

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE HELD ON 27 AUGUST 2008 AT 2:00PM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Mr Basil McCrea (Chair)
Ms Mary McKee (Vice Chair)
Ms Martina Anderson
Mr Tom Buchanan
(1) Mrs Rosaleen Moore
Mr Gearóid Ó hEára
(1) Mr Brian Rea
(1) Mr Suneil Sharma
(2) Mr Peter Weir

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE

(3) Mr Paul Leighton (Deputy Chief Constable)
(3) Chief Superintendent Tom Haylett (Professional Standards Department)

HUMAN RIGHTS ADVISOR IN ATTENDANCE:

(4) Ms Jane Gordon

OFFICIALS IN ATTENDANCE:

Mr Peter Gilleece (Director of Policy)
Mr Sam Hagen (Director of Corporate Services)
6 Board Officials

- (1) Except part item number 6.2 and 7 and 9 - 15
- (2) Except item numbers 1- 4, part 6.2 and 9 - 15
- (3) Item number 5 only
- (4) Item number 6 only

1. APOLOGIES, ETC

There were no apologies received for the meeting.

2. MINUTES OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 11 JUNE 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 11 June 2008 be agreed.

3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 11 JUNE 2008

3.1 TASER (Item 3.3 Of Minutes Refers)

The Committee considered further information relating to the duration of various TASER related training courses, as recommended by the manufacturer. NOTED.

3.2 Human Rights Thematic Report (Item 3.5 Of Minutes Refers)

With regard to feedback from key stakeholders, the Board's Human Rights Advisor would report at a later stage. NOTED.

3.3 Policies And Procedures Relating To The Suspension And Repositioning Of Officers (Item 5 Of Minutes Refers)

The Committee considered correspondence relating to suspensions; and correspondence from the Public Prosecution Service. NOTED.

The Committee further discussed the issue of suspension and repositioning of officers with the Deputy Chief Constable at item 5.

A copy of the PSNI/OPONI memorandum had been circulated to all Members on 24 June 2008. NOTED.

3.4 Police Appeals Tribunals - Determinations (Item 7 Of Minutes Refers)

The Committee considered correspondence received from PSNI regarding costs incurred to date in respect of 2 police appeals tribunals. NOTED.

The Committee discussed recent determinations with the Deputy Chief Constable under item 5.

3.5 Regulation 20 Reports (Items 8 And 9.4 Of Minutes Refers)

The Committee considered correspondence received from OPONI in relation to a request for further information in respect of 2 Regulation 20 reports. NOTED.

3.6 Custody Visitor Statistics January – March 2008 (Item 9.1 Of Minutes Refers)

The Committee was advised that the CV2 form had been last reviewed in July 2007 and was due to be reconsidered in 2009. Consideration would be given to the issue of identifying minor and major issues during the next review. NOTED.

3.7 Monitoring Of Country Of Origin Of Catholic Applicants To The PSNI (Item 9.7 Of Minutes Refers)

Officials had written to PSNI requesting a breakdown of the “other” category in relation to the European country of origin of PSNI applicants. In view of the costs associated with obtaining the information, it was:-

AGREED:

That the matter should be referred to the Human Resources Committee to ascertain if relevant information was already available.

3.8 PSNI Firearms Policy - Quarterly Progress Report (Item 9.8 Of Minutes Refers)

The Committee considered correspondence received from PSNI which provided an update on the outstanding recommendations in respect of PSNI firearms policy and the implementation date for Armed Response Vehicle Units. NOTED.

3.9 UK Children Commissioner's Report To The UN Committee On The Rights Of The Child (Item 12.1 Of Minutes Refers)

Officials advised that an assessment of the relevant section of the Commissioner's Report on TASER would be included in the advice which is being prepared for consideration at a future Board meeting. NOTED.

4. CHAIR'S BUSINESS

4.1 TASER

The Chair informed Members, that the Deputy Chief Constable would brief Members concerning the TASER incident in Londonderry later in the meeting. He reminded Members that a letter regarding TASER had been forwarded to all Members on 22 August 2008 for information. NOTED.

As the Board's Human Rights Advisor was not yet able to 'sign off' on (1) Policy and Guidance and (2) Refresher Training in respect of TASER, and further clarity was also required around the completion of the EQIA (Equality Impact Assessment), the substantive debate on the introduction of TASER would not now take place at the Board meeting on 4 September 2008. NOTED.

4.2 Dates Of Future Meetings

The Chair advised Members that following changes to the programme of Assembly Committee meetings, that it would be helpful to him if some future Human Rights and Professional Standards Committee meeting dates could be changed.

Members discussed possible dates and timings and it was suggested that the Chairman might wish to discuss the matter further with individual Members.

4.3 Provision Of Human Rights Advice

The Committee considered a confidential report on the future provision of human rights advice to the Board during 2008/09. A confidential note of the discussion is attached at Appendix 'A'.

5. BRIEFING – DEPUTY CHIEF CONSTABLE AND HEAD OF PSNI PROFESSIONAL STANDARDS DEPARTMENT ON PSNI PROFESSIONAL STANDARDS

The Chair welcomed the Deputy Chief Constable and Head of PSNI Professional Standards Department to the meeting. He referred the Committee to discussion papers at items 8 and 10.1 which were relevant to the briefing.

The Members discussed the following issues with the PSNI representatives:-

5.1 Discharge Of TASER – 16 August 2008

The Deputy Chief Constable outlined the circumstances surrounding the first discharge of a TASER, by PSNI on 16 August 2008 in Londonderry. Members sought further details concerning the circumstances and discussed the version of events as described by the police and by the local community.

The Deputy Chief Constable confirmed that a Senior Investigating Officer from OPONI was currently conducting an investigation into the circumstances and that any recommendations arising from the report would be considered by PSNI. In addition, the PSNI would include the incident in the Post Implementation Review of the TASER pilot, to ensure that emerging issues were properly reflected in training and operational guidance. NOTED.

5.2 PSNI Relationship With The Public Prosecution Service

The Chair referred Members to a paper prepared for Committee Members which provided the summary of the relationship between the Public Prosecution Service of Northern Ireland (PPSNI) and the PSNI, the existing system in England and Wales, Scotland and the Republic of Ireland. The meeting discussed the interaction between the PPSNI and the PSNI and interaction between the Crown Prosecution Service (CPS) and the police in England and Wales. Members sought to ensure that any good practice in other jurisdictions to reduce unnecessary paperwork and delays were being examined.

Arising from discussion, it was:-

AGREED:

- that questions should be put to the Chief Constable at the next Board meeting regarding referrals to the PPSNI concerning breaches of public order and public processions legislation and good practice in other jurisdictions which the PSNI would view as appropriate in Northern Ireland;
- That PSNI would provide examples of cases where there was good practice between PSNI and the PPSNI and where working practice could be improved.

Members referred to work ongoing in CJINI on improving co-ordination between the PSNI and PPSNI and the meeting discussed the use of pre-prosecutorial advice from the PPSNI. The PSNI agreed to forward a copy of a recent DVD concerning the process followed in bringing a case to court.

It was:-

AGREED:

That the Director of Policy would write to the Deputy Chief Constable regarding the relationship between the PPSNI and the PSNI.

5.3 Learning Lessons Initiative

The Deputy Chief Constable updated Members on work ongoing across various departments in PSNI.

It was:-

AGREED:

That the Human Resources Committee should be informed of the initiatives concerning occupational health and human resources issues.

5.4 Definition Of An “Appropriate Standard”

The Deputy Chief Constable referred Members to the PSNI Code of Ethics and the definition contained within it regarding an appropriate standard. NOTED.

5.5 PSNI Substance Misuse Policy

The PSNI representatives informed the Committee about the arrangements coming into effect from 1 September 2008 to test PSNI staff for substance misuse. In addition to random testing, Professional Standards Department would initiate intelligence led testing. The testing programme included pre-recruitment, student officers, and probationer training.

Following discussion, it was:-

AGREED:

That an executive summary of the PSNI policy should be prepared by officials for consideration at a future Committee meeting.

5.6 Trends And Patterns – Suspension And Repositioning Of Officers

The Chair referred the Committee to a paper containing recent statistics, trends and patterns on suspension and repositioning of officers covering the period between 1 April 2008 and 23 July 2008. NOTED.

During discussion on the patterns, the PSNI representatives provided further information in relation to training for first line supervisors and during the foundation course in relation to the requirements on officers.

It was:-

AGREED:

That PSNI would give further consideration to the “confidential” classification of papers forwarded to the Board relating to the suspension and repositioning of officers.

Members discussed the circumstances under which a case could be “fast tracked”.

It was:-

AGREED:

That the Committee should be informed of “fast track” cases.

5.7 Police Appeals Tribunals

The Committee discussed 2 recent police appeals tribunals where appeals were upheld. The meeting discussed the arrangements for the provision of legal representation at police appeals tribunals and procedures relating to the cases.

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

6. BRIEFING – HUMAN RIGHTS ANNUAL REPORT 2008 AND AN UPDATE ON IMPLEMENTATION OF THE McCORD REPORT RECOMMENDATIONS FROM THE BOARD’S HUMAN RIGHTS ADVISOR

6.1 Implementation Of McCord Report Recommendations

The Chair welcomed the Board’s Human Rights Advisor to the meeting.

The Human Rights Advisor presented the 3rd Interim Report to the Board on PSNI implementation of recommendations contained in the statement by the Police Ombudsman of Northern Ireland on her investigation into the circumstances surrounding the death of Raymond McCord Jnr and related matters, published on 22 January 2007. NOTED.

It was:-

AGREED:

That Members would further consider this paper and inform officials of any issues arising.

6.2 Human Rights Annual Report 2008

The Human Rights Advisor presented draft Chapters 1, 2, 4, 6 and 13 of the Human Rights Annual Report 2008.

The Committee considered each chapter and made a number of recommendations regarding its content and style. The Human Rights Advisor undertook to further revise the draft in accordance with the Committee’s recommendations. In addition, during discussion, it was:-

AGREED:

- that further consideration should be given to the provision of training for Board Members on police powers;

- that a question should be put to the Chief Constable at the next Board meeting concerning the use of Section 44 of the Terrorism Act 2000;
- that an executive summary of the Human Rights Annual Report should be produced subsequent to the publication of the full report;
- that officials should provide the Committee with further information concerning the difference between an officer being “allowed to resign” and “required to resign”.

The Chair thanked the Human Rights Advisor for her contribution and she left the meeting.

7. PROPOSED RESEARCH – EVALUATION OF PSNI – RECOMMENDATION OF THE INDEPENDENT COMMISSION ON POLICING IN NORTHERN IRELAND

The Committee considered a paper in relation to the assessment of recommendation 4 of the Independent Report on Policing in Northern Ireland. Recommendation 4 stated that, *“all police officers, and police civilians, should be trained (and updated as required) in the fundamental principles and standards of human rights and the practical implications for policing. The human rights dimension should be integrated into every module of police training”*.

The Committee discussed the process by which it would make an assessment of recommendation 4.

The Committee noted that concern had been expressed that there could be “human rights theory fatigue” within PSNI and whether a survey could accurately evaluate human rights culture.

It was:-

AGREED:

- that Board officials and the Board's Human Rights Advisor should engage with PSNI to discuss possible options to address this performance indicator, identified by the Oversight Commissioner, including whether information already exists to make such an evaluation;
- that an options paper should be prepared for a future meeting.

8. UPDATE ON PSNI PROFESSIONAL STANDARDS

This matter was dealt with under item 5.

9. PROPOSALS ON IMPROVING THE EFFECTIVENESS OF COMMITTEE BUSINESS

The Committee considered a discussion paper on proposals to improve the effectiveness in the way in which future business is dealt with.

It was:-

AGREED:

That Members should be provided with 2 separate Committee packs – 1 for substantive agenda items and 1 for information papers, with issues arising from the latter to be raised by exception at the meeting.

In view of changes that had occurred since 2006 and significant duplication, it was:-

AGREED:

That further consideration should be given to Board representation on the PSNI Regulation 20 Review Panel.

10. INFORMATION PAPERS

The following information papers were considered:-

10.1 The Relationship Between The Public Prosecution Service And PSNI

10.2 Summary Of The Government's Green Paper On Policing

10.3 Regulation 20 Report – Discharge Of CS Incapacitant Spray At Dungiven Road, Londonderry On 12 September 2004

10.4 Regulation 20 Report – Investigation Into An Allegation that A Police Officer Used Excessive Force On A Prisoner On 8 July 2007 At Coleraine PSNI Station

10.5 Regulation 20 Report – Investigation Into The Inappropriate Use Of Force By A Police Officer On 21 September 2006 At A Vehicle Checkpoint On Warrenpoint Road, Newry

10.6 PSNI Report On Implementation Of Armed Response Units – Correspondence From PSNI Attached For Members Information

10.7 Custody Visitor Statistics

10.8 Complaints Against The Police

10.9 PACE/TACT Statistics

10.10 Statistics On The Use Of CS Spray

10.11 Regulation 20 Review Panel Meeting – 31 July 2008

NOTED.

11. PUBLICATIONS, CORRESPONDENCE AND PRESS

The Committee considered the following items:-

11.1 Press Articles On TASER Shooting In Canada

11.2 Press Article On Criminality Within PSNI

11.3 Correspondence On TASER From The Chief Constable

11.4 Press Release – Publication Of The Police Ombudsman’s Annual Report 2007/08

11.5 Public Prosecution Service For Northern Ireland Annual Report 2007/08

11.6 Copy Correspondence To Police Ombudsman From PSNI On Implementation Of Regulation 20 Recommendations

11.7 Police Ombudsman Consultation

NOTED.

12. QUESTIONS FOR THE CHIEF CONSTABLE

As previously discussed, officials undertook to draft questions to the Chief Constable in respect of:-

- the use of Section 44 of the Terrorism Act 2000;
- the number of cases PSNI had referred to the PPS following breaches of public order and public processions legislation and the relationship between PSNI and the Public Prosecution Service.

13. COMMUNICATIONS ISSUES

There were no matters arising.

14. ANY OTHER BUSINESS

There were no matters arising.

15. DATE OF NEXT MEETING

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

(Meeting closed at 6:20pm).

Secretariat

August 2008

Chair