



THE POLICE SERVICE OF NORTHERN IRELAND

Human Rights Programme of Action 2008-2009





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Foreword by the Chief Constable, Sir Hugh Orde



This Programme of Action sets out the Police Service of Northern Ireland's response to the recommendations made in the Northern Ireland Policing Board's Human Rights Annual Report of 2008. It demonstrates our commitment to the continuing development of our understanding and application of Human Rights principles to everyday policing.

We have continued to provide the Policing Board's advisors with full access to all aspects of our work. We are committed to this open approach. We firmly believe

that the Police Service and the community have benefited from the challenges that have flowed from it and our response to those challenges.

This past year has seen particular difficulties for the community and the PSNI. We have had to counter the rising threat from those who would plunge Northern Ireland into the dark days of our recent past. My officers have shown a firm resolve, and at some cost, to meet this threat. Continuing community support for policing is vital so that our society develops in a peaceful manner where everyone's rights are recognised and respected.

During the year PSNI assisted the Policing Board to review and update our Code of Ethics. The positive response to the community consultation on this demonstrated the interest and engagement people have with this issue. The Code of Ethics serves as our discipline code and is unique among police services. It integrates the European Convention on Human Rights into police practice, acting as a standard that must be reached and against which officers can be judged.

The Police Service of Northern Ireland's success in developing a robust Human Rights strategy owes a great deal to the challenges raised by the Policing Board's Human Rights advisors Keir Starmer QC, who stood down in May, and Jane Gordon who has stood down on presentation of the Board's Report. Our relationship with them has always been transparent and professional. As both move on to new challenges I would like to wish them well and thank them for their contribution to policing in Northern Ireland, and extend a welcome to the Board's new advisor Alyson Kilpatrick.

Hugh Orde
Chief Constable



Part II

Introduction to the Police Service of Northern Ireland's Human Rights Programme of Action 2008 – 2009

This Programme of Action is published to demonstrate the Police Service of Northern Ireland's (PSNI) commitment to a human rights based approach to Policing. It is issued in response to the Northern Ireland Policing Board's Human Rights Report 2008. It records the PSNI assessment of the recommendations in the Board's report and the actions PSNI intends to take to deal with the recommendations.

The Policing Board's report makes 30 recommendations. Of these 2 are the preserve of the Board itself while 28 apply directly to PSNI. Given the open and professional relationship PSNI has developed with the Board's advisors it is perhaps of no surprise that many of the recommendations made build on work already being undertaken by PSNI.

During 2007/2008 PSNI commissioned a major research project to examine officers' experience and perception of how human rights affect them in their operational roles. The results of this have been utilised by PSNI to examine how best the organisation can meet the needs of operational officers as regards carrying out their duties in compliance with human rights standards. The findings were positive and demonstrated the way in which officers are generally comfortable with their responsibilities. A summary of the findings and responses is included at Part V.

It is pleasing to note that only 3 out of 149 recommendations remain outstanding from the Policing Board's previous reports. This is a healthy situation to be in at this stage. PSNI does however acknowledge, and fully accepts, the challenge of the Board's report to develop and sustain a positive human rights culture amongst all its officers.



Part III

Championing Human Rights Assistant Chief Constable, Duncan McCausland



As the newly appointed Champion for Human Rights in the Police Service of Northern Ireland it is my responsibility to promote and encourage human rights.

This is a job I approach with enthusiasm. I have experienced the real practical benefits for the police and the community that such an approach can deliver in my former role as the operational Assistant Chief Constable for Urban Region.

An understanding by everyone of their and others rights and responsibilities can go a long way to promoting a safer community.

There is always more we can do and this Programme of Action demonstrates our commitment to continue to rise to the challenges presented to us.

I look forward to working in full co-operation with the new Human Rights Advisor, Alyson Kilpatrick.

Duncan McCausland
Assistant Chief Constable



Part IV

Departmental responses
to the recommendations
of Northern Ireland
Policing Board's
Human Rights
Annual Report 2008





Criminal Justice Department

Recommendation	Response	Current Status	Projected Completion Date
<p>1. The PSNI should draw up and publish an annual Human rights Programme of Action within three months of the Policing Board's human rights annual report.</p>	<p>Accepted by Criminal Justice Department</p>	<p>Inspection and Review have included the NIPB Human Rights Recommendations within 'Overview', PSNI's Recommendation Database. Responses will be collated and a Programme of Action published in January 2009.</p>	<p>January 2009</p>
<p>30. The PSNI should report to the Policing Board on the steps it has taken or intends to take in response to the Information Tribunal's decision on the retention of old criminal conviction data within three months of the publication of this report.</p>	<p>Accepted by Criminal Justice Department</p>	<p>PSNI is examining the Information Tribunal's decision and its applicability, if any, to Northern Ireland. A report will be submitted to the Policing Board.</p>	<p>January 2009</p>



Police College Northern Ireland

Recommendation	Response	Current Status	Projected Completion Date
3. The PSNI should provide evidence to the Policing Board of the adoption and incorporation of the recommendations set out in the PSNI human rights training adviser's 2007 report into standard PSNI training design within six months of the publication of this report	Accepted by Police College	The College's Quality Assurance and Training Design specialists actively consider these recommendations when reviewing existing training materials or designing new training materials. The College will provide documentary evidence of this within the required timescale.	April 2009
4. The PSNI should put in place the regulatory framework for a bi-annual audit of training materials within the next six months	Partially accepted by Police College	The College conducted a Human Rights audit during 2007 as a consequence of Recommendation 2 of the 2006 NIPB Human Rights Report. This was an extensive undertaking and the College will not commit itself to such a substantial and expensive piece of work again. To this extent the College rejects a proposal for a bespoke bi-annual Human Rights audit. However, we do recognise the importance of ensuring that Human Rights is appropriately and accurately integrated, where relevant, within training. The College subjects all of its existing training materials to an annual quality assurance review. The College will ensure that the issue of Human Rights integration is inculcated within this annual process for existing courses and materials. All new courses and materials are automatically screened for appropriate Human Rights integration. The new Human Rights Training Advisor, when appointed, will develop these arrangements with the Head of the College Quality Assurance Unit	Ongoing



Recommendation	Response	Current Status	Projected Completion Date
<p>5. The PSNI should provide the Policing Board's human rights advisor with a schedule of all new district training courses devised by the Police College, the joint forum and/or district trainers, together with course outlines and materials, within six months of the publication of this report</p>	<p>Accepted by Police College</p>	<p>The College will provide a schedule of all new district training courses, which have Human Rights relevance, with copies of associated course outlines and materials, devised by the Police College or the College and District Forum. Regions will provide a schedule of new training materials produced by Districts independent of the College.</p>	<p>April 2009</p>
<p>6. The PSNI internal evaluation team should evaluate the integration of human rights principles in the practical aspects of PSNI personal safety training courses within the next 12 months.</p>	<p>Accepted by Police College</p>	<p>The evaluation team will be given every facility by the College in discharging this recommendation.</p>	<p>November 2009</p>
<p>7. The PSNI should continue to develop, on an ongoing basis, a series of appropriate case summaries for use in the firearms refresher training, which reflect relevant developments in human rights standards and principles.</p>	<p>Accepted by Police College</p>	<p>Firearms Training routinely do this and will continue to do so. Relevant cases are identified in consultation with the Human Rights Legal Advisor, and the Human Rights Training Advisor (when appointed) and are integrated within Firearms Training.</p>	<p>Ongoing</p>



Recommendation	Response	Current Status	Projected Completion Date
<p>8. Following the appointment of a human rights training adviser, the PSNI should re-instate annual bespoke human rights refresher courses for each of its specialist training teams delivered by the human rights training adviser.</p>	<p>Partially accepted by Police College</p>	<p>Such bespoke Human Rights Refresher Courses for training teams was a College initiative. When a new Human Rights Training Advisor is appointed such refresher courses will re-commence. The frequency of delivery will be determined on the basis of need. This may be annual or otherwise.</p>	<p>Ongoing</p>
<p>9. The Police College should review the concerns raised by the internal evaluation team regarding training on the use of force and consider how best to remedy the identified lack of familiarity with the differing tests for the use of force on the parts of some trainers.</p>	<p>Accepted by Police College</p>	<p>The College is satisfied that all of its trainers who are involved in use of force training are familiar with, and knowledgeable about, the differing tests for the use of force. However, to demonstrate our commitment in this area the College will direct all of its trainers to undertake an e-learning package that is currently being developed on issues relating to the use of force. This package will be a training resource for the wider Police Service and is expected to be available within the first quarter of 2009.</p>	<p>April 2009</p>
<p>10. The PSNI internal evaluation team should conduct no less than 45 evaluations of PSNI training courses delivered by the PSNI over the next 12 months and report its findings and recommendations to the Policing Board on a quarterly basis.</p>	<p>Accepted by Police College</p>	<p>The College will offer the internal evaluation team every facility in discharging this recommendation. On its part, the internal evaluation team will use its best efforts in meeting what is not an inconsiderable target of 45 evaluations.</p>	<p>November 2009</p>



Recommendation	Response	Current Status	Projected Completion Date
<p>13. The PSNI should provide evidence to the Policing Board of the measures it takes to ensure that reference is made, as a matter of standard practice, to current PSNI policies and procedures in Police College and District training programmes, in operational planning and in supervisor's daily taskings and briefings to officers</p>	<p>Accepted by Police College and Regions</p>	<p>The College subjects all of its existing and new training materials to a quality assurance process. The College will ensure that this process encompasses the relevant referencing of current PSNI policies and procedures. This includes materials developed through the College and District Training Forum. The College will provide a report on this matter to the Policing Board. Districts are responsible for the content of their operational plans, taskings and briefings. There are issues of efficient use of time and resources when considering these matters. Regions will provide a report to the Policing Board.</p>	<p>June 2009</p>
<p>23. The PSNI internal evaluation team should evaluate the AEP initial and refresher training courses and report its findings to the Policing Board within six months of the publication of this report.</p>	<p>Accepted by Police College</p>	<p>Agreement has been reached between the College and the internal evaluation team to facilitate and carry out this evaluation.</p>	<p>April 2009</p>



Recommendation	Response	Current Status	Projected Completion Date
<p>29. The PSNI should introduce compulsory e-learning or other training in data protection, information security, freedom of information and records management for all PSNI data protection and freedom of information specialist staff within 12 months of the publication of this report and consider introducing compulsory e-learning or other training in data protection, information security, freedom of information and records management as part of student officer foundation training.</p>	<p>Partially accepted by Police College</p>	<p>The College accept the part of this recommendation that relates to Student Officer Training within Foundation Programmes. It confirms that it will consider introducing as a compulsory element of the Student Officer Training Programme, training in data protection, information security, freedom of information and records management. The compulsory training of PSNI Data Protection and Freedom of Information specialist staff is the responsibility of ACC Operational Support. The College will liaise with the ACC to offer advice as required.</p>	<p>November 2009</p>

Operational Support Department

Recommendation	Response	Current Status	Projected Completion Date
<p>11. The PSNI should complete its internal review of all current policy directives and service procedures by the end of December 2008 and formally report to the Policing Board in January 2009</p>	<p>Partially accepted by Corporate Development Branch</p>	<p>PSNI complied with Recommendation 6 of the Policing Board's 2007 Report by setting a detailed timetable for review of Service Instructions. The Governance Structure monitors all reviews that are one year overdue. The review of service instructions is an ongoing process and there will always be a number under review at any given period of time. A progress report will be supplied to the Board in January 2009.</p>	<p>Ongoing</p>



Recommendation	Response	Current Status	Projected Completion Date
12. The PSNI should report to the Policing Board on the findings of the two dip-sampling exercises completed in 2008/2009 as part of the quality assurance element of the internal policy review and action taken by the PSNI in response to any deficiencies identified in the policies and procedures sampled.	Accepted by Corporate Development Branch	Work on this matter has commenced.	January 2009
14. The PSNI should make the policy writers' workshop mandatory for all PSNI officers and staff who develop, draft or review PSNI policies and procedures	Accepted by Corporate Development Branch	Policy, Planning & Performance Sub-Branch now has responsibility for the delivery of policy training. Steps will be taken to obtain the appropriate commitment from client Departments and have the training made mandatory for relevant staff.	August 2009
21. The PSNI should provide the Policing Board with statistics on all categories of uses of force recorded on the PSNI electronic use of force monitoring system on a six monthly basis.	Accepted by Central Statistics Branch	PSNI is in a position to report on the 2008/2009, 12-month period on all use of force by 30th June 2009 and then every six months after that. This will now include the use of CS spray that is currently reported on quarterly.	June 2009
22. The PSNI should amend its AEP policy to include guidelines that reflect the following: "The younger the individual against whom an AEP is used, the stronger the justification for use will have to be. Moreover, below a certain age, it is difficult to envisage any circumstances when the use of AEPs will be justified."	Not accepted by Operations Branch	PSNI recognises its responsibilities to all members of the public. The current policy requires the best interests of children to be a primary consideration in all actions concerning children.	N/A



Recommendation	Response	Current Status	Projected Completion Date
25. The PSNI should respond promptly to concerns raised by custody visitors and report action taken in response to those concerns to the Policing Board in a timely manner	Accepted by Operations Branch	Current procedure requires Districts to respond promptly to concerns raised by custody visitors. A reminder has been issued to Districts of their responsibilities.	October 2008
28. The PSNI and the Policing Board should agree a process to allow custody visitors to inspect non-designated places of detention.	Accepted by Operations Branch	Section 73 of the Police (Northern Ireland) Act 2000 gives statutory authority for custody visitors to visit designated places of detention. PSNI has no objection in principle to custody visitors attending stations other than designated stations. However, this will require necessary legislation, which is the responsibility of the Policing Board to seek.	Due to restrictions of getting necessary legislation it is not possible at this time to give a date for completion.

Human Resources

Recommendation	Response	Current Status	Projected Completion Date
2. The PSNI should recruit a human rights training adviser without delay.	Accepted by Human Resources Department	A recruitment process for the position of Human Rights Training Advisor is ongoing. Interviews for the position were held on 20 November 2008.	This date depends on a successful recruitment process



Professional Standards Department

Recommendation	Response	Current Status	Projected Completion Date
<p>16. The PSNI should provide to the Policing Board on a six monthly basis details of the number of breaches of each of the Articles of the Code of Ethics, the nature of the misconduct causing the breaches and the disciplinary action taken by the PSNI in relation to the breaches.</p>	<p>Accepted by Professional Standards Department</p>	<p>Ongoing, subject to review by NIPB.</p>	<p>Ongoing</p>
<p>17. The PSNI Professional Standards Department should work with the Police Ombudsman to devise a process to enable a proper analysis of the causes of the increase in the total number of complaints against officers with three or more complaints and provide that analysis to the Policing Board.</p>	<p>Accepted by Professional Standards Department</p>	<p>This recommendation flows from recommendation 16 in the 2007 NIPB Human Rights report, which was withdrawn. Professional Standards Department are aware that PONI are currently in the process of 'rolling' out a new RMS system across their organisation. It is hoped that this will allow sufficient data to be released by them in order that meaningful analysis can be conducted and presented to the Board.</p>	<p>March 2009</p>
<p>18. The PSNI should amend its Integrity and Professional Standards policy so that any officer who is suspended from duty or under serious criminal or disciplinary investigation may not give notice of intention to resign or retire unless the Chief Constable consents</p>	<p>Not accepted by Professional Standards Department</p>	<p>The Policy Directive is already explicit in this regard.</p>	<p>N/A</p>



Recommendation	Response	Current Status	Projected Completion Date
19. The PSNI Professional Standards Department should provide summary details of the number and types of misconduct investigations returned to Districts and any disciplinary action taken by District Commanders to the Policing Board on an annual basis.	Accepted by Professional Standards Department	This recommendation is a continuation of information that Professional Standards Department provide to the Board.	Ongoing subject to review by NIPB
20. The PSNI should conduct public order training on human rights, public processions legislation and public order legislation on a bi-annual basis, subject to any significant developments or changes in the legal framework when training should be conducted forthwith.	Accepted by Professional Standards Department	This training has occurred on two previous occasions. The PSNI Human Rights Legal Advisor and the Police College have agreed that the next training will occur in the first quarter of 2010. It is also agreed that if significant developments or changes in the legal framework occur in the interim, then the training can be brought forward.	November 2010



Regions

Recommendation	Response	Current Status	Projected Completion Date
<p>15. The PSNI should analyse its figures for stop and search for the period 2006-2008 to ascertain the reasons for the substantial increase in the use of police powers under s.44 of the Terrorism Act 2000 and the substantial decrease in the use of police powers under s.84 of the Terrorism Act 2000, now replaced by s.24 of the Justice and Security (Northern Ireland) Act 2007 and s.89 of the Terrorism Act 2000, now replaced by s.21 of the Justice and Security (Northern Ireland) Act 2007, to ensure that all such powers used are justified, necessary and proportionate.</p>	<p>Accepted by Regions</p>	<p>PSNI will quantify and analyse the statistical changes, the operational background against which S.44 authorisations were granted and the manner in which the Police Service disseminated information regarding the powers granted by the Justice and Security (Northern Ireland) Act 2007 and review.</p>	<p>July 2009</p>



Crime Operations Department

Recommendation	Response	Current Status	Projected Completion Date
24. The PSNI should complete its review of all intelligence policies, procedures and protocols and develop an overarching policy on the management of intelligence within twelve months of the publication of this report but should report to the Policing Board on the progress of its review within six months of the publication of this report.	Accepted by Crime Operations Department	A Performance Unit has been established and has already made significant progress in identifying and reviewing the relevant material.	June 2009

Northern Ireland Policing Board

Recommendation	Response	Current Status	Projected Completion Date
26. The Policing Board should review its system for monitoring concerns raised by custody visiting teams to ensure first, that the PSNI responds to concerns in a satisfactory and timely manner and second, that action taken by the PSNI is recorded by the Policing Board and communicated to the relevant custody visiting team.	N/A	This recommendation refers to the Policing Board. PSNI will work with the Board to address these matters.	N/A



Recommendation	Response	Current Status	Projected Completion Date
27. The Policing Board should consider establishing a protocol whereby each of the Policing Board's custody visiting teams makes a public presentation on its activities and any concerns it has regarding treatment of detainees or conditions of detention to a District Policing Partnership within its area.	N/A	This recommendation refers to the Policing Board. PSNI would wish to be consulted on this, as there are issues of fairness and confidentiality that would need to be addressed. PSNI has no objections to custody visitors making public presentations of their activities.	N/A



Part V

Departmental responses
to recommendations
Outstanding from
Human Rights Annual
Report 2007





Recommendation	Response	Current Status	Projected Completion Date
10. The PSNI should consider adopting Coleraine's DCU policy and deployment log as its standard operational planning log.	Not accepted by Operational Support	This recommendation has been viewed against relevant service procedures in respect of maintaining an audit of policing operations. Its adoption would add unnecessary bureaucracy and be a duplication of the processes currently in place within PSNI and has therefore been rejected.	N/A
25. The PSNI should assign responsibility internally for reviewing all uses of CS spray annually, and for issuing guidelines on best practice to police officers. Further, the PSNI should provide the Policing Board with a summary of the findings and conclusion of its annual internal review.	Not accepted by Operational Support	Use of CS spray is now recorded on the electronic Use of Force form, which provides additional information from that previously available. District Commanders review each use of CS spray in accordance with Policy Directive: 'Police Use of Force'. Statistics are provided to the Policing Board. An internal review would be duplication and incur additional costs. There will be a post implementation review of the electronic use of force form and the matter may be reconsidered depending on the outcome of this review.	N/A
35. The PSNI internal evaluation team should evaluate the PSNI's student officer training on victims and witnesses.	Accepted by Police College.	A previous effort to observe this training was unsuccessful due to unavoidable scheduling changes. We will ensure that the Internal Evaluation Team monitors the training as soon as practicable.	Ongoing



Part VI

Summary of Report of Operational issues regarding Human Rights and the Practical Application within the Police Service of Northern Ireland.





The following is an extract from research commissioned by PSNI that examined police officers experience and perception of human rights in an operational environment. It also includes the PSNI response to the findings of the research.

Research was carried out by means of facilitated discussion in 36 focus groups across Northern Ireland from August to December 2007. A total of 217 officers took part. The high level of engagement of the groups with the researchers, and the content of the discussions, demonstrated an operational awareness and practical experience of integrating human rights principles into policing decisions.

From these discussions a number of issues were identified that could be usefully examined and developed to the benefit of operational officers. These issues were; police powers to restrict movement of the public, custody procedures, use of CS incapacitant spray, use of force/restraint and arrest of juveniles, policing persons with mental health issues, and voluntary attendees at police stations. In response to this the Police College has joined with District Trainers to examine the issues and prepare appropriate training products.

Officers also identified matters that were then raised with the appropriate departments within PSNI for further attention. These included the availability of protective equipment for officers, support for explaining to the media and public the human rights aspect of policing decisions, the impact of Police Ombudsman actions on performance, health and family life and officers own human rights.

The final report of the research acknowledged the central part human rights play in the day to day policing of Northern Ireland and made the following comment:

“It is positive to note that most officers are clearly aware of the human rights issues as they affect the PSNI, and while they have some concerns, it is clear that they are engaging with the issue. Throughout the course of this study it has been evident that human rights are firmly placed at the core of policing. The PSNI are an Organisation of openness and the human rights of the public are paramount.”



Part VII

Index to responses to the recommendations of the NIPB Human Rights Annual Report 2008.





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Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing