the effectiveness of information available on PSNI Intranet page (POINT), to improve officer awareness of partner

agencies and to set out information for frontline officers in relation to their statutory powers when dealing with individuals with mental health issues.

Members recognised the potential for a dedicated mental health training module for student officers and improved engagement with stakeholder groups. It was acknowledged that PSNI are in a difficult position as they often have to accept responsibility of individuals with mental health issues and at times they are left to fill the gaps for other services. It was proposed that with support and engagement with other agencies and departments this partnership working can feed into the overall mental health strategy.

4.3 PSNI RESPONSE IN RELATION TO THE IMPLEMENTATION OF THE POLICE SCOTLAND'S RECOMMENDATIONS FOLLOWING THEIR OPERATIONAL REVIEW OF THE APPRENTICE BOYS OF DERRY PARADE (AP2 12 MARCH 2020)

Members considered PSNI's response to correspondence from the Committee in relation to PSNI's implementation on the eight recommendations made by the Police Scotland's Review Team in respect of operational review of the Apprentice Boys of Derry Parade in 2019.

Members expressed concerns in relation to the detainment of children and young people during the operation as this had not been addressed by PSNI or in the evidence that was made available to Police Scotland and the Board's Human Rights Advisor.

Following discussion it was:-

AGREED:-

To write to PSNI to provide feedback on –

- The timeframe for the implementation of the Police Scotland recommendations; and
- PSNI be asked to review their operation in respect to the treatment of children and young people that were detained on the bus and what lessons have been

learned from this operation to apply to future potential operations. Members would request that a response on this review should be within a six month period or at the earliest opportunity. **(AP1)**

5.0 CHAIRPERSON'S BUSINESS

The Chair confirmed that he had no items of business for discussion.

6.0 ITEMS FOR COMMITTEE BUSINESS

6.1 HUMAN RIGHTS ADVISOR'S UPDATE REPORT FOR MAY 2020

The Board's Human Rights Advisor provided Members with an update of the work that he completed during May 2020 that included:-

- Drafting of the Human Rights Annual Report for 2019/20;
- Planning the COVID-19 Review and drafting a report for the Board;
- Monitoring PSNI use of new powers and equipment enacted under emergency legislation of Coronavirus Act and Health Department Regulations;
- Reviewing and preparing report on the Human Rights Monitoring Framework;
- Reviewing new draft of Code of Ethics;
- Reviewing the Legacy Investigation Branch consultation; and
- Attendance at meetings.

Mr Wadham informed Members that his future work included:-

- Finalising the Human Rights Annual Report;
- Continuation of the COVID-19 Review including engaging in meetings with various key stakeholders;
- Finalising the Human Rights Monitoring Framework; and
- Reviewing new drafts of the Code of Ethics.

Members discussed with the Human Rights Advisor his workload and Black Lives Matters (BLM) was brought forward from "Any Other Business". Members were concerned that there could be implications from the policing of these demonstrations

during the lockdown/social distancing period. It was agreed that Mr Wadham was considering policing of BLM and providing an update to the Board in July. **NOTED.**

6.2 DRAFT HUMAN RIGHTS ANNUAL REPORT 2019/2020

Mr John Wadham, the Board's Human Rights Advisor presented the Draft Human Rights Annual Report 2019/2020 to Members for their consideration. The paper provided Members with an overview of the performance of PSNI in complying with the Human Rights Act 1998. This paper included proposed amendments provided by Members as requested at Performance Committee on 14 May 2020.

The Committee Members discussed the content and design of the Report including the three proposed amendments that had been received by Officials. Members approved that Officials were to update the report with the proposed alterations.

It was:-

AGREED:-

To add a format and context paragraph in the foreword of the Human Rights Annual Report when publishing. This provides a feedback mechanism encouraging views on the design and potential improvements for future Human Rights Annual Reports. **(AP2)**

It was also:-

AGREED:-

That the draft Human Rights Annual Report 2019/20 is sent to PSNI for factual accuracy checks. **(AP3)**

6.3 DRAFT HUMAN RIGHTS MONITORING FRAMEWORK

Mr John Wadham, the Board's Human Rights Advisor presented Members with a paper on the Draft Human Rights Monitoring Framework that included his proposals in how to update the Framework that had been operational since 2005. The Framework enables

the Board to monitor PSNI's compliance with Human Rights under three guiding principles:-

- that the PSNI's performance as a whole – success and failure – should be monitored;
- that monitoring should be dynamic and driven by a positive dialogue between the PSNI and the Policing Board; and
- that monitoring should not be retrospective but should focus on contemporary compliance with the Human Rights Act 1998, not past compliance.

Members were reminded they had previously discussed the Human Rights Monitoring Framework at Performance Committee held on 10 October 2019 agreeing a review of the existing process should take place with indications that the Board wanted to develop a new approach with emphasise on PSNI taking ownership and responsibility to ensure compliance.

The Paper included a proposed Draft Framework document that included information on monitoring:-

- Law, Procedure and Priorities;
- Training and Human Rights Culture;
- Policy;
- Adherence of the Code of Ethics;
- Complaints, Discipline and Civil Actions; and
- Assessing Human Rights Policy in Practice.

Members discussed some observations of the document including the style of the future Monitoring Framework with a focus on effectiveness.

Following discussion it was:-

AGREED:-

That Committee Members would provide written representations to Officials of their suggested amendments to the Draft Human Rights Monitoring Framework. **(AP4)**

It was also:-

AGREED:-

Officials were to begin the initial stages of the consultation with key stakeholders. **(AP5)**

6.4 PSNI UPDATE ON THE CODE OF ETHICS REVIEW

The Chairperson had previously dealt with this at Agenda Item 1 where it was confirmed that PSNI had requested the briefing be postponed until a later date.

6.5 REQUEST FROM THE COMMITTEE OF JUSTICE – CRIMINAL FINANCES ACT 2017

The Director of Performance presented the paper to provide Members with information on correspondence received by the Board's Chairperson from the Chairman of the Committee of Justice in relation to the proposed commencement of provisions in the Criminal Finances Act 2017 in Northern Ireland.

Members were asked to consider the proposal and agree that the draft response proceed to Board Members for agreement by written procedure.

It was:-

AGREED:-

That Members were content for the draft response to be issued to all Members to be agreed by written procedure. **(AP6)**

6.6 REQUEST FROM THE COMMITTEE OF JUSTICE – CRIME (OVERSEAS PRODUCTION ORDERS) ACT 2019

The T/Director of Police Administration presented the paper to provide Members with information on correspondence received by the Board's Chairperson from the Chairman of the Committee of Justice in relation to the proposed commencement of provisions in the Crime (Overseas Production Order) Act 2017 in Northern Ireland.

Members were asked to consider the proposal and agree that the draft response proceed to Board Members to be agreed by written procedure.

It was:-

AGREED:-

That Members were content for the draft response to be issued to all Members to be agreed by written procedure. **(AP7)**

7. QUESTIONS FOR THE CHIEF CONSTABLE

Members **noted** that responses from the Chief Constable in relation to the Apprentice Boys of Derry Parade and Notifiable Membership were received.

Members **agreed** to ask the Chief Constable the following questions:

- To provide an update report on the current situation regarding the Durham Constabulary Investigation (Operation Yurta);
- To provide details of any upcoming litigation in the next three months that PSNI are either progressing or defending through the courts that may have public interest implications.

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

At the start of the meeting the Chair had asked for any issues to be dealt with under “Any Other Business”. The following issues were discussed:

Black Lives Matter

This was considered by the Committee at Agenda Item 6.1 The Human Rights Advisor Update Report for May 2020.

Chief Constable Report

It was discussed by Committee Members that there could be an improvement to this report and in the format that is provided to the Board. It was recognised that quality and effectiveness of this report should be paramount.

The Chief Executive provided Members with an update on the Effectiveness of the Board Report that also supports a piece of work to consider the Chief Constable Report to the Board and that this should be dealt with at Board level with the Board's Chair and Chief Executive.

PSNI Firearm Discharge in Dunmurry

During Item 9 a Member asked if the Board had been notified by PSNI of the incident. The Chief Executive stated that the Board received notification that the incident had been referred to the Office of the Police Ombudsman for Northern Ireland for investigation as well as an internal PSNI investigation. The issue is also on the agenda for a discussion between the Board's Chair, Vice Chair and Chief Executive.

10. DATE OF NEXT MEETING

It was agreed that the next meeting would take place on Thursday 10 September 2020 at 10.00am in Waterside Tower.

The meeting closed 12.20pm