

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE COMMUNITY AND HUMAN RIGHTS COMMITTEE HELD AT 10:00 AM ON 8 AUGUST 2006 IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Mr Barry Gilligan (Chairman)
Professor Sir Desmond Rea (Vice
Chairman)

Mr Brendan Duddy

Mrs Dolores Kelly

Ms Deirdre Mac Bride

Mrs Pauline McCabe

(1) Mr Ian Paisley jnr

Ms Dawn Purvis

(2) Mr Suneil Sharma

(3) Mr Alex Attwood

(3) Mr Joe Byrne

(3) Mr Danny Kennedy

(3) Mr Brian Rea

(3) Mr Trevor Ringland

HUMAN RIGHTS ADVISORS IN ATTENDANCE:

(3) Mr Keir Starmer

(3) Ms Jane Gordon

OFFICIALS IN ATTENDANCE:

(3) Mr Trevor Reaney, Chief Executive,
Dr Debbie Donnelly, Deputy Chief
Executive,
7 Officials

(1) Item number 1- 5

(2) Item numbers 1 - 12

(3) Item numbers 5 and 6

1. APOLOGIES

There were no apologies received.

The Chairman of the Committee welcomed, and introduced the new Deputy Chief Executive, Dr Debbie Donnelly to the Committee.

2. MINUTES OF THE COMMUNITY AND HUMAN RIGHTS COMMITTEE MEETING

HELD ON 14 JUNE 2006

It was:

AGREED

That the minutes of the meeting of the Community and Human Rights Committee held on 14 June 2006 be agreed with an amendment being made at item 13. The amendment being, that Ian Paisley Jnr and Dawn Purvis sit on the recruitment panel for Custody Visitors, and Suneil Sharma sit on the interview panel for the Independent Community Observers.

3. MATTERS ARISING FROM THE MINUTES OF THE COMMUNITY AND HUMAN RIGHTS COMMITTEE MEETING HELD ON 14 JUNE

3.1 RELEASE OF DISTRICT COMMANDERS REPORTS TO THE COMMUNITY (Item 4.3 Of Minutes Refers)

A Board Official updated the Committee on the current position, and,

It was:

AGREED

That an information paper would be prepared and brought to a future meeting of the Committee which would provide information on the release of the District Commanders Report and the role of the DPPs in this matter.

3.2 PUBLICISING THE BOARD'S HUMAN RIGHTS WORK (Item 4.4 Of Minutes Refers)

This matter was dealt with at agenda item 6

3.3 POLICE OFFICERS ON SUSPENSION (Item 4.5 of Minutes Refers)

At their meeting on 14 June 2006, Members of the Committee had requested further information on suspended officers and in particular if there was a legal basis as to why misconduct proceedings only take place once criminal proceedings have been finalised.

The Committee considered the reply received from PSNI, however Members were not satisfied with the response and felt that the PSNI Regulations needed to be reviewed.

It was:

AGREED

That letters would be sent to the appropriate bodies asking:

- For details of the national standard,
- For clarification about whether the Statute of Limitations applies in one of the cases,
- For a review of the regulations.

3.4 PUBLIC CONSULTATION – DRAFT POLICE AND CRIMINAL (AMENDMENT) (NORTHERN IRELAND ORDER 2006 AND ASSOCIATED CODES OF PRACTICE) (Item 4.11 Of Minutes Refers)

At their meeting on 14 June 2006, Members of the Committee had agreed that the proposed draft letter be sent to the NIO with an additional request for comments on concerns about Health and Safety issues, and in particular the issue of ligature points in custody suites. The Committee was advised that this has been actioned. NOTED

3.5 PROGRAMME FOR A STRATEGIC PLANNING EVENT (Item 4.13 Of Minutes Refers)

At their meeting on 14 June 2006, Members of the Committee had agreed that a

special meeting, to deal with planning the work of the Committee should be arranged. Members were advised that the Board workshop arranged for 31 August 2006 and the need for a Committee planning day will be considered at the September meeting. NOTED

3.6 CORRESPONDENCE FROM NIO – MESSAGE IN A BOTTLE SCHEME (Item 4.14 Of Minutes Refers)

At their meeting on 14 June 2006, Members of the Committee had further considered further representation from the NIO regarding the message in a bottle scheme and it was recommended that it was appropriate to support NIO's request for a financial contribution of £10,000 towards the scheme. The Committee was advised that this has now been actioned. NOTED

3.7 BOARD MEMBERS SUPPORT FOR DPPS (Item 4.15 Of Minutes Refers)

At the meeting on 14 June 2006 it had been agreed that Board Officials would provide Members with a monthly briefing detailing the key issues in their DPP, to enable Members to engage with DPPs on an informed basis. Members were advised that this has now been actioned. NOTED

3.8 PSNI OUTREACH PROGRAMME IN SCHOOLS (Item 4.17 of Minutes Refers)

At the meeting on 14 June 2006, Members had agreed to pursue the issue of the shortfall in the delivery of the Citizenship and Safety Education (CASE) programme with the Chief Constable. The Committee was advised that this has been actioned. NOTED

Members also agreed that they should consider how CASE may be reflected in the Annual Policing Plan. The Committee was advised that this would be highlighted at the October Strategy Event. NOTED

3.9 LEAD MEMBERS (Item 6 Of Minutes Refers)

The Committee noted that the following Members were nominated to assist with the key areas detailed below;

Mr Barry Gilligan - Deputy Chief Constable, Policing with the Community Steering Committee

Mrs Dolores Kelly and Mrs Arlene Foster – APA Neighbourhood Policing Group,

Ms Deirdre Mac Bride – APA Community Engagement Network,

Mr Suneil Sharma – Race and Diversity / Community,

Ms Deirdre Mac Bride - Race and Diversity / PSNI,

Mr Ian Paisley Jnr – Custody Visitors,

Mr Suneil Sharma and Ms Dawn Purvis – Independent Community Observers

NOTED

3.10 CONSIDERATION OF THE REMOVAL FROM OFFICE OF A DPP MEMBER

(Item 7 Of Minutes Refers)

At the meeting on 14 June 2006, Members had recommended that the issue of the removal of a councillor from Moyle DPP should be put to the Board for further consideration. It was also recommend that in the case of a DPP Member from Craigavon that no immediate action was needed but the case would be reviewed in six months. It had been agreed that officials would consider what process was needed to enable confidential information to be provided in these cases. The Committee was advised that these matters had been actioned. NOTED

3.11 ACCEPTABILITY OF DPP MEMBERS ATTENDANCE – BELFAST DPP (Item

8 Of Minutes Refers)

This matter was dealt with at agenda item 18.

3.12 REPORT ON THE WORK OF THE COMMUNITY ENGAGEMENT SUB

GROUP (Item 9 Of Minutes Refers)

Members were advised that the Deputy Chief Constable had given a presentation to members of the Sub Group and Neighbourhood police officers on Community

Engagement on 28 June 2006 and that a summary of their work would be presented to the Committee in September. NOTED.

3.13.1 Response On TACT (Item 11 Of Minutes Refers)

Members were advised that the Boards response on the Code of Practice under Section 41 of the Terrorism Act (TACT) had been sent to the NIO. NOTED

3.13.2 Review of ICO Scheme:

Members were advised that one Independent Community Observer (ICO) team had been implemented and that the issues of the extension of ICO's role and payment options for Custody Visitors (CVs) and ICOs would be dealt with at agenda items 21 and 22 respectively.

3.14 RECRUITMENT OF CUSTODY VISITORS AND INDEPENDENT COMMUNITY OBSERVERS (Item 13 Of Minutes Refers)

A Board Official updated the Committee on the recruitment of CVs and ICOs and advised the Committee that there was a need for one female panel member for the ICO panel. Members were also asked if they wished to chair the interview panels.

It was:

AGREED

- That Mrs Dolores Kelly would be the appointed female panel Member.
- Board Members would not chair the interview panels.

3.15 UPDATE ON THE IMPLEMENTATION OF PATTEN 64 (Item 14 of Minutes Refers)

This matter was dealt with at agenda item 23.

3.16 QUARTERLY STATISTICS ON THE USE OF CS INCAPACITANT SPRAY.

(Item 21 of Minutes Refers)

Officials were asked to seek further clarification on a number of issues arising from a paper detailing quarterly statistics on the use of CS Incapacitant Spray.

It was:

AGREED

That Officials would examine reports from the Office of the Police Ombudsman for Northern Ireland (OPONI) to ascertain if the use of CS Incapacitant Spray had ever been considered as inappropriate by OPONI.

3.17 PRESS ISSUES

At the meeting on 14 June 2006 it had been agreed that the Board would issue a news release on the use of CS Incapacitant Spray by officers and arrange for a question to be put to the Chief Constable on the attack on Indian cricketers in Belfast. This had been actioned. NOTED.

4. CHAIRMAN'S BUSINESS

The Chairman updated the Committee on the Community Engagement Sub Group meeting which had been held on 28 June 2006 at Belfast Castle. Members commented on an excellent presentation on neighbourhood policing. However, Members were concerned that there were only 400 neighbourhood police officers in the PSNI and that these officers had no opportunity for networking with their colleagues.

It was:

AGREED

That the issue of neighbourhood policing would become a reporting area within the Human Rights Annual Report.

5. PRESENTATION BY KEIR STARMER AND JANE GORDON OF THE 2nd HUMAN RIGHTS ANNUAL REPORT

The Chairman welcomed the Board's Human Rights Advisors, Mr Keir Starmer QC and Ms Jane Gordon to the Committee and invited them to present their Annual Report.

Mr Starmer began the presentation by talking through the recommendations from the 2005 Human Rights Annual Report. He highlighted all areas where recommendations had been fully implemented and also the areas where the implementation of the recommendations were not on schedule. These areas included;

- Training
- Policy
- Use of Force, and
- Human Rights awareness in the PSNI.

He advised the Committee that out of 111 recommendations:

68 had been implemented in full,
17 had been implemented in part,
22 were outstanding,
2 of the recommendations had been adjusted,
2 of the recommendations had been withdrawn.

Following the recommendations made in the 2005 Report, Mr Starmer highlighted the recommendations from the 2006 Human Rights report which are to be implemented.

Mr Starmer and Ms Gordon then spoke on specific chapters within the report:

- Covert Policing (Chapter 9)
- Public Order (Chapter 7)
- Operations (Chapter 4)
- Policing with the Community (Chapter 13)

Following the Human Rights Advisors presentation, Members discussed the Report and raised a number of questions for the advisors.

The Human Rights Advisors were thanked for their presentation and they left the meeting.

Following discussion it was:

RESOLVED

That the Committee would adopt the 2nd Human Rights Annual Report.

6. FUTURE HUMAN RIGHTS MONITORING ACTIVITY

This paper was deferred until the next meeting.

7. PROPOSED CHANGES TO SUPPLY OF STATISTICAL INFORMATION TO THE COMMUNITY AND HUMAN RIGHTS COMMITTEE

The Committee considered a paper which proposed to amend the current way in which statistical information is presented to the Committee. Following discussion it was:

AGREED

That the Committee would receive the Statistical Information quarterly and that the Statistical information would be analysed and discussed every six months.

8. QUARTERLY PACE 1/TA STOP SEARCH RETURNS: JANUARY TO MARCH 2006

The Committee considered a paper which provided a quarterly statistical return of the PACE1/TA stop searches.

It was:

AGREED

That Officials would contact PSNI requesting:-

- Further information held in relation to Strabane DCU,
- A further breakdown on stops under PACE, i.e. gender, age, ethnicity etc.

9. PSNI OFFICERS ON SUSPENSION

The Committee considered a paper which provided details on the number of PSNI officers on suspension. Following discussion, it was:

AGREED

That Officials would contact PSNI for further details on specific cases.

10. BUSINESS CASE FOR FINANCIAL INVESTIGATORS – PSNI ECONOMIC CRIME

BUREAU

The Committee considered a paper which sought agreement to supporting a business case which had been developed by the Head of the PSNI Economic Crime Bureau for the recruitment of Financial Investigators, from funding given back to Northern Ireland through the Home Office Incentivisation Scheme.

It was:

AGREED

- That a letter would be sent to ACC Crime Operations supporting this Business case in principle.
- In addition, in light of Northern Irelands unique position with regard to organised crime, that a plea should be made for additional funding from the Incentivisation Scheme for a higher percentage of funds recovered through organised crime to be returned to Northern Ireland.

11. COST OF DRINK-RELATED CRIME TO POLICING

The Committee considered a paper which sought Members views on the cost to policing in relation to drink related incidents. Following discussion, it was:

AGREED

- That officials would prepare a paper in respect of District Policing Partnerships (DPPs) awareness on the issue of the cost of drink related crime to policing.
- Officials to write to NILGA regarding alcohol by-laws and whether procedures are standardised across Local Government.

12. PSNI BEST VALUE REVIEW OF PATROLLING

The Committee considered a paper highlighting the recommendations contained in the PSNI Best Value Review of Patrolling in relation to issues which fall within the remit of the Community and Human Rights Committee. Members noted the recommendations and the arrangements for overseeing the implementation of these recommendations. NOTED

13. ISSUES HIGHLIGHTED IN OVERSIGHT COMMISSIONER'S REPORT 16

13.1 Issues Highlighted in Oversight Commissioner's Report 16 – (Policy Directorate).

13.2 Issues Highlighted in Oversight Commissioner's Report 16 – (External Relations Directorate).

13.3 Outstanding Patten Report Recommendations Relating to Holding Centres and Video Recording in PACE Custody Suites (Planning Directorate)

The Committee considered papers from Policy, External Relations and Planning Directorates which brought to Members attention key issues which were raised by the Oversight Commissioner in the most recent report. Members were advised that a composite paper detailing all outstanding recommendations would be considered at a future Board meeting. NOTED.

14. CONSIDERATION OF REGULATION 20 REPORTS

14.1 Report into the Discharge of CS Incapacitant Spray at Coleraine on 23 October 2004

The Committee considered the content of a report, which has been received from OPONI, under Section 55(4) of the Police (NI) Act 1998 regarding the discharge of CS Incapacitant spray at Coleraine on 23 October 2004. NOTED

14.2 Report into the Discharge of CS Incapacitant Spray at Maghera on 15 November 2004

The Committee considered the content of a report, which has been received from OPONI, under Section 55(4) of the Police (NI) Act 1998 regarding the discharge of CS Incapacitant spray at Maghera on 23 October 2004. NOTED

14.3 Report into the Discharge of CS Incapacitant Spray at Enniskillen on 22 September 2004

The Committee considered the content of a report, which has been received from OPONI, under Section 55(4) of the Police (NI) Act 1998 regarding the discharge of CS Incapacitant spray at Enniskillen on 22 September 2004. NOTED

14.4 Report into the Discharge of 7 AEPS in North Belfast on 4 August 2005

The Committee considered the content of a report, which has been received from OPONI, under Section 55(4) of the Police (NI) Act 1998 regarding the discharge of these AEPs in North Belfast on 4 August 2005. NOTED

14.5 Report into the Discharge of Firearm at Watson Road Newry on 25 November 2002

The Committee considered the content of a report, which has been received from OPONI, under Section 55(4) of the Police (NI) Act 1998 regarding the discharge of a Firearm at Watson Road Newry on 25 November 2002. NOTED

15. COMPLAINT AGAINST POLICING BOARD

The Committee considered a paper which advised Members and sought their views, on a complaint received by the Board. Following discussion it was:

AGREED

- That a letter would be sent to the complainant advising him that the

Committee had considered his complaint and that where appropriate action had been taken to ensure that our policies, processes and procedures were amended.

- Board Officials were asked to consider the issue of the Appeals Procedure.

16. ATTENUATING ENERGY PROJECTILES (AEP) (IMPACT ROUNDS) – CONSIDERATION OF THE NEED FOR A CHILD IMPACT ASSESSMENT

The Committee considered a paper which sought Members agreement to raising AEP child impact issues with the NIO led UK Steering Group examining Alternative Policing Approaches to the Management of Conflict and to Members convening a meeting with PSNI and the Children’s Commissioner in order to explore the issues of concern. A letter from the Derry DPP was also considered in this paper.

It was:

AGREED

- That a meeting should be convened between PSNI and the Children’s Commissioner in order to explore the issues of concern.
- That officials should write to the NIO led UK Steering Group examining Policing Approaches to the Management of Conflict and to seek their views.
- That officials should write to the Derry DPP to update them on the current position.

17. DISCUSSION PAPER FOR DPPS FUTURE STRUCTURES FOLLOWING POST RPA RE-STRUCTURING

The Committee considered a paper which sought Members views on the options

detailed in relation to District Policing partnerships (DPPs) future structures following post Review of Public Administration (RPA) re-structuring. Following a discussion it was;

AGREED

- That Officials should arrange a date for a half day working group for Members of the Committee to discuss DPPs future structures.
- That a paper be prepared for the September Committee meeting following the working group meeting.

18. ACCEPTABILITY LEVELS FOR BELFAST DPP MEMBERS' ATTENDANCE

The Committee considered a paper which sought Members views on

- Correspondence received from Belfast DPP, in relation to the Board's policy on acceptability levels for attendance, and
- The Board's policy as agreed at the June 2006 Committee meeting.

It was:

AGREED

To write to Belfast DPP advising that the Board's policy would not be reconsidered.

19. DPP MEMBERS' ATTENDANCE – FERMANAGH DPP

The Committee considered a paper which advised Members of a DPP Member's absence from 4 meetings within a six month period due to medical reasons which the Board were advised of prior to the Member taking up appointment. Due to these extenuating circumstances, it was:

AGREED

That the member should remain on Fermanagh DPP and that the case be reviewed in six months time.

20. ROLE OF INDEPENDENT COMMUNITY OBSERVERS

The Committee considered a paper which provided Members with the details of the current role of the ICOs. Members were asked to consider several recommendations and, it was:

RESOLVED

- That ICOs should be invited to conduct observations into recruitment campaigns for Police Officers Part Time (POPT), Police Community Support Officers (PCSO), additional civilian campaigns and campaigns for regular PSNI Officers.

It was:

AGREED

- That Board officials should ensure that the processes are in place to facilitate this resolution, following consultation with ICOs, PSNI and recruitment agencies.
- That the role of the ICOs should be clarified for the volunteers to ensure there is no conflict with, for example, the role of the lay assessors and that this matter should be addressed within a revised ICO handbook.
- That Board Officials should liaise with the ICOs in June 2007 to develop an enhanced plan of training, development and networking

opportunities

21. EXTENSIONS OF TERMS OF APPOINTMENT FOR SELECTED INDEPENDENT COMMUNITY OBSERVERS

The Committee considered a paper which provided names of volunteers who would be offered extensions to their contracts.

It was:

AGREED

That all the volunteers currently acting as ICOs should be given the opportunity to express an interest in a six month extension to their contract.

22. OPTIONS FOR RECOGNITION OF VOLUNTEERS

The Committee considered a paper which provided a number of options in relation to recognising the work of the Custody Visitors (CVs) and Independent Community Observers (ICOs).

It was:

RESOLVED

- That the Board should not offer a financial remuneration for Custody Visitors and ICOs, and
- The Board should not increase the current mileage rate.

It was:

AGREED

- That Board officials and the volunteers should develop a more extensive programme of activity for 2007/08 which will include more regular training, development and networking opportunities as well as opportunities, to extend their role and undertake accredited programmes if desired.
- That Board officials explore providing information on other volunteer opportunities to ICOs leaving the scheme.

23. VISITS TO ANTRIM SERIOUS CRIME SUITE

The Committee considered a paper concerning correspondence from Antrim Custody Visiting Panel regarding visits to Antrim Serious Crime Suite.

It was:

AGREED

- That the Board's original decision should stand.
- That a letter should be issued to the Antrim Team advising of the decision.
- That the Belfast and Antrim teams be amalgamated.

24. CUSTODY VISITORS STATISTICS FOR MAY AND JUNE 2006

The Committee considered a paper which summarised the key points of the information contained in the statistical summary of custody visits carried out during May and June 2006. NOTED.

It was:

AGREED

That the Chairman of the Committee would liaise with Antrim DCU Commander regarding issues raised with Antrim Serious Crime Suite.

25. NICEM REPORT – ‘THE NEXT STEPHEN LAWRENCE? RACIST VIOLENCE AND CRIMINAL JUSTICE IN NORTHERN IRELAND’

The Committee considered a paper which sought Members’ views on the Board’s response to the report. Following discussion, it was:

AGREED

- That officials should seek a report from ACC Criminal Justice on the PSNI response to the report.
- That the report should be referred to the Community Engagement Sub Group

26. CONSULTATION BY NORTHERN IRELAND YOUTH FORUM

The Committee considered a paper regarding the interim report by the Northern Ireland Youth Forum (NIYF) on the consultation undertaken regarding barriers to youth involvement in the Board volunteer schemes. NOTED.

It was:

AGREED

That the Committee should consider outreach activity in order to recruit young people into the ICO schemes.

27. THE SIXTH REPORT OF THE JUSTICE OVERSIGHT COMMISSIONER

The Committee considered a paper regarding the sixth and final Annual Report by the Justice Oversight Commissioner detailing the implementation status of recommendations contained in the review of the Criminal Justice System in Northern Ireland. NOTED

28. REVIEW OF PSNI CODE OF ETHICS

The Committee considered a paper which informed Members of the Board's intention to review the PSNI Code of Ethics with the first consultation period beginning on 4 September 2006. NOTED

29. RAISING AWARENESS OF DPP TRAINING

The Committee were provided with an evaluation and feedback from the 'Raising Awareness of the DPP training' that took place in June 2006. NOTED

30. DPP MEMBERS ATTENDANCE FOR PERIOD DECEMBER 2005 to JUNE 2006

The Committee were provided with details of the level of attendance attained by DPP members following the reconstitution of DPPs. NOTED

31. NEWS RELEASE – POLICING OF PARADE JUSTIFIABLE GIVEN THREAT OF VIOLENCE : POLICE OMBUDSMAN

The Committee noted a news release from the Police Ombudsman. NOTED

32. QUESTIONS FOR THE CHIEF CONSTABLE

It was:

AGREED

That a question would be put to the Chief Constable seeking his comments on the OPONI's summary report released on 8 August 2006 examining the Police investigation of the 2002 attack on Gerald McRandal

33. PRESS ISSUES

There were no matters arising.

34. ANY OTHER BUSINESS

34.1 Notification of Conferences

Members were advised of forthcoming conferences and were advised to contact officials if they intended to attend any of the conferences.

35. DATE OF NEXT MEETING

The date of the next meeting was arranged for 21 September 2006 at 10.00am.

SECRETARIAT

August 2006

Chairman