

Police Service of Northern Ireland

Human Rights Programme of Action 2015/16

Prepared by:
Criminal Justice Branch
Legacy & Justice Department
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Keeping People Safe

Introduction to PSNI Programme of Action 2015 - 2016



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Introduction

Human rights are central to everything the Police Service of Northern Ireland (PSNI) does to meet its commitment to keeping people safe. They are woven into the fabric of our policies, operations and our everyday contacts with the community. They drive our approach to preventing and investigating serious offences such as murderous attacks on our officers and other members of the community, disrupting and dismantling organised crime gangs and extend to preventing death on our roads, finding vulnerable missing persons and indeed all areas of police business.

Policing is changing in response to the very challenging public finance environment. While we have changed substantially, the process is far from complete. Reducing budgets will continue to be a reality for policing, and indeed for all public services, over the next five years at least.

We are already seeing real and positive benefits to the new District policing model. It is, however, early days and the community has our commitment that we are continually reviewing and assessing progress.

The scale of this project should not be underestimated. Nor should the fact that the project has been implemented while continuing to deliver a service to the community 24 hours a day, 7 days a week and against a backdrop of dissident republican violence.

Alongside the structural changes we are making we also strive to make our processes more relevant to the demands and expectations of modern society. We work closely with our partners in the Department of Justice and the Public Prosecution Service to develop 'faster, fairer justice' through more efficient working together, embracing new technology, driving

forward a forensic strategy and renewing our community resolution procedure, which diverts people from the formal criminal justice system while producing a faster and more meaningful response for victims.

One of the most significant areas of police work where human rights are a driving force is in dealing with the past. PSNI remains committed to playing our part in dealing with the past, and in particular to supporting those families who continue to suffer as a result of the past.

While many people have confidence in the PSNI's commitment to investigating the past, we cannot ignore the fact that there are many others who do not. For many people affected by the past, the perception of independence will only be possible when dealing with the past sits entirely outside the PSNI. Our legacy related work is facing almost weekly legal challenge, related predominantly to the speed at which we can conduct this significant volume of work, and the perceived independence of the Police Service to do it. The result is that over 50% of our Legal Services Department is now working on legacy related issues. Alongside this is a substantial commitment of experienced investigators who are not then available for present day investigations. Even this commitment of resource falls well short of what is estimated to be needed to deal most efficiently with this issue. We look to our community leaders, our politicians, to work to resolve this issue, which cannot be resolved by police alone.

Policing depends on widespread community confidence. I understand that for some communities trust in policing remains some way off. I accept that given the historic relationship between police and some communities we still have more work to do to secure that confidence which is so necessary for policing with consent. Policing with human rights as the bedrock of our approach is an effective, and right, means of breaking down barriers and building trust.

Whilst carrying out our responsibility to uphold human rights we are held to account by the Northern Ireland Policing Board, assisted by its Human Rights Advisor, Alyson Kilpatrick BL. This is a legal requirement and it brings with it a challenge that we embrace. Thematic reviews by the Board focus on discrete areas of police work, such as policing with children and young people and police use of stop and search powers. These reports make their own recommendations to which we respond.

The Board also produces an annual Human Rights report following a wide ranging enquiry across all areas of police work. Ten previous reports have seen the implementation of over 200 recommendations.

Last year's report made 9 recommendations of which 8 have been implemented in full. The outstanding recommendation concerns the publication on our website of all Policy Directives and Service Procedures, the documents that direct how we carry out our duties. A review of the corporate policy framework including all policies and procedures is ongoing throughout 2016/2017. The review aims to ensure that PSNI policies fully reflect the unique context of Northern Ireland and our commitment to policing with the community. It includes content, process and format reviews as well as a focus on end user simplicity within an accessible presentation platform. The national College of Policing Authorised Professional Practice (APP) is used to support policy where it meets our overall objective however PSNI Policy and Procedure is the primary corporate document set and provides organisational direction. There is an absolute commitment to delivering against the

recommendation contained within the NIPB Human Rights Report 2014 regarding the publication of policies. The current corporate policy review will progress publication as newly updated policies are implemented rather than wait for the project completion so as to not cause any unnecessary delay.

We believe the implementation of these recommendations is one way that we can demonstrate to the community our commitment to upholding human rights, and in an effective manner.

This Programme of Action is produced in response to the 14 recommendations made in the Policing Board's Human Rights Report 2015. All of these recommendations have been accepted. The Programme of Action details the recommendations and records our response to each. This response is a record of what we intend to do. For many of the recommendations there remains a substantial amount of work to do throughout the incoming twelve months, and at times beyond, to fully complete the work. The implementation of each of the recommendations is further considered by the Policing Board to ensure that it has been properly completed.

Whilst implementation of recommendations in the Policing Board's report demands time and resource on the part of PSNI we recognise that it leads to improvements in policing. I welcome the report and in doing so I am happy to acknowledge the oversight of the Board in this particular area and commend the commitment of Ms Kilpatrick in effectively carrying out her enquiries and making the recommendations.

Current recommendations from 2015 Human Rights Annual Report

No	Recommendation	Owner	Response
1	<p>The PSNI should, without delay, recruit a Human Rights Training Advisor with sufficient expertise and experience to ensure that the highest level of human rights training is delivered within the PSNI. Progress in relation to that recruitment should be reported to the Performance Committee within 1 month of the publication of this Human Rights Annual Report.</p>	Police College	<p>PSNI are currently undertaking a corporate review of staffing across the whole organisation including within the Police College as part of its response into the impact of the Voluntary Exit Scheme. This review will include a review of the Human Rights Training Advisor role and how it can be achieved which may include an amendment to include other key advisory areas within training. College management met with the Human Rights Advisor to the Policing Board to discuss this matter and will report progress and developments to the Performance Committee after the organisational impact of the Voluntary Exit Scheme on police staff has been properly assessed.</p>

2	<p>The PSNI should complete its Working Together project on case file preparation and implement the recommendations and findings contained within the Criminal Justice Inspection Northern Ireland Report within 9 months of the publication of this Human Rights Annual Report. Thereafter, the PSNI should provide to the Performance Committee a written briefing on the outcomes of the project and on the steps taken or to be taken. That written briefing should be provided within 12 months of the publication of this Human Rights Annual Report.</p>	Justice Branch	<p>The PSNI has accepted the six CJINI strategic recommendations made in its report and is working, together with the PPS, to implement them. A project has been set up to scope different options for the CJINI recommendations and present a business case to the Project Board. Once the preferred option is determined the project will move into solution design followed by implementation phase. It is anticipated that implementation will commence by end December 2016.</p>
3	<p>In the likely event that the PSNI will obtain the power to issue Domestic Violence Protection Notices and apply for Domestic Violence Protection Orders within the next 12 months it should provide to the Committee its draft written policy and guidance on the use of the powers and the proposed training plan for officers. In any event, training must be delivered prior to the introduction of the powers.</p>	Public Protection	<p>The implementation of Domestic Violence Protection Notices and Orders across Northern Ireland is being led by Department of Justice. A preliminary multi-agency meeting was held to examine implementation and identify issues. Guidance will be drafted upon clarification and agreement as to procedures in conjunction with partner agencies.</p>

4	<p>The PSNI, in co-operation with OPONI, should identify those complaints which relate specifically to the police response to reports of domestic abuse (within the more general complaint heading of domestic incident) and disaggregate those complaints in the presentation of its six-monthly reports.</p>	<p>Discipline Branch</p>	<p>Discipline Branch has agreed with the Police Ombudsman and the Human Rights Advisor to the Policing Board as to how this recommendation will be implemented. The Ombudsman will collate and provide the relevant data and Discipline Branch will provide the comment on this as part of the Professional Standards Monitoring Framework report to the Board.</p>
5	<p>The PSNI should include as part of the information provided for the Professional Standards Monitoring Framework trends and patterns identified in complaints and misconduct matters arising in respect of police civilian staff who are not designated officers within the remit of the Office of the Police Ombudsman.</p>	<p>Human Resources</p>	<p>PSNI has committed to providing information on staff misconduct and discipline to the Policing Board and will extend this to include any trends or patterns that can be identified. It may be noted that there are in fact only a small number of cases and caution will need to be applied before identifying any similar incidents as representing a trend or pattern.</p>
6	<p>The PSNI should forthwith amend its Youth Diversion Scheme to include clear guidance that a child must always be referred to the possibility of seeking legal advice when an Informed Warning is to be administered. Thereafter the PSNI should confirm in writing to the Performance Committee that the Scheme has been amended and that officers have received appropriate advice on the amendment.</p>	<p>Policing with the Community Branch</p>	<p>Legal advice is available to all children to whom a Caution or Informed Warning is to be administered. The Certificate Declaration has been amended to ensure that a child is aware of this. Officers have been instructed of this change. An amendment reflecting this will be made to the Youth Justice Service Procedure. A report on this matter will be sent to the Performance Committee.</p>

7	<p>The PSNI should in respect of its use of SUAs overtly, while awaiting dedicated policy guidance, adopt formally and issue to officers the Surveillance Camera Code of Practice (June 2013) and the Information Commissioner's Code of Practice (May 2015).</p>	<p>Crime Operations</p>	<p>In relation to the overt use of SUA, the PSNI has complied with this recommendation and circulated the documents to all operators of SUA systems</p>
8	<p>To enable the Performance Committee of the Policing Board to monitor effectively the use of SUAs the PSNI should provide to the Committee every 6 months a report on the nature and extent of Small Unmanned Aircraft use.</p>	<p>Crime Operations</p>	<p>Small Unmanned Aircraft (SUAs) provide valuable support to police operations and their use is monitored and recorded. A report of overt use of SUAs will be provided to the Committee every 6 months.</p>
9	<p>The PSNI should forthwith and for a period of 12 months disaggregate further the statistics on outcome rates for domestic motivated crime according to each disposal type including conviction in a form which can be easily accessed and understood. The PSNI should at the end of the 12 months period report to the Performance Committee with the empirical evidence distilled from the statistics</p>	<p>Operational Support Department</p>	<p>PSNI is committed to providing statistics and information to assist in understanding and tackling domestic motivated crime. We will engage with the Performance Committee to ensure that, where possible, relevant information is provided in a report that is meaningful'</p>

10	<p>The PSNI should continue to monitor the service of non-molestation orders and provide the Performance Committee, within 12 months of the publication of this Human Rights Annual Report, with an analysis of the length of time taken to serve orders, an analysis of the checks and balances put in place to oversee the service of orders and the extent to which applicants and their legal representatives are kept informed of the service of orders</p>	<p>Public Protection</p>	<p>PSNI will continue to monitor and report on progress on the service of non-molestation and occupation orders. This report will include an analysis of the length of time taken to serve orders, an analysis of the checks and balances put in place to oversee the service of orders and the extent to which applicants and their legal representatives are kept informed of the service of orders.</p>
11	<p>The PSNI should, within six months of the publication of this Human Rights Annual Report, report to the Performance Committee on progress made against the recommendations contained within the CJINI report, An Inspection of the Quality and Timeliness of Police Files (Incorporating Disclosure) Submitted to the Public Prosecution Service for Northern Ireland, 26 November 2015.</p>	<p>Legacy & Justice Department</p>	<p>The PSNI and the PPS have established a joint 'Working together' Project Team to deliver on the CJINI recommendations. This project has been set up to scope different options for the CJINI recommendations and present a business case to the Project Board. Once the preferred option is determined the project will move into solution design followed by implementation phase. It is anticipated that implementation will commence by end December 2016.</p>

12	<p>The PSNI should forthwith provide to the Performance Committee a report on the number of times and the reason(s) for a buzzer in a cell having been switched off between 1 January 2014 and 1 January 2016. The report should include reference to the relevant PSNI policy and the alternative arrangements that were or should be made to ensure the safety of the detainee</p>	Custody / ROU	<p>A cell buzzer is provided to enable a detainee to attract the attention of custody staff. The main reason why a buzzer may be switched off is abuse of the facility by the detainee by unnecessary and frequent use. This can distract staff from their duties, which include ensuring all detainees are safe. When the buzzer is switched off staff employ other established procedures to ensure that the detainee remains safe, until the buzzer may again be switched on. A full report on the matter will be given to the Performance Committee.</p>
13	<p>The PSNI should provide to the Performance Committee forthwith a report detailing the period during which exercise facilities were or are unavailable for use by detainees. If exercise facilities are unavailable to detainees held for extended periods, consideration should be given to moving that detainee to an alternative station.</p>	Custody / ROU	<p>Custody Branch will review the availability and use of exercise facilities in Custody Suites. The review will consider the alternatives available if exercise facilities are unavailable for extended periods of time. The findings will be reported to the Performance Committee</p>

14	The PSNI should carry out a training needs analysis for all Custody Staff and ensure that all staff receive sufficient training on the identification of and appropriate response to: detainees presenting with physical or mental health issues and/or addictions; and on child protection issues. The PSNI should present its findings to the Performance Committee within 6 months of the publication of this Human Rights Annual Report	Custody	The PSNI has a statutory obligation to ensure that detainees receive appropriate clinical attention. Police custody is reflective of societal trends in substance misuse and mental health problems, including self-harm, in considering the complex needs of those people detained and to meet safe detention principles a Police custody a training needs analysis will be carried out and the results presented to the Performance Committee
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