

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE HELD ON 8 APRIL 2009 AT 1:30PM IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Mr Basil McCrea (Chairperson)
Ms Mary McKee (Vice Chairperson)
Ms Martina Anderson
Mrs Rosaleen Moore
Mr Brian Rea
Mr Peter Weir
Mr Suneil Sharma

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (1) Mr Paul Leighton (Deputy Chief Constable)
- (1) Chief Superintendent Tom Haylett (Professional Standards Department)
- (1) Superintendent Colin Taylor (Professional Standards Department)
- (2) Chief Superintendent Gary White (District Commander B district)

OFFICE OF THE POLICE OMBUDSMAN IN ATTENDANCE:

- (3) Mr Al Hutchinson (Police Ombudsman)
- (3) Mr Sam Pollock (Chief Executive)
- (3) Mr Greg Mullan (Director of Policy & Practice)
- (3) 2 Representatives

NORTHERN IRELAND POLICING BOARD HUMAN RIGHTS ADVISER IN ATTENDANCE:

- (4) Ms Alyson Kilpatrick

OFFICIALS IN ATTENDANCE:

Mr Peter Gilleece (Director of Policy)
4 Board Officials

- (1) Item number 9 only
- (2) Item number 7 only
- (3) Item number 8 only
- (4) Item numbers 5, 6 and 10

1. APOLOGIES, ETC

Apologies were received on behalf of Mr Tom Buchanan and Mr Gearóid Ó hEára.
NOTED.

2. MINUTES OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 11 FEBRUARY 2009

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 February 2009 be agreed.

3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 11 FEBRUARY 2009

3.1. Monitoring Of Country of Origin Of Catholic Applicants To The PSNI (Item 3.1 Of Minutes Refers)

The Committee noted a paper which provided Members with a breakdown of ethnicity
for police services similar in size to PSNI. NOTED.

3.2 Improving The Effectiveness Of Committee Business (Item 3.5 of Minutes Refers)

This matter was dealt with under Item 10.

3.3 Review Of Officials Attendance At PSNI Regulation 20 Committee Review Panel (Item 3.8 Of Minutes Refers)

The Committee noted correspondence received from the Police Ombudsman on the Regulation 20 Committee Review Panel meetings. NOTED.

3.4 Repositioning Of Officers September 2008 (Item 3.11 of Minutes Refers)

This item was dealt with under Item 9.

3.5 PSNI Firearms Policy And Implementation Status Of Armed Response Vehicles (Item 3.13 Of Minutes Refers)

The Committee considered a paper from PSNI giving an update on the following:-

- the status of the PSNI Firearms Policy following the HMIC Inspection;
- the status of Armed Response Vehicles (ARVs) in PSNI.

It was:-

AGREED:

That a letter be sent to PSNI seeking an update in relation to the HMIC inspection that took place in January 2009.

3.6 Media Briefing On Committee Programme Of Work (Item 4.1 Of Minutes Refers)

The Committee was advised this matter had been actioned. NOTED

3.7 Suspension Of Civilian Staff (Item 4.5 of Minutes Refers)

The Committee considered correspondence from PSNI regarding the suspension of civilian staff.

It was:-

AGREED:

That this information would be cross referenced with the Human Resources Committee.

3.8 Human Rights Advisor's Briefing (Item 5 of Minutes Refers)

The Committee was advised this matter had been actioned. NOTED

3.9 Proposed Research – Evaluation Of PSNI – Recommendation 4 Of The Independent Commission Report On Policing In Northern Ireland (Item 6 of Minutes Refers)

The Committee was advised that consideration for assessing PSNI progress with Recommendation 4 of the Independent Commission Report on Policing in Northern Ireland was ongoing. NOTED

3.10 Terms Of Reference For Thematic Inquiry On Children And Young People (Item 7 Of Minutes Refers)

The Committee was advised this matter was dealt with under Item 6.

3.11 Police Appeals Tribunal (Item 8 Of Minutes Refers)

The Committee was advised that this matter had been actioned. NOTED

3.12 Investigation Into The Attempted Suicide Of A Detained Person At Antrim Police Station On 27 April 2005 (Item 9.2.1 Of Minutes Refers)

The Committee noted correspondence from PSNI regarding changes in policy arising from this case. NOTED

3.13 Stop And Search (Item 11 Of Minutes Refers)

The Committee was advised this matter was dealt with under Item 5.

3.14 Consideration Of Eames/Bradley (Item 12 Of Minutes Refers)

The Committee noted a summary of the position paper which had been drafted by the Director of the Historical Enquires Team following a presentation of the Lundy Report to the Committee. NOTED.

4. CHAIR'S BUSINESS

4.1 Launch Of Thematic Inquiry On Domestic Abuse – 24 March 2009

The Chairperson thanked Members for their involvement in the Thematic Inquiry on Domestic Abuse. NOTED.

4.2 Custody Visitors Scheme

The Chairperson advised Members that the Custody Visitors Annual General Meeting (AGM) had been arranged for 23 April 2009 in Portrush.

Following a discussion on the Custody Visitors Scheme, and their remit, it was:-

AGREED:

That the Committee should receive a position paper on the Custody Visitor Scheme before their AGM on 23 April 2009.

5. HUMAN RIGHTS ADVISOR'S BRIEFING

The Board's Human Rights Advisor, Ms Alyson Kilpatrick, attended the meeting to update the Committee.

The Chairperson congratulated Ms Kilpatrick on her recent appointment as Commissioner to the Independent Commission on the future of Housing in Northern Ireland.

Ms Kilpatrick updated the Committee as follows:-

- **DNA Retention**

PSNI still awaiting instructions from Government.

- **Covert Surveillance**

The case of McE recently heard by the House of Lords means that covert surveillance in situations where legal professional privilege applies is in accordance with law. That law is the Regulation of Investigatory Powers Act. The House of Lords did not consider the ruling of the High Court in Belfast that the authorisation of such surveillance should be re-classified from 'directed' to 'intrusive' surveillance. Intrusive surveillance has a more onerous authorisation process. Therefore, unless and until such surveillance is authorised according to the intrusive surveillance scheme, its use will continue to be unlawful in solicitor/client consultations.

- **Patten Recommendation 4**

Ms Kilpatrick advised the Committee that she had had meetings with PSNI regarding Recommendation 4 and that a further meeting is scheduled after the Easter holidays.

- **Stop and Search**

Ms Kilpatrick advised the Committee she had a meeting scheduled with ACC Rural on Friday, 10 April 2009 to discuss Stop and Search.

- **PSNI Firearms and AEPs**

Ms Kilpatrick advised the Committee that there are differences between the ACPO guidance and the NI guidance, in particular with the wording “absolutely necessary”.

- **Code of Ethics**

Ms Kilpatrick advised the Committee that she would consider how other police services dealt with the issue of police officer membership of organisations such as BNP, Combat 18 and NF.

Ms Kilpatrick discussed potential for a separate but equivalent code for civilian staff.

It was:-

AGREED:-

To write to the Human Resources Committee seeking Members views as to which Committee would have the remit to develop a code for PSNI.

6. CHILDREN AND YOUNG PEOPLE THEMATIC

The Committee considered a paper which advised of details of the Children and Young People Thematic Inquiry.

The Director of Policy briefed the Committee on the options available for a Thematic Inquiry and following discussion, it was:-

AGREED:

- To develop Phase 1 as stated in the paper. The specialist nature of the work to be undertaken may require a single tender contract;

- To provide the Community Engagement Committee with a copy of the paper;
- To invite the Community Engagement Committee Members to attend the June 2009 Human Rights and Professional Standards Committee meeting where there will be a presentation to Members on the progress of the inquiry.

7. PRESENTATION ON POLICE COMPLAINTS IN NORTH BELFAST

The Committee noted 2 reports from the Police Ombudsman's Office on trends and patterns in complaints and allegations in North Belfast from July to December 2007 and April to September 2008.

Chief Superintendent Gary White attended the meeting to brief the Committee on the 2 reports.

Chief Superintendent White began by highlighting that the latest report is a good news story.

The Committee asked questions on the following:-

- the reasons for the reduction in complaints;
- the reasons for the increase in allegations in West Belfast up to the end of 2008;
- what the decrease in use of weapons allegations could be attributed to;

Chief Superintendent White provided the Committee with various reasons for the increase in allegations. One of the reasons being, that due to the nature of the area, police officers would always patrol with 2 or more officers and land rovers would carry more officers. Therefore, any allegation made would usually be against all the officers.

Chief Superintendent White also mentioned the fact that in 'A' District very few officers would transfer to that District and, therefore, most officers were posted straight from the Training College.

8. OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

The Chairperson welcomed the Police Ombudsman and his colleagues to the meeting.

An OPONI representative began with a background to the Pilot Mediation Programme, advising the Committee that their target was 30 cases and that they have completed 26 cases. She provided further statistics on the 26 complaints and stated there had only been:-

- 1 successful mediation;
- 6 cases were deemed unsuitable after contact with the complainant;
- 7 complainants failed to co-operate;
- 3 declined mediation opting for formal investigation;
- 3 opted for informal resolution;
- 6 cases were identified where police officers declined mediation.

The Committee was advised that the Pilot Project had now ended and it was acknowledged by the OPONI representative that given the fact that out of 26 complaints, only one had been successful, there was a lot more work to be done to convince officers and the public about the merits of mediation.

The Committee then proceeded to discuss the statistics on complaints against the PSNI and complaint statistics from other similar police services. The Committee raised various issues surrounding the statistics as follows:-

- Cases referred to the Public Prosecution Service (PPS);
- Benchmarking of complaints against similar police services;
- The use of particular discipline sanctions.

9. DEPUTY CHIEF CONSTABLE AND PROFESSIONAL STANDARDS DEPARTMENT

The Chairperson welcomed the Deputy Chief Constable (DCC) and his colleagues to the meeting.

The DCC began by discussing suspended officers. The Committee had concerns about the number of suspended officers and the costs involved.

The DCC advised the Committee that the law dictates that officers have to be suspended on full pay, and that as a result, they still remain a liability to the PSNI until their cases are dealt with.

The DCC proceeded to brief the Committee on other areas of responsibility within the Professional Standards Department (PSD) and gave an update on the following:

- requirement to resign or retire;
- the implementation of Recommendation 17 of the HR Annual Report 2008 in relation to the issue of police officers resigning /retiring whilst under suspension;
- the Taylor Report;
- Code of Ethics for civilian staff;
- Judicial Review of the PSNI Drink Driving Policy ;

It was:-

AGREED:

- the Board's Human Rights Advisor would consider the requirement to resign/retire options;
- to write to the DCC on:-

- Committee support for PSNI in its consideration of the Taylor Report and proposing that the Board's Human Rights Advisor be our representative on the working group;
 - Requesting Terms of Reference for the Taylor Working Group;
 - Ascertaining from PSNI what difference the Taylor recommendations Report would have made to current cases in terms of time, cost etc if it were to be implemented.
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- To consider writing to the Public Prosecution Service (PPS) regarding delays in dealing with current cases.
 - To ask PSNI's advice on the Committee meeting with the Home Office expert on Taylor reforms.

10. TASER JUDICIAL REVIEW

The Board's Human Rights Advisor briefed the Committee on the TASER Judicial Review. The Committee were advised that the judge has retired to consider his decision and that he would make a judgment in early May 2009. NOTED

11. COMMITTEE 'AWAY DAY'

The Committee considered a paper which sets out possible arrangements for an 'Away Day' to discuss the Committee's effectiveness.

A number of proposed dates were discussed however, these dates were not suitable.

Following discussion, it was:-

AGREED:

That officials would consider alternative dates and advise the Committee.

12.1 INFORMATION PAPERS

12.1.1 Statistics on the use of CS Incapacitant Spray

The Committee noted the paper and it was:-

AGREED:

That officials would write to PSNI highlighting the high usage of CS Incapacitant Spray in 'G' District.

12.1.2 Parliamentary question - Domestic Violence – Sentencing

12.1.3 Regulation 20 Review Panel meeting - 4 March 2009

12.1.4 Parliamentary Questions – Historical Enquiries Team

12.1.5 Domestic Abuse Inquiry roundtable meeting – 25 February 2009

12.1.6 Registration of Notifiable Memberships

12.1.7 Update on Public Inquiries

12.1.8 Northern Ireland Appropriate Adult Scheme

NOTED.

12.2 POLICY DIRECTIVES/SERVICE PROCEDURES

12.2.1 PSNI Policy Directive – Substance Misuse PD 11/08

12.2.2 PSNI Service Procedure – Positional Asphyxia and Excited Delirium SP 59/2007

**12.2.3 PSNI Service Procedure – PSNI Forensic Submissions Procedures SP
5/2006**

NOTED.

12.3 CORRESPONDENCE AND PRESS

12.3.1 Article from the ‘Police Professional’ magazine

12.3.2 NI Affairs Committee Press Notice

12.3.3 Recent press articles of interest

NOTED.

13. QUESTIONS FOR THE CHIEF CONSTABLE

It was:-

AGREED:

That a question would be drafted to be put to the Chief Constable in relation to the Taylor Report.

14. COMMUNICATION ISSUES

There were no matters arising.

15. ANY OTHER BUSINESS

There were no matters arising.

16. DATE OF NEXT MEETING

The date of the next meeting was agreed for Wednesday, 10 June 2009 at 10:00am in Waterside Tower, Belfast.

(Meeting closed at 5:30pm).

Secretariat

April 2009

Chairperson