

NORTHERN IRELAND POLICING BOARD

**MINUTES OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE
MEETING HELD ON THURSDAY, 8 SEPTEMBER 2011 AT 9:30AM IN WATERSIDE
TOWER, BELFAST**

PRESENT:

MEMBERS:

- (1) Mr Conall McDevitt (Chairperson)
- (2) Mr Ryan Feeney (Vice Chairperson)
- (3) Mr Gerry Kelly
- (4) Mr Robin Newtown
- (2) Mrs Joan O'Hagan
- (2) Mr Gearóid Ó hEára
Ms Caitríona Ruane
Ms Deborah Watters

**INDEPENDENT REVIEWER OF THE
JUSTICE & SECURITY ACT IN
ATTENDANCE:**

- (5) Mr Bob Whalley

PSNI IN ATTENDANCE:

- (6) D/Chief Superintendent George Clarke,
Professional Standards Department
- (6) D/Superintendent Colin Taylor, Professional
Standards Department
- (6) D/Inspector Professional Standards
Department

**BOARD'S HUMAN RIGHTS
ADVISOR IN ATTENDANCE:**

Ms Alyson Kilpatrick

OFFICIALS IN ATTENDANCE:

Mr Peter Gilleece, Director of Policy
6 Board Officials

- (7) 2 Independent Custody Visitors

- (1) Item numbers Part 1, 2 – 15
- (2) Item numbers 1 – 10
- (3) Item numbers 1 – 3 & 9
- (4) Item numbers 1 – 11.1
- (5) Item number 9 only
- (6) Item numbers 5, 6 & 7
- (7) Item number 11.3

1. APOLOGIES, ETC

No apologies were received. NOTED.

No conflicts of interest arising from the agenda were declared by Members.

2. MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 11 AUGUST 2011

The Committee considered the minutes of the Committee meeting held on 11 August 2011.

It was:-

AGREED:

- That the draft minutes of Human Rights and Professional Standards Committee meeting held on 11 August 2011 be amended to reflect Members comments;
- That the Board consider recording all attendees names in the minutes;
- To send the amended version of the minutes to PSNI;
- That Members be provided with a copy of correspondence issued to the PSNI in regard to the OPONI report into Loughinisland.

3. MATTERS ARISING FROM THE MINUTES

3.1 Appointment Process For Human Rights Advisor

The Committee was advised that this was work in progress.

3.2 Operation Stafford and the Special Purposes Committee

Members considered and discussed a paper regarding the Operation Stafford investigation and the Special Purposes Committee.

Members raised the various issues below and concerns surrounding the Special Purposes Committee.

- Could the Special Purposes Committee be expanded beyond Operation Stafford?
- Could the PSNI Serious Case Review regarding the McGurk's Bar bombing be brought to the Special Purposes Committee.

Following discussion, it was:-

AGREED:

- That the Special Purposes Committee would not meet until after the current Operation Stafford trial unless for exceptional reasons;
- To review the role of the Special Purposes Committee;
- To write to the Chief Constable regarding his offer at the September 2011 Board meeting, to share the Serious Case Review report on the McGurk's Bar bombing with the Policing Board's Human Rights Advisor.

3.3 Options For Meetings On Lesbian, Gay, Bi-Sexual And Transgender (LGB&T)Thematic

The Committee noted the dates of the meetings with various reference groups in relation to the LGB&T Thematic Review. Members were asked to confirm with officials which dates they were able to attend.

3.4 HRPS Programme of Work 2011/12

Members considered the Committee's Programme of Work for 2011/12.

In response to a query Officials advised that thematics examined specific areas of police work, for example the PSNI approach to domestic abuse, and that such reports form part of the Board's Human Rights Monitoring Framework.

Various topics or themes for thematics were discussed and suggested. Members advised that the Committee should share the programme with the Community Engagement Committee and consider areas for collaboration on crosscutting themes.

Following discussion, it was:-

AGREED:

- That the Human Rights & Professional Standards Committee Programme of Work would be a substantial agenda item for its next meeting;
- Members would consider possible themes for thematics and discuss with the Director of Policy.

4. CHAIRPERSON'S BUSINESS

4.1 Correspondence from the Pat Finucane Centre

The Committee considered correspondence from PSNI and the British/Irish Rights Watch in connection with the McGurk's Bar bombing.

Members:-

AGREED:

- To write to the Chief Constable for clarification on his understanding of his responsibilities with respect to the Police Ombudsman recommendations or findings;
- To seek OPONI's views on the Chief Constable's understanding of his responsibilities with respect to the Police Ombudsman recommendations or findings;
- To seek legal advice in respect of this issue.

4.2 Special Purchase of Evacuated Dwelling Scheme (SPED)

Members were advised of the SPED Scheme which the Board's Resources and Improvement Committee oversees. Members were advised about concerns regarding negative equity in relation to the scheme.

Members discussed the issue of SPED cases and suggested exploring the wider implications, as negative equity is a major problem.

Following discussion, it was:-

AGREED:

- To write to the DOJ seeking clarification on this issue;
- To ascertain the number of homes currently lying vacant under SPED.

5. PROFESSIONAL STANDARDS MONITORING FRAMEWORK REPORT

The Committee considered a paper which provided a report on the Professional Standards Monitoring Framework. The paper consisted of 6 parts, namely:

1. Trends and patterns in complaints against the PSNI;
2. Trends and patterns in allegations against the PSNI;
3. Outcome of complaints and allegations and comparison with other Police Services;
4. Summary of PSNI's performance against 4.2 of the Policing Plan;
5. Public confidence in the police and police accountability arrangements;
6. Overview of civil litigation cases against PSNI.

Members raised concern at the high number and continued trend around complaints in 'A' District. It was suggested that the Committee should focus in on this District.

Members also raised the issue of consistency with respect to dealing with discipline and conduct at local level through the local resolution project which has been piloted in 'D' District.

The legal constraints of adopting local resolution were discussed as was the need to ensure there was sufficient public confidence in the PSNI if they are to be given discretion to deal with issues themselves.

Members again discussed the level of complaints in 'A' District and commended the PSNI for driving down incivility complaints through the Complaints Reduction Strategy service wide. It was suggested that the way in which this decrease was brought about should be examined and applied service wide.

It was:-

AGREED:

- That statistics showing the number of complaints regarding Stop and Search to be brought to the next meeting;
- The Board's Human Rights Advisor would provide the Committee with a note on the number of complaints arising from Stop and Search.

6. SUSPENDED AND REPOSITIONED OFFICERS

The Committee considered a paper which provided information relating to PSNI officers suspended or repositioned between 2008/09 and 2010/11. NOTED.

7. COMPLAINTS REDUCTION STRATEGY

The Chairperson welcomed D/Chief Superintendent George Clarke, D/Superintendent Colin Taylor and a D/Inspector from PSNI Professional Standards Department to the meeting.

D/Chief Superintendent Clarke presented the PSNI Complaints Reduction Strategy.

D/Chief Superintendent Clarke spoke on how the PSNI had been able to reduce the level of complaints and allegations. Some of the approaches used were as follows:-

- Monthly briefings to Districts;
- Professional Standards Department Champions Forum;
- Case conferences;
- Briefing at Police College;
- Training package for District/Departments.

D/Chief Superintendent Clarke then spoke on the future work of the Professional Standards Department.

- Focus on reducing oppressive behaviour allegations;
- Developing problem profiles;
- Development of case conference facility;
- Professional Standards Department Workshops;
- Article for National Journal – Police Professional;
- Interest from external Police Colleges.

Following the presentation from D/Chief Superintendent Clarke, Members raised various questions and issues with the PSNI representatives. Some of the issues discussed were as follows:-

- Profile of officers who attracts complaints/allegations, i.e. age; gender etc;
- Complaint resolution and feedback from others on local resolution pilot project;
- Complaints regarding incivility and the number of complaints generally in North Belfast;
- The need for the PSNI to adopt Zero Tolerance approach and the need to have this stated publicly from the top down;
- The percentage of cases closed as substantiated by district.

Following discussion, it was:-

AGREED:

To write to OPONI seeking the percentage of cases closed as substantiated by District.

8. OPONI & NIPB JOINT RESEARCH REPORT “VIEWS AND EXPERIENCES OF PEOPLE WITH LEARNING DISABILITIES IN RELATION TO POLICING ARRANGEMENTS IN NORTHERN IRELAND

The Committee considered a paper which provided options for monitoring the implementation of the recommendations arising from the research report.

During discussion, Members were advised of the procurement procedures and agreed that the financial limit for this area of work would be maximum £10k.

9. BRIEFING PAPER ON POLICE COUNTER TERRORISM POWERS AND THE INDEPENDENT REVIEWERS OF TERRORISM LEGISLATION

The Chairperson welcomed Mr Bob Whalley CB, Independent Reviewer of the Justice and Security (NI) Act 2008, to the meeting.

Mr Whalley began by providing Members with the background to his role, and advised Members that he had been appointed by the Secretary of State in May 2008.

Mr Whalley produces an annual report which is laid before the Westminster Parliament. He makes contact with many groups and works closely with the Board and is invited each year to make recommendations regarding the use of powers within the Justice and Security act.

Following Mr Whalley’s opening remarks, Members raised several issues and questions and sought clarification on the following areas:-

- Public perception and opinion following use of the Stop and Search powers, particularly with respect to a number of high profile police operations in recent times;
- The power of the Independent Reviewer to recommend a change in the legislation;

Members also raised questions on statistics surrounding Stop and Search and in particular the increase in North Belfast, and also the number of complaints in the same district regarding Stop and Search.

Following discussion, it was:-

AGREED:

- That statistics showing the number of complaints regarding Stop and Search to be brought to the next meeting;
- The Board's Human Rights Advisor would provide the Committee with a note on Stop and Search statistics.

10. POSSIBLE FORFEITURE – FORMER POLICE OFFICER

The Committee considered a paper which set out the details of a case where a police officer was found guilty of murder and sentenced to 18 years in prison. The Judge in this case, stated the defendant had used his position as a police officer to commit the crime.

A Board official briefed Members on the details of the case and following discussion, it was:-

AGREED:

- That officials prepare a paper for consideration of possible forfeiture in this case;

- To provide the Committee with legal advice on the procedure in this type of case;
- To provide Members with copies of the regulations and procedures in respect of forfeiture cases.

11. INFORMATION PAPERS

The Committee noted information papers circulated separately to Members in Volume 2 of the papers.

11.1 Stop and Search Statistics 1 April – 30 June 2011

NOTED.

11.2 Newspaper Article – 5 August 2011

NOTED.

11.3 Custody Visitor Statistics April – June 2011

The Chairperson welcomed two Independent Custody Visitors to the meeting.

The Custody Visitors provided Members with an overview of the work they do and recognised the good support they received from the Board's officials.

The Chairperson advised that Committee Members would attend future custody visitors meetings, training events and conferences.

It was:-

AGREED:

That the Board's official would provide Members with the dates and times of custody visitors meetings.

11.4 Independent Custody Visitors – Visit to Hampshire – 29 – 30 June 2011

NOTED.

12. QUESTIONS FOR THE CHIEF CONSTABLE

There were no matters arising.

13. COMMUNICATION ISSUES

There were no matters arising.

14. ANY OTHER BUSINESS

There were no matters arising.

15. DATE OF NEXT MEETING.

The date of the next meeting was arranged for Thursday, 13 October 2011 at 9:30am in Waterside Tower, Belfast.

(Meeting closed 2:00pm).

Secretariat
September 2011

Chairperson