

MINISTER'S PRE-BRIEF AND MEETING NOTE

It is the business area's responsibility for keeping an HPRM record of the final agreed note.



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

☒ PRE-BRIEF

☒ MEETING

TIME AND DATE OF MEETING:		Pre-brief - 5 August 2024 @ 11.30am Meeting – 5 August 2024 @11.45am		
TITLE/ORGANISATION: (Include INV number where possible and ensure title on pre-brief and meeting notes are the same)		Minister's meeting with Andy George, PSNI, President of the National Black Police Association UK, to discuss hate crime. [INV-1186-2024]		
VENUE:	☐ e.g. Parliament Buildings	☒ e.g. Castle Buildings	☐ Other – please specify	
LIST OF ATTENDEES:				
☒ Minister	☐ SpAd	☒ PS XX Redacted Section 40 (2)XX		
OFFICIALS:	XX Redacted Section 40 (2)XX XX Redacted Section 40 (2)XX XX Redacted Section 40 (2)XX			
OTHERS: [Include Pdf Copies of any Presentations Delivered]	Andy George, PSNI/President of the National Black Police Association UK			

PRE-BRIEF KEY POINTS DISCUSSED:

Minister

- Referred to the recent meeting that Andy had attended with ACSONI re: racist hate crime.
- Recalled his comments at the meeting regarding police officers who are subjected to hate crime e.g. by prisoners who are abusive when they are brought into custody suites - yet it is not treated or recorded as such.
- Posed the question as to whether there is a gap in terms of legislation when someone is racially abusive to a police officer or whether there is a tolerance by the PSNI?
- Commented on the planned introduction of a statutory aggravator for those committing a crime against someone who is providing a public service.
- Added that the public order elements will not be progressed as quickly as we do not have the capacity to do so in this mandate – acknowledged that this will be disappointing for Andy. (officials pointed to the existing offences of threatening and abusive behaviour in the NI stalking legislation).
- Asked if Andy was likely to raise the issue of not enough effort being made to recruit those from an ethnic minority to the PSNI (even though recruitment is not the responsibility of the Department).

XX Redacted Section 40 (2)XX

- Commented on the level of representation in the PSNI of those of BAME compared to other police forces – the percentage is very low in the PSNI.
- Suggested that if Andy believes there are gaps in the current legislation that could be plugged or strengthened then he can flag these and these can be considered.

Minister

- Commented that the weekend events and the targeting of ethnic minorities will not help perceptions.
- Stated that there are migrants who are coming to NI from places where there have been human rights abuses by the police and other authorities and this makes it very challenging for them in terms of establishing trust because of their experiences.

MEETING KEY POINTS DISCUSSED:

Minister

- Referred to the violence over the weekend which had left many people feeling frightened and shaken.
- Advised that she is keen to visit the Belfast Islamic Centre and will be talking to Minister McEntee after this meeting about “riot tourism” and also later to the Secretary of State regarding the resource and capacity issues that the PSNI faces.
- Highlighted the legislative provisions that she intends to introduce and set out the rationale for widening the scope of the aggravator for attacks on those who are providing a public service.
- Encouraged Andy to flag any legislative changes that he feels are required – advised that the Department would look into these.
- Referred to the Judge Marrinan report on hate crime and acknowledged that there are elements that we will not be able to implement in this mandate – still however committed to doing so; just not possible in a shortened mandate.

Andy

- Expressed his concern at the real gap that exists in terms of how the NIPB monitors police performance in relation to BAME representation.
- Stated that PCSPs are a gateway for community participation and scrutiny yet representation here is sadly lacking.

Minister

- Asked if there is more that the Department can do to promote the role and value of PCSPs? Or are there actions that can be taken to better connect BAME groups with the PCSPs and PSNI?
- Stated that we already put out adverts, translate these into multiple languages and put these in areas of high footfall but acknowledged the under representation of members from ethnic minority communities.

Andy

- Referred to section 40 of the Police Act and how to best navigate through the existing legislative and statutory provisions.
- Noted that when the PSNI was formed in 2001 0.8% of the population in NI was BAME. This has now grown to around 8% but the corresponding representation in the PSNI has not kept pace – 41 police officers are from a minority ethnic background and 26 police staff. This equates to the highest level of under representation across all UK police forces.

- Commented on the lack of training opportunities, lack of promotion and temporary promotion for BAME officers as well as more disciplinary and misconduct issues.

Minister

- Acknowledged these stats – suggested that this may be because there are more settled ethnic minority communities in parts of E+W and also the policing backdrop and context in NI could be a factor.
- Noted that minority communities do not have the same established connections and networks within policing – a lot of officers, particularly at more senior ranks, have strong family connections and a history of service in the police.
- Drew parallels with female officers and females in other professions.

There was a broader discussion which covered;

- Black Lives Matter protests during Covid.
- Migrants being afraid of authority figures due to experiences in the countries they have come from.
- Monitoring of hate crime and downplaying of hate incidents (Andy referred to R v Millar case relating to hate incidents).
- The level of trust and confidence that can be generated by a BAME officer standing in uniform.
- Checking Immigration status vs checking criminal history – Andy suggested that there are definite problems with racism within the PSNI.
- Comparison between LGBTQ+ officers and BAME officers – both have to contend with issues but they are not as visible as BAME officers. There is more aggression with some people looking at BAME officers differently due to their skin colour.
- The requirement for PPS to back prosecutions for hate crime and the recording of this in Court.
- The ability (or inability) for policing to understand racism and the attitude and behaviour of some police officers towards BAME colleagues.
- Extremism and the challenges that this generates.
- The difficulty in policing social media and the fact that so many people now use it as their source of news and source of truth – yet there are no standards and lots of misinformation and disinformation.

Minister

- Expressed concern that any police officer that exhibits hostility to any section of the community when in uniform is unacceptable – they should police the entire community with impartiality.

- Commented on some who are attracted to policing due to the power of the position that they hold.
- Stated that trivialising behaviour has an impact on confidence on a number of levels.
- Referred to discussions with Simon Byrne when he was Chief Constable and his desire to raise standards and to deal robustly with those who are making pejorative comments.
- Commented on the culture that exists whereby people make comments in an open room with the confidence that they are not going to be challenged.
- Stressed the importance of bystanders stepping in to call out inappropriate behaviour and comments.
- Added that a cultural change can shift the dial far more than legislation itself can.

In closing the Minister encouraged Andy to talk to DoJ officials if he feels that there are any legislative gaps and stressed the importance of the PSNI recording incidents such as hate crime.

ISSUES AGREED (must be completed):

- Minister and Andy agreed that the NIPB need to assert their role as the accountability body for the PSNI in relation to attitudes towards the BAME community and BAME representation.

ACTION POINTS / OFFICIAL RESPONSIBLE:

- A copy of the paper on hate crime produced in 2018 by the Ethnic Minority Police Association (EMPA) will be shared with the Minister and DoJ officials *[Andy George] (this has now been shared)*
- DoJ officials to check with Home Office officials regarding section 5 of the Public Order Act to see if NI have legislative cover for this. *[CSD/POCD officials]*

NOTE WRITTEN BY: XX Redacted Section 40 (2)XX

DATE: 6 August 2024

Signed and Dated by Private Secretary:

XX Redacted Section 40 (2)XX

6 August 2024