

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE 34th MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY, 2 SEPTEMBER 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
Mr Fred Cobain
Mr Brian Dougherty
Mr Sam Foster
Mr Barry Gilligan
Mr Willie Hay
Lord Kilclooney
Mrs Pauline McCabe
Mr Alan McFarland
Mr Eddie McGrady
Mrs Rosaleen Moore
Mr Ian Paisley Jnr
Mr Suneil Sharma
(1) Mr Sammy Wilson

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(2) Mr Hugh Orde, (Chief Constable)
(2) Mr Paul Leighton (Deputy Chief Constable)
(2) Mr Sam Kinkaid, (ACC Crime Operations)
(2) Mr Duncan McCausland, (ACC Urban Region)
(2) Mr Peter Sheridan, (ACC Rural Region)
(2) Ms Sinead McSweeney (Head of Media)
(2) Chief Inspector, Command Secretariat

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) **Except Item 9**
- (2) **Item 10 only**
- 1. **APOLOGIES, ETC**

Apologies for non-attendance were received from Mr Kelly.

The Chairman welcomed Mr Peter Holt, the new Director of Communications to his first Board meeting.

2. MINUTES OF MEETINGS OF THE POLICING BOARD

Minutes Of The 33rd Meeting Of The Policing Board Held On 7 July 2004

The minutes were agreed.

Minutes Of The Board Meeting In Public Held On 7 July 2004

The minutes were agreed.

3. MATTERS ARISING FROM THE MINUTES OF THE 33rd MEETING OF THE POLICING BOARD

3.1 District Policing Partnerships (Item 3.1 Of Minutes Refers)

3.1.1 Grouping Of Command Teams Within DCUs

The Board noted correspondence received from ACC Toner concerning the grouping of command teams within DCUs.

The Chief Executive advised that protocols regarding the grouping of command teams would be brought to the Board for consideration.

3.1.2 Threats Against Members Of DPPs

The Director of Community Affairs updated Members about a number of threats made against DPP members during the summer months. Members discussed the security of DPP members and arrangements to assist the relatives of DPP members who had received threats.

3.1.3 Dungannon And South Tyrone DPP

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

3.1.4 Code Of Practice For DPPs

In response to a question from a Member, the Director of Community Affairs advised that a draft Code of Practice for the appointment of independent members of DPPs would be considered by the Community Involvement Committee at its next meeting.

3.1.5 Comments Made By DPP Member

A Member referred to media reports of comments allegedly made by a member of a DPP that were possibly in breach of Section 75 legislation. The Board agreed that the Community Involvement Committee should consider the matter further and report back to the Board.

3.1.6 Criminal Justice System In Northern Ireland (Item 4.1 Of Minutes Refers)

The Board noted that a dinner for Chairpersons and officials of DPPs and Members of the Board would be held in Belfast on 13 September 2004 and that the Lord Chief Justice would speak on the theme of 'sentencing and bail'.

3.2 Human Resource Strategy Review (Item 3.3 Of Minutes Refers)

The Chairperson of the Human Resources Committee updated Members about developments regarding the Human Resource Strategy Review. The Board noted that it was anticipated that PSNI would bring a draft document to the September meeting of the Human Resources Committee and after Committee consideration, the draft would be brought to a future Board meeting.

The Board noted that a special meeting had been arranged for 9 September 2004 to receive a report from the Chief Constable on the future of the Full-Time Reserve. The Board noted that the Oversight Commissioner had requested an opportunity to attend the meeting and Members confirmed that they had no objections to his attendance.

A number of Members sought clarity on the precise role of the Board concerning decisions on the future of the Full-Time Reserve. The Board noted that the decision concerning the future of the Full-Time Reserve lay within the operational control of the Chief Constable in the context of the Human Resource Strategy and the Police Grant.

3.3 Production And Publication Of Policing Board Annual Report 2003-2004 (Item 3.5 Of Minutes Refers)

The Board noted that the Annual Report was scheduled for publication on 21 September 2004.

3.4 Section 55 Reports From The Office Of The Police Ombudsman (Item 4.2 Of Minutes Refers)

The Board noted that following the July meeting, a report had been received from the Police Ombudsman into the Abernethy case and that it had been passed to the Human Rights and Professional Standards Committee for consideration. The

Board noted correspondence received from the Police Ombudsman's Office regarding the case.

3.5 Registration Of Notifiable Memberships (Item 4.7 Of Minutes Refers)

The Board noted that the Judicial Review relating to the registration of notifiable memberships had been listed for 21 and 22 September 2004.

3.6 International Law Enforcement Forum Conference (Item 4.10 Of Minutes Refers)

Mr Byrne briefed Members on the International Law Enforcement Forum conference which he had attended in Washington during the period 15 to 20 August 2004.

3.7 Report On The Investigation By Cambridgeshire Constabulary Into The Murders Of Jessica Chapman And Holly Wells (Item 4.14 Of Minutes Refers)

The Board noted correspondence received from Assistant Chief Constable Crime Operations concerning progress being made by PSNI in examining the issues raised by the Bichard and Flanagan reports into the murders. The Board noted that it would be briefed by PSNI when the work was completed.

3.8 Northern Ireland Affairs Committee – Inquiry Into The Functions Of The Police Ombudsman (Item 4.17 Of Minutes Refers)

The Chairman briefed Members about the evidence that he and the Chief Executive had given to the Northern Ireland Affairs Committee Inquiry into the functions of the Office of the Police Ombudsman for Northern Ireland.

In response to an enquiry from a Member, the Chairman confirmed that a transcript of the evidential session would be circulated to all Members when it was received from the House of Commons.

The Board noted that the Committee had sought the views of Members on a number of issues raised during the Board's evidence session. The issues related principally to:

- (a) Mediation and
- (b) Extending the duty of the Police Ombudsman to investigate
 - (i) complaints against retired police officers
 - (ii) complaints against members of the British Army operating in support of the civil power
 - (iii) allegations of criminal conduct against police officers made by persons other than members of the public, for example police officers

The Board considered a paper which detailed the issues raised by the Northern Ireland Affairs Committee. With regard to 'mediation', the Board agreed with proposals made by the Police Ombudsman that appropriate changes be made in legislation to allow for refinements to be made to the mediation process relating to complaints against the police.

With regard to issues concerning extending the duty of the Police Ombudsman to investigate, the Board agreed that individual political party representatives should write to the Committee to inform it of their views.

3.9 Proposed Closure Of Andersonstown Police Station (Item 15.1 Of Minutes Refers)

The Board noted that the September Corporate Policy Committee would consider a paper regarding the proposed closure and disposal of police stations.

4. CHAIRMAN'S BUSINESS

4.1 Promotion And Transfers Of Senior Police Officers

The Board noted the content of a list of promotions and transfers of 16 officers in the superintending ranks during the period August 2004 to January 2005.

4.2 Police Practices And Policies In Relation To The Displaying Of Uniform Numerals

The Board noted the content of a letter received from the Police Ombudsman concerning the extension of an investigation by her Office to incorporate police practices and policies relating to the general area of police identification.

4.3 Appointment Of Honorary Secretary Of The Superintendents Association

The Board noted that Superintendent Guy Thompson had been appointed as Honorary Secretary of the Superintendents Association for the next 3 years.

4.4 Press Inquiry Regarding Board Members Attendance At Monthly Meetings And Expenses Claimed

The Board noted that a Press Inquiry had been received about the attendance of Members at monthly meetings and the expenses that had been claimed. A detailed response had been provided to the inquiry.

4.5 Meeting With Parades Forum

The Board noted that the Chairman and Mr Tom Kelly had met representatives of the North and West Belfast Parades Forum on 20 July 2004.

4.6 Policing Of Parade In Lurgan On 13 July 2004

The Board noted that the Chairman had received a copy of a letter forwarded by Dolores Kelly, MLA to the Police Ombudsman concerning the policing of a parade in Lurgan on 13 July 2004. The Chairman reminded Members that a question on this issue had been tabled for the Chief Constable at the September Board meeting in public. A copy of the correspondence was available to all Members on request from Secretariat.

4.7 Inspection Of Court Services

The Board noted that the Chairman had received a copy of a document entitled "When MCSI inspected Belfast Combined Courts".

A Member referred to a report recently issued by the Inspector of Criminal Justice and requested that officials closely study the report with regard to any issues concerning policing.

4.8 Publications

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

- National Criminal Intelligence Service Annual Report and Accounts 2002-03
- BBC – Building Public Value – June 2004
- BBC – Northern Ireland Annual Review – 2003-04
- Youth Justice Agency of Northern Ireland Report 2003-04

4.9 Second Report Of The Independent Monitoring Commission

The Board noted that the Chairman had received a copy of the second report of the Independent Monitoring Commission. The Board noted that the report would be considered by the Corporate Policy Committee at a future meeting. A copy of the report was available on request from Secretariat.

4.10 Report By Professor Ronald Goldstock On Organised Crime In Northern Ireland

The Board noted that the Chairman had received a copy of a report by Professor Ronald Goldstock into organised crime in Northern Ireland. The Board noted that the report would be passed to the Corporate Policy Committee for consideration. A copy of the report was available on request from Secretariat.

4.11 Statement By Secretary Of State On Progress On Public Inquiries

The Chairman drew the attention of Members to a written statement to Parliament by the Secretary of State, issued on 9 July 2004, outlining the progress made in establishing public enquiries into the deaths of Robert Hamill, Billy Wright and Rosemary Nelson.

4.12 Section 55 (4) Reports From The Office Of The Police Ombudsman

The Board noted that the Chairman had received Section 55 (4) reports from the Office of the Police Ombudsman (OPONI) regarding:-

- The discharge of one baton round at the Albertbridge Road / Mountpottinger Road junction, Belfast on 2 June 2002
- A fatal road traffic collision by the Waterworks, Antrim Road, Belfast on 16 September 2002.

The Board noted that the reports would be passed to the Human Rights and Professional Standards Committee for consideration.

A Member queried whether the Chief Constable received copies of Section 55 (4) in advance of their issue by the OPONI. The Chairman reminded Members that

the Police Ombudsman was scheduled to meet with the Board in October and that this enquiry could be raised at the meeting.

4.13 Northern Ireland Affairs Committee – Inquiry Into The Functions Of The Policing Board

The Board noted the content of a letter from the Clerk of the Northern Ireland Affairs Committee, formally advising the Board of the Committee's intention to conduct an inquiry into the "Functions of the Northern Ireland Policing Board".

The Board noted that a draft submission to the inquiry would be considered by the Corporate Policy Committee at its September meeting and that any suggestions for inclusion in the draft submission should be forwarded to the Chief Executive as soon as possible.

It was noted that a meeting between Board Members and members of the Committee had been arranged for 25 October 2004.

4.14 Presentation To Human Rights And Professional Standards Committee On The Provision Of Hand Held CS Incapacitant Spray To PSNI Officers

The Board noted that a presentation would be given to the September* HRPS Committee meeting on the provision of Hand Held CS Incapacitant Spray. All Members of the Board had been invited to attend the presentation. (** the presentation was subsequently rescheduled for 8 October 2004*).

4.15 Her Majesty's Inspectorate Of Constabulary Baseline Assessment Of The Police Service Of Northern Ireland – April 2004

The Board noted that HMIC's Baseline Assessment Report on the PSNI, which had been issued to all Members in August would be considered by the Corporate Policy Committee at its next meeting.

In response to an enquiry from a Member, the Board noted that an invitation had been forwarded to HMIC to attend the Committee meeting but at this stage it was not clear whether he would be available. Should his availability be confirmed, all Members would be invited to attend the meeting.

4.16 Annual Meeting Between The Policing Board And The Office Of The Police Ombudsman

The Board noted that the annual meeting between it and the Office and the Police Ombudsman was scheduled for 6 October 2004. The Board agreed that the following issues should be raised with the Ombudsman:-

- Future surveys
- Ongoing and future policy and practice investigations
- The Northern Ireland Affairs Committee Inquiry into the Office of the Police Ombudsman
- Mediation
- The process for the PSNI to receive copies of OPONI reports in advance
- Section 55 Reports

4.17 Community Consultation Evening - Cookstown

The Board noted that the Chairman and Mr Gilligan had attended a community consultation evening in Cookstown on 28 July 2004. A presentation was made to the meeting concerning the construction of the new Police College at Desertcreat. The Board noted that overall the meeting was very positive and it was agreed that a copy of the presentation document should be circulated to all Members.

The Chairman advised Members that the Buildings Steering Committee meeting arranged for 8 September 2004 would consider issues associated with the college.

4.18 Full-Time Reserve

The Board noted that the Chief Executive had received correspondence from the NIO Policing and Security Directorate concerning severance benefits for Full-Time Reserve officers. It was agreed that details of the final severance package should be circulated to all Members.

5. CHIEF EXECUTIVE'S BUSINESS

5.1 Security Issues – Members, Officers And Premises

The Board noted details of 2 incidents when letters containing suspect powder had been received at Policing Board Headquarters, addressed to Members. It was also noted that Royal Mail staff had intercepted suspect mail at Mallusk. The Board paid tribute to the good work by staff in the Royal Mail, the emergency services and the Board concerning the incidents.

The Chief Executive reminded Members about the facilities available to Members concerning their personal security and that arrangements would be made for further advice if required.

5.2 Tackling Truancy, Exclusions And Bullying Conference

The Board noted that a conference on 'Tackling Truancy, Exclusions and Bullying' had been arranged for 12 October 2004 in London and that Mr Wilson had expressed an interest in attending.

5.3 Tackling Organised Crime In Partnership Conference

The Board noted that a conference on 'Tackling Organised Crime in Partnership' would be held in London on 19 and 20 October 2004. Any Member interested in attending was asked to advise the Secretariat.

5.4 Association Of Police Authorities Annual Conference

The Board noted that the Association of Police Authorities Annual Conference had been arranged for 23 and 24 November 2004 in Brighton.

5.5 Annual Police Excellence In Performance Conference

The Board noted that the third 'Annual Police Excellence in Performance' conference had been arranged for 13 and 14 September 2004 in the University of Warwick.

5.6 RaceActionNet – 3rd Annual Conference

The 3rd annual conference of RaceActionNet would be held in London on 21 October 2004. Any Member wishing to attend was asked to contact Secretariat.

5.7 Human Rights Monitoring Report

The Board noted that the Human Rights and Professional Standards Committee would receive a proposal at its next meeting regarding the launch of the Human Rights Monitoring Report.

5.8 Corporate Plan 2005-08

The Board noted that a workshop for Members regarding the Corporate Plan 2005-08 had been provisionally arranged for 29 September 2004. It was noted that confirmation of attendance by Members was limited to date and that Secretariat staff would contact each Member to ascertain their availability.

5.9 Section 75 Equality Training

The Board noted details of training sessions that had been arranged for Members and staff in late September and early October 2004. Any Member wishing to attend was asked to contact the Board's Compliance Manager.

6. FINANCE AND GENERAL PURPOSES COMMITTEE MEETINGS

6.1 Ratified Minutes Of The 8th Meeting Of The Finance And General Purposes Committee Held On 18 June 2004

The Board adopted the ratified minutes of the 8th meeting held on 18 June 2004.

6.2 Draft Minutes Of The 9th Meeting Of The Finance And General Purposes Committee Held On 20 August 2004

There were no matters arising.

7. HUMAN RESOURCES COMMITTEE MEETINGS

7.1 Ratified Minutes Of The 19th Meeting Of The Human Resources Committee Held On 28 May 2004

The Board adopted the ratified minutes of the 19th meeting held on 28 May 2004.

7.2 Ratified Minutes Of The 20th Meeting Of The Human Resources (Quorum) Committee Held On 28 May 2004

The Board adopted the ratified minutes of the 20th (Quorum) meeting held on 28 May 2004.

7.3 Ratified Minutes Of The 21st Meeting (Quorum) Of The Human Resources Committee Held On 7 July 2004

The Board adopted the ratified minutes of the 21st (Quorum) meeting held on 7 July 2004.

7.4 Ratified Minutes Of The 22nd Meeting Of The Human Resources Committee Held On 30 July 2004

7.4.1 Key Performance Indicators For Police College Of Northern Ireland Monitoring (PCNI)

The Chairman of the Committee drew attention to Committee consideration of the PSNI Monitoring Framework and associated Key Performance Indicators.

The Board adopted the ratified minutes of the 22nd meeting held on 30 July 2004.

8. PROGRAMME OF BOARD MEETINGS 2005

The Board considered a paper detailing proposed dates of meetings of the Board during 2005.

The Board agreed the dates proposed. It was agreed that further consideration should be given to the holding of meetings in July and August 2005.

9. DISCUSSION ON PSNI AND HUMAN RIGHTS ADVISORS PRESENTATION ON PARADES

The Chairman reminded Members that the Board had agreed that their Human Rights Advisers, Mr Keir Starmer and Ms Jane Gordon should monitor and prepare a report on the policing of parades during 2004. It had subsequently been decided

that a report on the policing of a parade passing Ardoyne on 12 July 2004 should be the subject of a separate report and that a presentation on this matter should be made by the advisers to the September Board meeting in public. The Chairman also reminded Members that the Chief Constable had been asked to give a presentation to the same meeting on the policing of the marching season.

The Chairman advised that the draft report on the Ardoyne parade had been prepared. To date, no Members had received a copy and the Chairman advised that he had not read the report. The Chairman sought the views of Members on whether the presentation by the Human Rights Advisers, scheduled to take place at the Board meeting in public should be postponed, until the HRPS Committee had an opportunity to consider the draft report and it was circulated to the Chief Constable, Parades Commission, Army and OPONI, who were referred to in the document, for comment on fact and accuracy.

After a lengthy discussion, it was agreed that the report should be considered by the HRPS Committee at its next meeting. It was agreed that all Members of the Board should be given a copy of the report in advance of the HRPS Committee meeting and that all Members would be invited to attend the meeting. It was agreed that the document would be treated as confidential by Members. The Board agreed that the HRPS Committee should consider how the report should be actioned, including its wider distribution.

The Board agreed that the Chairman should advise the press and public at the September Board meeting in public of the Board's decision regarding the presentation on the report.

10. 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 Chairman advised the Chief Constable that the Board had agreed that the presentation scheduled to be given by Mr Starmer and Ms Gordon to the September Board meeting in public should be postponed until the Human Rights and Professional Standards Committee had an opportunity to consider the report.

Following discussion, the Board and the Chief Constable agreed that the PSNI should give the presentation on policing of the summer marching season as originally scheduled.

Assistant Chief Constable Crime Operations responded in detail to a question from a Member concerning the ongoing Strategic Intelligence Review. The Board noted:-

- Information concerning PSNI management of Covert Human Intelligence Sources (CHIS), including the requirement of the National Intelligence Model and Regulation of Investigatory Powers Act (RIPA)
- That the ongoing review was rigorous and comprehensive
- As a consequence of the review, the PSNI had terminated relationships with a number of CHIS
- Policy and procedures for handling all CHIS had been revised
- The recommendations of the Morris Tribunal report concerning the handling of informants by the Garda Siochana were already normal practice within the PSNI
- CHIS were each subject to a risk assessment which was regularly reviewed
- Information concerning PSNI procedures for handling CHIS information concerning drugs
- Information regarding the role of the Surveillance Commissioner
- Information relating to relationships between PSNI and other Government agencies who handled CHIS

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

11. ANY OTHER BUSINESS

There were no matters arising.

12. PRESS ISSUES

There were no matters arising.

13. DATE OF NEXT MEETING

The date of the next meeting was arranged for 6 October 2004.

(Meeting closed 3:45 pm).

Secretariat

September 2004

CHAIRMAN