

NORTHERN IRELAND POLICING BOARD

MINUTES OF 10th MEETING OF HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE HELD ON 18 NOVEMBER 2004 AT 10:00 AM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

- Mr Eddie McGrady (Chairman)
- Mr William Hay (Vice-Chairman)
- (1) Mr Denis Bradley (Vice-Chairman of the Board)
- (3) Viscount Alan Brookeborough
- (3) Mr Sam Foster
- Mr Alan McFarland
- Mrs Rosaleen Moore
- Mr Ian Paisley Jnr
- (1) Professor Desmond Rea (Chairman of the Board)
- (2) Mr Suneil Sharma

HUMAN RIGHTS ADVISORS IN ATTENDANCE:

- (3) Mr Keir Starmer, Human Rights Advisor
- (3) Ms Jane Gordon, Assistant Human Rights Advisor

POLICE SERVICE OF NORTHERN IRELAND (PSNI IN ATTENDANCE)

- (4) Mr Paul Leighton (Deputy Chief Constable)
- (4) C/Inspector, PSNI

OFFICIALS IN ATTENDANCE:

- (1) Mr Trevor Reaney (Chief Executive)
- (2) Director of Community Affairs
- Director of Policy
- Five Board Officials

- (1) Part of item number 2 - item number 3
- (2) Item numbers 1 – 3
- (3) Item numbers 1 - 2
- (4) Item number 3

1. APOLOGIES, ETC

Apologies for non-attendance were received from Mrs Pauline McCabe.

2. MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 8 OCTOBER 2004

The minutes of the Human Rights and Professional Standards Committee meeting held on 8 October 2004 were agreed and signed.

3. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 8 OCTOBER 2004

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

The Committee noted: -

- That the Chairman had written to the Chairman of the Finance and General Purposes Committee regarding the need to fight some compensation claims rather than settle them
- Information regarding claims for compensation which had been settled during the period April – September 2004 compared to the same period last year
- Information regarding claims for compensation which had been paid by the PSNI during 2001/2002 – 2003/2004 compared to claims which had been settled by Greater Manchester Police during the same period

3.2 Northern Ireland Human Rights Commission Report 3 (Item 3.8 Of Minutes Refers)

The Committee noted that the response from PSNI to the Northern Ireland Human Rights Commission Report 3 was still awaited.

3.3 Regulation 20 Reports From The Office Of The Police Ombudsman (Item 8 Of Minutes Refers)

Members noted that a summary paper in relation to regulation 20 reports, which had been received, to date from the Office of the Police Ombudsman would be brought to the Committee on a six monthly basis for consideration.

3.4 Summary Of Complaints Against The Police (Item 11 Of Minutes Refers)

The Committee noted the content of a letter which had been received from the Office of the Police Ombudsman regarding complaints arising from the use of handcuffs and the definition of “other” complaints under weapon/equipment column of the quarterly report.

3.5 Summary Of Compensation Claims (Item 12 Of Minutes Refers)

This matter was dealt with under item 3.1.

3.6 Policy For Dealing With Complaints Against The Board (Item 13 Of Minutes Refers)

This matter was dealt with under item 16.4.

3.7 PSNI Programme Of Action (Item 14 Of Minutes Refers)

This matter was dealt with under item 16.3.

3.8 Quarterly PACE 1/TA Return (Item 16 Of Minutes Refers)

The Committee noted: -

- The content of a paper regarding PACE 1 and TA quarterly returns in respect of 2001/2002, 2002/2003 and 2003/2004

- The content of a letter, which had been received from the PSNI, which indicated that it was not possible to provide Members with the information, they had requested regarding the differences in action between stops under sections 84 and 89 of the Terrorism Act.

The Committee agreed that a further letter should be sent to the PSNI clarifying details of the information that Members had requested.

3.9 Questions For The Chief Constable (Item 18 Of Minutes Refers)

This matter was dealt with under item 3.

3.10 Any Other Business (Item 19.3 Of Minutes Refers)

The Committee noted that the Director of Corporate Services had written 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 the Human Resources Committee for consideration.

3.11 Date Of Special Meeting (Item 21 Of Minutes Refers)

The Committee noted that the special meeting had been held on 29 October 2004.

4. MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 29 OCTOBER 2004

The minutes of the Human Rights and Professional Standards Committee meeting held on 29 October 2004 were agreed and signed.

5. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 29 OCTOBER 2004

There were no matters arising from the minutes of the meeting.

6. PRESENTATION – NORTHERN IRELAND POLICING BOARD’S HUMAN RIGHTS ADVISORS – ANNUAL REPORT

The Chairman welcomed the Board's Human Rights Advisors, Keir Starmer, QC and Jane Gordon to the meeting and invited the Human Rights Advisors to update Members on the position regarding the production of their Annual Report on PSNI compliance with the Human Rights Act.

In response Mr Starmer outlined details of the content of each chapter of the report together with the key issues and recommendations, which would be included in it. He explained that the draft report would be available for consideration by the Committee in December 2004. The style of the report had been discussed with the PSNI and the Police Service was content to respond to the recommendations contained in it.

During discussion on the report the following issues were covered:-

- The recommendations, which would be contained in the report
- The notifiable membership process for PSNI Officers, which would be covered in the Human Rights Advisors next Annual Report
- The issues that were emerging in respect of observing certain PSNI operations
- The monitoring of Regulation 20 reports which were received by the Board from the Office of the Police Ombudsman
- The training for PSNI Officers in relation to Human Rights issues.

The Chairman thanked the presenters for their attendance at the meeting and they left the meeting.

The Committee agreed the a special meeting of the Committee should take place in December 2004 to consider the Human Rights Advisor's Draft Annual Report. The report should then be issued to interested parties for consultation and brought back to a meeting of the Committee in February 2005 for consideration by the Board at its March 2005 meeting.

7. PRESENTATION – HAND HELD INCAPACITANT SPRAY

The Chairman welcomed the Deputy Chief Constable and his colleague to the meeting and invited them to give a presentation to the Committee in relation to CS Incapacitant spray.

The C/Inspector gave a presentation in relation to the provision of hand held incapacitant spray to Officers, during which he highlighted: -

- The reason for the introduction of CS Spray in Northern Ireland
- The PSNI guidelines on the use of CS spray
- The possible side effects of using CS spray
- The carrying of CS sprays by Police Officers
- The integrity of CS sprays
- The training of Police Officers on how to use hand held incapacitant sprays

During a discussion on the subject the following issues were covered: -

- The use of CS spray in Derry/Londonderry
- The roll out of the training programme in relation to the use of CS spray to District Command Units throughout Northern Ireland

- The storage of the devices for six years after they have been discharged
- The work, which had been carried out with the media regarding the introduction of CS spray in Northern Ireland
- Members suggested that a briefing on the use of CS spray should be given to DPPs
- A report, which was being produced by the Office of the Police Ombudsman in relation to the discharge of CS sprays

The Chairman thanked the Deputy Chief Constable and the C/Inspector for attending the meeting and they left.

8. CHAIRMAN'S BUSINESS

The Chairman had no business to report to the Committee.

9. PB1 AND PB2 REPORTS

The Committee noted the content of a paper which advised Members that there had been no reports of incidents where baton rounds had been fired by the PSNI (PB1 reports) and incidents of serious public disorder (PB2 reports) during the period 16 August – 31 October 2004.

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

10.1 Report Into The Discharge Of A Personal Protection Firearm On 22 July 2002

The Committee noted the content of a report, which had been received from the Office of the Police Ombudsman regarding the discharge of a personal protection firearm on 22 July 2002.

The Committee noted that a summary of the reports, which had been received from the Police Ombudsman, would be presented to the next meeting of the Committee for consideration.

10.2 Report Into A Fatal Road Traffic Collision On Glenshesk Road, Ballycastle On 30 September 2003

The Committee noted the content of a report, which had been received from the Office of the Police Ombudsman regarding a fatal road traffic collision on Glenshesk Road, Ballycastle on 30 September 2003.

11. SUMMARY OF INFORMATION ON PSNI SUSPENDED OFFICERS

The Committee noted the content of a paper, which outlined details of PSNI Officers who had been suspended from duty.

12. SUMMARY OF COMPLAINTS AGAINST TRAFFIC WARDENS

The Committee noted the content of a paper, which outlined details of complaints against Traffic Wardens for the period July to September 2004.

The Committee discussed the uncertainty, which appeared to be surrounding the future employment of Traffic Wardens, and agreed that the matter should be referred to the Human Resources Committee for consideration.

13. SUMMARY OF COMPLAINTS AGAINST POLICE

The Committee noted the content of a paper, which provided a statistical summary of complaints against the Police for quarter 2 of 2004 – 2005.

The Committee asked to be provided with additional information in relation to 24 allegations regarding the use of CS spray.

The Committee agreed that the Office of the Police Ombudsman's Head of Research should be invited to attend the next meeting of the Committee to present statistics of complaints against the Police and address Members issues and questions.

14. SUMMARY OF COMPENSATION CLAIMS

The Committee noted the content of a paper, which provided details of civil action claims, which had been settled and paid during the period July – September 2004.

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

The Committee noted the content of a paper, which provided details of complaints with a racist or human rights dimension and those arising from a detainee's period in detention during the period July to December 2004.

16. INFORMATION PAPERS

16.1 Letter Regarding Call In By Office Of The Police Ombudsman – Incident At Barn Court Children’s Home, Carrickfergus

The Committee noted the content of a letter, which had been received from the Office of the Police Ombudsman regarding an incident at Barn Court Children’s Home, Carrickfergus on 24 October 2004.

16.2 Lawrence Steering Group – 5th Annual Report

The Committee noted the content of the Lawrence Steering Group’s 5th Annual Report, which had been published on 12 August 2004.

16.3 PSNI Programme Of Action

The Committee noted the content of a letter, which had been received from the PSNI regarding the PSNI’s Programme of Action.

16.4 Revised Complaints Policy

The Committee noted the content of a paper, which outlined details of the Board’s revised policy for dealing with complaints against the Board.

17. QUESTIONS FOR THE CHIEF CONSTABLE

The Committee agreed that they had no matters to raise with the Chief Constable at the next Board meeting.

A Member referred to the length of time that it appeared to be taking the PSNI to vet people for jobs with outside organisations. The Committee discussed the matter and agreed that the issue should be passed by the Human Resources Committee for consideration.

18. ANY OTHER BUSINESS

18.1 Judicial Review Of Notifiable Memberships Process

The Committee noted the content of a letter, which had been received from the PSNI, which advised that the Judicial Review of the notifiable memberships process, which was scheduled to take place on 11/12 November 2004, had been withdrawn and the Chief Constable would now be considering how the process should be taken forward.

The Committee agreed that a letter should be sent to the PSNI seeking additional information regarding the termination of the process of registration of notifiable memberships and the PSNI's plans for taking the issue forward.

19. PRESS ISSUES

The Committee agreed that there were no matters arising from the meeting, which should be released, to the Press.

20. DATE OF NEXT MEETING

The Committee agreed that: -

- A special meeting of the Committee should take place during week commencing 13 December 2004 to consider the Human Rights Advisor's Annual Report
- The meeting of the Committee, which was scheduled to be held on 14 January 2004, should be deferred until 10 February 2004 at 10.00am.

(Meeting closed at 16:35 hours)

SECRETARIAT
November 2004

CHAIRMAN