

## **NORTHERN IRELAND POLICING BOARD**

### **MINUTES OF A MEETING OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE HELD ON 9 APRIL 2008 AT 2:00PM IN WATERSIDE TOWER, BELFAST**

#### **PRESENT:**

#### **MEMBERS:**

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

#### **PARADES COMMISSION:**

- (5) Ms Ann Monaghan
- (5) Mr Ronnie Pedlow

#### **EQUALITY COMMISSION:**

- (6) Mr Bob Collins
- (6) Ms Evelyn Collins

#### **HUMAN RIGHTS ADVISOR IN ATTENDANCE:**

- (7) Ms Jane Gordon

#### **OFFICIALS IN ATTENDANCE:**

- Mr Peter Gilleece (Director of Policy)
- (8) Mr David Wilson (Director of Planning)
- 6 Board Officials

- (1) Item numbers 1 to 8 and 10
- (2) Item numbers 1 to 6
- (3) Item numbers 1 to 8 and part 10
- (4) Item numbers 6 to 8 and 10
- (5) Item number 9 only
- (6) Item number 10 only
- (7) Item numbers 1 to 11
- (8) Item numbers 12 and 13

## **1. APOLOGIES, ETC**

Apologies for non-attendance were received from Mr Brian Rea, who was engaged in other Board business at PSNI Lisnasharragh.

## **2. MINUTES OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 13 FEBRUARY 2008**

The Committee considered the draft minutes of the previous meeting, subject to the following amendments:-

- Item 3.6 – TASER Update – the draft was amended to read, ‘the Committee was advised that the status of the legal test was as previously documented and that no further action was required’;
- Item 3.7 – McCORD Update – the draft was amended to read, ‘the Committee was advised that the Board’s Human Rights Advisors were actioning the Committee’s enquiries regarding the number of PSNI Handlers still in post’;
- Item 3.8 – Presentation – Criminal Justice Department – the draft was amended to read, ‘the Committee was advised that the Director of Policy had written to ACC Criminal Justice, PSNI regarding recommendations 25 and 36’;
- Item 15.1 – Thematic Human Rights Report 2008 – the draft was amended to read, ‘the Director of Policy and the Board’s Human Rights Advisors would prepare a paper for the Committee on the development and methodology of the Thematic Report’.

It was:-

### **AGREED:**

That the draft minutes of the previous meeting held on 13 February 2008 be agreed.

## **3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 13 FEBRUARY 2008**

### **3.1 Equality Impact Assessments In PSNI (Item 3.10 Of Minutes Refers)**

As requested, the issue of Equality Impact Assessments had been considered by the Human Resources Committee, at its meeting on 13 March 2008. NOTED.

### **3.2 Office Of The Police Ombudsman For Northern Ireland (OPONI) – Statistics (Item 5 Of Minutes Refers)**

Officials referred the Committee to correspondence dated 27 March 2008 and 3 April 2008 from the OPONI Director of Policy and Practice, in response to questions raised by the Committee. NOTED.

It was:-

#### **AGREED:**

That officials should request further clarification from OPONI regarding the statistical information it had provided on complaints against officers.

A copy of the PSNI General Order relating to CS Incapacitant Spray was included in Members' papers. NOTED.

An analysis of CS Spray used during 2004 by OPONI was included in Members' papers. NOTED.

### **3.3 Progress Report From NIO On Less Lethal Weapons Issues (Item 11 Of Minutes Refers)**

The Director of Policy had written to NIO seeking clarification on the recommendations at paragraphs 25 and 26 of Annex 3 of the UK Less Lethal Weapons Steering Group's 5<sup>th</sup> Report and a response was awaited. NOTED.

### **3.4 Committee Presentations (Item 13 Of Minutes Refers)**

Background information and draft questions for discussion with the Equality Commission and Parades Commission were included in Members' papers. NOTED.

### **3.5 Thematic Human Rights Report 2008 (Item 15.1 of Minutes Refers)**

A paper relating to the Human Rights Monitoring Framework Thematic Report. NOTED.

Correspondence relating to Public Protection Units (PPU) was included in Members' papers. Public Protection Units will provide a high level of service and will work in partnership with other statutory and voluntary agencies to protect the public with regard to domestic abuse, physical and sexual abuse of children, missing and vulnerable people and sexual and violent offenders. A PPU will be established in each DCU. NOTED.

## **4. CHAIR'S BUSINESS**

### **4.1 PSNI ARV Training**

The Chair informed the Committee that Members had been invited to attend training for PSNI officers deployed in Armed Response Vehicles (ARVs). The training was scheduled for 20 – 22 May 2008. Any Member wishing to attend the training was asked to contact Secretariat for further details. NOTED.

## **5. McCORD REPORT UPDATE**

The Board's Human Rights Advisor reminded Members of previous discussion concerning the McCord report and referred to a meeting that she had held with the Historical Enquiries Team in March 2008. She advised that further details would be provided in the 6 monthly report which was due to be brought to the Committee in summer 2008 and confirmed that the report would include information regarding the current deployment within PSNI of former Covert Human Intelligence Source Handlers.

In response to a question from a Member, Ms Gordon confirmed that the Board's former Human Rights Advisor, Mr Keir Starmer would be continuing to work on the Operation Ballast report and the transfer of responsibility for national security. NOTED.

With regard to Recommendation 3 of the McCord report, the Human Rights Advisor confirmed the recommendation was now implemented in part and that an oral briefing would be given regarding this and other recommendations at a future Committee meeting. NOTED.

Ms Gordon pointed out that Recommendations 1 – 3 inclusive are the longer term objectives. NOTED.

## **6. TASER UPDATE**

The Board's Human Rights Advisor updated the Committee concerning outstanding training issues in respect of TASER. Concerns about the tactical scenarios had now been "signed off". NOTED.

In response to a question from a Member, officials undertook to ascertain the training period recommended by the manufacturer of TASER.

Concerns regarding dual discharges had been pursued with the Home Office and it was anticipated that these would also be resolved satisfactorily and "signed off". NOTED.

The legal test for TASER was as previously documented. NOTED.

The Human Rights Advisor anticipated that the pilot use of TASER was likely to end with the completion of the Equality Impact Assessment (EQIA). NOTED.

Members discussed whether, as a regulatory organisation, it would be appropriate for the Board to respond to the EQIA.

## **7. PSNI HUMAN RIGHTS PROGRAMME OF ACTION UPDATE**

The Committee considered a letter, tabled at the meeting, in reply to the Committee's request for PSNI to reconsider its response to recommendations 25 and 36 of the Board's Human Rights Annual Report 2007. NOTED.

The Human Rights Advisor informed the Committee that she would be discussing other options with the Director of Planning in due course. NOTED.

The Human Rights Advisor informed the Committee about progress concerning the PSNI response to Recommendation 7. NOTED.

With regard to the use of CS Incapicitant Spray, officials undertook to obtain further clarification regarding the modification of monitoring forms and reporting of the use of the spray on vulnerable people, or when individuals were restrained.

The Committee also discussed the viability of a retrospective Equality Impact Assessment (EQIA) on the use of CS Incapicitant Spray.

## **8. HUMAN RIGHTS THEMATIC REPORT**

The Board's Human Rights Advisor updated Members about a meeting that she had held with ACC Crime Support concerning the Committee's proposals.

The Committee considered a paper which set out the context and process methodology for a Board Thematic Report on Violence against Women: Domestic Violence. The Committee also considered a paper, tabled at the meeting, in relation to a draft announcement, terms of reference and call for submissions in respect of the Thematic Report.

Following discussion, it was:-

## **RESOLVED:**

- that the Policing Board should conduct a Thematic Enquiry during 2008 to monitor PSNI process and procedure in the area of domestic violence against women;
- to adopt the Terms of Reference contained in the paper;
- that the Board should publish a written report with its findings and recommendations at the conclusion of the Human Rights Thematic.

It was:-

## **AGREED:**

- that the Committee should seek written submissions from interested parties;
- that the Committee should meet on Wednesday, 28 May 2008 to:-
  - (i) receive a briefing on legal framework/relevant policing standards;
  - (ii) conduct workshops with key stakeholders/specialists
- that the Committee should conduct a series of roundtables with key specialists and stakeholders later in the year;

## **9. PARADES COMMISSION**

The Chair welcomed Mr Ronnie Pedlow and Ms Anne Monaghan from the Parades Commission to the meeting. The Parade Commission representatives briefly summarised the background, role and powers of the Commission and provided general statistics on parades in Northern Ireland.

The meeting discussed a variety of issues including:-

- the number and nature of contentious parades;
- the marshalling/stewarding of parades, particularly the ratio of marshals/stewards to participants/spectators and protestors;

- the clarity of the determinations given by the Commission, specifically those associated with policing the event;
- liaison between the PSNI and the Commission and the availability of speedy clarification of determinations;
- follow-up action by the Commission where breaches of determinations had occurred;
- the Commission's response to situations that evolved following the issue of a determination.

It was:-

**AGREED:**

- that officials should write to the Parades Commission representatives to follow-up on the issues raised during the meeting;
- that consideration should be given to the Committee holding a further meeting with Parades Commission representatives in May 2008.

The Chair thanked the Parade Commission representatives for their contribution and they left the meeting.

## **10. EQUALITY COMMISSION**

The Chair welcomed Mr Bob Collins and Ms Evelyn Collins from the Equality Commission to the Meeting. Mr Collins briefly described the role and powers of the Commission.

The meeting discussed the current PSNI TASER Pilot/EQIA. The Commission's representatives expressed some reservations about discussing the matter in detail as the EQIA had not yet been completed and the Commission was due to engage with the PSNI in this regard. However, the meeting discussed the Commission's general position on the need for an EQIA and the validity of the process.

The Equality Commission representatives indicated that they had no objection to the Board receiving a copy of their response to the TASER EQIA following the closing date.

It was:-

**AGREED:**

That officials should liaise with the Equality Commission to ensure that the Board received a copy of their submission and that this was circulated to the Committee in due course.

The Committee also discussed:-

- the merits and demerits of a single structure incorporating the Equality Commission, Human Rights Commission and other agencies;
- the effectiveness of EQIAs and the sanctions available to the Commission where Public Authorities failed to meet their Section 75 responsibilities.

The Chair thanked the Equality Commission representatives for their contribution and they left the meeting.

**11. PSNI SUSPENDED OR REPOSITIONED OFFICERS JULY 2007 TO MARCH 2008**

The Committee considered a paper which provided information relating to the number of PSNI officers suspended or repositioned during the period July 2007 to March 2008. NOTED.

The Committee read a copy of a newspaper article, tabled at the meeting, relating to a PSNI officer who it was reported had been suspended for 7½ years.

Following discussion, it was:-

**AGREED:**

- that the format of the information provided insufficient detail to assist the Committee and that officials should write to the Deputy Chief Constable regarding the content;
- that further information should be provided to the Committee in respect of the newspaper article.

The Director of Policy advised Members that representatives from the PSNI Professional Standards Department were scheduled to meet with the Committee in August 2008, and suggested that the Committee could possibly receive a briefing on the PSNI's suspension and repositioning policy at the June 2008 meeting. NOTED.

**12. UNITED KINGDOM NATIONAL PREVENTATIVE MECHANISM**

The Committee considered a paper regarding correspondence received from the Ministry of Justice proposing designation of the Independent Custody Visiting Scheme as one of the UK Preventative Mechanisms in line with Operational Protocol to the UN Convention against Torture.

It was:-

**RESOLVED:**

- that a response should be provided to the Ministry of Justice, outlining the remit of the Independent Custody Visiting Scheme;
- that the Independent Custody Visiting Scheme should be designated as a National Preventive Mechanism.

**13. INFORMATION PAPERS**

The Committee considered the following information papers:-

### **13.1 Development Of An Appropriate Adult Scheme**

NOTED.

### **13.2 Custody Visitor Statistics October To December 2007**

In response to an enquiry from a Member, it was:-

#### **AGREED:**

That officials should seek assurances that custody visitors were checking that the Article 8 rights of detainees, particularly concerning family visits, were not being breached.

### **13.3 Independent Custody Visitor Events/Meetings April to June 2008**

NOTED.

### **13.4 PSNI Firearms Project Board Meeting – 7 February 2008**

NOTED.

### **13.5 Northern Ireland Policing Plan 2008 – 2011 – Part 3 Monitoring Schedule**

NOTED.

### **13.6 Regulation 20 Report Into The Death Of Mr Harry Jack On 3 November 2006**

NOTED.

### **13.7 PSNI Outward Training**

NOTED.

### **13.8 Publications**

NOTED.

### **13.9 Correspondence & Press Articles**

NOTED.

### **3.10 Regulation 20 Report Into An Allegation Of Malpractice**

The Committee considered a paper, tabled at the meeting, regarding a Police Ombudsman's Regulation 20 Report concerning an allegation of malpractice regarding the obtaining the interview tape without lawful authority. NOTED.

## **14. QUESTIONS FOR THE CHIEF CONSTABLE**

It was:-

### **AGREED:**

That the Committee should ask the Chief Constable to comment on the PSNI policy regarding the suspension of police officers.

## **15. COMMUNICATIONS ISSUES**

There were no matters arising.

## **16. ANY OTHER BUSINESS**

There were no matters arising.

## **17. DATE OF NEXT MEETING**

The date of the next regular meeting was agreed for Wednesday, 11 June 2008 at 10:00am in Waterside Tower, Belfast.

The Chair reminded members that it had also been agreed that the Committee should meet on Wednesday, 28 May 2008 (time to be confirmed), to further consider progressing the Thematic Report.

(Meeting closed at 6:00pm).

**Secretariat**

**April 2008**

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**Chair**