

## **NORTHERN IRELAND POLICING BOARD**

### **MINUTES OF A MEETING OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE HELD ON 12 SEPTEMBER 2007 AT 2:00PM IN WATERSIDE TOWER, BELFAST**

#### **PRESENT:**

#### **MEMBERS:**

Mr Basil McCrea (Chair)  
Ms Martina Anderson  
Mrs Rosaleen Moore  
Mr Brian Rea  
Mr Suneil Sharma  
Mr Peter Weir

#### **OFFICIALS IN ATTENDANCE:**

Mr Peter Gilleece (Director of Policy)  
6 Board Officials

#### **OFFICE OF THE POLICE OMBUDSMAN IN ATTENDANCE:**

(1) Mr Sam Pollock, Chief Executive, OPONI  
(1) 2 officials

#### **POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:**

(2) Mr Roy Toner, ACC Operational Support  
(2) 2 representatives

- (1) Item numbers 5 and 6 only
- (2) Item number 11 only

#### **1. APOLOGIES, ETC**

Apologies were received from Ms Mary McKee (Vice Chair) and Mr Gearóid Ó hEára.  
NOTED.

#### **2. MINUTES OF THE HUMAN RIGHTS & PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 8 AUGUST 2007**

It was:-

## **AGREED:**

That the draft minutes of the previous meeting held on 8 August 2007 be agreed.

### **3. MATTERS ARISING FROM THE MINUTES OF THE HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE MEETING HELD ON 8 AUGUST 2007**

#### **3.1 Strategic Review Of Parading** (Item 3.7.1 Of Minutes Refers)

The Chair reminded Members that the Committee had requested a copy of a report on a meeting between representatives of the PSNI and Bogside residents in relation to a recent parading issue. The report had been requested from PSNI and would be included in Committee papers when available. NOTED.

#### **3.2 Informal Engagement With Board's Human Rights Advisors** (Item 4.2 Of Minutes Refers)

The informal dinner with the Human Rights Advisors had been arranged for 24 September 2007 and an invitation issued to all Members of the Committee. NOTED.

#### **3.3 Human Rights Annual Report** (Item 5 Of Minutes Refers)

The Chair reminded Members that the Committee had requested a job description in respect of Minority Liaison Officers and that this was included in the papers. NOTED.

A copy of the training brief for PSNI Cultural Awareness training had been sought and would be included in Committee papers when available. NOTED.

#### **3.4 Regulation 20 Reports** (Item 8 Of Minutes Refers)

With regard to progress reports on a number of issues arising from Regulation 20 reports, officials had written to PSNI to seek clarification on the issues raised. A response had been received from PSNI which advised that the matters raised would be

discussed at a forthcoming meeting of the PSNI Implementation Panel and that the outcome would be reported to the Board and the Police Ombudsman. NOTED.

### **3.5 Independent Assessment Panel Recommendations (Item 9 Of Minutes Refers)**

This matter was dealt with at item 13.

## **4. CHAIR'S BUSINESS**

### **4.1 Meeting With The Parades Commission**

The Chair referred Members to a discussion at the 6 September 2007 Board meeting regarding the benefits of the Committee meeting with the Parades Commission. The Chair asked Members to indicate whether they were in favour of such a meeting being arranged.

It was:-

#### **AGREED:**

That officials should arrange a meeting between the Committee and the Parades Commission.

### **4.2 Meeting With The Northern Ireland Human Rights Commission**

The Chair reminded Members that it had been planned that today's Committee meeting would take place in the Offices of the Northern Ireland Human Rights Commission. However, due to other priorities on the agenda, the Committee meeting had been rearranged for Waterside Tower. The commitment to meet with the Chief Commissioner remained and officials would take forward the arrangement of another date for the meeting. NOTED.

### **4.3 Meeting With The Strategic Review Of Parading Body**

The Chair referred Members to discussion which had taken place at the 6 September 2007 Board meeting. The Board had agreed that it should meet with the Strategic Review of Parading Body on 15 October 2007. The Chair asked Members to confirm whether they were available to attend on this date.

A significant number of Members indicated that they were not available on this date.

It was:-

#### **AGREED:**

That officials should be asked to rearrange the date of the meeting between the Board and the Strategic Review of Parading Body for another date and to enquire if the meeting could be held at Stormont.

### **5. PRESENTATION FROM THE OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND**

The Committee considered a paper that provided a statistical summary of complaints against the police in 2006/07.

The Chair welcomed the Chief Executive and 2 officials from the Office of the Police Ombudsman for Northern Ireland (OPONI) to the meeting and reminded Members of the legislative requirements for the Board to monitor trends and patterns in complaints against the police.

The OPONI Chief Executive and his colleagues gave a presentation which summarised complaints and allegations against the police during 2006/07. The presentation and subsequent discussion covered a range of areas including allegation types; the factors underlying complaints; the locations where complaints arose; completed complaints by closure type; recommendations made to the Public Prosecution Service; informal resolutions; and a number of satisfaction surveys.

During discussion, it was:-

**AGREED:**

That the Committee would find it useful for OPONI to provide further information regarding:-

- complaints regarding the use of handcuffs;
- the locations of stations in which incidents leading to complaints took place.

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

**6. COMPLAINTS AGAINST THE POLICE**

This paper was dealt with under item 5.

**7. QUARTERLY PACE 1/TA STOP AND SEARCH RETURNS – JANUARY – MARCH 2007**

The Committee considered a paper which provided a quarterly statistical return of the PACE 1/TA Stop Searches. NOTED.

Arising from discussion of the statistics, further information was requested on:-

- the religious composition of persons stopped/searched and stopped/questioned under PACE and TACT;
- the number of persons stopped/searched and subsequently arrested under PACE where charges were preferred.

## **8. STATISTICS ON USE OF CS INCAPACITANT SPRAY**

The Committee considered a paper which provided quarterly statistics on the use of CS Incapacitant Spray for the period 1 April 2006 to 31 March 2007.

A Member requested further information regarding details provided by PSNI where CS Incapacitant Spray was deployed and used:-

- on a male who threatened to kill police with a knife and then stabbed himself in the neck; (No 22 and 23); and
- used on a male who was behaving in an aggressive manner towards the police and then attempted to strike an officer (No 47 & 48).

## **9. MONITORING HUMAN RIGHTS STATISTICS**

The Committee considered a paper comprising a range of statistical information relating to issues arising from sanctions applied to suspended officers; criminal convictions against police officers; misconduct issues and Police Ombudsman of Northern Ireland recommendations; claims against the police service during the period October 2006 to March 2007 and other matters.

During discussion of the paper, the Chief Executive informed Members that the Deputy Chief Constable, as the chief officer with responsibility for this policy area, could be invited to a future Corporate Policy, Planning and Performance Committee to discuss cross cutting issues.

It was:-

### **AGREED:**

That the Corporate Policy, Planning and Performance Committee should be invited to ask the Deputy Chief Constable to discuss issues arising from the Human Rights statistics.

During consideration of the paper, Members were reminded that the information contained in it was provided on a confidential basis. NOTED.

## **10. PB1 REPORT**

The Committee considered a paper which gave details of an incident where Attenuating Energy Projectiles were fired by police. The report related to an incident which took place on 1/2 August 2007 at Kilcooley, Bangor. NOTED.

## **11. PROPOSAL TO INTRODUCE TASER TO THE POLICE SERVICE OF NORTHERN IRELAND**

The Committee considered a paper regarding the Chief Constable's proposal to introduce TASER to a limited number of specialist and authorised firearms officers in the PSNI.

The Chair welcomed ACC Operational Support and his colleagues to the meeting.

ACC Operational Support drew the attention of Members to the Chief Constable's letter of 7 August 2007, addressed to the Chairman of the Board regarding the Chief Constable's decision on the introduction of TASER by PSNI and how the Service intended to progress the matter. Reference was also made to correspondence addressed to ACC Operational Support from the Chief Executive of the Equality Commission for Northern Ireland dated 11 July 2007. Copies of both letters were tabled at the meeting. A number of Members expressed concern that the correspondence had not been circulated to the Committee in advance of the meeting, but it was noted that the correspondence had been referred to and summarised in the covering paper.

The PSNI representatives briefly outlined the history of the proposal to introduce TASER in Northern Ireland. A copy of the slides used during the presentation is attached at Appendix 'B'.

ACC Operational Support emphasised that to date no TASERS had been procured and no training of PSNI officers had been undertaken. He advised that the PSNI had decided to conduct an operational pilot of 12 TASER units to Specialist Operations Branch (SOB). The pilot would be conducted in tandem with an Equality Impact Assessment (EQIA) process. ACC Operational Support further advised Members that procurement would commence before the end of September 2007 and taking into account the time required for this and training, the TASER pilot would be rolled out to SOB officers by the end of October 2007.

ACC Operational Support reminded Members of the Chief Constable's responsibilities under health and safety legislation to provide for the health and safety of officers and human rights legislation to provide a range of less lethal options available to police officers. The Committee was also reminded that TASER was available to police services in Great Britain and the Republic of Ireland. He informed Members that the decision to introduce TASER was considered by PSNI to be appropriate, proportionate and balanced.

Following the presentation, Members discussed a number of issues, centring around:-

- the decision to introduce the pilot of TASER before completion of the Section 75 Equality Impact Assessment;
- the capability gap which would evidence the need for TASERS;
- current ACPO guidance on TASER and the proposed revision of the ACPO guidance;
- the balance of obligations on the Chief Constable - Section 75 obligations, health and safety legislation and Article 2;
- the effect of the introduction of TASER on building public confidence in the police in marginalised communities;
- legal advice given to the Board concerning the Board's powers in relation to scrutiny and supervision in operational matters.

It was:-

**AGREED:**

- that PSNI should provide information on operations where TASER could have been used had it been available as a means of addressing the capability gap;
- that the Board's Human Rights Advisors should be asked to comment on the examples of operations given by PSNI in relation to the capability gap.

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

It was:-

**AGREED:**

- that the Committee should write to the Human Rights Advisors seeking further advice before making a recommendation to the Board;
- that officials should write to the Chief Constable acknowledging the presentation by ACC Operational Support and advising that the PSNI's proposal for the introduction of TASER remains under consideration by the Board.

**12. CUSTODY VISITORS STATISTICS APRIL TO JUNE 2007**

The Committee considered a paper regarding a statistical summary of custody visits carried out during the period April to June 2007 and highlighting prominent issues pertaining to the development of the Custody Visiting Scheme. NOTED.

**13. ENGAGEMENT WITH HUMAN RIGHTS NON GOVERNMENTAL ORGANISATIONS (NGOs)**

The Chair reminded Members that the Committee had previously discussed a process for implementing Recommendation 16 of the Independent Assessment Panel and had agreed that he and the Vice Chair would meet with representatives of a range of non-governmental organisations (NGOs) following the launch of the Human Rights Annual Report on 25 September 2007.

The Chair referred Members to a paper which proposed draft Terms of Reference, as a basis for a meeting with the Human Rights NGOs, following the initial Chair/Vice Chair meeting on 25 September 2007.

During discussion, the Committee made one amendment to the draft Terms of Reference.

Subject to the amendment, it was:-

**AGREED:**

That the draft Terms of Reference should be used as the basis for a meeting with the Human Rights NGOs.

**14. SCHEDULE OF PRESENTATIONS FOR HUMAN RIGHTS AND PROFESSIONAL STANDARDS COMMITTEE**

The Chair referred Members to a paper scheduling presentations/briefings for October and November 2007.

It was:-

**AGREED:**

That the amended Schedule of Presentations and Briefings should be adopted.

**15. PROGRAMME OF COMMITTEE MEETINGS 2008**

The Committee considered a programme of Committee meetings during the period January to December 2008.

It was:-

**AGREED:**

That the Committee should meet on the following dates in 2008.

Wednesday, 9 January at 2:00pm

Wednesday, 13 February at 10:00am

Wednesday, 9 April at 2:00pm

Wednesday, 11 June at 10:00am

Wednesday, 13 August at 2:00pm

Wednesday, 10 September at 10:00am

Wednesday, 12 November at 2:00pm

**16. INFORMATION PAPERS**

The Committee was advised of the following papers which were available on request from Policy Branch:-

- Oversight and Scrutiny of Professional Standards Matters – The Role of Police Authorities (published by the APA);
- Local Resolution: The Views of Police Officers and Complainants (published by the Police Foundation);

- From Informal to Local Resolution: Assessing Changes and Handling of Low Level Police Complaints (published by IPCC);
- PSNI Guidelines on Attenuating Energy Projectiles as a Less Lethal Option in Non Public Order Situations. Officials advised the Committee that the guidelines would be brought to the attention of Members in a paper for a future meeting.

NOTED.

### **16.1 Thematic Review On The Handling Of Complaints In The Criminal Justice System**

The Committee considered a paper which gave information on the publication by the Criminal Justice Inspection Northern Ireland of a Thematic Review of how the main criminal justice organisations deal with complaints. NOTED.

## **17. FORFEITURE OF POLICE PENSIONS**

The Committee considered a paper and draft copy of Northern Ireland Police Pension Forfeiture Policy, in respect of former members of the RUC and PSNI. The draft policy contained guidance regarding the rules surrounding the possible forfeiture of a former police officer's pension entitlements as set out in the RUC Pensions Regulations 1988, New Police Pension Scheme 2006 and the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006.

Following discussion, it was:-

### **RECOMMENDED:**

- that the draft policy be approved by the Board;
- that discussions should take place with PSNI in order to introduce the policy with a commencement date of 1 November 2007;

- that the NI Police Federation, Superintendents' Association and other bodies representing serving and former police officers, should be made aware of the Forfeiture Policy and the date of application; and
- that future possible cases of officers which occur after 1 November 2007 and to which forfeiture may be considered, in accordance with the provisions of the Forfeiture Policy, be brought before the HRPS Committee.

## **18. QUESTIONS FOR THE CHIEF CONSTABLE**

There were no matters arising.

## **19. COMMUNICATION ISSUES**

### **19.1 Raising Awareness Of The Work Of The Committee**

Officials drew the attention of Members to a paper which had been tabled at the meeting setting out opportunities for raising awareness of and profiling the work of the Human Rights and Professional Standards Committee.

It was:-

#### **AGREED:**

To defer consideration of the paper to the October 2007 meeting.

## **20. ANY OTHER BUSINESS**

The Chair requested that officials consider carefully the amount of detail provided to Members and suggested that it would be helpful if papers highlighted only matters of significant interest.

There were no other matters arising.

## **21. DATE OF NEXT MEETING**

The date of the next meeting was arranged for 10 October 2007 at 10:00am at Waterside Tower, Belfast.

(Meeting closed 5:05pm).

**Secretariat**  
**September 2007**

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**Chair**