

## **NORTHERN IRELAND POLICING BOARD**

### **MINUTES OF THE PERFORMANCE COMMITTEE MEETING HELD ON 21 JANUARY 2016 AT 9.30AM, WATERSIDE TOWER, BELFAST**

#### **PRESENT:**

Mr Jonathan Craig (Chairperson)  
Ms Roisin McGlone (Vice-Chairperson)  
Professor Brice Dickson  
(7) Mr David McIlveen  
(5) Mr Ryan Feeney  
(4) Mr Gerry Kelly  
(6) Ms Caitriona Ruane  
Ms Debbie Watters

**PSNI  
IN ATTENDANCE:** (1) ACC Kerr  
(2) T/D/C/Supt Morton  
(1) D/C/Supt Drennan  
(2) 1 PSNI Officer

**CJINI IN  
ATTENDANCE** (3) Mr Brendan McGuigan  
(3) Mr Bill Priestley

**BOARD'S HUMAN  
RIGHTS ADVISOR  
IN ATTENDANCE:** Ms Alyson Kilpatrick

**OFFICIALS IN  
ATTENDANCE:** (4) Mr Edgar Jardine (Interim Chief Executive)  
Mrs Amanda Stewart (Director of Policy)  
6 Board Officials

- (1) Items 5.1& 5.2 only
- (2) Item 5.1 only
- (3) Item 5.3 only
- (4) Open to item 5.3
- (5) Open to item 5.2
- (6) Item 3.2 to close
- (7) Items 3.4 to 5.2

#### **1. APOLOGIES ETC**

Apologies for today's meeting were received from Mr Trevor Lunn and Mr Paul Nolan.

The Chairperson asked Members to declare any conflicts of interest arising from the agenda. No conflicts of interest were declared.

## **2. DRAFT MINUTES OF MEETINGS OF THE PERFORMANCE COMMITTEE**

### **2.1 Draft minutes of the Performance Committee meeting held on 17 December 2015**

The Board's Human Rights Advisor requested a minor amendment be made to the draft minutes at item 3.2. Subject to the requested amendment

It was:-

#### **AGREED:**

To approve the draft minutes of the Performance Committee meeting held on 17 December 2015.

## **3. MATTERS ARISING FROM THE MEETING HELD ON 17 DECEMBER 2015**

### **3.1 Correspondence regarding the use of PAVA Spray and An Garda Síochána's use of water cannon (Item 3.2 of minutes refers)**

Officials advised the Committee that arrangements are being progressed for a briefing from the PSNI in relation to their use of PAVA spray. The Committee also noted a follow up letter issued to An Garda Síochána in respect of their policy regarding the deployment of water cannon.

Officials advised that a response is awaited and will be brought to the Committee in due course. NOTED.

### **3.2 Correspondence regarding DVPNs and the Refresh and Relaunch of Discretionary Disposals (Item 3.6 of minutes refers)**

The Committee noted correspondence received from the Minister of Justice regarding the introduction of Domestic Violence Protection Notices in Northern Ireland and also correspondence received from the PSNI relating to the refresh and relaunch of discretionary disposals.

Members discussed the placement of Woman's Aid staff in PSNI Stations and specifically the funding arrangements for this service.

Following discussion,

It was:-

**AGREED:**

Correspondence to the PSNI in respect of Women's Aid staff placed in PSNI stations and what, if any, funding is provided by the PSNI.

**3.3 Professional Standards 6 Monthly Report (Item 3.7 of minutes refers)**

The Committee noted correspondence issued to the PSNI following their 6 monthly Professional Standards report to the Committee in October 2015. Officials advised a response is awaited and will be brought to the Committee in due course. NOTED.

**3.4 Correspondence from the Chief Constable (Item 3.11 of minutes refers)**

The Committee noted that correspondence from the Chief Constable regarding requests made by the DPP under Section 35(5) of the Justice (Northern Ireland) Act 2002 will be considered at the 4 February Board meeting. NOTED.

**3.5 Legacy Investigation Branch (Item 5.2 of minutes refers)**

The Committee noted 2 items of correspondence issued to the PSNI following their briefing in respect of the Legacy Investigation Branch to the December 2015 Performance Committee. Officials advised that responses received from the PSNI had been tabled at the meeting and would be further considered at agenda item 5.2.

### **3.6 Performance against the Policing Plan (Item 5.3 of minutes refers)**

Officials advised that, following discussion at the December 2015 Performance Committee meeting, work is being progressed regarding the inclusion of more meaningful targets in the upcoming Policing Plan; and consideration to be given to the information provided to the Board to monitor police performance.

### **3.7 Any Other Business (Item 9 of minutes refers)**

The Vice-Chairperson provided the Committee with an update on a meeting which took place with stakeholders in respect of an ongoing operational policing matter in North Down. Members also discussed the provision of guidance to Board Members and role of PCSPs and local PSNI District Commanders in respect of such engagements.

## **4 CHAIRPERSONS BUSINESS**

### **4.1 Correspondence**

The Committee noted a written Ministerial Statement on the Security Situation in Northern Ireland from the Secretary of State, Theresa Villiers MP. NOTED.

The Chairperson also updated the Committee on a meeting he and the Performance Committee Vice-Chairperson attended with the Minister of Justice on 22 December 2015 in respect of legacy issues and the CJINI's proposed inspection of the role of the PSNI in supporting legacy inquests. Members noted that CJINI would be attending the meeting to discuss this issue at agenda item 5.3. NOTED.

## **5 ITEMS FOR DECISION**

### **5.1 Update regarding PSNI use of Small Unmanned Aircraft (SUA)**

The Chairperson welcomed ACC Kerr, D/C/Supt Morton and their

colleague to the meeting.

Further to correspondence from the Committee dated 14 December 2015, the PSNI provided an update to Members on PSNI's Operational use of Small Unmanned Aircraft (SUA). Members were provided with information regarding SUA procurement, an update on technical issues and the current status and operational deployment of SUA by the PSNI.

Members discussed with PSNI their concerns that information relating to a number of technical and safety issues regarding SUA appears to have been withheld from the Committee. Members noted that at the February 2015 Performance Committee meeting PSNI provided a positive briefing on the number of SUA deployments, the benefits derived from the technology and future benefits to be derived from this technology. A subsequent report to the Board advised that SUA had not been deployed during the period 1 January 2015 – 30 June 2015 for technical and operational reasons. PSNI explained that this was new and emerging technology and there was a continual requirement to manage ongoing issues with all types of aircraft

The PSNI also and extended an invitation to Committee Members to visit the PSNI's Air Support Unit.

The Chairperson thanked the PSNI for the presentation. D/C/Supt Morton and his colleague left the meeting. ACC Kerr remained for agenda item 5.2.

Following discussion,

It was:-

**AGREED:**

- To liaise with the Resources Committee Lead Official regarding the Committee's request for further information from the PSNI regarding their procurement of SUA, and;

- To progress arrangements for a visit by Committee Members to the PSNI's Air Support Unit.

## **5.2 Legacy Investigation Branch**

The Chairperson welcomed D/C/Supt Drennan to the meeting and, following a short synopsis of the update provided to the Committee at the December 2015 meeting, invited he and ACC Kerr to provide further detail in respect of the work of the Legacy Investigation Branch.

The Committee specifically requested the PSNI comment further regarding the LIB Case Sequencing Model, the LIB's draft Manual of Guidance and LIB progress regarding the cases moved following the closure of the HET.

In respect of the Legacy Investigation Branch Case Sequencing Model the PSNI discussed with Members how this approach differs from the chronological approach adopted by the HET and expanded on the four aspects considered in order to sequence the cases assigned to the LIB.

- I. Contemporary persons of interest;
- II. Forensic potential;
- III. Criminal Justice status, and;
- IV. Case progression.

The PSNI updated the Committee on various streams of work currently under the remit of the LIB. These include the Section 35(5) of the Justice (Northern Ireland) Act 2002 referrals from the Director of Public Prosecutions such as the 'On The Runs' cases, Military Reaction Force cases, Bloody Sunday cases and the Boston College Tapes investigations. Members were advised that these investigative cases currently form the majority of the LIB's workload and as a result, very limited progress has been made with the review of cases previously taken forward by the HET.

Members also discussed with PSNI their concerns regarding

- the LIB's draft Manual of Guidance and its progress towards completion;
- the independent verification of intelligence supplied to the LIB, and;
- the robustness of the self-declaration of staff in the vetting process and the management of potential conflicts of interest.

Committee Members were also invited to visit PSNI's Legacy Investigation Branch.

The Chairperson thanked ACC Kerr and D/C/Supt Drennan and they left the meeting. Following discussion, It was:-

**AGREED:**

- Correspondence is issued to the PSNI seeking further information regarding the order of workflow outlined in the LIB case sequencing model. To include in the correspondence the Committee's comments regarding the inclusion of the words "*and independent*" as well as effective, when referencing the requirements of an Article 2 ECHR investigation;
- To progress arrangements for a visit by Committee Members to the PSNI Legacy Investigation Branch.

### **5.3 CJINI Inspection on Legacy**

The Chairperson welcomed Mr Brendan McGuigan (Chief Inspector of Criminal Justice Northern Ireland) and Mr Bill Priestley (CJINI Inspector) to the meeting and invited them to update the Committee on the planned CJINI inspection of the PSNI's role in supporting legacy inquests.

Mr McGuigan advised the Committee of CJINI's progress towards the completion of the Terms of Reference for the inspection and discussed

their considerations for the proposed scope and remit of the inspection.

CJINI also discussed with Members:

- The methodology and fieldwork to be undertaken in relation to the inspection;
- Engagement with stakeholders;
- The timeframe for the completion of the inspection;
- Potential for engagement with and support from HMIC regarding the inspection, and;
- The availability of additional resources should they be required.

Mr McGuigan advised the Committee that it would not be the role of the inspection to look at individual cases but at the processes in respect of how the PSNI interface with the Coroner and other agencies regarding legacy inquests.

Mr McGuigan advised the Committee that he was awaiting input from the PSNI to finalise the Terms of Reference for the planned inspection and once received he would provide a final copy to the Minister of Justice for discussion with the Board.

The Chairperson thanked Mr McGuigan and Mr Priestley for the briefing to the Committee and they left the meeting. Following discussion, It was:-

**AGREED:**

Correspondence is issued to CJINI requesting a copy of the briefing given by CJINI to the Performance Committee.

The Committee also discussed the completion of the HMIC Efficiency and Effectiveness Inspection of PSNI and the proposed date for HMIC's initial presentation of findings to the PSNI. Officials advised that the



Chairpersons and Vice-Chairpersons of the Performance and Resources Committees have been invited to attend. Following discussion, It was:-

**AGREED:**

To progress arrangements for the Chairpersons and Vice-Chairpersons of the Resources and Performance Committees to be in attendance at the debrief to the PSNI of the HMIC's Efficiency and Effectiveness Inspection of the PSNI.

**5.4 Q3 PSNI Performance against the Policing Plan**

The Committee considered a paper providing Members with the Policing Plan 2015 – 2016 Quarter 3 PSNI Performance Report, the Corporate Dashboard as at 11 January 2016 and updated information of statute barred cases.

Members noted the analysis on key areas however expressed concern regarding variances between April-September and April – December figures in relation to anti-social behaviour (ASB) and average working days lost (AWDL).

Officials advised that the PSNI would be in attendance at the February 2016 meeting of the Performance Committee to discuss this paper further. Following discussion, It was:-

**AGREED:**

- Correspondence is issued to the PSNI regarding the variances between the April – September and April – December figures in relation to anti-social behaviour (ASB) and average working days lost (AWDL). To include a request that PSNI advise their definition of anti-social behaviour, and;

- To correlate any potential questions arising from the report for Committee Members' review ahead of next month's meeting with the PSNI.

## **5.5 Cybercrime Update**

Officials briefed the Committee on a paper providing Members with information relating to the PSNI's response to tackling cyber-enabled crime in Northern Ireland. The Committee noted the statistics included in the PSNI's annual update on cyber-enabled crime and the findings of an HMIC Inspection on how police forces in England and Wales deal with child sexual exploitation. Members were advised that the PSNI would be invited to attend a future meeting of the Performance Committee to further discuss the issue child sexual exploitation following the publication of Barnardo's evaluation of the Willowfield Pilot Project and the Safeguarding Board's review of twenty-two abuse cases in Northern Ireland.

## **5.6 National Crime Agency – Quarterly Performance Update**

The Committee considered a paper providing Members with a report on the NCA's quarterly performance and activity in Northern Ireland, July - September 2015. Officials provided an update on the most recent meeting of the NCA Sub-Group and issues raised relating to MoU's in respect of the operation of the NCA in Northern Ireland.

The Committee also discussed the format for future meetings of the Director General of the NCA with the Policing Board and following discussion,

It was:-

### **AGREED:**

To progress the Committee's recommendation to the Board that future meetings of the Board with the Director General of the NCA

should include both a public and private aspect.

## **5.7 Immigration Bill proposals to tackle labour exploitation**

The Committee considered a paper and correspondence from the Minister of Justice seeking the Committee's views on proposals to tackle labour exploitation contained within the Westminster Immigration Bill.

Members were supportive of the role of the Gangmasters Licensing Authority (GLA) but expressed concern at proposals to widen their powers to include more investigative 'police-style' powers. The Committee was of the view that the powers of investigation and enforcement should remain with the PSNI. Following discussion, It was:-

### **AGREED:**

A response to the Minister of Justice's correspondence is drafted outlining the Committee's views regarding the Immigration Bill proposals to tackle labour exploitation and specifically in relation to proposals to widen the remit of the Gangmasters Licensing Authority (GLA).

## **5.8 CJINI Inspection on the File Quality and Timeliness of Police Files (incorporating disclosure submitted to the PPS for NI)**

The Committee considered a paper providing Members with the key findings from a CJINI Inspection report on the quality and timeliness of police files including disclosure submitted to the PPS for Northern Ireland. Members discussed inviting the PSNI to a future meeting of the Committee to consider how recommendations included in the report will be progressed. The Committee also considered that it would helpful and informative to have the views of the Public Prosecution Service in relation to the CJINI report. Following discussion, It was:-

**AGREED:**

To progress arrangements for the PSNI and PPS to be invited to a future meeting of the Performance Committee to discuss the CJINI Inspection Report and Recommendations on the file quality and timeliness of police files.

**5.9 Possible Pension Forfeiture – Former Police Officer**

Officials briefed the Committee on a paper seeking their decision on whether to proceed with consideration of the forfeiture of a former officer's pension. The Committee discussed the Board's remit and responsibility in respect of determining pension forfeiture and the percentage of pension eligible for forfeiture. Following discussion It was:-

**AGREED:**

To progress to Stage 2 of the process to consider the pension forfeiture for a former police officer. A full report, including written submission from the former officer, to be brought to a future meeting of the Performance Committee.

**6 INFORMATION PAPERS AND CORRESPONDENCE**

**6.1 Correspondence**

The Committee noted the below 2 items of correspondence.

- Correspondence from the Minister of Justice to the Board dated 14 December 2015 regarding PSNI Inspections, and;
- Correspondence from HMIC to the Minister of Justice dated 16 December 2015 regarding the Efficiency and Effectiveness Inspection of the PSNI. NOTED.

**6.2 Freedom of Information Requests**

The Committee noted 2 PSNI Freedom of Information request. NOTED.

### **6.3 Regulation 20 Reports**

The Committee noted 1OPONI Regulation 20 Report. NOTED.

### **6.4 PSNI Qualitative Report – Serious Crime Update**

Officials advised that the provision of this paper to Committee Members has been delayed as a result of issues relating to the paper's protective marking. Committee Member, Ms Caitríona Ruane requested her concerns regarding this issue be noted. Following discussion, It was:-

#### **AGREED:**

Officials should engage with PSNI to resolve matters relating to the protective markings of some PSNI reports being provided to the Board.

### **6.5 Taskforce on Cross Border Organised Crime**

The Committee noted a paper providing Members with information on the terms of reference for the Joint Agency, Cross Jurisdictional Task Force established under the 'Fresh Start' agreement. NOTED.

## **7. QUESTIONS FOR THE CHIEF CONSTABLE**

It was:

#### **AGREED:**

Questions be drafted to the Chief Constable from Performance Committee regarding:

- The PSNI Air Support Unit, and;
- Arrangements in place for the provision and independent verification of intelligence to Legacy Investigation Branch.

## **8. COMMUNICATIONS ISSUES**

There were no matters arising

## **9. ANY OTHER BUSINESS**

No further business was conducted.

## **10 DATE OF NEXT MEETING**

Members were advised the date for the next meeting of the Performance Committee is Thursday 18 February 2016.

(Meeting closed 12.55pm)

### **Board Support**

**Date:** January 2016

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**Chairperson**