

NORTHERN IRELAND POLICING BOARD
4TH HUMAN RIGHTS AND PROFESSIONAL STANDARDS
COMMITTEE MEETING

13 FEBRUARY 2004
WATERSIDE TOWER

PRESENT:

MEMBERS

Mr Eddie McGrady (Chairman)
Mr Alan McFarland
Mrs Rosaleen Moore
Mr Suneil Sharma

POLICE SERVICE OF NORTHERN IRELAND

REPRESENTATIVES IN ATTENDANCE

(1) Ms Judith Gillespie, Acting Assistant
Chief Constable, Criminal Justice
Unit
(1) Inspector, Criminal Justice Unit

OFFICE OF THE POLICE OMBUDSMAN

REPRESENTATIVES IN ATTENDANCE

(2) Mr Sam Pollock, Chief Executive
(2) Dr Malcolm Ostermeyer, Statistician

OFFICIALS IN ATTENDANCE

Director of Policy and Accountability
Head of Research and Statistics
Three Board officials

- (1) Item 7 only
- (2) Item 8 only

1. APOLOGIES, ETC

Apologies were received from Mrs McCabe, Mr Hay and Mr Paisley.

The Chairman expressed, on behalf of the Members, his concern and sympathy for Mr Bradley, following an attack on his home the previous evening.

2. MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 16 JANUARY 2004.

The minutes of Human Rights and Professional Standards Committee held on 16 January 2004 were agreed.

3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 16 JANUARY 2004

**3.1 Meeting with Northern Ireland Human Rights Commission (NIHRC)
(Item 2 of minutes refers)**

The Committee considered the request from the NIHRC to support them in their attempt to gain PSNI agreement to the evaluation of Tutor Officers. Officials advised that recent contacts with PSNI suggested that the necessary access would be granted. The Committee noted this and emphasised that the evaluation remit should pertain solely to human rights issues.

3.2 Process for dealing with Complaints against NIPB (Item 4 of minutes refers)

This matter was considered under Item 5.

**3.3 NIPB Response to NI Human Rights Commission on their Report Evaluating the Human Rights Training for Student Officers in PSNI.
(Item 5 of minutes refers).**

The Committee noted that a letter had been sent to the Northern Ireland Human Rights Commission in relation to their Report entitled “An Evaluation of Human Rights Training for Student Officers in the PSNI” along the lines of the approach agreed by the Committee.

3.4 Complaints against Police (Item 11 of minutes refers)

This matter was considered under item 8.

3.5 Summary of information on PSNI Suspended Officers (Item 12 of minutes refers)

The Committee noted a response from PSNI in relation to a request for further information in respect of 2 indiscipline cases detailed in the previous minutes.

In view of this query raised by the Committee, PSNI had reviewed current practices and further information will be included on the suspension list in the future.

3.6 Regulation 20 Reports from the Office of the Police Ombudsman (OPONI) (Item 15 of minutes refers)

Members noted that a holding reply had been received from the OPONI in relation to the cost of the investigations of a discharge of firearm at Monagh Bypass and allegations of serious assault on a Mr P Devenney.

Officials were pursuing this matter and it would be brought forward to the next meeting.

3.7 Police Ombudsman - New Powers (Item 20 of minutes refers)

This matter was considered under item 15

3.8 Committee on the Administration of Justice - Commentary on the work of the Police Ombudsman for Northern Ireland (Item 24.2 of minutes refers).

This matter was considered under item 16.

4 CHAIRMAN'S BUSINESS

The Committee noted that the Chairman would attend the Northern Ireland Human Rights Commission Conference entitled 'Protecting Human Rights through a Bill of Rights' on Friday 20 February 2004.

5 POLICY ON COMPLAINTS AGAINST THE BOARD

Members considered and agreed a policy document for dealing with complaints against the Board.

The document covered:

- The process for dealing with complaints;
- Conflict of interest issues;
- Correspondence with complainants;
- Remedial action;
- Review of policy;

6. COMPLAINT AGAINST THE POLICING BOARD

The Committee considered a detailed report in relation to a complaint from a former police officer in respect of the process by which his application to the Police Authority for Northern Ireland for a retrospective injury on duty (IOD) pension in early 2001 had been handled.

The Chairman noted a letter from the complainant which, had been addressed to him, but responded to, on his behalf, by an official.

Members considered the details of the complaint that had been made against the Board and, in respect of the 4 elements of the complaint, they commented as follows:

Interpretation of Legislation Issue

Members accepted that officials of the Police Authority/Policing Board could not have foreseen the length of time it would take for the Voluntary Severance Scheme regulations to become effective but noted the regular correspondence that was exchanged to ensure that the complainant was aware of the current state of his case.

Officials of the Police Authority should have considered taking legal advice on their interpretation of the pensions legislation and the impact of the severance arrangements.

Members concluded that management of the Board should be asked to ensure that all officers of the Board are made aware of the importance of securing legal advice on certain matters, including interpretation of legislation.

Breaching Human Rights/Data Protection Act

Members considered the information provided in relation to a new process that officials have implemented to ensure that only material, which is relevant to the consideration of the case goes to the Selected Medical Practitioner. Members were satisfied as to the adequacy of that new process. Members agreed that legal advice should be sought on whether the release of the information in the complainant's case did in fact constitute a breach of his human rights or of the Data Protection Act.

Delay, Need for Further Medical Examination and Consequent Expense

Members accepted that the need for a further medical examination was because the Board agreed that from 1 March 2003 their selected medical practitioner, would assess all pension applications, make the final decision in each case and complete the appropriate certificate. Members also accepted that there is no provision for the refund of travel expenses where the medical referee does not decide in favour of the appellant.

Confusion Among Board Staff About the Complaints Procedure

Members agreed that awareness and application of the complaints procedure among Board officials was not consistent and that management of the Board should ensure that all staff are aware of the complaints procedure.

Members agreed that, in line with the Boards complaints policy, the recommendations set out above should be referred to the next Corporate Policy Committee. Members agreed that the legal advice needed on the Human Rights/Data Protection issue should be expedited so that Corporate Policy Committee could consider it along side the recommendations set out above.

It was agreed that officials would:

- Expedite a response from the Crown Solicitor's Office in relation to the Human Rights and Data Protection issues;
- Prepare and circulate a draft report to the Committee for comment, prior to its consideration at Corporate Policy Committee in March 2004; and
- Send a holding response to the complainant, in line with the policy (agreed at item 5 above), on behalf of the Chairman.

7. PRESENTATION BY A/ACC CRIMINAL JUSTICE UNIT: SHARED VALUES – HUMAN RIGHTS

The Chairman welcomed Acting Assistant Chief Constable Gillespie and her colleague to the meeting.

Arising from the presentation and subsequent discussion, the Committee noted that:

- **Human Rights Programme of Action**

There had been widespread consultation, on the content of the programme of action, including consultation with the Board's Human Rights Advisers.

- **Attestation**

The attestation had been implemented for all Student officers. Awareness training had been given to all existing officers. The 'Course for All' training had now been completed by all police officers and civilian support staff and each participant had been given a personal copy of the Code of Ethics.

- **Code of Ethics**

The Policing Board had launched the Code of Ethics on 13 February 2003; it became effective on 14 March 2003. It had been reinforced in the 'Course for All' training and has been incorporated into Student Officer training.

- **Monitoring PSNI Compliance**

A Human Rights Questionnaire, which had the backing of the Staff Associations, was being drafted. A copy of the draft questionnaire would be made available to Members of the Committee as soon as possible. (This was circulated during the meeting)

- **Openness of the Police Service**

A General Order entitled 'Transparency Policy' had been issued in June 2003, underpinned by a project team working on 'Freedom of Information'. A Head of Information Management has been appointed.

- **Records on the use of Emergency Powers**

A General Order – 'The Terrorism Act 2000 – Human Rights and Monitoring Issues' requires that forms are completed in all stop and question/stop and search situations and that the powers are applied fairly and consistently. Criminal Justice Department also provides a strategic overview and compliance is monitored at a number of levels within PSNI.

Initial Foundation training was proving satisfactory and follow-up training for serving officers was likely to be increased.

- **Registration of Interests**

The policy has now been determined and a business case for a stand-alone database is with NIO for consideration. All officers will receive information on the procedures to be followed in declaring interests and on how this information will be held and who can have access.

- **Neutral Working Environment**

The General Order on Neutral Working Environment had been issued and a further audit of compliance with the order in Police Stations was being considered.

The Committee was advised that a cultural audit would take place later in the year.

The Chairman thanked the representatives from PSNI for attending and they left the meeting.

8 COMPLAINTS AGAINST POLICE

The Chairman welcomed Mr Pollock, Chief Executive of the Office of the Police Ombudsman for Northern Ireland and Dr Ostermeyer the Police Ombudsman's Statistician to the meeting and thanked them for the new format of the statistics provided, which they considered would be more user-friendly.

The OPONI representatives explained the new format and content of the statistical return. During the discussion, the Committee noted:

- All equality monitoring information had been extracted from the statistics. It was agreed that section 75 information would be incorporated into the papers in future and that an official would meet with Dr Ostermeyer to discuss how frequently this information could be provided.

- Complaints received fell by 10% over the first three quarters of 2003/04 compared to the first three quarters of 2002/03.
- While the relative proportions of allegation types had remained relatively constant over the three quarters of 2003/04, allegations of Oppressive behaviour had fallen slightly while those of Failure of Duty had risen compared to 2002/03.
- Analysis showed that the largest proportion of factors underlying complaints each quarter had been arrest.
- The largest proportion of incidents leading to complaints in each quarter of 2003/04 occurred in Police Stations.
- The number of complaints completed during quarters 1 and 2 was 1443, 2% fewer than was received. Two-fifths (41%) were closed because of some form of complainant non-cooperation, while complainants withdrew in a further 7% of cases. Nearly a quarter (23%) were investigated but not substantiated, while 14% were settled by informal resolution. Further action arose from 1% of complaints.

The Chairman thanked the OPONI representatives for their contribution and the new format for statistics and they left the meeting.

9 SUMMARY OF INFORMATION ON PSNI SUSPENDED OFFICERS

The Committee noted a statistical summary of PSNI Officers on suspension.

10 SUMMARY OF COMPLAINTS AGAINST TRAFFIC WARDENS

The Committee noted a paper providing a statistical summary of complaints against traffic wardens for the period October to December 2003.

11 SUMMARY OF COMPENSATION CLAIMS

The Committee noted a paper, which provided a summary of settled civil action claims.

The Committee noted that the Finance and General Purposes Committee would be meeting with the PSNI Legal Adviser to discuss issues concerning the settlement of compensation claims and recommended that this part of the meeting be open to all Members.

12 REGULATION 20 REPORTS FROM THE OFFICE OF THE POLICE OMBUDSMAN

The Committee noted information provided relating to the following: -

- Report into the Discharge of Two Baton Rounds at Short Strand Belfast on 12 May 2002
- Report into the Discharge of Sixty Baton Rounds and Ten Live Rounds at Lower Newtownards Road, Belfast on 3 and 4 June 2002.

13 PBI AND PB2 REPORTS

The members noted that there had been no PB1 or PB2 reports received from PSNI during the period 1 October to 31 December 2003.

14 MONITORING COMPLAINTS - COMPLAINTS ABOUT DETENTION, RACIST INCIDENTS

The Committee noted information on complaints against the PSNI which had a racist dimension or which arose from a period in detention.

15 POLICE OMBUDSMAN - NEW POWERS

A paper was tabled concerning the Police Ombudsman's new powers to investigate policy and practice, (as per the Police Act 2003) and the interface between this power and the Board's power to call for reports and initiate inquiries.

It was agreed that this item would be considered at the next meeting in March 2004.

16 COMMITTEE ON THE ADMINISTRATION OF JUSTICE - COMMENTARY ON THE WORK OF THE POLICE OMBUDSMAN

The Committee considered correspondence received from the Committee on the Administration of Justice (CAJ) requesting the Board's views on the work of the Police Ombudsman's Office.

The Committee discussed the general approach that the Board should take to any request from a non-statutory organisation for views on the work of a statutory organisation.

After discussion, it was agreed that a draft response should be prepared on the basis of the Committee's comments, and that it should be circulated to members for consideration, prior to being tabled at the March Corporate Policy Committee.

17 PSNI REVIEW OF FIREARMS TRAINING POLICY AND PROCEDURES

Members noted correspondence received from an independent consultant appointed by PSNI, concerning a review of Firearms Training Policy and Procedures.

Members agreed the draft response prepared but asked that it be referred to the Human Resources Committee so that their views, as the committee responsible for PSNI training, could be taken into account.

18 QUESTIONS FOR THE CHIEF CONSTABLE

There were no questions for the Chief Constable arising from this meeting.

19 ANY OTHER BUSINESS

The members noted the following papers: -

- A letter from the Independent Police Complaints Commission (IPCC) entitled “Your Introduction to the new Police Complaints System New Body, New System, New Powers, New Rights” containing introductory information about the system for dealing with Police complaints in England and Wales.
- A Freedom of Information Act update concerning the Policing Board Website.

20 PRESS ISSUES

There were no press issues arising from the meeting.

21 DATE OF NEXT MEETING

The date of the next meeting was arranged for Friday 12 March 2004 at 10:00am in Committee Room 2, Waterside Tower.

(Meeting closed 12.30 pm)

**Secretariat
February 2004**