

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE HELD ON 10 FEBRUARY 2010 AT 9:30AM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Mr Basil McCrea (Chairperson)
Ms Mary McKee (Vice Chairperson)
Ms Martina Anderson
Mrs Rosaleen Moore
(1) Mr Gearóid Ó hEára
Mr Suneil Sharma
(2) Mr Peter Weir
Mr Trevor Ringland

COMMUNITY BASED GROUPS IN ATTENDANCE:

(3) Representatives from Western Education and Library Board, South Tyrone Empowerment Programme, Forthspring Inter Community Group, Community Restorative Justice Ireland

COMMISSION FOR VICTIMS AND SURVIVORS IN ATTENDANCE:

(4) Ms Patricia MacBride
(4) Mr Mike Nesbitt
(4) Mr Brendan McAllister

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 numbers 1 to part of 7
- (2) Item numbers 1 to 6
- (3) Item number 6 only
- (4) Item number 7 only

1. APOLOGIES, ETC

Apologies were received on behalf of Mr Tom Buchanan. 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 Minutes Of The Human Rights And Professional Standards Committee Meeting Held On 9 December 2009

The Committee considered the draft minutes of the Committee meeting held on 9 December 2009.

It was:-

AGREED:

That the draft minutes of the Human Rights and Professional Standards Committee meeting held on 9 December 2009 be agreed.

2.2 Minutes Of The Human Rights And Professional Standards Committee Meeting Held On 16 December 2009

The Committee considered the draft minutes of the Committee meeting held on 16 December 2009.

It was:-

AGREED:

That the draft minutes of the Human Rights and Professional Standards Committee meeting held on 16 December 2009 be agreed.

3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETINGS

3.1 Matters Arising From The Minutes Of The Human Rights and Professional Standards Committee Meeting Held On 9 December 2009

3.1.1 Treatment Of Immigration Detainees In Custody (Item 2 of Minutes Refers)

Members noted that a letter had been sent to the UK Borders Agency expressing an interest in meeting with representatives from the Agency regarding the treatment of immigration detainees; and also in the context of the Board's accountability role in respect of PSNI. A response was awaited. NOTED.

3.2 Matters Arising From the Minutes of the Human Rights and Professional Standards Committee Held On 16 December 2009

3.2.1 Stop And Search (Item 3.2.1 Of Minutes Refers)

The Committee noted:-

- a letter from ACC Operational Support regarding a Review of Police use of Stop, Search and Question within a counter terrorism context.
- a letter, which was tabled at the meeting, from the Director of Policy to ACC Operational Support, which advised that the Board's Human Rights Advisor would undertake a review of Stop and Search on behalf of the Human Rights and Professional Standards Committee.
- a letter, which was tabled at the meeting, from ACC Operational Support regarding the European Court of Human Rights judgment in the case of Gillian v UK.

NOTED.

It was:-

AGREED:

That the Human Rights Advisor should produce a Terms of Reference for the Board's review of Stop and Search for consideration by the Committee.

3.2.2 Historical Enquiries Team (Item 3.2.2 of Minutes Refers)

The Committee noted the content of a letter from ACC Crime Operations regarding Historical Enquiries Team funding. NOTED.

3.2.3 Inquest Into The Deaths Of The McElhill/McGovern Family (Item 11.1 of Minutes Refers)

The Committee noted:-

- a letter from ACC Criminal Justice regarding issues arising from the discussion at the last meeting in relation to the inquest into the deaths of the McElhill/McGovern family and independent reports in respect of the deaths.
- a copy of the Watkins report, tabled at the meeting, regarding the Inter-Agency Handling of Arthur McElhill as a registered sex offender.

NOTED.

During discussion, it was:-

AGREED:

- that an update be provided in respect of recommendation 54 in the Toner report regarding the secondment of a Social Services Staff Member to each of the 8 Public Prosecution Units in the PSNI;
- that questions should be drafted to ask the Chief Constable at the next Board meeting in relation to the Omagh Fire Tragedy

4. CHAIRPERSON'S BUSINESS

The Chairperson had no items of business to raise with the Committee.

5. COMMITTEE PROGRAMME OF WORK 2010/11

The Committee noted:-

- a paper regarding a Programme of Work for the Committee for the period February to December 2010;
- a full version of the Programme of Work which was tabled at the meeting.

NOTED.

It was:-

AGREED:

- that the Programme of Work should be published on the Board's website;
- that the Programme of Work should be considered at the next Committee meeting;
- that officials consider how the Committee's responsibilities under section 75 legislation could be incorporated within the Programme of Work.

The Chairperson referred to the Board's Human Rights Annual Report and whether the Board should continue with the report in its current format or place greater emphasis on thematic reports as a means of fulfilling the Board's statutory responsibilities. Members were asked to forward views on the issue to the Director of Policy for consideration at the next meeting.

Officials updated the Committee regarding a procurement exercise which had been carried out in relation to a briefing and workshop to provide Members with an introduction to social media and on-line communications. NOTED.

6. BRIEFING PAPER ON THE CHILDREN AND YOUNG PEOPLE ROUND TABLE MEETING

The Committee considered a paper regarding issues to be discussed with representatives of Community Based Groups as part of the Children and Young People Thematic Inquiry.

The Chairperson welcomed the representatives from the Western Education and Library Board, South Tyrone Empowerment Programme, Community Restorative Justice Ireland and Forthspring Inter Community Group to the meeting.

A discussion took place regarding ongoing issues emerging from the Board's Thematic Inquiry into Children and Young People.

The Committee discussed with the representatives from the Community Based Groups how the police engage with children and young people and issues of concern and perspectives on policing held by children and young people.

Members were of the view that initiatives relating to diversionary activities needed secured funding in order that the good work by community groups could continue.

The Chairperson thanked the representatives from the Community Based Groups for attending and they left the meeting.

It was:-

AGREED

That an update on the Children and Young People Thematic Inquiry should be provided to the Community Engagement Committee.

7. BRIEFING PAPER ON THE COMMISSION FOR VICTIMS AND SURVIVORS

The Committee noted a paper regarding the work of the Commission for Victims and Survivors. NOTED.

The Chairperson welcomed the Commissioners from the Commission for Victims and Survivors to the meeting.

The Commissioners outlined details of the role of the Commission for Victims and Survivors. They explained that the Commission wished to seek the Board's views regarding the proposal by the Chief Constable to transfer Operation Ballast (Stafford) from Historical Enquiries Team (HET) to Crime Operations. The Commissioners also wished to carry out a review of the efficacy of the HET with the overarching objective of making it more effective and requested the Board's support regarding the review.

In the discussion which followed, Members explained that the Board had not yet had the opportunity to consider proposals by the Chief Constable to transfer Operation Ballast (Stafford) from HET to PSNI Crime Operations Department nor reached a considered view.

Discussion took place regarding the work of the HET, the recommendations contained in the Lundy report and the proposed review which the Commission wished to undertake.

In conclusion, it was:-

AGREED:

- that the Commission for Victims and Survivors would provide the Human Rights and Professional Standards Committee with a copy of the Terms of Reference for their proposed Review of HET and the Committee would consider the matter further;
- that the Board's view on Operation Ballast (Stafford) would be provided to the Commission in due course;

- a further meeting would be arranged with the Commission of Victims and Survivors to discuss the issues raised.

8. PROPOSAL BY THE CHIEF CONSTABLE TO TRANSFER OPERATION BALLAST (STAFFORD) FROM HET TO CRIME OPERATIONS

The Committee considered a paper which outlined the Board's Human Rights Advisor's advice in respect of the proposal by the Chief Constable to transfer Operation Ballast (Stafford) from HET to Crime Operations.

The Board's Human Rights Advisor outlined details of:-

- the human rights implications and the legality of the proposals; and
- the police arrangements to conduct the investigations transferred to Crime Operations Department from HET.

Members discussed how the Board should monitor the performance of the PSNI with regard to the investigation of cases transferred to Crime Operations Department and the role, if any, of the Board's Human Rights Advisor.

Officials referred to discussions with Mr Raymond McCord regarding Operation Ballast (Stafford) and specifically Mr McCord's request to meet with the Board.

Before reaching a decision on how the Board should take the matter forward, it was:-

AGREED:

- that a special meeting of the Committee should be held in 3 or 4 weeks time to discuss issues relating to the transfer of Operation Ballast (Stafford) from HET to Crime Operations Department;
- that the Chief Constable, ACC Crime Operations, Police Ombudsman,

Mr Raymond McCord and victims families should be invited to attend the meeting;

- that the meeting should be open to all Board Members.

9. INFORMATION PAPERS

The Committee noted the content of a folder of information papers which had been issued to Members on 26 January 2010. NOTED.

In response to a request from Members, Officials circulated a copy of the operational review of the introduction of Taser to armed response officers in the PSNI.

A Member referred to an investigation into the failure by the PSNI to locate a body in Derry/Londonderry on 15 September 2008 and it was:-

AGREED:

That a letter should be sent to the PSNI seeking information regarding the disciplinary action which had been taken against the officers who had been involved in the investigation.

The Chairperson highlighted the following information papers:-

9.1 Letter From PSNI Regarding Code of Ethics

In response to a question from a Member, Officials explained that consultation on any future changes to the Code of Ethics for Police Staff would have to be carried out with representatives from Trade Unions and the Human Resources Committee.

Following discussion it was:-

AGREED:

That a letter should be sent to PSNI and the Human Resources Committee regarding how the matter should be taken forward.

9.2 Letter From PSNI Regarding Parading Season

9.3 Letter From Public Prosecution Service Regarding Relationship With PSNI

NOTED.

10. QUESTIONS FOR THE CHIEF CONSTABLE

Apart from the questions at item 3.2.3 there were no matters arising from the meeting to raise with the Chief Constable at the next Board meeting.

11. COMMUNICATION ISSUES

It was:-

AGREED:

That a new release should be issued regarding the discussion earlier in the meeting with the Community Based Groups regarding the Board's Thematic Inquiry into Children and Young People.

12. ANY OTHER BUSINESS

12.1 Launch of Report on NSPCC Workshop: Traveller Children Witnessing Domestic Violence – Multi Agency Challenges To Providing Support

The Chairperson reminded Members about the NSPCC Workshop which had been held on 30 September 2009 and which was jointly funded by the Human Rights and Professional Standards and Community Engagement Committees.

Officials explained that a request had been received from the NSPCC seeking the Board to host the launch of the Workshop Report

It was:-

AGREED:

That the Board should offer to host the launch of the NSPCC Workshop Report in the Long Gallery, Parliament Buildings, Belfast.

12.2 Historical Enquiries Team

The Committee noted a letter, tabled at the meeting from the PSNI regarding questions which had been asked by a Member of the House of Lords in relation to the HET.

NOTED.

13. DATE OF NEXT MEETING

The date of the next meeting was agreed for Wednesday, 24 March 2010 at 2:00pm in Waterside Tower, Belfast. (Changed after the meeting to Wednesday, 24 March 2010 at 10.00am)

(Meeting closed at 1:00pm).

Secretariat
February 2010

Chairperson