

NORTHERN IRELAND POLICING BOARD

MINUTES OF 5th MEETING OF HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 12 MARCH 2004 AT 10:00 AM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

- (1)** Mr Eddie McGrady (Committee Chairman)
- Mr William Hay (Committee Vice-Chairman)
- Mr Alan McFarland
- Mrs Rosaleen Moore
- (4)** Mr Suneil Sharma
- (2)** Mr Denis Bradley (Board Vice-Chairman)

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (3)** Head of Internal Investigation Branch
- (3)** Supervising Member, IIB
- (3)** D/Chief Inspector, Policy, IIB

OFFICE OF THE POLICE OMBUDSMAN REPRESENTATIVES IN ATTENDANCE:

- (2)** Mrs N O'Loan, Police Ombudsman
- (2)** Mr Sam Pollock, Chief Executive
- (2)** Mr David Wood, Head of Investigations

OFFICIALS IN ATTENDANCE:

- (2)** Mr Trevor Reaney, Chief Executive Director of Policy and Accountability
Head of Research and Statistics
Two Board Officials

- (1)** All agenda items except 12.2
- (2)** Item 5 only
- (3)** Item 6 only
- (4)** Items 1, 2, 3, 4, 6, 7 and 8

1. APOLOGIES, ETC

Apologies were received from Mrs McCabe and Mr Paisley Jnr.

2. MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 13 FEBRUARY 2004

The minutes of the Human Rights and Professional Standards Committee held on 13 February 2004 were agreed.

3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 13 FEBRUARY 2004

3.1 Regulation 20 Reports From The Office Of The Police Ombudsman (Item 3.6 Of Minutes Refers)

No further response had been received from OPONI in relation to the costs of the investigations of a discharge of firearm at the Monagh By-Pass and allegations of a serious assault on a Mr P Devenney.

It was agreed that the details would be provided to Committee when they were received.

3.2 Complaint Against The Board (Item 6 Of Previous Minutes Refers)

This matters was considered at item 8 of the agenda.

3.3 Shared Values – Human Rights (Item 7 Of Previous Minutes Refers)

The appropriate action had been taken.

3.4 Complaints Against The Police (Item 8 Of Previous Minutes Refers)

The appropriate action had been taken.

3.5 Committee On The Administration Of Justice (CAJ) Commentary On The Work Of The Police Ombudsman (Item 16 Of Previous Minutes Refers)

A draft response to CAJ had been circulated to Members for consideration. Following this, a paper will be tabled at the next Corporate Policy Committee.

4. PONI – POWER TO INVESTIGATE POLICY AND PRACTICE

The Committee noted a paper informing them of the new PONI powers (as per the 2003 Police Act) to investigate policy and practice. Members considered the interface between this power and the Board's power to call for reports and initiate enquiries.

Officials of the Board had met with the Ombudsman and officials of her Office to discuss the powers. It was not envisaged that her new power would pose any difficulties for, or cut across, the Board's report and enquiry power.

The Ombudsman may investigate police practice and policy if it comes to her attention as a result of a complaint or if she feels it would be in the public interest to do so. This investigation would be considered to be an alternative to a complaint investigation and possibly misconduct action against individual officers.

The Ombudsman could not envisage conducting a policy / practice investigation into, for example, the manner in which PSNI manage recruitment to the Service, whereas the Board, if it had concerns about this issue, could invoke its section 59 powers.

In the event that both offices were minded to invoke their respective powers into the same matter, it was anticipated that early discussions would be imperative in order to ensure that clarity on roles and responsibilities was achieved to prevent duplication of effort and burden on PSNI and to ensure that the best route is followed to ensure satisfactory consideration of the matter in question.

Members would also have the opportunity, if necessary, to discuss the matter further with the Ombudsman following her presentation to the meeting later in the agenda.

This paper would also be considered by Community Involvement Committee.

5. PRESENTATION – OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

The Chairman welcomed Mrs Nuala O’Loan, Police Ombudsman and her colleagues Mr Sam Pollock, Chief Executive and Mr David Wood, Head of Investigations to the meeting.

Members were also joined by Mr Denis Bradley, NIPB Vice-Chairman and Mr Trevor Reaney, NIPB Chief Executive.

Mrs O’Loan updated the Committee on the work which was ongoing at present.

- Major issues – investigations
 - Development of policy and practices
 - Draft Code of Ethics
 - Corporate side – business as usual
-
- **Code of Ethics**

A copy of the OPONI Draft Code of Ethics was circulated to Members for information. It was agreed that a response on this document would be tabled at Corporate Policy Committee. It was also noted that the Code of Ethics for the Ombudsman’s Office mirrored those which govern PSNI in their role as police officers.

- **Director of Policy and Practice**

The Ombudsman informed the meeting that a Director of Policy and Practice had been appointed and that he was developing the strategy for handling policy and practice issues.

- **Survey of Police Officers**

A survey had been carried out of all 9,000 police officers in March 2003. An estimated 40% had responded, most of who had had previous experience of OPONI.

The response reflected the range of grades within PSNI.

Northern Ireland Statistics and Research Agency (NISRA) had administered and collated the results of the research.

The Chief Executive OPONI brought the Members through the timetable of events from August 2003 when an early draft had been produced up to the present time and noted that the Police Federation of Northern Ireland, Staff Associations and the Police Ombudsman had agreed to set up a joint committee to process issues arising from the research. The results would be made available to the public within the next week.

He advised Members results would be available to them within a few days.

Members had the opportunity to discuss further aspects of these issues.

- **Policy / Practice Investigation – Wearing Of Uniform Numerals**

The Ombudsman has, since she received her new powers, initiated only one policy / practice investigation into the non-wearing of numerals by officers.

OPONI had been asked to consider other similar types of investigations, however, they are not presently funded to carry out such investigations.

- **Trends**

The Chief Executive advised Members on the decrease in complaints received. Oppressive behaviour had fallen from 51% to 37%. Use of force had fallen by 16%.

DCU Commanders could pinpoint where allegations were concentrated.

Recommendations for further training had been one of the outcomes from Firearms and Baton reports.

There had been no increase in the instances of injuries to police officers and no increase in the use of firearms against police officers.

It was agreed that officials would obtain information on oppressive behaviour from OPONI in order to assess whether or not there was a correlation between complaints and compensation claims.

- **Investigation Of 'Past' Cases**

The Ombudsman advised Members that if her Office was asked to investigate historic cases, she had a statutory obligation to do so, provided certain criteria were met.

She referred to the recent McKerr judgement, which indicated that the State obligation to carry out Article 2 compliant investigations dated from the commencement of the Human Rights Act

Discussion followed on what possible options might be available in the future to help deal with the needs of those related to the victims of serious crime.

The Ombudsman informed Members that out of 30 cases so far, there had been no evidence of police misconduct in a number of cases, but that matters had been referred to the Chief Constable in other cases.

- **Relationship with Internal Investigation Branch**

OPONI said that they had good working relations with Internal Investigations Branch and had a structured meetings schedule in place.

Both organisations had a joint responsibility under Patten on integrity issues and where police officers had to be detained for whatever reasons, the operation was handled with sensitivity and in conjunction with Internal Investigations Branch personnel.

It was agreed that officials would look into organising a schedule of future meetings between OPONI and NIPB in order to promote and improve working relationships between the two organisations.

The Chairman thanked the presenters for their contribution and they left the meeting.

6. PRESENTATION – PSNI INTERNAL INVESTIGATION BRANCH (IIB)

The Chairman welcomed the Head of Internal Investigations Branch, D/Supt, Supervising Member and D/Chief Inspector to the meeting.

The Head of Internal Investigations Branch explained the work of Internal Investigations Branch, highlighting the following:-

- IIB was now a member of the Association of Chief Police Officers (ACPO) Counter Corruption Advisory Group (ACCAG) which benchmarks the integrity of police officers throughout the United Kingdom;
- The Branch has 42 police and 29 civilian personnel;
- All the Constables who remained with IIB from the previous the Complaints and Discipline Branch have now obtained the National Foundation course qualification;
- The Head of Internal Investigations Branch advised Members of the various sub-branches within IIB and the main type of work undertaken i.e. proactive work as in undercover, intelligence lead investigations and reactive work as in dealing with officers who have committed crime;
- In the future, discipline matters may be delegated to DCUs and IIB may take over fraud investigations for civilians;
- The Head of Internal Investigations Branch advised Members on the use of 'safecall' the confidential reporting line for the PSNI which had been in place for the last 11 months;
- The Committee noted that IIB and OPONI between them have a good professional working relationship with established meeting arrangements in order to promote better communication;
- The vetting system for new entrants entering PSNI was discussed and the Committee noted that a national policy document had been tabled with the Chief Constable in relation to this matter for his consideration;
- The Head of Internal Investigations Branch informed the Committee of the Service Confidence procedures which had been agreed with ACCAG and which had been published recently as a General Order to the organisation. This would involve the movement of an officer, where intelligence suggested wrong doing but where the evidence was insufficient to press charges, to a post where he could not come under suspicion. This procedure had been tested at Judicial Review and the

Police Federation had been fully consulted and involved in its implementation.

The Chairman thanked the PSNI representatives for an interesting and informative presentation and they left the meeting.

7. CHAIRMAN'S BUSINESS

There was no Chairman's business to report at the meeting.

8. COMPLAINT AGAINST THE NIPB

The Committee noted:-

- The legal advice which had been received from the Crown Solicitor's Office;
- The response which had been sent to the Complainant informing him of the recommendations which had been agreed at the previous meeting and his response;
- The confirmation that only relevant information had been sent to the Selected Medical Practitioner.

It was agreed that officials would liaise with the Committee Chairman to draft a response to the latest correspondence from the complainant.

All relevant documentation would be tabled at the next Corporate Policy Committee meeting.

9. REGULATION 20 REPORTS FROM THE OFFICE OF THE POLICE OMBUDSMAN

The Committee noted information provided relating to the following:-

- Report into the discharge of personal issue firearm at Danehill Road, Ballysally, Coleraine on 3 September 2002;
- Report into the discharge of personal issue firearm in the vicinity of Boundary Way, Belfast on 6 February 2003.

10. FUTURE MEETINGS AND PRESENTATIONS

It was agreed that a schedule of future meetings and presentations would be provided to the next meeting for consideration.

It was confirmed that the Board's Human Rights Advisers and the OPONI statistician, if available, would give presentations at the meeting in May 2004.

11. QUESTIONS FOR THE CHIEF CONSTABLE

There were no questions for the Chief Constable arising from this meeting.

12. ANY OTHER BUSINESS

Required To Resign / Dismissal Issues

The Committee noted correspondence from PSNI addressing a number of issues raised at the January 2004 meeting.

- The number of officers who are shown throughout different papers to be 'requested to resign' rather than be dismissed where Members had asked for clarity on the circumstances that could lead to either option;

- The process governing the issue of personal protection weapons to officers.

Northern Ireland Affairs Committee (NIAC): New Inquiry Into The Functions Of The Office Of The Police Ombudsman

The Chairman explained that he was a member of the Northern Ireland Affairs Committee and therefore would withdraw from Committee while this matter was being considered so as to avoid any conflict of interest.

Mr Hay, as Vice-Chairman, chaired the meeting.

The Committee considered a press release from NIAC in which views were sought on the functions of the Office of the Police Ombudsman.

NIAC will be looking at:-

- Progress towards developing a role for the Police Ombudsman, since the office was established in November 2000;
- The performance of the Office in respect of its principal activities;
- The efficiency and effectiveness of the administration and expenditure of the Office, including its performance against key indicators and targets.

It was agreed that a holding reply would be sent to NIAC to advise that the deadline for the response could not be met, however, a response would be forthcoming as soon as possible.

Members would make their views known to the Director of Policy and Accountability, who would table a paper at the next Corporate Policy Committee meeting.

13. PRESS ISSUES

There were no press issues arising out of this meeting

14 DATE OF NEXT MEETING

The Committee noted the date of the next meeting, Friday 14 May 2004 at 10:00 am.

(Meeting closed 1:00 pm).

Secretariat

March 2004

CHAIRMAN

While the following does not form part of the official Minute, in line with the Policing Board's Freedom of Information commitments, outlined in its Publication Scheme, the following are the reports and background papers that Members received.

REPORTS AND BACKGROUND PAPERS

ITEM NUMBER

4 Police (NI) Act 2003