

**INDEPENDENT COMMISSION FOR POLICE COMPLAINTS FOR NORTHERN IRELAND
MINUTES OF A MEETING OF THE COMMISSION
HELD ON 23 APRIL 1999**

4 / 99

Present: Mr P Donnelly Chairman
 Mr [REDACTED] Deputy Chairman
 Miss S Bryson
 Mr [REDACTED]
 Miss G McNally
 Mr [REDACTED]

In Attendance: Mr B McClelland, Chief Executive
 Mr G Mullan, Deputy Chief Executive

The meeting commenced at 1.00 pm.

1 APOLOGIES

An apology was received from Dr [REDACTED]

2 MINUTES

The minutes of the meeting held on 19 March 1999 which had been circulated, were taken as read, approved as a correct record and signed by the Chairman.

3 MATTERS ARISING

4 POLICE OMBUDSMAN/TRANSITIONAL ARRANGEMENTS

The Chairman suggested that, because Items 3 and 4 of the Agenda were interlinked, they could be dealt with together.

Item 4.4 The Chairman commented that dates had been arranged to commence the training programme on the civil standard of proof. This information had been circulated to members prior to the meeting.

Item 4.5 The Chairman stated that there was nothing to report. Members expressed their concern that time was being lost and, with the lack of progress, the Ombudsman's office would not be fully "equipped" for opening on the appointed date whenever that might be. Members also commented on the effect the lack of planning was having on staff morale.

The Chief Executive informed the members that he and the Chairman were meeting Northern Ireland Office officials next week about new accommodation.

After discussion, which included the fact that no communication had been received from the Northern Ireland Office regarding the terms of office of the Chairman and the members after 30 June 1999, it was agreed that the Chairman should write to the Secretary of State stating the Commission's concerns.

Item 7 The Chairman informed the members that this item had been discussed at a meeting he and the Chief Executive had had with the Chief Constable. The Chief Constable stated that he considered this problem was an Occupational Health Unit issue and he would bring it to their attention. Mr [REDACTED] stated that, while he was not unhappy about this plan, he thought it was also an operational management issue. Mr [REDACTED] and Dr [REDACTED] were nominated to liaise with the RUC Occupational Health Unit if necessary. Mr [REDACTED] commented that he had met the Assistant Chief Constable responsible for that area and suggested that it might be beneficial to mention the situation to him. It was decided that if the opportunity arose it should be taken on an informal basis.

Miss Bryson stated that it was important to monitor the situation regarding Drumcree. The Chairman recommended that those who were currently involved in complaints arising from the situation should report to the Commission if there was a "pattern" of complaints or an increase in the number of complaints received.

Item 8 The Chairman stated that following on from last month's Commission meeting and the lengthy discussion on the Rosemary Nelson case, it was opportune to express the Commission's solidarity with and collective support for Miss McNally in what had been a very difficult and stressful time. The members agreed that this was appropriate.

5 CORRESPONDENCE

- 5.1 The Chief Executive informed the members that he had received copies of the Review of the Criminal Justice System in Northern Ireland Progress Report and members wishing to see it could obtain a copy from him.
- 5.2 The Chief Executive read a letter received from the Quaker Services Committee inviting nominations for a seminar entitled "Restoration of Justice" on 4 May at 5 pm held in the Holiday Inn, University Street. Members wishing to attend were asked to inform the Chief Executive.
- 5.3 Miss McNally informed the members that she had been invited to speak at the IACOLE conference to be held in Sydney, Australia on 5-9 September 1999. It was agreed that if the Commission was still in existence it would support Miss McNally's attendance. It was also suggested by the Chairman that instead of an additional Commission member going, a member of staff should be nominated to attend the conference.

6 REPORTS

A summary of statistics (Appendix 1) and the Schedule of Accounts for the month of March 1999 (Appendix 2) previously circulated were noted.

The Chairman stated that the Commission's thanks should be extended to the staff for clearing the backlog of casework.

7 REPORTS FROM DEPUTY CHAIRMAN AND MEMBERS

7.1 Mr [REDACTED] informed the members that the Commission was facing a judicial review brought by Messrs [REDACTED] Solicitors, with regard to the payment of their costs in connection with an Article 8 case. He stated that the Commission was preparing affidavits and that the actual date for the hearing was likely to be some time in June.

7.2 Mr [REDACTED] asked if anyone was giving formal consideration to the recommendations of Commander Mulvihill in connection with the Rosemary Nelson case. The Chairman stated that the Chief Constable had made Commander Mulvihill's report available to him and had asked him for his comments. There were recommendations mentioned in the report which were fundamental to the new Police Ombudsman, said the Chairman. He stated that he would share his comments/critique with the Chief Constable and Secretary of State. These comments could be taken forward with Complaints and Discipline and the Commission. On any more profound, wider reaching issues, the Chairman stated that he would urge the Northern Ireland Office to consider them as part of the preparation for the Police Ombudsman.

Miss Bryson asked if it would be possible to have sight of a precis of the critique. The Chairman replied that given the nature of the document he might need to consult with the Chief Constable particularly concerning access to the substantive Mulvihill Report and that, in any event, he would prefer to make the full text available.

7.3 Miss Bryson stated that arising out of the Rosemary Nelson case and the publicity surrounding the issue of the Commission's statement, she had been asked by interested parties (mainly her colleagues in the Law Society) about the Commission's main procedures and how the statement was issued etc. She felt that because of the interest it would be helpful if some publicity document could be written on the series of procedures from the start to completion of supervised cases. She stated that she thought the "snide" media coverage in relation to the Nelson case regarding the independence of the Commission and its members (both past and present) was particularly unfair. This issue, coupled with an explanation of the procedures, could be addressed in a publication by the Commission.

The Chairman asked the members for their views.

Miss McNally stated that, as the member personally involved in the case, she had mixed feelings about the content of the media coverage. She confirmed that, in her capacity as a barrister, on no occasion whatsoever did she do work for Mrs Nelson's firm of solicitors. She also refuted the media suggestion that she was motivated by a personal or political agenda. She agreed with Miss Bryson that the independence of each member was very important and it would not do any harm to outline the Commission's procedures. Miss

McNally also mentioned that it was very important that police officers were made aware of the independence of Commission members.

Miss Bryson stated that members were supervising cases alone but at the same time corporately representing the Commission. She commented that she and Dr [REDACTED] had jointly supervised complaints arising out of an incident on the Whitewell Road and that they would shortly be issuing a statement and press release in relation to these complaints. She stated that the draft press release would be circulated to members for comments.

Mr [REDACTED] stated that he would support any move which helped to clarify members' roles.

The Chairman pointed out that, depending on the content of enquiries made by members of the public, the Commission members must reply that they were unable to discuss case details as there were legal restrictions on disclosure of information and penalties for any contravention.

With regard to any publications on what the Commission members do and how they do it, the Chairman stated that this was already contained in the Commission's leaflet, Bulletin, and Annual Reports. He stated he was concerned that because of the Commission's short life span it would be difficult to justify this in terms of expense and also, due to the fact that the Commission had expressed its solidarity for the member involved in the Rosemary Nelson case earlier in the meeting, any such comments could be seen as the Commission taking steps to distance itself from that particular member.

Miss Bryson replied that she accepted the Chairman's point regarding the misuse of resources but she felt the principle had to be made and if there was some other credible method available to get the message across, she would like to see it implemented.

Mr [REDACTED] stated that he agreed with the points made by the Chairman. He commented that the role of Commission members and the Commission as a corporate body had been well documented in previous Annual Reports and other publications and that it was not the right time now to do anything further.

Mr [REDACTED] stated he agreed that the public perception might be that of the Commission distancing itself from a particular member.

Miss Bryson commented that she felt the message could be couched so that it would not be misinterpreted.

Miss McNally stated that it might be possible for the Commission to make a public declaration coupled with a vote of confidence.

Mr [REDACTED] stated that the issue of timing was critical and that any publication could be misconstrued. He felt that, on balance, this would be counter-productive and offensive.

It was agreed that no action should be taken on Miss Bryson's proposal with regard to publicity material.

The Chairman suggested that given the fact that the Commission supported its member, GCAS Profile, the Commission's public relations firm, should be approached with a view to reinforcing this message.

8 ANY OTHER BUSINESS

The Chairman mentioned that, as from 1 April 1999, in England and Wales the standard of proof on police discipline had been changed from the criminal to the civil standard and, because it was expected that this would be introduced in Northern Ireland, it was advisable to monitor the situation closely.

Date of next meeting . The next monthly meeting of the Commission will be on Friday, 21 May 1999 at 1.00 pm.

The meeting closed at 2.15 pm.

CHAIRMAN: _____

DATE: _____