

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE 36th MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON WEDNESDAY, 6 OCTOBER 2004 AT 10:00 AM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Professor Desmond Rea (Chairman)
Mr Denis Bradley (Vice-Chairman)
Mr Alex Attwood
Viscount Brookeborough
Mr Joe Byrne
(1) Mr Fred Cobain
Mr Sam Foster
Mr Barry Gilligan
(2) Mr Tom Kelly
(3) Mrs Pauline McCabe
Mr Alan McFarland
Mr Eddie McGrady
Mrs Rosaleen Moore
(4) Mr Ian Paisley Jnr
(5) Mr Suneil Sharma
Mr Sammy Wilson

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(6) Mr Hugh Orde, (Chief Constable)
(6) Mr Paul Leighton (Deputy Chief Constable)
(6) Mr Sam Kinkaid, (ACC Crime Operations)
(6) Mrs Judith Gillespie, (ACC Criminal Justice Department)
(6) Ms Sinead McSweeney (Head of Media)
(6) Chief Inspector, Command Secretariat

OFFICE OF THE POLICE OMBUDSMAN IN ATTENDANCE:

(7) Mrs Nuala O'Loan, Police Ombudsman
(7) Mr David Woods, Head of Investigations
(7) Mrs O Laird, Director of Corporate Services

OFFICIALS IN ATTENDANCE:

Mr Trevor Reaney (Chief Executive)
Director of Communications
Director of Community Affairs
Director of Corporate Services
Director of Planning
Director of Policy
Three Board Officials

- (1) Item number 1 to 3 and 11
- (2) Item number 4 to close
- (3) Item number 3.1.2 to close
- (4) Item number 3.1.14 to close
- (5) Item numbers 1 to 3
- (6) Item number 11 only
- (7) Item number 16 only

1. APOLOGIES, ETC

Apologies for non-attendance were received from Mr Dougherty and Mr Hay.

The Chairman expressed concern on behalf of the Board to a Member who had been the subject of a recent security threat.

2. MINUTES OF MEETINGS OF THE POLICING BOARD

**Minutes Of The 34th Meeting Of The Policing Board Held On
2 September 2004**

The minutes were agreed.

Minutes Of The Board Meeting In Public Held On 2 September 2004

The minutes were agreed.

**2.3 Minutes Of The 35th Meeting Of The Policing Board Held On 9
September 2004**

The minutes were agreed.

3. MATTERS ARISING FROM THE MINUTES OF THE POLICING BOARD

3.1 Matters Arising From The Minutes Of The 34th Meeting Of The Policing Board

3.1.1 District Policing Partnerships (DPPs) (Item 3.1 Of Minutes Refers)

3.1.1.1 Threats Against Members Of DPPs

A Member referred to an explosive device that had been delivered to the Chairman of Down DPP and the Board expressed concern at this attempted intimidation. The Member also expressed concern at the way PSNI had informed DPP Members of threats following the incident and the Board agreed that this concern should be relayed to the PSNI.

3.1.1.2 Dungannon And South Tyrone DPP

The Board noted that the process to appoint candidates to the Dungannon and South Tyrone DPP was progressing, that a 'briefing day' had taken place, and interviews were scheduled to be held in mid October 2004.

3.1.1.3 Criminal Convictions Of DPP Members

The Board noted that a letter had been received from the Crown Solicitor's Office regarding the definition of a criminal conviction under schedule 3, paragraph 7(1)(b) of the Police (Northern Ireland) Act 2000. It was agreed that a copy of this correspondence should be circulated to all Members.

3.1.1.4 Response Of DPPs To Chief Constable's Announcement Regarding The Full-Time Reserve

A Member referred to the reaction of DPPs to the Chief Constable's announcement regarding the Full-Time Reserve and to Council debates on the issue. It was agreed that a copy of the Board's response to DPPs who had

expressed concern to the Board regarding the Chief Constable's decision should be circulated to all Members.

3.1.1.5 Policing With The Community: The Canadian Experience

The Board noted details of a visit to Northern Ireland by leading policing and community representatives from Canada to discuss policing with the community. The visit included a seminar with DPP Members and PSNI representatives held on 30 September 2004.

3.1.1.6 Security Of DPP Members

A Member referred to dissatisfaction expressed by some DPP members at the way their security had been handled by NIO. It was agreed that the NIO should be asked to obtain feedback from DPP members who had obtained assistance under the Key Persons Protection Scheme as to the degree of satisfaction with the service provided.

3.1.1.7 Grouping Of Command Teams Within DCUs

The Board noted proposals to invite a representative from the Review of Public Administration Team to give a presentation to the Corporate Policy Committee concerning the review which they were carrying out. All Members of the Board would be invited to attend the presentation.

3.1.1.8 Interface Between DPPs and Community Safety Partnerships (CSPs)

The Board discussed the interface between DPPs and Community Safety Partnerships (CSPs). It was agreed that the role of CSPs should be raised with the Minister of State at the briefing he would be giving to the Board on 21 October 2004 concerning the work of the Organised Crime Task Force.

3.1.2 Revised Human Resource Planning Strategy (Item 3.2 Of Minutes Refers)

The Chairperson of the Human Resources Committee advised Members about discussion which had taken place with PSNI representatives at the September 2004 Human Resources Committee meeting regarding the development of the revised Human Resource Planning Strategy. The Board noted that PSNI would bring a draft document to the November meeting of the Committee and after Committee consideration the draft would be brought to a future Board meeting. The method by which the contents of the revised strategy could be communicated to DPP's was to be discussed with the PSNI.

3.1.3 Publication Of Policing Board Annual Report 2003 - 2004 (Item 3.3 Of Minutes Refers)

The Board noted that the Annual Report had been published on 21 September 2004 and had been issued to 220,000 households.

3.1.4 Registration Of Notifiable Memberships (Item 3.5 Of Minutes Refers)

The Board noted that the judicial review relating to the registration of notifiable memberships had been postponed at the request of the plaintiff until 11 and 12 November 2004.

3.1.5 Proposed Closure Of Andersonstown Police Station (Item 3.9 Of Minutes Refers)

The Board noted that at its September 2004 meeting, the Corporate Policy Committee had agreed that: -

- The Vice-Chairman should contact the Chairman of Belfast DPP to discuss the future of Anderstownson PSNI station
- A general framework document on proposed station closures and disposals which was under preparation by PSNI as part of the Estates

Strategy should be brought to the Committee for consideration as soon as it was finalised

- Once all processes had been followed and adequate debate had taken place if necessary, the Board should vote on each closure and disposal
- Decisions regarding the future of Andersonstown police station and the disposal of the three stations in the Rural region should be deferred until the Committee considered the general framework document

The Board noted details of a meeting which the Vice-Chairman had held with the Chairman, and other representatives of the Belfast DPP, on 28 September 2004 regarding the impact of the closure of Andersonstown PSNI station.

The Board discussed the potential content of the general framework document, the need for the Board to be informed of any ongoing discussions between the PSNI and local communities regarding proposed closures, and the Board's role regarding station closures.

3.1.6 Board Members - Attendance At Meetings (Item 4.4 Of Minutes Refers)

The Board noted that a draft answer to a parliamentary question regarding the attendance of Members at Board meetings since 2001 had been circulated to all Members in September 2004.

3.1.7 Statements By Secretary Of State On Progress On Public Inquiries (Item 4.11 Of Minutes Refers)

The Board noted that a letter from the Secretary of State regarding the announcement of an inquiry into the death of Mr Patrick Finucane had been circulated to all Members in September 2004.

3.1.8 Northern Ireland Affairs Committee – Inquiry Into The Functions Of The Policing Board (Item 4.13 Of Minutes Refers)

The Board noted a tabled copy of the final version of the Board's submission to the Northern Ireland Affairs Committee Inquiry into the functions of the Board.

The Board noted that a meeting between Members of the Northern Ireland Affairs Committee and the Board would be held on 25 October 2004. The Board noted that the Chairman had sent a letter to the Clerk of the Committee regarding the outline programme for the visit.

3.1.9 Her Majesty's Inspectorate Of Constabulary (HMIC) Baseline Assessment Of The Police Service Of Northern Ireland – April 2004 (Item 4.15 Of Minutes Refers)

The Board noted that HMIC and PSNI would give presentations to the Corporate Policy Committee on 18 November 2004 regarding the Baseline Assessment of the PSNI. All Members would be invited to join the Committee for the presentations.

3.1.10 Annual Meeting Between The Policing Board And The Office Of The Police Ombudsman (Item 4.16 Of Minutes Refers)

The Board noted that the annual meeting between with the Office of the Police Ombudsman would take place at 2.00 pm.

The Board noted that a copy of the uncorrected transcript of the oral evidence which had been given by the Board Chairman to the Northern Ireland Affairs Committee Inquiry into the functions of the Police Ombudsman's Office had been received and was available on request from Secretariat.

3.1.11 Corporate Plan 2005 - 08 (Item 5.8 Of Minutes Refers)

The Board noted that the views which had been expressed by Members at the Corporate Plan Workshop on 29 September 2004 would be incorporated into the Plan and considered by the Corporate Policy Committee at a future meeting.

The Board noted that it had been suggested at the workshop that a Working Group should be set up to prepare a paper to define the role of the Board and that the matter would be passed to the Corporate Policy Committee for consideration.

3.1.12 Programme Of Board Meetings 2005 (Item 8 Of Minutes Refers)

The Board noted that the Corporate Policy Committee would review the programme of Board meetings in 2005 at its next meeting.

The Board discussed holding additional meetings of the Board and Committees outside Belfast and the benefit of Members supporting DPP meetings. It was agreed that the programme of DPP meetings should be circulated to all Members.

3.1.13 Human Rights Advisors – Presentation On Parades (Item 9 Of Minutes Refers)

The Board noted that a copy of the draft report on the policing of the Ardoyne parades on 12 July 2004, prepared by the Board's human rights advisers had been circulated to the Chief Constable, Parades Commission, Army and OPONI, all bodies referred to in the document, for comment on factual accuracy. A response from each organisation had been requested by 4 October 2004 to enable publication of the report as soon as possible.

The Board noted that a response had been received from each organisation and the Parades Commission had requested a further meeting with the Board's human rights advisers to discuss the report. The Board noted that the human rights advisers considered that a further meeting with the Parades Commission representatives would be helpful. A number of Members expressed concern at any further delay in the publication of the report, which had originally been

scheduled for September 2004. They recommended that the report be published without further delay and suggested that if other organisations wished to comment on its content then they could do so after publication.

The Board discussed the oversight role of the Human Rights and Professional Standards Committee (HRPS) concerning the commissioning and publication of the report. A number of Members of the Committee expressed concern at the involvement of that Committee in the issues surrounding publication of the report.

The Board noted that the HRPS Committee was due to meet on 8 October 2004 and discussed whether the meeting could consider the amendments received by this date and then agree to publish the report on this date.

Following further discussion, a motion was proposed and seconded that the report be published on 8 October 2004. Following a show of hands the motion was lost.

It was then agreed that when the revised draft report is available, it should be considered by the HRPS Committee, if necessary at a special meeting, and subject to Committee approval, that it should be published at the November 2004 Board meeting.

3.2 Matters Arising From The Minutes Of The 35th Meeting Of The Policing Board

There were no matters arising.

4. CHAIRMAN'S BUSINESS

4.1 Baton Rounds

The Chairman advised Members that a press release had been issued by the group "Relatives for Justice" in their campaign against baton rounds. The Board noted that the Vice-Chairman had met representatives of the group on 9 September 2004, when they had protested at the entrance to Waterside Tower.

4.2 PSNI Efficiencies

The Board noted that the Chairman had received a briefing on 14 September 2004 from the Security Minister in relation to PSNI efficiencies.

4.3 News Releases

The Chairman advised the Board about the following news releases:-

- Policing Board's response to Oversight Commissioner's Report – 21 September 2004
- Policing Board's Third Annual Report – 21 September 2004

4.4 Publications

The Chairman advised the Board that the following publications had been placed in the library:-

- Department of Trade and Industry Public Service Review – Summer 2004
- Northern Ireland Court Service – Annual Report 2003 - 2004

4.5 DPP Reception

The Board noted that the Secretary of State would be hosting a reception for Members of DPPs on 11 October 2004. All Members of the Board would be invited to attend the reception.

4.6 Speech By Ambassador M B Reiss

The Board noted that a speech had been made by Ambassador Reiss on 30 September 2004 to the National Committee on US Foreign Policy. A copy of the speech was available to all Members on request from Secretariat.

5. CHIEF EXECUTIVE'S BUSINESS

5.1 Policing Plan Strategy Day

The Chief Executive reminded Members that a Policing Plan Strategy Day had been arranged for 27 October 2004. The Board noted that confirmation of attendance by Members was limited to date and that Secretariat staff would contact each Member to ascertain their availability.

5.2 Northern Ireland Vehicle Recovery Scheme

The Board noted the content of a paper regarding correspondence which had been received from the PSNI in relation to the Northern Ireland Vehicle Recovery Scheme.

The Chief Executive advised Members that the Audit and Best Value Committee had agreed that the PSNI Director of Finance and Support Services should be invited to give a presentation to the Committee on 27 November 2004 on procurement policies and procedures within the PSNI. All Members of the Board would be invited to attend the presentation.

5.3 Proposed Donation To Police Memorial Trust

The Board considered a request from the PSNI for approval to make a contribution to the Police Memorial Trust for the purpose of building a new National Police Memorial.

The Board approved a donation of £50,000 from the PSNI to the Police Memorial Trust.

5.4 ACPO Youth Justice Conference

The Board noted that the 5th Annual ACPO Youth Justice Conference would be held in Liverpool on 21 and 22 October 2004 and that Mr Foster and Mr Dougherty had previously agreed to attend the conference.

5.5 Criminal Justice (No 2) (Northern Ireland) Order 2004 - Commencement

The Board noted the provisions of the Criminal Justice (No 2) (Northern Ireland) Order 2004.

5.6 Annual Human Rights And Equality Conference

The Board noted that the Annual Human Rights and Equality Conference would be held in Belfast on 15 October 2004.

6. CORPORATE POLICY COMMITTEE MEETINGS

6.1 Ratified Minutes Of The 35th Meeting Of The Corporate Policy Committee Held On 17 June 2004

The Board adopted the ratified minutes of the 35th meeting held on 17 June 2004.

6.2 Draft Minutes Of The 36th Meeting Of The Corporate Policy Committee Held On 16 September 2004

6.2.1 Reception (Item 5.3 Of Minutes Refers)

The Chairman advised Members that the Committee had agreed that the Board should host a Christmas reception for DPP members, custody visitors, independent observers and others who had contributed to the work of the Board.

The Board agreed that it would be more appropriate to hold two receptions. One reception in Armagh on 4 November 2004 for guests based in counties Armagh, Fermanagh, Londonderry and Tyrone and another reception in Waterside Tower, following the Board meeting in December 2004, for guests based in Antrim and Down.

6.2.2 Fixed Term Appointments – Assistant Chief Constable (Item 8 Of Minutes Refers)

The Board noted that the Committee had agreed that an Assistant Chief Constable could be released from the PSNI under the severance scheme at the end of September 2004.

6.2.3 Corporate Governance (Item 12 Of Minutes Refers)

The Board noted that the Committee had agreed recommendations, a management response and implementation dates which were set out in a Board Internal Audit Report on corporate governance arrangements.

6.2.4 Review Of Staffing Structures (Item 22 Of Minutes Refers)

The Board noted that the Committee had agreed amendments to the senior staffing structure of the Board.

6.2.5 Chief Executives Performance And Development Review Draft Objectives 2004 - 05 (Item 23 Of Minutes Refers)

The Board noted that the Committee had endorsed draft objectives for the Chief Executive under the Performance and Development Review System.

7. COMMUNITY INVOLVEMENT COMMITTEE MEETINGS

Ratified Minutes Of The 10th Meeting Of The Community Involvement Committee Held On 16 June 2004

The Board adopted the ratified minutes of the 10th meeting held on 16 June 2004.

7.2 Draft Minutes Of The 11th Meeting Of The Community Involvement Committee Held On 9 September 2004

There were no matters arising.

8. HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING

8.1 Draft Minutes Of The 7th Meeting Of The Human Rights and Professional Standards Committee Held On 10 September 2004

There were no matters arising.

9. HUMAN RESOURCES COMMITTEE MEETINGS

9.1 Ratified Minutes Of The 23rd Meeting Of The Human Resources Committee Held On 27 August 2004

The Board adopted the ratified minutes of the 23rd meeting held on 27 August 2004.

9.2 Ratified Minutes Of The 24th Meeting (Quorum) Of The Human Resources Committee Meeting Held On 27 August 2004

The Board adopted the ratified minutes of the 24th meeting (Quorum) held on 27 August 2004.

10. AUDIT AND BEST VALUE COMMITTEE MEETING

10.1 Ratified Minutes Of The 6th Meeting Of The Audit And Best Value Committee Held On 24 June 2004

The Board adopted the ratified minutes of the 6th meeting held on 24 June 2004.

11. QUESTIONS FOR THE CHIEF CONSTABLE

The Board agreed a number of questions to be put to the Chief Constable.

The Chairman welcomed the Chief Constable and other PSNI personnel to the meeting.

The Board noted that the Chairman and Vice-Chairman had met with HMIC who had commented favourably on the amount of progress that had been made in taking forward recommendations made in various reports about the investigation of serious crime and the handling of intelligence by police in Northern Ireland. The HMIC's report would be circulated to all Members as soon as it was finalised in March/April 2005.

In response to a question from a Member, the Chief Constable described the background to the PSNI decision not to arrest Mr Ihab Shoukri for breach of bail conditions.

In response to a question from a Member, the Chief Constable gave background information to a police investigation into a large robbery at a tobacco warehouse.

In response to a question from the Human Resources Committee about reported delays in providing firearms training to student officers, the Chief Constable outlined the process for testing and re-testing student officers in firearms training. He advised that these officers received a standard firearms course as part of their basic training course and that the current pass rate was 70%. Student officers who failed to pass the course were allocated to non-operational duties until they

passed the test. Each student officer who failed was given the opportunity to take the test again, however training capacity was finite and there were sometimes delays in providing an opportunity for re-testing. The Chief Constable advised that on average re-testing took place within 4 weeks of the original test.

Members discussed the firearms training capacity and noted that PSNI had deployed a number of mobile ranges and that training by civilian staff was under consideration.

The Board moved to its meeting in public and following the completion of this session, the PSNI personnel left the meeting.

12. INFORMATION PAPERS

12.1 RaceActionNet's Third Annual Conference

The chairman reminded Members that the 3rd Annual Conference of RaceActionNet would be held in London on 21 October 2004.

12.2 Changes In HMIC Personnel

The Board noted details of changes in HMICs and that the Chief HMIC would be retiring on 31 December 2004.

12.3 2nd Report Of The Justice Oversight Commissioner

The Board noted details of a summary of the recommendations in the 2nd Report of the Justice Oversight Commissioner, together with a summary of progress.

In response to a query from a Member, it was agreed that officials should further consider the report with regard to any issues concerning policing.

13. ANY OTHER BUSINESS

There were no matters arising.

14. PRESS ISSUES

There were no matters arising.

15. DATE OF NEXT MEETING

The date of the next meeting was arranged for 4 November 2004 in the City Hotel, Armagh.

16. MEETING WITH POLICE OMBUDSMAN

The Chairman welcomed the Police Ombudsman, Mrs Nuala O'Loan and other representatives from her office to this annual meeting with the Board. He outlined a number of discussion issues that the Board had indicated would be of mutual interest.

The Police Ombudsman addressed these issues and outlined progress in respect of a number of other areas including: -

- Survey work being undertaken by OPONI
- OPONI Investigations into the use of CS Spray
- Changes in the mediation process
- Trends and patterns in complaints
- Police searches
- Misconduct cases and referrals to the Director of Public Prosecutions
- Northern Ireland Affairs Committee Inquiry (NIAC) into the functions of OPONI

During the meeting, the Board noted the following: -

- Survey work – OPONI is currently engaged in consultation with DPPs, MLAs and community groups concerning the display of police identification and numerals
- Survey work – Two research projects which are being jointly commissioned by OPONI and the Board, into the views and experiences of the non-heterosexual and ethnic minorities towards the new policing arrangements, are at the tendering stage
- CS spray – OPONI had been invited by PSNI to investigate each use of CS spray by PSNI. OPONI had agreed to do so for a limited period. During the period 13 July to 25 September 2004, there had been 15 incidents where the spray had been used. The OPONI report will comment on a number of policy and practice issues including the decontamination of police officers and vehicles following the use of the spray
- Draft Code of Ethics for OPONI staff – A draft copy of the code had been forwarded to the Board and the progress made, in implementing the code, was noted
- Mediation – The Ombudsman had met with PSNI regarding proposed changes and legislation enacting the changes was in the process of being drafted
- Trends and patterns in complaints – There were no significant new patterns that required further analysis.
- Statistical information - concerning the number of files referred to the DPP by OPONI and the outcome of referrals. In 2003, OPONI had referred 374 cases to the DPP, in 346 of these cases OPONI had recommended 'no prosecution', in 28 OPONI had recommended prosecution. Of the 28 cases, charges had been preferred in 13 cases, 10 had resulted in no further action and 5 were awaiting decision. It was also noted that in a number of the cases referred by OPONI to

DPP with a recommendation of 'no prosecution' the DPP had decided to prosecute

- NIAC – The Ombudsman discussed her experiences of the inquiry. The Ombudsman also confirmed that a number of proposals to enhance the powers of OPONI, as noted in a letter from the Northern Ireland Affairs Committee, had not emanated from her Office.
- Searches – The Ombudsman outlined a number of recommendations made by the OPONI report into the search of the Sunday Times newspaper office and the home of a journalist and Members discussed a number of aspects of the report
- Witnesses – All relevant, available witnesses are interviewed in the course of an investigation
- Historic Cases - OPONI had received requests to investigate approximately 90 'historic cases', 15 cases were being processed and the remaining cases were awaiting the availability of resources

The Chairman thanked the Police Ombudsman for her contribution and the OPONI representatives left the meeting.

(Meeting closed 3:55 pm).

Secretariat
October 2004

CHAIRMAN