

## **NORTHERN IRELAND POLICING BOARD**

### **MINUTES OF A MEETING OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE HELD ON 11 FEBRUARY 2009 AT 9:30AM IN WATERSIDE TOWER, BELFAST**

#### **PRESENT:**

#### **MEMBERS:**

Mr Basil McCrea (Chairperson)  
Ms Mary McKee (Vice Chairperson)  
Ms Martina Anderson  
(1) Mr Tom Buchanan  
(2) Mrs Rosaleen Moore  
Mr Brian Rea  
Mr Peter Weir

#### **PSNI IN ATTENDANCE:**

(3) Mr David Jones (ACC Crime Support)  
(4) Mr Duncan McCausland (ACC Criminal Justice)  
(3) Mr Phil James (Historic Enquiries Team)  
(3) Mr Dave Cox (Historic Enquiries Team)  
(4) 4 PSNI Representatives

#### **NIPB HUMAN RIGHTS**

#### **ADVISER IN ATTENDANCE:**

Ms Alyson Kilpatrick

#### **OFFICIALS IN ATTENDANCE:**

Mr Peter Gilleece (Director of Policy)  
(5) Mr Sam Hagen (Director of Corporate Services)  
4 Board Officials

- (1) Item numbers 4 – 17
- (2) Item numbers 1 – 9
- (3) Item number 12 only
- (4) Item numbers 10 & 13
- (5) Item number 8 only

## **1. APOLOGIES, ETC**

Apologies were received on behalf of Mr Gearóid Ó hEára. NOTED.

**2. MINUTES OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 12 NOVEMBER 2008**

The Committee considered the draft minutes of the previous meeting.

It was:-

**AGREED:**

That the draft minutes of the Human Rights and Professional Standards Committee meeting held on 12 November 2008 be agreed.

**3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 12 NOVEMBER 2008**

**3.1. Monitoring Of Origin Of Catholic Applicants To The PSNI (Item 3.1.1 Of Minutes Refers)**

The Committee noted a paper which provided details of the country of origin of catholic applicants to the PSNI.

It was:-

**AGREED:**

That officials would provide Members with comparisons to other similar police services.

**3.2 Trends and Patterns in Complaints and Allegations in North Belfast (Item 3.2.2 of Minutes Refers)**

The Committee was advised that Chief Superintendent White would be attending the April 2009 Committee meeting. NOTED.

### **3.3 Chairperson's Business Office Of The Police Ombudsman For Northern Ireland (OPONI) (Item 4.1 Of Minutes Refers)**

The Committee was advised that the Director of Policy would meet with the Police Ombudsman to discuss the timing of the report on TASER. NOTED.

### **3.4 Lundy Article – 'Can The Past Be Policed?' (Item 5 of Minutes Refers)**

The Committee was advised that the Chief Constable would discuss the report with ACC Jones before a response is made available to the Board.

The Committee also referred to a briefing paper on the "EU Committee of Ministers Consideration of Article 2 Compliance". NOTED.

### **3.5 Improving The Effectiveness Of Committee Business (Item 6 Of Minutes Refers)**

The Committee considered a paper which set out possible arrangements for an "Away Day" to discuss Committee effectiveness. Following discussion, it was:-

#### **AGREED:**

- to arrange the "Away Day" for June 2009;
- a paper would be brought to the April 2009 Human Rights & Professional Standards Committee meeting with further details of the proposed "Away Day".

### **3.6 Future Provision Of Human Rights Advice (Item 7 Of Minutes Refers)**

The Committee was advised that this continued to be work in progress. NOTED.

### **3.7 Meeting with NGOs Held On 12 October 2008 (Item 8 of Minutes Refers)**

This matter was dealt with under item 6.

### **3.8 Review of Officials Attendance at PSNI Regulation 20 Committee Review Panel (Item 9 of Minutes Refers)**

The Committee was advised that officials would continue to attend these meetings, the next meeting being scheduled for 4 March 2009.

The Committee was advised that the Director of Policy had written to the Office of the Police Ombudsman for Northern Ireland to seek his views on the effectiveness of the REG20 review panel.

### **3.9 Police Appeals Tribunal (Item 10 of Minutes Refers)**

The Committee was advised that a letter had been sent to the Appellant advising of the Board's decision. NOTED.

### **3.10 Complaints Against Police (Item 11 Of Minutes Refers)**

The Committee referred to a letter from the Office of the Police Ombudsman which provided an explanation as to various aspects of the report. NOTED.

### **3.11 Repositioning Of Officers September 2008 (Item 12 Of Minutes Refers)**

The Committee referred to a letter from PSNI which provided additional information on the 4 cases where there were breaches of Data Protection.

It was:-

#### **AGREED:**

That the Director of Policy would raise with Professional Standards Department, the systems and checks that are in place to prevent and detect breaches of Data Protection and this would be discussed at the April 2009 Committee Meeting.

### **3.12 Custody Visiting Statistics 2<sup>nd</sup> Quarter 2008/09 (Item 13 of Minutes Refers)**

The Vice Chairperson briefed the Committee on Custody Visitors. She advised that Custody Visitors only received a mileage rate at 40p per mile as per HMRC guidelines and that a Retention Fee should not be paid to Custody Visitors. NOTED.

### **3.13 PSNI Firearms Policy And Implementation Status Of Armed Response Vehicles (Item 14 Of Minutes Refers)**

It was:-

#### **AGREED:**

That a paper would be brought to the April 2009 Committee meeting on the PSNI Firearms Policy and Implementation Status of Armed Response Vehicles.

## **4. CHAIR'S BUSINESS**

### **4.1 Media Briefing On Committee Programme Of Work**

The Committee noted the media briefing which had been held on 22 January 2009, and it was:-

#### **AGREED:**

To publish the Programme of Work for 2009 on the Board's website.

### **4.2 Press Lunch**

The Committee was advised that the press had been invited to lunch following the Committee meeting to discuss the work on domestic abuse, along with representatives from the Department of Health, Social Services & Public Safety (DHSSPS) and ACC McCausland.

### **4.3 Roundtable Meetings**

The Chair advised the Committee that there would be:-

- a Thematic Roundtable meeting with key stakeholders on Wednesday, 25 February 2009 at 2:00pm in Room 152 Parliament Buildings; and
- the launch of the Thematic Report on Domestic Abuse on Tuesday, 24 March 2009 at 10:00am in Waterside Tower, Belfast.

### **4.4 Custody Visitors**

The Committee were advised of the Custody Visitors AGM which has provisionally been arranged for 23 April 2009. Invitations will be issued to Members once the details and venue had been finalised.

### **4.5 Suspension of Civil Staff**

The Committee noted a copy of the FOI request regarding the protracted suspension of civilian staff in PSNI.

It was:-

#### **AGREED:**

That further information would be requested from PSNI regarding the reasons for the length of suspension with respect to civilian staff.

## **5. HUMAN RIGHTS ADVISOR'S BRIEFING**

The Board's Human Rights Adviser, Ms Alyson Kilpatrick, attended the meeting to update the Committee on:-

- Covert surveillance;
- Disposal and retention of DNA;
- Domestic abuse issues;
- PSNI's Programme of Actions;
- Stop and Search

The Committee were advised on the legal position with regards to covert surveillance and particularly in relation to custody suites. The Committee were advised that this issue is currently with the House of Lords and a decision is expected within the next few weeks.

The Committee were advised that there is currently an ongoing European Court of Human Rights case regarding the disposal of DNA following acquittal or failure to prosecute, but that in the interim, PSNI would maintain their current processes for retention of DNA. She advised the Committee on the estimated costs provided by the PSNI associated with the disposal of DNA.

It was:-

**AGREED:**

That the Human Rights Adviser would provide a more detailed update on the disposal of DNA at the April 2009 Committee meeting.

The Human Rights Adviser updated the Committee further on the status of the Thematic Domestic Abuse Inquiry and advised that this was proceeding well.

The Human Rights Adviser referred the Committee to a paper on the PSNI Human Rights Programme of Action 2008/09 and to a response received from ACC Operational Support regarding recommendation 11 and 12 of the Human Rights Annual Report 2008. She advised the Committee of the current status of the recommendations and of her concerns, in particular, the fact that the letter from ACC Operational Support was only received the day before the meeting, which did not give officials or the Committee sufficient time to consider the contents of the letter.

The Human Rights Adviser briefed the Committee on Stop and Search including reference by Lord Carlisle in relation to the use of Section 44 of the Terrorism Act 2000 in England and Wales. Various questions and concerns were raised by the Committee in relation to Stop and Search powers and in particular, the need for PSNI to provide further detail on the use of Section 44 powers as required by recommendation 15 of the Human Rights Annual report 2008.

## **6. PROPOSED RESEARCH – EVALUATION OF PSNI – RECOMMENDATION 4 OF THE INDEPENDENT COMMISSION REPORT ON POLICING IN NORTHERN IRELAND**

The Committee considered a paper which sought the Committee's views regarding an assessment of Recommendation 4 of the Independent Report on Policing in Northern Ireland.

Following a discussion it was:-

### **AGREED:**

That the Human Rights Adviser would come back to a future Committee meeting with a proposal for an evaluation mechanism for assessing progress in relation to recommendation 4.

## **7. TERMS OF REFERENCE FOR THEMATIC INQUIRY ON CHILDREN AND YOUNG PEOPLE**

The Committee considered a paper which provided further details of the potential scope of the Thematic Inquiry on Children and Young People; the Terms of Reference of the Thematic Inquiry; and proposed timescale.

It was:-

**AGREED:**

1. to adopt the Terms of Reference;
2. to launch the Thematic Inquiry in early March 2009;
3. In principle that a dedicated webpage be set up;
4. To engage with Learningni.net, to progress the project; and
5. To engage with the BBC to progress proposal for a public event.

**8. POLICE APPEALS TRIBUNAL**

The Committee was asked to consider a number of issues in relation to the appointment of Board Members to sit on Police Appeals Tribunals.

The Director of Corporate Services briefed the Committee on a recent Police Appeals Tribunal which had been adjourned in order to set up a new panel following an objection to one of the panel Members. The panel Member in question was a political Member of the Board.

Following discussion, it was:-

**AGREED:**

- that all Members of the Board continue to be asked to sit on Police Appeals Tribunals;
- In future, all parties concerned should be asked to confirm in writing, whether or not there is any perceived 'conflict of interest'.

## **9. INFORMATION PAPERS**

### **9.1.1 Police Officers Convicted of Drink Driving during 2008**

### **9.1.2 Questions on Civilian and Police Officer Suspensions**

### **9.1.3 The Number of Police Officers Charged and Convicted of a Criminal Offence in County Tyrone and Reported to PSD**

### **9.1.4 Suspended Officers**

### **9.1.5 BBC News Report**

### **9.1.6 Historical Enquiries Team Funding**

### **9.1.7 Police Appeals Tribunal – Result of Judicial Review**

### **9.1.8 Custody Visitor Statistics for October to December 2008**

NOTED.

## **9.2 Regulation 20 Reports**

### **9.2.1 Investigation into the Attempted Suicide of a Detained Person at Antrim Police Station on 27 April 2005**

It was:-

#### **AGREED:**

That officials would write to the Chief Constable to ascertain if there were any changes to PSNI policies or procedures arising from this case, Detained Person at Antrim Police Station on 27 April 2005, or the recent Prison Ombudsman's report on the death of Colin Bell in Maghaberry Prison.

**9.2.2 Investigation into a Drowning at Carlingford Lough, Warrenpoint on 15 May 2005**

**9.2.3 Report into the Circumstances Surrounding a Death at Bradbury Court, Belfast on Wednesday, 24 May 2006**

**9.2.4 Investigation to an Aggravated Assault on two People in Elmwood Avenue, Belfast on 23 October 2005**

NOTED.

### **9.3 Publications**

The Committee noted the recently received publications.

### **9.4 Correspondence And Press**

The Committee noted the recently received correspondence and press issues.

## **10. POLICY AND OPERATIONS**

This item was incorporated into item 13.

## **11. STOP AND SEARCH**

This item was withdrawn.

It was:-

### **AGREED:**

That the Human Rights Advisor would take would take this forward with ACC Rural Region.

## **12. CONSIDERATION OF EAMES/BRADLEY**

The Chairperson welcomed ACC Jones, Phil Jones and Dave Cox to the meeting.

ACC Jones updated the Committee on the;

- ongoing Public Inquiries and legacy inquests;
- Retrospective Murder Review Unit;
- the Cost of Dealing with the Past;
- Eames/Bradley report.

ACC Jones and his colleagues updated the Committee on the Historic Enquiries Team (HET). The Committee was advised that HET would continue until any definitive changes were agreed and that there was sufficient funding for 2009/ 2010.

It was:-

### **AGREED:**

- that ACC Jones would submit to the Human Rights and Professional Standards Committee, a current situation report in terms of Eames/Bradley, the HET, and the EU Council of Ministers consideration of Article 2 compliance;
- That the Chief Constable would provide the Board with a response to the Lundy report.

## **13. PSNI PROGRAMME OF ACTION – HUMAN RIGHTS ANNUAL REPORT**

The Chairperson welcomed ACC McCausland and his colleagues to the meeting.

ACC McCausland began by updating the Committee on Recommendation 30 regarding the retention of DNA. He provided the costs associated with the disposal of DNA and

also scenarios as to when retention of DNA samples were beneficial. He then proceeded to brief the Committee on the remainder of the recommendations.

The Committee expressed concern at the letter received from ACC Operational Support regarding recommendations 11 and 12 the day before the meeting, which did not allow sufficient time for the Committee to read the information provided. This was noted by ACC McCausland.

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

It was:-

##### **AGREED:**

That a question would be drafted to be put to the Chief Constable in relation to Stop and Search.

#### **15. COMMUNICATION ISSUES**

The following communication issue was noted by the Committee:-

- Stop and Search.

#### **16. ANY OTHER BUSINESS**

There were no matters arising.

## **17. DATE OF NEXT MEETING**

The date of the next regular meeting was agreed for Wednesday, 8 April 2009 at 2:00pm in Waterside Tower, Belfast.

(Meeting closed at 1:05pm).

**Secretariat**

**February 2009**

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**Chairperson**