

NORTHERN IRELAND POLICING BOARD

MINUTES OF 8th MEETING OF HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 8 OCTOBER 2004 AT 10:00 AM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Mr Eddie McGrady (Chairman)
Mr William Hay (Vice-Chairman)
(2) Mr Alan McFarland
Mrs Rosaleen Moore
(1) Mr Ian Paisley Jnr

OFFICIALS IN ATTENDANCE:

Director of Policy
Director of Communications
Head of Research and Statistics
3 Board Officials

(1) Items number 1 - 11
(2) Items number 8 - 21

1. APOLOGIES, ETC

Apologies for non-attendance were received from Mrs Pauline McCabe and Mr Suneil Sharma.

2. MINUTES OF PREVIOUS MEETINGS

2.1 Minutes Of The Human Rights And Professional Standards Committee Held On 14 May 2004

The minutes of the Human Rights and Professional Standards Committee meeting held on 14 May 2004 were agreed and signed.

2.2 Minutes Of The Human Rights And Professional Standards Committee Meeting Held On 10 September 2004

The minutes of the Human Rights and Professional Standards Committee meeting held on 10 September 2004 were agreed.

3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 14 MAY 2004

3.1 Regulation 20 Reports From The Office Of The Police Ombudsman (Item 3.1 and Item 7 Of Minutes Refers)

Members noted the response received from OPONI in relation to 2 specific Regulation 20 investigations.

3.2 Complaint Against The Board (Item 3.2 Of Minutes Refers)

This matter concerned a review of NIPB complaints policy. A revised document was considered at agenda item 13.

3.3 Presentation – Office Of The Police Ombudsman For Northern Ireland (Item 3.3 and Item 5 Of Minutes Refers)

Members noted that a schedule, developed by officials to meet the needs of both the Board and OPONI, had been presented to and agreed by Corporate Policy Committee in June 2004.

3.4 Presentation – PSNI Internal Investigations Branch (Item 3.4 and Item 8 Of Minutes Refers)

Members noted the response from Internal Investigations Branch relating to the re-instatement of officers following criminal court cases and the length of time spent on suspension.

3.5 Discharge of Baton Rounds At Mount Vernon, Belfast (Item 7.2 Of Minutes Refers)

Members noted the response received from OPONI advising that both PSNI and the military had addressed the issues arising from the incident prior to the issue of the Regulation 20 report.

3.6 Summary Of Compensation Claims (Item 11 Of Minutes Refers)

Members discussed the cost of settling compensation cases out of court.

It was agreed that the Chairperson would write to the Chair of the Finance and General Purposes Committee regarding the need to fight cases rather than settle them.

An analysis of settlements for the 12 months to date and a comparison with similar UK Services would be brought back to the Committee.

3.7 Notifiable Membership (Item 13 Of Minutes Refers)

Members were advised that the process of gathering this information had been suspended pending the outcome of the Judicial Review. An analysis was therefore not yet available.

It was agreed this matter would be put on a regular 3 month 'BF' for updating the Committee.

It was also agreed that clarification would be sought on whether information which had already been gathered, had been destroyed.

3.8 Northern Ireland Human Rights Commission Report 3 (item 14 Of Minutes Refer)

The Committee noted that a response from PSNI was still outstanding.

It was agreed that officials would expedite this response from Director of TED in relation to NIHRC Report 3, its recommendations and PSNI response to it.

3.9 Questions For The Chief Constable (Item 17 Of Minutes Refers)

Appropriate action had been taken in relation to this matter.

3.10 Any Other Business (Item 18 Of Minutes Refers)

The Committee noted that their previous queries would be addressed at item 17 of the agenda.

3.11 Date Of Next Meeting (Item 20 Of Minutes Refers)

Appropriate action had been taken in relation to this matter.

4. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE HELD ON 10 SEPTEMBER 2004

There were no matters arising.

5. PRESENTATION – HAND HELD CS INCAPACITANT SPRAY

This presentation had been deferred until 18 November 2004.

6. CHAIRMAN'S BUSINESS

There was no business to report on to the Committee.

7. PB1 AND PB2 REPORTS

Members noted the information provided in relation to PB1 reports (incidents where Baton Rounds were fired by the police) and PB2 reports (incidents of serious public disorder) for the period 1 April to 15 August 2004.

8. REGULATION 20 REPORTS FROM THE OFFICE OF THE POLICE OMBUDSMAN

8.1 Report Into The Allegations Of Police Officers Pressuring Forensic Scientist To Compromise Her Scientific Principles – The Queen – v - Abernethy

Members noted the information provided and agreed that the Chief Constable had already addressed their questions in respect of this matter at Board level.

8.2 Report Into A Death Following Release From Police Custody On 23 January 2001 In Strand Road, Londonderry

Members noted the details of the report and agreed that there were no major concerns to be addressed.

8.3 Report Into Discharge Of A Firearm On The M1 Motorway Near Lisburn On 10 December 2001

Members noted the detail of the report and were advised that a number of recommendations / concerns in relation to it had been forwarded to PSNI so that they could be addressed.

**8.4 Report Into The Fatal Road Traffic Collision By The Waterworks,
Antrim Road, Belfast On 16 September 2002**

Members noted the details of the report and agreed that there were no major concerns to be addressed.

**8.5 Report Into The Discharge Of 29 Baton Rounds In The Vicinity Of
Albertbridge Road On 20-21 August 2002**

Members noted the detail of the report and were advised that a number of recommendations / concerns in relation to it had been forwarded to PSNI so that they could be addressed.

**8.6 Report Into A Death At Keighley Court, 96 Hillsborough Road, Lisburn
On 15 April 2003**

Members noted the details of the report and agreed that there were no major concerns to be addressed.

**8.7 Report Into A Death In Police Custody On 27 July 2001 In Enniskillen
PSNI Station**

Members noted the details of the report and agreed that there were no major concerns to be addressed.

**8.8 Report Into The Road Traffic Collision Following A Pursuit Of A Stolen
Vehicle By The PSNI – Sunday 15 April 2001**

Members noted the details of the report and agreed that there were no major concerns to be addressed.

**8.9 Report Into The Discharge Of A Personal Protection Firearm On
30 August 2001**

Members noted the details of the report and agreed that there were no major concerns to be addressed.

**8.10 Report Into The Discharge Of A Police Issue Firearm At Belfast On
29 May 2001**

Members noted the details of the report and agreed that there were no major concerns to be addressed.

**8.11 Report Into The Discharge Of Plastic Baton Rounds In Lurgan On
24 April 2001**

Members noted the details of the report and agreed that there were no major concerns to be addressed.

**8.12 Report Into the Discharge Of A Baton Round At Albertbridge Road /
Mountpottinger Road Junction On 2 June 2002**

Members noted the details of the report and agreed that there were no major concerns to be addressed.

It was agreed that a summary paper of all Regulation 20 reports to date and the PSNI action taken would be brought back to Committee at a later date.

9. SUMMARY OF INFORMATION ON PSNI SUSPENDED OFFICERS

The Committee noted the contents of a paper which outlined details of PSNI officers who had been suspended from duty.

10. SUMMARY OF COMPLAINTS AGAINST TRAFFIC WARDENS

The Committee noted the contents of a paper detailing a statistical summary of complaints against traffic wardens for the period April to June 2004.

11. SUMMARY OF COMPLAINTS AGAINST THE POLICE

Members noted the contents of a paper providing a statistical summary of complaints against the police.

It was agreed that:-

- Clarification would be sought on the definition of “other” under weapon / equipment column on page 7
- Clarification would be sought on whether the complaints associated with handcuffs were because of a design fault / use of handcuffs
- Further detail on the presentation to the Board by the Ombudsman would be made available to Members for their information

12. SUMMARY OF COMPENSATION CLAIMS

Members noted a paper detailing information on settled civil action claims paid out between April and June 2004.

It was agreed that in conjunction with the actions under agenda item 3.6, an analysis of settlements in the previous 12 month period would be made available to Members.

13. POLICY FOR DEALING WITH COMPLAINTS AGAINST THE BOARD

Members considered a paper advising of revisions which had been made to the policy for dealing with complaints made against the Board.

It was agreed that the Committee would be provided with a quarterly report informing them of all complaints made against the Board, including those, which had been dealt with by Directors.

It was also agreed that the draft document would be amended to reflect further recommendations suggested by Members. It was agreed that the Chairperson of the Committee, on behalf of the Members, would examine the amended policy and agree it, if appropriate.

14. PSNI – PROGRAMME OF ACTION

Members noted the paper entitled “The Police Service of Northern Ireland Human Rights Programme of Action”.

Members were advised that PSNI would not be producing an annual programme of action, but rather would respond to issues arising from, or recommendations made in, the Board’s Monitoring Report.

It was agreed that the Chairperson of the Committee would write to ACC, Criminal Justice Unit, to advise that Members encouraged two way dialogue on this matter and that PSNI input on issues they identified as needing revision would be welcome.

15. SUMMARY OF COMPLAINTS WITH A RACIST OR HUMAN RIGHTS DIMENSION AND THOSE ARISING FROM A PERIOD OF DETENTION

Members noted a paper detailing complaints with a racist or human rights dimension and those arising from a detainee's period in detention, for the period April to June 2004.

16. QUARTERLY PACE 1 / TA RETURN

Members noted the paper detailing the PACE 1 / TA Stop Searches to June 2004.

It was agreed that:-

- An explanation of the difference in action between stops under Section 84 and Section 89 of the Terrorism Act would be provided to Members at the next meeting
- An analysis of the table for 3 years previous i.e. 2001, would be brought back to the next meeting

17. ISSUES ARISING FROM OVERSIGHT COMMISSIONER'S REPORT NO 10 – APRIL 2004

The Committee noted the information provided in relation to their previous queries on "Trending and Tracking" and "Standards".

18. QUESTIONS FOR THE CHIEF CONSTABLE

Members did not have any questions for the Chief Constable arising out of this meeting.

It was agreed that a brief would be prepared for Members in advance of the presentation on CS Incapacitant Spray for the November meeting to cover:-

- The use of the spray
- Concerns around its use
- Identification of possible trends from information provided by OPONI

19. ANY OTHER BUSINESS

19.1 Letter Of Thanks – OPONI Statistician

Members noted the letter of appreciation received from the Head of Research, OPONI, for the gift presented to him by Members of the Human Rights and Professional Standards Committee, on the occasion of his retirement.

19.2 Regulation 20 Report Follow Up

19.2.1 Discharge Of Baton Rounds And Firearms At Cambrai Street Disorder On 26 And 27 September 2001

Members noted the follow up report from PSNI on the recommendations by the Police Ombudsman.

19.2.2 Discharge Of Firearm On 21 April 2002 At Carlisle Circus, Belfast

Members noted the follow up report from PSNI on the recommendations by the Police Ombudsman.

19.2.3 Discharge Of Personal Issue Firearm At Monagh By-Pass On 10 May 2001

Members noted the follow up report from PSNI on the recommendations by the Police Ombudsman.

19.2.4 Discharge Of Personal Issue Firearm At Daneshill Road, Ballysally On 3 September 2002

Members noted the follow up report from PSNI on the recommendations by the Police Ombudsman.

19.2.5 Discharge Of 3 Baton Rounds At Ardoyne, Belfast On 26 July 2001

Members noted the follow up report from PSNI on the recommendations by the Police Ombudsman.

Discharge Of Personal Issue Firearm In The Republic Of Ireland On 26 June 2001

Members noted the follow up report from PSNI on the recommendations by the Police Ombudsman.

19.2.7 Allegations Of Serious Assault By Police At Short Strand On 12 May 2002

Members noted the follow up report from PSNI on the recommendations by the Police Ombudsman.

19.2.8 Discharge Of Personal Protection Firearms On 30 August 2001

Members noted the follow up report from PSNI on the recommendations by the Police Ombudsman.

Associated with the action at 8.12, it was agreed that an overview, would be sought from PSNI on the work of the Review Panel, the OPONI recommendations, which had been considered including how they had been actioned and an update given to Committee at a later date.

19.3 Complaint Against The Board – Ex Constable

Members noted a paper advising of a complaint against a disablement award by an ex constable which fell outside the remit of the Committee. This had been brought before Members because the complainant had been advised that this course of action would be taken.

It was agreed that the Director of Corporate Services would write to the ex constable advising him of the procedure to be followed in his case and the fact that his papers would be forwarded to Human Resources Committee for consideration. An apology should also be expressed in respect of the misinformation given to the complainant.

19.4 Correspondence Received From Lady Hermon

Members noted the correspondence received concerning this complaint.

It was agreed that the documentation should be sent to PSNI for action, since there did not appear to be any provision or mechanism through which the Board could progress the matter.

A response to the correspondence was to be sent to Lady Hermon, appraising her of the background to the case thus far and advising her that the matter had been forwarded to PSNI for their action.

19.5 Provisional Dates For Meetings in 2005

Members considered and agreed a paper detailing dates for meetings in 2005.

20. PRESS ISSUES

There were no press issues arising out of this meeting.

21 DATE OF NEXT MEETING

Director of Policy informed Members that she would advise them of the date for the special meeting of HRPS in due course, possibly 29 October 2004.

(Meeting closed 11:30 am).

Secretariat

October 2004

CHAIRMAN