

## **NORTHERN IRELAND POLICING BOARD**

### **MINUTES OF A MEETING OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE HELD ON 11 NOVEMBER 2009 AT 1:30PM IN WATERSIDE TOWER, BELFAST**

#### **PRESENT:**

#### **MEMBERS:**

Mr Basil McCrea (Chairperson)  
Ms Martina Anderson  
Mrs Rosaleen Moore  
Mr Suneil Sharma

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

- (1) Assistant Chief Constable, Mr Duncan McCausland
- (1) Mr Tony Mathewson, Principal Statistician
- (1) A/Chief Inspector Collette Pike
- (1) 1 PSNI Representative

#### **HISTORICAL ENQUIRIES TEAM IN ATTENDANCE:**

- (2) Mr Dave Cox, Director Historic Enquiries Team
- (2) Mr Steve Hobbs, Director of Operations

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

Ms Alyson Kilpatrick

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

Mr Peter Gilleece (Director of Policy)  
5 Board Officials

- (1) Item number 5
- (2) Item number 6

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

Apologies were received on behalf of Mr Tom Buchanan, Mrs Mary McKee and Mr Peter Weir. NOTED.

## **2. MINUTES OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 14 OCTOBER 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 14 October 2009 be agreed.

## **3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 14 OCTOBER 2009**

### **3.1 Taylor Reforms (Item 3.1.1 of Minutes Refers)**

The Committee was advised that a Board official would attend a Committee meeting in the New Year to advise on the Board's and Secretary of State's policies on forfeiture of pension. NOTED

### **3.2 2008/09 PSNI Use of Force Report (Item 3.1.2 of Minutes Refers)**

The Committee was advised that a letter had been sent to the Children's Law Centre and that a response was tabled. NOTED

### **3.3 Suspension of Civilian Staff (Item 3.2.1 of Minutes Refers)**

The Chairperson advised the Committee that he had written to the Human Resources Committee and the Deputy Chief Constable regarding a Code of Ethics for civilian staff. The responses would be brought to a future Committee meeting. NOTED

### **3.4 Police Appeal against Business Interest (Item 4.5 of Minutes Refers)**

This matter was dealt with at item 9.

### **3.5 Briefing Paper On The Recommendations Of The Best Practice Review Of Human Rights & Professional Standards Committee And Assessment Of The Committee's Effectiveness (Item 5 Of Minutes Refers)**

The Committee was advised that a Programme of Work for 2010 was being drafted and would be presented at a future Committee. NOTED

### **3.6 Meeting With the Parades Commission (Item 6 of Minutes Refers)**

The Committee was advised that officials were still awaiting a response from PSNI regarding the marginal costs of parades. NOTED

### **3.7 Professional Standards (Item 8 of Minutes Refers)**

#### **PPSNI and PSNI Relationship**

The Committee was advised that correspondence had been drafted in relation to the Public Prosecution Service (PPS) and the Criminal Justice Inspection Northern Ireland (CJINI) and are waiting Board approval.

#### **Evidence of Learning**

The Committee referred to correspondence between the Board and PSNI.

### **3.8 Briefing Paper on Children and Young People Thematic Inquiry (Item 9 of Minutes Refers)**

Actioned.

#### **4. CHAIRPERSON'S BUSINESS**

There were no matters arising.

#### **5. STOP AND SEARCH**

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

ACC McCausland began the briefing by providing the Committee with current statistics on Stop and Search. ACC McCausland referred to the PSNI Policy Directive 10/05 on police searches and the relevant legislation, i.e. PACE, Terrorism Act, and Justice and Security Act.

ACC McCausland outlined the recording requirements for Stop and Search and the current monitoring of Stop and Search. He also advised the Committee about the oversight of Stop and Search by Lord Carlile, Independent Reviewer, Terrorism Act 2000 and Mr Robert Whalley, Independent Reviewer, Justice and Security (NI) Act 2007.

The Committee raised various questions and concerns during the briefing, including:-

- Frequency of Stop and Search against particular individuals;
- The disproportionate use across districts;
- The frequency of use of Section 43;
- The provision of information in relation to the religious background of persons Stopped and Searched.

ACC McCausland stressed, that the PSNI Stop and Search powers are used carefully and are closely monitored.

ACC McCausland suggested that a thematic investigation on Stop and Search would be useful. This suggestion was welcomed by the Committee

Following a discussion, it was:-

**AGREED:**

- That officials would write to ACC McCausland with regard to:-
  - Requesting Terms of Reference for the thematic investigation;
  - Summarising all issues raised at the Committee meeting.

ACC McCausland brought to the Committee's attention the case of Wood v Commissioner of Metropolitan Police. This case involved the taking and retaining of photographs of someone engaged in a political protest or demonstration.

ACC McCausland advised the Committee that PSNI are awaiting direction from ACPO on this issue. NOTED.

## **6. HISTORIC ENQUIRIES TEAM**

The Chairperson welcomed Mr Dave Cox and Mr Steve Hobbs to the meeting.

Mr Cox and Mr Hobbs gave the Committee an update on Operation Ballast. This was a comprehensive briefing which provided some details of prosecutions to date and ongoing cases.

Mr Hobbs briefed the Committee on a few individual prosecutions and highlighted the provision of Serious Organised Crime & Police Act (SOCPA) legislation in these cases.

The Committee was then briefed on the costs associated with the running of the Historic Enquires Team (HET). The Committee then raised various issues arising from the briefing:-

- Timescale of the various prosecutions;
- Impact on current policing;

- PPS involvement;

The Board's Human Rights Advisor asked that it be noted that she was grateful for the briefing and co operation she had received from HET.

The Committee was then briefed on the financial costs of HET. The Chairperson offered the support of the Committee and the Board for any additional funding that may be requested by HET.

A Member raised concern that 50% of HET cases originate from before 1977 and as 25% of the HET budget was being used on Operation Ballast, it was unfair to the relatives of victim's prior to 1977, some of whom are now quite elderly and may be unable to provide statements in future.

Following a discussion, it was:-

**AGREED:**

- That the Committee write to Mr Cox and Mr Hobbs thanking them for their presentation and asking to be kept informed of their progress;
- To write to the Chief Constable advising of the briefing by HET and seeking his views on issues arising from the briefing.

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

The Board's Human Rights Advisor briefed the Committee on the draft chapters of the Human Rights Annual Report.

She advised members that if they had any views on the draft chapters, that she would be happy to discuss. NOTED.

## **8. COMMITTEE PROGRAMME OF WORK 2009 – SUBMISSION FROM STAKEHOLDERS**

The Committee noted the submissions received from the Northern Ireland Commissioner for Children and Young People (NICEY), the Northern Ireland Human Rights Commission, the Committee on the Administration of Justice, The British/Irish Rights Watch and the Pat Finucane Centre. These submissions will be considered further by the Human Rights Advisor in the preparation of the Human Rights annual report. NOTED.

## **9. APPEAL REGARDING APPLICATION TO REGISTER A BUSINESS INTEREST**

The Committee considered a paper in respect of an appeal from a PSNI officer, who is currently suspended from duty, against the Chief Constable's decision not to allow the officer to register a business interest.

Following discussion:-

It was:-

### **AGREED:**

To uphold the decision of the Chief Constable.

## **10. INFORMATION PAPERS**

The Committee noted the information papers that had been sent separately to Committee Members.

A Member raised concerns at the Regulation 20 report "Enquiry Into The Making Of An Anonymous Telephone Call To Omagh Police Station On 4 August 1998".

Members expressed concern they had been aware of this report and the origin of the referral.

Following a discussion, it was:-

**AGREED:**

- That the Director of Policy would contact OPONI;
- That this report would be brought back to the next Committee meeting.

**11. QUESTIONS FOR THE CHIEF CONSTABLE**

There were no matters arising.

**12. COMMUNICATION ISSUES**

There were no matters arising.

**13. ANY OTHER BUSINESS**

**13.1 Stalker / Sampson Report**

One Member raised concerns that the PSNI had not provided papers to the Coroner in relation to the Stalker / Sampson Report although at the November 2009 Board meeting Members had been advised that the information it would be available from 9 November 2009.

Following a discussion, it was:-

**AGREED:**

That this Member would raise this issue at the December 2009 Board meeting.

**14. DATE OF NEXT MEETING**

The date of the next meeting was agreed for Wednesday, 9 December 2009 at 9:30am in Parliament Buildings, Stormont.

(Meeting closed at 4:45pm)

**Secretariat**

**November 2009**

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**Chairperson**