

## **NORTHERN IRELAND POLICING BOARD**

### **MINUTES OF A MEETING OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE HELD ON 14 OCTOBER 2009 AT 9:30AM IN WATERSIDE TOWER, BELFAST**

#### **PRESENT:**

#### **MEMBERS:**

- (5) Mr Basil McCrea (Chairperson)
- Ms Martina Anderson
- Mrs Mary McKee
- Mr Suneil Sharma
- Mr Peter Weir

#### **PRICEWATERHOUSE COOPERS IN ATTENDANCE:**

- (1) Mr Martin Pitt

#### **PARADES COMMISSION IN ATTENDANCE:**

- (2) Mr Ronnie Pedlow
- (2) Mr Edwin Graham
- (2) Ms Kelly Andrews

#### **POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:**

- (4) Mrs Judith Gillespie (Deputy Chief Constable)
- (2) Assistant Chief Constable, Mr Alistair Finlay, Urban Region
- (4) Chief Superintendent Tom Haylett, Professional Standards Department
- (4) Detective Superintendent George Clarke
- (4) 2 PSNI Personnel

#### **POLICE OMBUDSMAN FOR NORTHERN IRELAND IN ATTENDANCE:**

- (3) Mr Sam Pollock, Chief Executive
- (3) Mr Gregg Mullan, Director of Policy & Practice
- (3) Ms Siobhan Morgan

#### **NORTHERN IRELAND POLICING BOARD HUMAN RIGHTS ADVISOR IN ATTENDANCE:**

Ms Alyson Kilpatrick

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

Mr Adrian Donaldson (Chief Executive)  
Mr Peter Gilleece (Director of Policy)  
6 Board Officials

- (1) Item number 5 only
- (2) Item number 6 only
- (3) Item number 7 only
- (4) Item number 8 only
- (5) Item numbers 1 - 10

## **1. APOLOGIES, ETC**

Apologies were received on behalf of Mr Gearóid Ó hEára and Mrs Rosaleen Moore.  
NOTED.

## **2. MINUTES OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 2 SEPTEMBER 2009**

The Committee considered the draft minutes of the previous meeting.  
It was:-

### **AGREED:**

That subject to minor amendments the draft minutes of the Human Rights and Professional Standards Committee meeting held on 2 September 2009 be agreed.

## **3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETINGS**

### **3.1 Matters Arising From The Minutes Of The Human Rights And Professional Standards Committee Held On 2 September 2009**

#### **3.1.1 Taylor Reforms (Item 5 Of Minutes Refers)**

The Committee considered a response from the Crown Solicitor's Office with regard to Legal advice as to the Board's position on forfeiture of pensions for Police officers who have been dismissed. Following a discussion, it was:-

### **AGREED:**

- A Board Official should be invited to a future meeting of the Committee to advise Members on the Board's and the Secretary of State's policies;

- That full details of a recent case in Scotland in relation to pension forfeiture, should be brought to a future meeting of the Committee.

### **3.1.2 2008/09 PSNI Use Of Force Report (Item 6 Of Minutes Refers)**

The Committee was advised that PSNI and the Police Ombudsman's Office had been contacted to ascertain whether any minors had been injured by AEPs on 13 July 2009.

It was:-

#### **AGREED:**

That officials would also refer to the Children's Law Society regarding reports of injuries to minors.

### **3.1.3 Human Rights Advisor Briefing (Item 7 Of Minutes Refers)**

The Committee was advised that an example of the new format for the Human Rights Annual Report had been included with the tabled papers.

### **3.1.4 Briefing Paper On The NSPCC Workshop: Traveller Children Witnessing Domestic Violence – Multi Agency Challenges To Providing Support (Item 8 Of Minutes Refers)**

The Committee noted correspondence relating to the NSPCC workshop. NOTED.

## **3.2 Matters Arising From The Minutes Of The Human Rights And Professional Standards Committee Held On 8 April 2009**

### **3.2.1 Suspension Of Civilian Staff (Item 3.7 Of Minutes Refers)**

The Committee was advised that officials had written to the Human Resources Committee seeking guidance on its remit regarding the possible future development of a Code of Ethics for civilian staff in the PSNI.

The Human Resources Committee had advised that a civilian Code of Ethics would require a change to the pay and conditions of civilian staff. Following a discussion, it was:-

**AGREED:**

To write to the Human Resources Committee to ascertain what elements of the terms and conditions would be affected if a civilian Code of Ethics were to be considered for development in the future.

**4. CHAIRPERSON'S BUSINESS**

**4.1 Young Achiever's Ball**

The Chairperson advised the Committee that he had attended the Young Achiever's Ball on 3 October 2009 at Parliament Buildings. NOTED.

**4.2 Custody Visitors**

The Chairperson advised the Committee that induction training for new Custody Visitors had taken place on 19 and 26 September 2009 at the Hilton Hotel, Templepatrick. The Committee was also advised that Refresher Training had been arranged for Saturday, 21 November 2009 at the Hilton Hotel, Templepatrick.

**4.3 'Don't Say A Word' – A Play On Domestic Violence**

The Committee noted a paper which provided an invitation to a play on domestic violence.

**4.4 NSPCC Workshop**

A Member briefed the Committee on the NSPCC workshop that had been held at the Waterfoot Hotel, Derry on 30 September 2009. She advised that it had been well

attended and that the NSPCC had appreciated the support of the Committee and the Board. NOTED.

#### **4.5 Police Appeal Against Business Interest**

The Committee was advised of a case where an officer was appealing against the Chief Constable's decision not to allow him to pursue a business interest.

The Director of Corporate Services had previously met with the Chairperson and Vice Chairperson of the Committee and it had been agreed at that time to request further information from PSNI regarding their decision.

A reply from the Deputy Chief Constable had been given to the Vice Chair of the Committee and she briefed members on the position. It was:-

#### **AGREED:**

That the response was not satisfactory and officials should seek further clarification from the PSNI regarding their decision.

#### **5. BRIEFING PAPER ON THE RECOMMENDATIONS OF THE BEST PRACTICE REVIEW OF HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE AND ASSESSMENT OF THE COMMITTEE EFFECTIVENESS**

The Chairperson welcomed Martin Pitt, Pricewaterhouse Coopers to the meeting.

Mr Pitt briefed the Committee on the recommendations in his report on the Best Practice Review of the Committee and assessment of the Committee's effectiveness.

He advised the Committee that the level of assurance achieved was that of satisfactory assurance and pointed out the positives in the report. Furthermore Mr Pitt informed the Committee that the highest level of assurance, that of substantial, has not, in his experience been achieved by any organisation.

The report places the Committee in the upper quartile in terms of performance.

Mr Pitt then advised the Committee on his recommendations which include issues as follows:-

- The requirement for an annual meeting with the Board's Chief Executive;
- There is a perceived heavy focus on human rights issues and less on professional standards, need to demonstrate that both areas are covered;
- The requirement for a research function.

Following the briefing, the Committee raised various questions and concerns:-

- How viable it was to carry out Best Practice within the current financial constraints;
- To support the need for more robust research;

Following a discussion, it was:-

**AGREED:**

- A summary paper on Martin Pitt's report would be presented to the Boards Committee Review Group.

Following the briefing, the Chairperson asked to be placed on record, the Committee's thanks and recognition to the Director of Policy and the Policy & Monitoring Manager and staff, for the enthusiastic way in which they have moved forward with the Human Rights & Professional Standards Committee business. He also highlighted that this had been achieved despite the staffing pressures referred to in Martin Pitt's report.

## **6. MEETING WITH THE PARADES COMMISSION**

The Chairperson welcomed the representatives from the Parades Commission and ACC Finlay to the Committee.

ACC Finlay gave a short presentation on policing parades from June to August 2009. He provided the Committee with statistics surrounding the summer parades, together with the costs associated with policing the parades.

Following the presentation, the Committee raised various questions and concerns with ACC Finlay and the Parades Commission.

Mr Peter Weir, a Policing Board Member asked that it be recorded in the minutes his declaration that he is a member of both the Orange Order and Black Institution.

The Committee asked questions on the more contentious parades and the costs incurred.

The question of prosecutions as a result of breaches of determinations, and the issue of alcohol at parades were also raised.

Following a discussion, it was:-

**AGREED:**

- To write to PSNI for details of the marginal costs associated with parades;
- To write to both the Public Prosecution Services and PSNI regarding breaches of determinations and the prosecutions associated with these breaches.

**7. OPONI COMPLAINTS AGAINST THE PSNI 2008/09**

The Chairperson welcomed Sam Pollock, Greg Mullan and Siobhan Morgan from the Police Ombudsman's Office to the meeting.

The Director of Policy referred the Committee to a paper on 'Complaints against the PSNI 2008/09'. This paper included statistics provided from the OPONI Annual report 2008/09 and an analysis prepared by Board Officials.

Sam Pollock referred the Committee to the OPONI Annual Report and advised that the Ombudsman would be attending the December 2009 Board meeting to discuss some issues arising from the Report.

Greg Mullan advised the Committee that since the last meeting he had met NIPB officials and that a single point of contact, for statistical information, had been established between NIPB and OPONI.

The Committee discussed the following issues with the OPONI representatives:-

- Informal Resolution;
- Mediation Project;
- Advice and Guidance;
- Public Prosecution Service.

During the briefing, Greg Mullen invited Committee Members and officials to visit OPONI to gain an understanding of the work that is undertaken. The Board's Human Rights Advisor has already taken up this invitation. The Director of Policy accepted and reciprocated the invitation.

## **8. PROFESSIONAL STANDARDS**

### **8.1 PPSNI And PSNI Relationship**

The Chairperson welcomed DCC Gillespie, Chief Superintendent Haylett and their colleagues to the meeting.

The Committee received a paper from officials on the relationship between the PSNI and the PPSNI. This report included statistics with respect to file preparation, requests for further information and police decision making.

The Committee raised issues with the DCC around the apparent difference of opinion regarding these statistics.

DCC Gillespie advised the Committee that these figures will be clarified in a future CJINI report.

The Committee went on to discuss the relationship between PSNI and PPSNI and some areas discussed were:-

- Co-location of Prosecutors and police;
- Pilot schemes with respect to the introduction of Penalty Notices for disorder;
- The upcoming CJINI Inspection on the PSNI/ PPSNI interface.

Following a discussion, it was:-

**AGREED:**

- To seek a briefing from A/ACC Nigel Grimshaw on the pilot schemes mentioned above and the working relationship with the Prosecution Service;
- Officials to draft a letter to CJINI outlining Members concerns and asking CJINI to consider the various issues raised as part of the upcoming inspection.

## **8.2 Disciplinary Issues**

A representative from Professional Standards Department (PSD) gave a presentation on discipline issues within PSNI and complaints against police 2008/09.

Various questions were raised on the statistics provided, and some of the issues were as follows:-

- The impact of officer training on complaints;
- More robust training for student officers;
- The use of mediation and/or informal resolution as an alternative to referring every complaint to OPONI and the bureaucracy that this existing practice creates for both organisations;

- Resignation of officers while suspended.

Following a discussion, it was:-

**AGREED:**

That PSNI would provide a future Committee meeting with worked examples of cases where PSNI would accept a resignation prior to the instigation of criminal proceedings.

### **8.3 Review Of Professional Standards**

A representative from Professional Standards Department (PSD) briefed the Committee on the implementation of the Taylor Reforms. Members sought clarification as to whether Taylor could be 'Cherry Picked'.

The DCC advised that there would be a consultation process which would have to take account of the unique circumstances in Northern Ireland with respect to the Police Complaints system.

The DCC advised that Recommendation 13 of the PSNI Strategic Review suggested the introduction of local positive sanctions inline with Taylor. She also stated that PSD was now being more consistent with the Taylor Reforms. NOTED.

### **8.4 Evidence Of Learning**

A representative from Professional Standards Department (PSD) briefed the Committee on the Regulation 20 panel outlining the panel's role and composition.

The Committee raised the issue of the Board's role and the Committee as being of observer status.

The Committee then discussed the whole issue of evidence of learning in the context of a HMIC report on 'Raising the Standards'.

A Board Member raised the issue of how the Committee could best hold the PSD to account.

Following a discussion, it was:-

**AGREED:**

That officials would write to PSNI asking them to provide a short paper on evidence of learning.

Following the briefing, DCC Gillespie suggested that the Committee might wish to join new student officers the week before they join the Police College.

**9. BRIEFING PAPER ON CHILDREN AND YOUNG PEOPLE THEMATIC INQUIRY**

The Committee considered a paper which provided them with an update on the Committee's inquiry on Children and Young People.

It was:-

**AGREED:**

That a joint meeting between the Committee and the Community Engagement Committee be included on the 11 November 2009 agenda.

The Committee was asked to agree a letter to the Chief Constable and the OPONI.

**10. HUMAN RIGHTS ADVISORS BRIEFING**

The Boards Human Rights Advisor briefed the Committee on a number of issues including:-

- A new template for Stop and Search to be in use by October 2009;
- A current custody issue which is being addressed.

The Committee was provided with a CD entitled "Between Ourselves" which had been broadcast on Radio 4 on 9 September 2009 and related to victims of rape and their experience of the criminal justice system.

The Committee was also provided with a DVD entitled "Cops on the Cheap" for information purposes only.

The Committee was advised of a tabled paper which provided an example format for Chapter 6 of the Human Rights Annual Report 2009. NOTED.

## **11. INFORMATION PAPERS**

The Committee noted the information papers.

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

There were no matters arising.

## **13. COMMUNICATION ISSUES**

There were no matters arising.

## **14. ANY OTHER BUSINESS**

### **14.1 December 2009 Committee Meeting**

The Committee was advised of the possibility that the date of the December Committee meeting may be changed to the 16 December 2009 to facilitate the Policing Plan Strategy event, should it not take place on 4 December 2009. NOTED.

#### **15. DATE OF NEXT MEETING**

The date of the next meeting was agreed for Wednesday, 11 November 2009 at 1.30pm in Waterside Tower, Belfast.

(Meeting closed at 1:40pm)

**Secretariat**

**October 2009**

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**Chairperson**