

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON THURSDAY, 13 OCTOBER 2011 AT 9:30 AM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Mr Conall McDevitt (Chairperson)
Mr Ryan Feeney (Vice Chairperson)
Mr Gerry Kelly
(3) Mrs Joan O'Hagan
Ms Caitriona Ruane
Ms Deborah Watters

PSNI IN ATTENDANCE:

(1) Mr Will Kerr, ACC Urban
(1) C/Supt Mark Hamilton, District Commander
'A' District
(2) Mr Drew Harris, ACC Crime Operations
(2) D/Supt Tim Hanley, Crime Operations
(2) PSNI Officer, Crime Operations

BOARD'S HUMAN RIGHTS ADVISOR IN ATTENDANCE:

Ms Alyson Kilpatrick

OFFICIALS IN ATTENDANCE:

Mr Peter Gilleece, Director of Policy
5 Board Officials

- (1) Item number 5.1
- (2) Item number 5.2 and 5.3
- (3) Item number 1 - 5

1. APOLOGIES, ETC

Apologies were received on behalf of Mr Robin Newton. NOTED.

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

2. MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETINGS

2.1 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 the meeting held on 11 August 2011 be agreed.

2.2 Meeting Held On 8 September 2011

The Committee considered the draft minutes of the Committee meeting held on 8 September 2011.

It was:-

AGREED:

That the draft minutes of the meeting held on 8 September 2011 be agreed.

3. MATTERS ARISING FROM THE MINUTES

3.1 Meeting Held On 11 August 2011

3.1.1 Appointment Process For Human Rights Advisor (Item 4 Of Minutes Refers)

The Committee considered a paper which provided further details of the proposed process for the appointment of a Human Rights Advisor to the Policing Board.

Members considered the specification for the post and were asked to agree the draft

specification. Members discussed some issues surrounding the legal practice requirement.

Following this the Competition Panel was discussed. Following discussion it was suggested that the Panel consist of the Independent Members from HRPS Committee plus 1 from each political party.

Members then discussed the role of an expert in Human Rights law sitting on the Panel. Members were presented with a list of possible Human Rights experts and discussed the possibility of some of these experts sitting on the Panel voluntarily, thus avoiding a lengthy procurement process or the submission of a Business Case.

The costs of appointing a Human Rights Advisor were discussed. The issue of travel, expenses was also discussed. Members were provided with the travel and subsistence figures from previous years.

Following the discussion it was:-

AGREED:

- To allow a fixed sum for travel and subsistence to be agreed by the Panel;
- To write to the Commission for Public Appointments Northern Ireland CPANI to explain the process and requesting any views;
- The form of words for applicants demonstrating value for money was agreed;
- To invite applicants to demonstrate how they will meet the requirements of the post within time limitations;
- To stimulate minimum expectations in terms of availability and approach to undertaking the requirements of the post;
- To use the specification for the post which was attached to the paper;
- The Panel would consist of Independent Members of the HRPS Committee and one Member from each of the political parties;
- Training would be required for the Panel;
- To provide names for an expert in Human Rights Law to sit on the panel.

3.1.2 Briefing On Release Of Police Ombudsman's Report into the Loughinisland Murders (Item 4 of Minutes Refers)

The Committee considered correspondence from ACC Harris regarding allegations made against a Police Officer with respect to the Loughinisland murders. Members sought information in relation to a number of issues however expressed concern that the responses they have received provided insufficient information, further they were not content with the ACC's proposal that he give a confidential briefing to the Chair and Vice-Chair of the Committee and the Board's Human Rights Advisor. Following discussion it was:-

AGREED:

- The Committee would write to the Chief Constable regarding this issue;
- Officials would circulate a copy of an extract of the verbatim minutes from the October Board meeting in respect of Pat Sheehan's question on ballistics.

3.1.3 Police Beat Article (Item 6 of Minutes Refers)

The Committee was asked to consider and approve a letter to the Chair of the Police Federation for NI (PFNI), regarding an article published in February in the Police Beat publication entitled 'Board Shoots Itself in the Foot'.

Members discussed a future meeting with the PFNI. Following discussion it was:-

AGREED:

- To approve the draft letter to PFNI;
- To include in the letter, the need for a future meeting;
- That a Committee Member should seek clarification from the Human Resources Committee on the employment status of PFNI Officials.

3.1.4 Future Human Rights Thematic Reviews

The Committee considered a paper which sought Members views on areas of policing
Record No: 173120

to be examined by the Committee by way of a Human Rights Thematic Review.

Members discussed:

- Restorative Justice practices and the organisations working within this area and their relationships with the police;
- Community style Policing versus security/policing;
- Paramilitary punishment shootings against young people.

Following discussion it was:-

AGREED:

That Officials would scope out the issues for possible inclusion in a future thematic review of Committee style Policing undertake a piece of work on community versus security style Policing.

3.2 Meeting Held On 8 September 2011

3.2.1 Minutes Of the Human Rights and Professional Standards Committee Meeting Held On 8 September 2011

The minutes were amended and agreed.

4. CHAIRPERSON'S BUSINESS

4.1 Youth Justice Review

The Committee were asked to agree that a written response should be drafted and forwarded to DOJ in response to their consultation on a report prepared by the Youth Justice Review Team. Following discussion on some of the issues raised in the Report, mainly the minimum age of criminal responsibility

It was:-

AGREED:

That an individual Member would discuss a number of key issues contained in this report with the Director of Policy and a response to the Minister would be drafted and agreed at the next meeting.

4.2 Belfast Telegraph Editorial

The Committee considered a draft Opinion Piece for the 'Belfast Telegraph' which could also be used as the basis for the 'Police Beat' right to reply requested by the Committee.

It was:-

AGREED:

To make an amendment to the draft Opinion piece and that the Chair and Vice Chair and the Director should meet the Editor of the Belfast Telegraph.

4.3 Human Exploitation

Members were advised that 18 October will mark Anti-Slavery Day in the UK and the EU Anti-Trafficking day.

It was:-

AGREED:

The Board would issue a press release on the 18th October to coincide with EU Anti-Trafficking day highlighting the issue of human exploitation and urging victims to contact Support Services.

4.4 Date for November HR&PS Committee Meeting

The Chair advised Members that 9 November at 2.00 pm did not suit all Members. Following discussion it was:-

AGREED:

That on this occasion the meeting would be held in Parliament Buildings at 4.00 pm on Wednesday 9 November.

5. KEY ISSUES REPORT

5.1 Parading Issues – Meeting With ACC Kerr and C/Superintendent Mark Hamilton

The Chair welcomed ACC Kerr and C/Superintendent Mark Hamilton to the Committee.

ACC Kerr began by talking about the ongoing issue with respect to the challenges faced by PSNI regarding parading and how different PSNI tactics are adopted each year.

Members raised the issue of the use of photographic images following the recent disorder in London and the Chief Constable comments about the issue at the Board Meeting. ACC Kerr advised Members that the release of photographic images was as a last resort and that prior to doing so the PSNI would consult with local communities to try to identify perpetrators.

Members also discussed the disorder in London and in Northern Ireland with respect to the different approaches.

The issue of alternative disposals for first time offenders was raised and the need for consistency by the Courts in dealing with these cases. Members were concerned that young people should not be criminalized outright.

PSNI agreed to provide the Committee with statistics on under 18 offenders and first time offenders for the period 1 June – 31 August 2011.

PSNI and Members also discussed the deployment of TSG units to carry out certain types of operations in districts as opposed to the neighbourhood police carrying them out. Both PSNI and Board Members recognised that discretion was required according

to the atmosphere at the given time. Issues of timing and presentation were said to be important consideration for Senior Investigative Officers and District Commanders.

Members also discussed the use of AEPs and water cannon and it was agreed that the issues surrounding their use would be discussed with ACC Finlay at a dedicated meeting on Parades and review of Public Order scheduled for 26 October.

Committee Members felt that this meeting was one of the better engagements they have had with PSNI.

Following discussion it was:-

AGREED:

- That PSNI would provide statistics around the number of under 18's and first time offenders;
- To issue a press release on the costs of parades.

5.2 Complaints and Allegations in 'A' District – Meeting With ACC Kerr and C/Superintendent Mark Hamilton

The Committee considered a paper which provided an overview of complaints and allegations in 'A' District. ACC Kerr and C/Superintendent Hamilton answered Members' questions regarding the statistics. Following discussion

It was:-

AGREED:

To seek an update and analysis from OPONI on numbers of complaints in 'A' District. In particular it was agreed to seek figures on the number of young people making complaints.

5.3 Meeting with ACC Harris to Discuss Issues Relating To the Historical Enquiries Team (HET)

The Chair welcomed ACC Harris and D/C/Superintendent Hanley to the meeting.

ACC Harris briefed the Committee on the progress made by HET with respect to their ongoing work. He advised the Committee that there was currently funding available until March 2013 but that their work was unlikely to be completed until April 2014.

He then advised Members on cases transferred from HET to C2 giving details of some specific cases.

ACC Harris then spoke on the reporting structure of HET and advised that HET is operationally independent within PSNI.

ACC Harris is responsible for all finance and personnel issues.

Following ACC Harris' briefing, Members raised various issues:

- The 2008 report by Dr Patricia Lundy and any steps taken by the HET to address some of the concerns raised by Dr Lundy
- Line management of the Director of the HET and who has ultimate responsibility for day to day management of HET and accountability
- Composition of the HET with respect to whether former RUC officers were employed or Officers from other Police Services
- Loughinisland case and the issue of the PSNI decision on not to take action against a police officer referred to in the Police Ombudsman's Report. Members then discussed a recent press article on HET which appeared in the Belfast Telegraph and the fact that it appeared the media had been granted access where others had not. Members raised concerns around media briefings.

Following discussion it was:

AGREED:

- To contact Dr Lundy seeking an update on any further work completed into the HET;
- To write to the Chief Constable regarding:
 - Members concerns that their requests for information are not being addressed regarding a number of Key issues;
 - Accountability for the HET with respect to the Boards' role in holding the Chief Constables to account:

6. INFORMATION PAPERS

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

6.1 Domestic Abuse Statistics

NOTED.

6.2 Dip Sampling of Decisions Not To Arrest For Domestic Abuse Crimes

NOTED.

6.3 Retention and Destruction of DNA Samples, Profiles and Fingerprints

NOTED.

6.4 Consultation on Sex Offender Notification and Violent Offender Orders

NOTED.

6.5 Correspondence and Press Articles

NOTED.

6.6 PSNI Freedom of Information Requests Received

NOTED.

7. QUESTIONS FOR THE CHIEF CONSTABLE

There were no matters arising.

8. COMMUNICATION ISSUES

It was:

AGREED:

To issue a media release on;

- Human exploitation to coincide with Anti Slavery Day – 18 October 2011
- The cost of parades 2011
- Punishment attacks against young people

9. ANY OTHER BUSINESS

There were no matters arising

10. DATE OF NEXT MEETING.

A dedicated meeting on the issue of Parades is to take place on Thursday 26 October 2011 at 2.00pm.

The next scheduled Committee meeting is to take place on 9 November 2011 at 4.00pm, Parliament Buildings, Stormont.

(Meeting closed at 14.40pm).

Member Services

October 2011

Chairperson