

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE HELD ON 11 JUNE 2008 AT 10:00AM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Ms Mary McKee (Chair)
Ms Martina Anderson
Mrs Rosaleen Moore
Mr Gearóid Ó hEára
Mr Trevor Ringland
Mr Suneil Sharma
Mr Peter Weir

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE

- (1) Mr Paul Leighton (Deputy Chief Constable)
- (2) Mr Alistair Finlay (ACC Crime Support)
- (2) Detective Chief Superintendent Roy McComb, Crime Support
- (1) Chief Superintendent Tom Haylett, Head of Professional Standards Department
- (1) One representative, Professional Standards Department

OFFICIALS IN ATTENDANCE:

- Mr Peter Gilleece (Director of Policy)
- (3) Mr Sam Hagen (Director of Corporate Services)
- 4 Board Officials

- (1) Item number 5 only
- (2) Item number 6 only
- (3) Item number 7 only

1. APOLOGIES, ETC

Apologies for non-attendance were received from the Chair of the Committee, Mr Basil McCrea and Mr Brian Rea who was attending the PSNI Executive Health and Safety Committee.

In the absence of the Chair, the meeting was chaired by the Vice Chair, Ms Mary McKee.

2. MINUTES OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 9 APRIL 2008

The Committee considered the draft minutes of the previous meeting.

It was:-

AGREED:

That the draft minutes of the Human Rights and Professional Standards Committee meeting held on 9 April 2008 be agreed.

3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 9 APRIL 2008

3.1 Office Of The Police Ombudsman For Northern Ireland (OPONI) Statistics (Item 3.2 Of Minutes Refers)

The Committee was advised that this was ongoing and would be brought to the August 2008 Committee meeting.

3.2 McCord Report Update (Item 5 Of Minutes Refers)

The Committee was advised that the Human Rights Advisor would provide an oral update to the Committee at the August 2008 meeting.

3.3 TASER Update (Item 6 Of Minutes Refers)

The Committee was advised that details of the various TASER training courses were attached.

It was:-

AGREED:

- To seek clarification as to what TASER training had been recommended.

3.4 CS Spray Monitoring Forms (Item 7 Of Minutes Refers)

The Committee was advised that the Board's Human Rights Advisor would provide further clarification at the August 2008 Committee meeting. NOTED.

3.5 Human Rights Thematic Report (Item 8 of Minutes Refers)

Members of the Committee commented on the Thematic meeting and felt it was a very constructive engagement.

It was:-

AGREED:

- That feedback should be sought from key stakeholders.

3.6 Parades Commission (Item 9 Of Minutes Refers)

The Committee was asked to agree the minutes and the action points of a meeting held with the Parades Commission on 28 May 2008.

It was:-

AGREED:

That the minutes of the meeting held with the Parades Commission on 28 May 2008 be agreed.

3.7 Equality Commission (Item 10 Of Minutes Refers)

The Committee was advised that the Equality Commission's Equality Impact Assessment (EQIA) Submission and the Section 75 review document were attached. NOTED.

3.8 PSNI Suspended Or Repositioned Officers – July 2007 – March 2008 (Item 11 Of Minutes Refers)

This matter would be dealt with under item 5 during the presentation by the Deputy Chief Constable.

3.9 UK National Preventative Mechanism (Item 12 Of Minutes Refers)

The Committee was advised that the Ministry of Justice had been advised of the Committee's decision. NOTED.

3.10 Custody Visitors Statistics – October – December 2007 (Item 13.2 Of Minutes Refers)

This item had been actioned.

3.11 Questions For The Chief Constable (Item 14 Of Minutes Refers)

The Committee was advised that a question had been drafted for the Board meeting held on 1 May 2008 regarding the PSNI policy on the suspension of police officers. NOTED.

4. CHAIR'S BUSINESS

There were no matters arising.

5. BRIEFING – SUSPENSION AND REPOSITIONING OF OFFICERS

The Deputy Chief Constable and the Head of PSNI Professional Standards Department and his colleague attended the meeting to discuss the various elements of suspension and repositioning.

The Deputy Chief Constable gave a brief overview of PSNI policy on the suspension and repositioning of officers and provided Members with statistics on:-

- Cases of suspended / repositioned officers on 8 August 2007;
- New cases of suspended / repositioned officers added from 8 August 2007 to 31 March 2008; and
- Cases removed from 8 August 2007 to 31 March 2008.

The Deputy Chief Constable advised Members what he takes into account when considering suspension, i.e. mitigating and aggravating factors.

The Deputy Chief Constable invited Members of the Committee to visit the Professional Standards Department.

The Committee then raised various questions and concerns they had with the Deputy Chief Constable and these centred around:-

- Officers convicted of drink driving offences;
- The length of time some officers are on suspension with full pay;
- The cost to the organisation of such suspensions;
- Whether or not these suspensions are reviewed regularly;
- The requirement for the general public to know that there is an appropriate standard.

Following discussion, it was:-

AGREED:

- That officials would write to PSNI to ascertain a definition of “an appropriate standard”;
- To request PSNI notify the Board if an officer remains on suspension beyond a 12 month period;
- To ask PSNI to provide the financial cost to the organisation of suspended officers.
- To ask PSNI to identify trends in the nature of allegations arising from the suspension and repositioning of officers.

It was also:

AGREED:

- To write to the Public Prosecution Service (PPS) regarding the delays in some cases where the officer has been suspended for a number of years; and
- To obtain a copy of the Memorandum of Understanding between the Police Service of Northern Ireland (PSNI) and the Office of the Police Ombudsman for Northern Ireland (OPONI).

6. BRIEFING – PUBLIC INQUIRIES

The Chair welcomed ACC Crime Support and Chief Superintendent Crime Support to the meeting.

ACC Crime Support began his presentation by giving a brief overview on the following public inquiries and their current position:-

- Rosemary Nelson
- Billy Wright
- Robert Hamill
- Smithwick Tribunal

ACC Crime Support then advised Members on the costs surrounding these inquiries.

He then advised the Committee that progress on a number of inquiries had been slower than had been anticipated.

ACC Crime Support then spoke on the Historic Enquiries Team (HET) and advised Members that HET have 1,000 open cases and that some of these cases can take longer than others to do deal with. He advised Members that no further cases will be opened at the moment.

Following the presentation, Members raised the following questions and concerns with ACC Crime Support and his colleague:-

- HET finance beyond 2013 and whether any additional funding would be available;
- Whether there were any issues in relation to obtaining police journals from retired officers;
- The potential impact of Eames/Bradley “Dealing with the Past” on the HET.

7. POLICE APPEALS TRIBUNAL - DETERMINATIONS

The Committee considered a paper which informed Members of the determination received in respect of 4 police appeal tribunals. The Director of Corporate Services briefed the Committee on the 4 cases.

The Committee raised concerns in relation to the cases where the appeal was upheld.

It was:-

AGREED:

- That the Director of Corporate Services would meet with the Deputy Chief Constable and raise the issue of the two appeals which were allowed;
- That officials would write to PSNI for details of all the costs incurred in respect of the two appeals which were allowed.

8. COMPENSATION CASE RELATING TO THE DISCHARGE OF CS SPRAY AT WATERLOO PLACE, LONDONDERRY – 16 OCTOBER 2004

The Committee considered a paper which provided Members with information relating to the award of compensation in relation to the discharge of CS Spray at Waterloo Place, Londonderry on 16 October 2004.

Members discussed the case and it was:-

AGREED:

- To seek advice on this case from the Board's Human Rights Advisor; and
- That the Director of Policy would discuss with OPONI concerns raised by Members.

9. INFORMATION PAPERS

9.1 Custody Visitor Statistics January – March 2008

The Committee considered the papers and it was:-

AGREED:

That consideration should be given to reviewing the CV2 form to identify major and minor issues.

9.2 Policy and Practice Investigation Report from the Police Ombudsman

NOTED.

9.3 Regulation 20 Review Panel Meeting – 30 April 2008

NOTED.

9.4 Regulation 20 Report Into The Discharge Of A Firearm On 17 January 2004

The Committee noted the Regulation 20 report and it was:-

AGREED:

That the Director of Policy would discuss with OPONI concerns raised by Members.

9.5 Regulation 20 Report Into Dangerous Driving On 29 January 2006

NOTED.

9.6 Regulation 20 Report In The Discharge Of CS Spray On 22 November 2004

NOTED.

9.7 Monitoring of Country of Origin of Catholic Applicants to the PSNI

It was:-

AGREED:

To write to PSNI for a breakdown of the “other” category in relation to European Country of Origin of PSNI applicants.

9.8 PSNI Firearm’s Policy Quarterly Progress Report

It was:-

AGREED:

To write to PSNI for an assessment of progress with respect to the 15 outstanding recommendations including a risk assessment of delays in implementation.

9.9 Publications, Correspondence And Press

NOTED.

10. QUESTIONS FOR THE CHIEF CONSTABLE

The Committee discussed questions to the Chief in the public session of the Board meeting on 5 June 2008. Members expressed some concerns about:-

- The order of the questions – whether questions could be taken sequentially or grouped;
- Whether there were alternative approaches to consider in holding the Chief Constable to account. E.g. legislation states Chief Constable to bring a report to the Board;
- Whether the level of supplementary questions was appropriate;
- That the level of questions remains appropriate for the public session of the Board;

It was:-

AGREED:

That the above should be reviewed by the Corporate Policy, Planning and Performance Committee.

11. COMMUNICATION ISSUES

It was:-

AGREED:

That a press release should be issued on the suspension and repositioning of officers.

12. ANY OTHER BUSINESS

12.1 UK Children Commissioner's Report To The UN Committee On The Rights Of The Child

A Member commented on the above report and the implications for TASER.

It was:-

AGREED:

That the Board's Human Rights Advisor would consider the section relevant to TASER and advise the Committee at a future date.

13. DATE OF NEXT MEETING

The date of the next regular meeting was agreed for Wednesday, 13 August 2008 at 2:00pm in Waterside Tower, Belfast.

(Meeting closed at 1:00pm).

Secretariat

June 2008

Chair