

NORTHERN IRELAND POLICING BOARD

MINUTES OF MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON WEDNESDAY 5 JUNE 2019 AT 1.30PM AND THURSDAY 6 JUNE 2019 AT 12.30PM IN WATERSIDE TOWER

PRESENT:

- Ms Deborah Watters (Vice-Chair)
- Mr John Blair
- (1) Mr Keith Buchanan
- (2) Mrs Joanne Bunting
- (3) Mr Alan Chambers
- Prof Brice Dickson
- Mrs Linda Dillon
- (4) Mr Doug Garrett
- Mrs Dolores Kelly
- Mr Gerry Kelly
- (5) Mr Philip McGuigan
- (6) Mr Colm McKenna
- (7) Mr Gary Middleton
- Dr Paul Nolan
- Mrs Wendy Osborne
- (8) Mr Mervyn Storey

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE

- (9) Mr George Hamilton, Chief Constable
- (9) Mr Stephen Martin, T/Deputy Chief Constable
- (9) Mr George Clarke, T/Assistant Chief Constable,
Legacy and Legal Department
- (9) Ms Barbara Gray, T/Assistant Chief Constable,
Crime Operations Department
- (9) Mr Mark Hamilton, Assistant Chief Constable, District
Policing
- (9) Mr Tim Mairs, T/Assistant Chief Constable,
Innovation and Standards Department
- (9) Mr Ryan Feeney, Head of PSNI Communications
- (9) Representative, PSNI Communications
- (9) Mr Mark McNaughten, T/Director of Finance &
Support Services & Human Resources
- (9) Ms Yvonne Cooke, Head of Human Resources
- (9) Chief Superintendent Andrew Freeburn, PSNI
- (9) Superintendent John McCaughan, Command
Secretariat
- (9) Two PSNI Staff Members

**DURHAM
CONSTABULARY**

(10) Mr Michael Barton, Chief Constable

HMICFRS

(11) Mr Ian Levitt, Force Liaison Lead, PSNI

(11) Mr John Lyons, Deputy Portfolio Director

**OFFICIALS IN
ATTENDANCE:**

Mrs Amanda Stewart, Chief Executive
Mr Tim Logan, Director of Resources
Ms Jenny Passmore, Director of Performance
Ms Aislinn McGuckin, Head of Police Administration
3 Board Officials

- (1) Part item number 1 to close (arrived at 2.00pm on 5 June 2019)**
- (2) Part item number 1 to close (arrived at 1.40pm on 5 June 2019)**
- (3) Except part item number 8.3 and item number 12 (arrived at 1.05pm on 6 June 2019)**
- (4) Item numbers 1 – part item number 13 (left at 3pm on 6 June 2019)**
- (5) Except item number 8.2 (left at 4.45pm on 5 June 2019)**
- (6) Part item number 8.3 and item number 13 (arrived at 12.55pm on 6 June 2019)**
- (7) Except part item number 12 (arrived at 12.40pm on 6 June 2019)**
- (8) Item number 8.3 and item number 11 to close**
- (9) Item number 13**
- (10) Part item number 13**
- (11) Part item number 9**

1. APOLOGIES

Apologies were received from Mrs Anne Connolly (Chair), and Mr Tom Frawley for the meeting on 5 and 6 June 2019 and from Mr Colm McKenna and Mr Mervyn Storey for the meeting on 5 June 2019.

The Chief Executive advised the Board that due to a timetabling issue the discussion with the representatives from the Police Ombudsmans Office at item number 10 on the agenda would be deferred until a later date.

The Vice-Chair advised Members that the Chief Constable, Durham Constabulary would be attending the Board meeting in private on 6 June

2019 to update the Board on the investigation which the PSNI Chief Constable had commissioned him to carry out into Fine Point Films Limited/journalists
T Birney/B McCaffrey.

Members discussed the investigation which was being carried out by the Chief Constable, Durham Constabulary and agreed that he should also be invited to attend the Board meeting in public on 6 June 2019 to answer questions regarding the investigation to date.

The Board discussed the provision of papers for Board and Committee meetings and it was agreed that Members should be notified when additional papers are uploaded onto Sharepoint and when modifications are made to papers. **(AP1)**

The Board agreed the agenda for the meeting.

The Vice-Chair asked Members to advise of any issues they wished to raise at item number 15 under “Any Other Business”. No issues were declared.

2. CONFLICTS OF INTEREST

The Vice-Chair asked Members to declare any conflicts of interests arising from the agenda. No conflicts of interest were declared. NOTED.

Mrs Joanne Bunting declared a potential conflict of interest to the Chief Executive regarding the arrest of two journalists over the alleged theft of documents from the Police Ombudsman’s Office.

3. DRAFT MINUTES OF MEETINGS

The Board considered the draft minutes of the Board meeting held on

3/4 April 2019.

It was:-

RESOLVED:

That the draft minutes of the Policing Board meeting held on 3/4 April 2019 be approved.

4. UPDATE ON ACTION LOG

Members noted the following update on the action log from the Board meeting held on 3/4 April 2019. NOTED.

Action Point 3

Members noted that the Local Policing Review 2018 – Independent Analysis Report was with the Designers before being published on line. The research reports on experiences of the new PSNI Local Policing Model and the effectiveness of Policing Committees had been published on the Board website. NOTED.

Action Point 5

Members noted that a meeting of the Chair's Advisory Group had been provisionally arranged for 12 June 2019. The Group would consider the procedures in relation to the appointment of Chair and Vice-Chair of Committees. NOTED.

Action Point 7

Officials advised that a briefing on the PSNI's approach to dealing with cybercrime would be included in the schedule of PSNI site visits which would commence in September 2019. NOTED.

Members noted the following on the action log from the Board meeting held on 6/7 March 2019. NOTED.

Action Point 1

Members agreed a draft note on the Policing Board consideration of the composition of the Chief Constable Selection Panel in March 2019.

5. CHAIR'S BUSINESS

The Vice-Chair presented a report to the Board which advised Members of:-

- The Chair's engagements during the period 28 March – 24 May 2019.
- A list of correspondence received by the Chair during the period 28 March – 16 May 2019.
- A list of correspondence issued by the Chair during the period 28 March – 28 May 2019.

NOTED.

In response to a question from a Member, the Chief Executive outlined details of a meeting which the Chair and Chief Executive had held with Sir Jonathan Stephens, Northern Ireland Office on 28 March 2019. NOTED.

The Board discussed a briefing which had been given to the Chair, Vice-Chair and Chief Executive by the Chief Constable on 9 April 2019 regarding Operation Kenova and Operation Klina. During the discussion Members expressed concern at the potential for the Chair, Vice-Chair and Chief Executive to receive briefings from Senior Police Officers outside the structures of the Board.

Members noted that a briefing on Operation Kenova would be given to the Board by Mr Jon Boutcher, Chief Constable, Bedfordshire Police, who is leading the investigation. Members requested that regular updates and briefings should be scheduled for the Board on both the Operation Kenova and Operation Klina investigations.

Members noted that Mr Boutcher would be retiring as Chief Constable of Bedfordshire Police in the near future but would be continuing to lead the Operation Kenova investigation. During further discussion Members asked for clarification that Mr Boutcher would continue to have a Team from Bedfordshire Police to assist him with the investigation after he retires. Members also sought confirmation as to whether Jon Boutcher will continue to operate under Mutual Aid arrangements on the Op Kenova investigation when he retires. **(AP2)**

The Vice-Chair updated the Board on the Human Rights Advisor Appointment Process and advised Members that Mr John Wadham had been appointed to the post. Members suggested that the work the new Human Rights Advisor could undertake should be considered by the Performance Committee.

It was:-

AGREED:

That a report on the Human Rights Advisor appointment process should be uploaded onto Sharepoint. **(AP3)**

6. CHIEF EXECUTIVE'S REPORT

Members noted a report from the Chief Executive to the Board. NOTED.

The Chief Executive updated Members on issues within the Board, including a finance update, the community background of staff employed directly by the Board, the Board Effectiveness Review and a Board Members' Skills Audit.

Members referred to Focus Groups which had taken place as part of the Board Effectiveness Review to hear Members' views on a number of topics including how the Board and Committees currently function, and how the Board conducts its business. They suggested that arrangements should be

set up for those Members who were not available to attend the previous Groups.

The Chief Executive also advised Members about work that was ongoing regarding Board accommodation, PSNI Chief Officer recruitment, a case management system for Police Administration Branch and Injury on Duty claims.

In response to a comment from a Member, the Chief Executive explained that a session would be arranged for later in the year to consider the Board's Corporate Plan. An outstanding action from ARAC for the Board to consider its risk appetite also needed to be considered and could potentially form part of this session.

7. COMMITTEE REPORTS

7.1 Performance Committee – 11 April 2019

The Board noted reports from the Chair of the Performance Committee and draft minutes of the Committee meetings held on 11 April and 9 May 2019. NOTED.

The Board:-

AGREED:

That a paper regarding the PSNI use of powers to stop and search should be published on the Board website. **(AP4)**

7.2 Partnership Committee – 18 April and 16 May 2019

The Board noted a report from the Chair of the Partnership Committee and draft minutes of the Committee meetings held on 18 April and 16 May 2019. NOTED.

In response to a request from a Member for an amendment to be made to the minutes of the meeting of the Committee held on 16 May 2019, the Chief Executive advised that the matter should be considered at the June 2019 meeting of the Committee. **(AP5)**

7.3 Resources Committee – 16 May 2019

The Board noted reports from the Chair and Vice-Chair of the Resources Committee and draft minutes of the Committee meetings held on 18 April and 16 May 2019. NOTED.

7.4 Audit and Risk Assurance Committee – 13 May 2019

The Board noted a report from the Chair of the Audit and Risk Assurance Committee and draft minutes of the Committee meeting held on 13 May 2019. NOTED.

8. BOARD BUSINESS

8.1 Chief Constable Appointment – Report and Key Issues

The Chief Executive presented a paper in relation to the Chief Constable appointment.

During discussion on the priorities for the new Chief Constable Members suggested an amendment to the priorities and considered that the priorities for the new Chief Constable should be re-numbered.

Members considered a draft report to the Secretary of State on the Chief Constable appointment and suggested an amendment to the report.

Members also discussed the timeline for the appointment of other Chief Police Officers posts.

In conclusion it was:-

AGREED:

- That the draft report should be issued to the Secretary of State subject to the amendment suggested by Members.
- That the report of the Independent Equality Diversity and Human Rights Advisor on the Chief Constable Recruitment Process should be published.
- That a letter should be drafted to the Equality Commission NI and a copy of the report shared with ECNI in light of previous correspondence on the Chief Constable's appointment process.
- The draft priorities for the new Chief Constable subject to the amendments suggested by Members.
- The sequencing and timeline for other Chief Police Officers appointments.

(AP6)

8.2 Schedule of Meetings – June 2019 – March 2020

The Board considered a paper which provided Members with dates of proposed Board and Committee meetings during the period June 2019 – March 2020.

The Board:-

AGREED:

- That a decision on the format of Board meetings should be deferred until Members have an opportunity to consider the recommendations in the report on the Police Effectiveness review.
- The dates for meetings of the Committees up to March 2020. With regard to Committee meetings during July or August

2019, if there is any urgent business, the Committee Chairs should decide whether a meeting was required.

(AP7)

8.3 Durham Constabulary Investigation into Fine Point Films Ltd / Journalists Trevor Birney / Barry McCaffrey

The Board noted information regarding the investigation of the alleged theft of sensitive material from the Police Ombudsman's office. NOTED.

Members discussed:-

- The investigation which the Chief Constable, Durham Constabulary was carrying out into an alleged theft and/or unlawful leaking of sensitive documents from the Office of the Police Ombudsman relating to the Loughinisland investigation.
- The recent Court ruling by the Lord Chief Justice in respect of the case against two journalists.

Members discussed the circumstances and handling of the investigation and suggested questions to raise with the PSNI Chief Constable and the Chief Constable, Durham Constabulary later in the meeting.

Members noted that the Chief Constable, Durham Police was in the process of concluding the investigation and that a report would be provided to the Chief Constable of the PSNI outlining the findings.

During discussion and before reaching a decision regarding how to take the matter forward the Board:-

AGREED:

- To await the Lord Chief Justice's judgment in respect of the investigation and asked for details of the timescale for delivery of the judgment.
- To await the report from the Chief Constable, Durham Constabulary to the Chief Constable of the PSNI regarding the investigation.
- To seek a written report from the Chief Constable of the PSNI in relation to the investigation.

(AP8)

The Board considered a letter which the Chair had received from the National Union of Journalists regarding the High Court ruling in respect of the investigation by Durham Constabulary.

It was:-

AGREED

That the Chair should arrange a meeting with representatives from the National Union of Journalists. **(AP9)**

9. BRIEFING BY IAN LEVITT, HMIC ON THE PSNI PEEL INSPECTION REPORTS FOR 2018

The Board noted a paper which provided Members with background information on Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), the PEEL methodology and a summary of the findings of the 2018 inspection of PSNI. NOTED.

Officials advised the Board that the report on the 2018 PEEL Inspection of PSNI would be published on 10 June 2019 and a copy of the report would be issued to Members on 7 June 2019.

The Vice-Chair welcomed Mr Ian Levitt, HMICFRS Lead Staff Officer and Mr John Lyons, Deputy Portfolio Director to the meeting.

The HMICFRS Lead Staff Officer advised the Board that Mr Matt Parr, HMICFRS sent his apologies for the meeting.

The HMICFRS Lead Staff Officer briefed the Board on the findings of the PSNI PEEL Inspection for 2018. A copy of the slides used during the presentation is attached at Appendix "A".

During discussion the following main points were discussed with the representatives from HMICFRS:-

- Crime detection rates in Northern Ireland compared to other parts of the United Kingdom.
- Priority Based Resourcing.
- Force Management Statements which Chief Constables provide to HMICFRS each year.
- IT systems in the PSNI which require to be upgraded in order to assist with legacy investigations.
- Transformational thinking and innovation in the PSNI.
- How PSNI respond to calls for assistance.
- The role of HMICFRS.
- The timeframe for undertaking the 2019 PEEL inspection of PSNI.
- The timeframe and cost of completing the 2018 PEEL inspection of PSNI.
- Guidance to PSNI Officers as to when they should use body worn video devices.
- HMIC unannounced inspections of PSNI Establishments.

In conclusion it was:-

AGREED:

That each of the Board Committees should consider the three pillars of police inspection process on effectiveness, efficiency and legitimacy and provide views on the areas for inspection in 2019/20 for consideration by the Board. **(AP10)**

The Vice-Chair thanked Mr Levitt and Mr Lyons, for attending the meeting and they left.

10. DISCUSSION WITH REPRESENTATIVES FROM THE OFFICE OF THE POLICE OMBUDSMAN

This item was deferred until a later date.

11. CHIEF CONSTABLE'S REPORT

Members noted the following:-

- A monthly report from the Chief Constable to the Board.
- Information regarding;-
 - the preparation for Policing during the Summer;
 - the Chief Constable's position on the Court ruling regarding the investigation into two journalists; and
 - an update on the PSNI response to violent dissident activity and the attempted murder of a Police Officer on 1 June 2019.
- A report on Operation Turnel on PSNI Disclosure Improvement Plan Short Term Actions Update.

NOTED.

12. QUESTIONS FOR THE CHIEF CONSTABLE

The Board noted written responses from the PSNI to questions which had been submitted to the Chief Constable from Committees. NOTED.

The Board agreed questions to be raised with the PSNI later in the meeting

13. PRIVATE SESSION WITH THE CHIEF CONSTABLE

The Vice-Chair welcomed the Chief Constable and the Service Executive Team to the meeting.

A Member referred to the under vehicle device which was discovered at Shandon Park Golf Club and said that thoughts were with the Police Officer concerned and his family. The Member asked for information on the investigation. In response, the representatives from PSNI advised the Board that the investigation into the attempted murder of the Police Officer at Shandon Park Golf Club on 1 June 2019 was at an early stage. They explained that initial investigations indicated that dissident republicans had planted the under vehicle improvised explosive device with the intent to murder the Officer.

Members discussed the incident at Shandon Park Golf Club and dissident activity in other areas of the province with the representatives from PSNI.

In response to a question from a Member regarding a BBC Spotlight Programme on the Far Rights Group, Britain First, the representatives from PSNI advised the Board that the Group did not have much support in Northern Ireland and referred to protests against the Group in Ballymena and Belfast.

In response to a question from a Member, the representatives from PSNI advised the Board about the PSNI's policy on resourcing less serious crime such as anti social behaviour and the work which was carried out by the Neighbourhood Police Teams regarding this type of crime.

In response to a question from a Member, the PSNI explained the concept of the Multi Agency District Support Hubs and their relationships with PCSPs. They referred to the launch of the Policing with the Community Manual and undertook to share this manual with Members. **(AP11)**

A Member referred to the murder of Lyra McKee in Derry/Londonderry on 18 April 2019 and said that thoughts were with her partner, family and Police Officers who were on duty on the night of the incident. The Member asked for information on the status of the investigation. In response the PSNI updated the Board on the investigation into the murder of Ms McKee and on the level of support which the PSNI had received from the public.

Members had a discussion with representatives from PSNI regarding the PSNI approach to flying of flags and banners and consistency to deal with the issue across all districts.

In response to a question from a Member, the representatives from PSNI outlined details of the progress which had been made regarding the hyponatremia inquiry.

The Vice-Chair welcomed the Chief Constable, Durham Constabulary to the meeting.

The Chief Constable, Durham Constabulary updated the Board on the investigation which he was carrying out into an alleged theft and/or unlawful leaking of sensitive documents from the Office of the Police Ombudsman. He referred to the recent Court ruling by the Lord Chief Justice in respect of the case against two journalists and explained that the judgment was awaited.

The Chief Constable of the PSNI explained his decision for commissioning Durham Police to carry out the investigation.

During discussion and in response to questions from Members the following main points were discussed with the Chief Constable of the PSNI and the Chief Constable, Durham Constabulary:-

- The alleged theft of a document from the Office of the Police Ombudsman's Office.
- The Terms of Reference for the investigation into the alleged theft and/or unlawful leaking of sensitive documents from the Office of the Police Ombudsman relating to the Loughinisland investigation.
- The recent Court ruling by the Lord Chief Justice in respect of the case against two journalists
- A meeting which the PSNI held with the journalists.
- The Police Ombudsman reporting the theft of material to the PSNI on 4 October 2017.
- A warrant application which was submitted to and approved by a County Court Judge to search for and seize journalistic material.
- Court findings which confirmed failings which have infringed the rights surrounding press freedom.
- All Police Officers including those acting on behalf of PSNI to fully comply the standards set out in the Code of Ethics in the delivery of their duties.

The Vice-Chair thanked the representatives from PSNI and the Chief Constable, Durham Constabulary for attending the meeting and they left.

14. COMMUNICATION ISSUES

It was agreed that the Board's position in relation to the handling of the investigation by the Chief Constable, Durham Constabulary should be articulated in the public meeting. **(AP12)**

15. ANY OTHER BUSINESS

15.1 Schedule of Meetings – June 2019

Members noted a schedule of events for June 2019. NOTED.

16. DATE OF NEXT MEETING

The date of the next meeting was arranged for 26 June 2019.

The meeting moved into public session. A verbatim recording of the Board meeting in public is available on the Board's Facebook page at www.facebook.com/policingboard.

(Meeting closed at 5.35 pm).

CORPORATE SERVICES

Date: June 2019

Chair