

Police Service of Northern Ireland

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POLICY DIRECTIVE

PUBLIC ORDER AND THE USE OF FORCE (INCLUDING CS INCAPACITANT SPRAY, BATONS, HANDCUFFS AND VEHICLE MOUNTED WATER CANNON)

1. POLICY IDENTIFICATION

POLICY TITLE: Public Order and the Use of Force (Including CS Incapacitant Spray, Batons, Handcuffs and Vehicle Mounted Water Cannon)

POLICY OWNERSHIP:

DEPARTMENT	Operational Support Department
BRANCH	Operations Branch Conflict Management Development Unit

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2. POLICY STATEMENTS

- (1) This document represents the Chief Constable's policy in respect of the use of force by police officers. It complies domestic law, including the principles of the Human Rights Act 1998 and other international human rights instruments eg the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Code of Conduct for Law Enforcement Officials.
- (2) It is the aim of the Police Service of Northern Ireland (PSNI) to uphold and protect the human rights of all the people of Northern Ireland by providing a high quality, effective policing service in partnership with the community and in co-operation with other agencies. In carrying out their duties, police officers shall, as far as possible, apply non-violent means before resorting to the use of force. Police officers will only resort to the use of force if other means remain ineffective and there is no realistic prospect of achieving the lawful objective without exposing police officers, or anyone whom it is their duty to protect, to a real risk of harm or injury. Police officers must ensure that they make a record of the event in the prescribed manner and comply with the PSNI Code of Ethics particularly Article 4.
- (3) Whenever it is necessary for police officers to resort to the lawful use of force they shall:
 - (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved;
 - (b) Minimise damage and injury, and respect and preserve human life;
 - (c) Ensure that assistance and medical aid are secured to any injured person at the earliest opportunity. (Refer to Service Procedure No 38/2002 - Provision of First Aid during planned events);
 - (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest opportunity;
 - (e) Report the incident promptly to their supervisors;
 - (f) Comply with Police Service policy, procedure and guidance.

(Code of Ethics for the PSNI Article 4.3).

It should be noted that any breach of the Code of Ethics is a potential disciplinary offence.

3. INTRODUCTION

- (1) **Summary**
 - (a) The purpose of this Policy Directive is to facilitate an understanding and to provide practical guidance concerning the use of force by police officers. It is intended to follow the policy, procedure and guidelines promulgated to forces by the Association of Chief Police Officers (ACPO). This Policy, including the procedures and guidelines (included at Section 7) are intended to support and inform operational performance, decision-making, planning and training in order to improve safety during normal patrolling or during the policing of violent or potentially violent situations.
 - (b) This document is the principal reference on which all applications of force are based. It will become an integral part of police response to situations of conflict and will provide a standard to be attained by all police officers both as individuals and in group tactical situations.

- (c) Police officers are frequently required to deal with situations of conflict. The careful use of well chosen and appropriate words and the management of human interaction will resolve many situations. Others will necessarily involve the application of varying degrees of physical force. This 'Conflict Management Model' is a well-established and necessary approach to managing conflict in a democratic society.
- (d) Police officers, holding the office of Constable have power under statute that is not afforded to members of the public. This includes authority to take action to defend themselves and others. If police officers do not take appropriate and proportionate action to protect others from such harm they may be violating the human rights of those others. Therefore, it is important that police officers give due regard to the rights of individuals in how they exercise their discretion.
- (e) In making these important decisions, police officers are reminded that they are accountable through the law for their actions. Apart from the criminal law, there may follow a civil suit, complaints may be made against individual officers, and in cases where death has resulted, a public inquest or other inquiry will be held by the coroner or other statutory bodies at which officers may be called to testify.
- (f) Every effort should be made to resolve conflict without resorting to the use of force.

(2) **Legal Basis**

(a) Introduction

This section is designed to provide a summary of the legal rules governing the use of force. It is designed to provide practical guidance to officers, so that they are aware of their rights and responsibilities when using, or considering the use of, force. It will set out the main legal (including human rights) provisions, and give some practical examples, referring to relevant legislation, leading cases and other sources of law, as necessary. Article 4 of the PSNI Code of Ethics sets out the standards expected of officers, and serves as a useful aide memoire of the key principles. It is not feasible to cover all of the issues in this document, and officers may have questions that are not answered here. If further guidance is required, an officer should contact their supervising officer. If questions still remain, the PSNI Human Rights Legal Adviser can be contacted.

(b) Context

Police, by virtue of their position in society, are subject to onerous responsibilities concerning the use of force. The Council of Europe¹ has recognised this, stating "police play a vital role ... they are frequently called upon to intervene in conditions which are dangerous for their members, and (...) their duties are made yet more difficult if the rules of conduct of their members are not sufficiently precisely defined"². Abuse by police of their powers can have extremely serious consequences for the rights of the individual and for society as a whole. For these reasons, clear rules governing the use of force by police officers, coupled with robust oversight mechanisms, are key.

(c) Police (Northern Ireland) Act 2000

Section 32 of the Police (NI) Act 2000 states:

"It shall be the general duty of police officers:

- (i) to protect life and property;

¹ An international organisation established in 1949, to, amongst other things, defend human rights and promote the rule of law. The European Convention on Human Rights is a Council of Europe Treaty.

² Resolution 690 (1979) of the Parliamentary Assembly of the Council of Europe on the Declaration on the Police.

- (ii) to preserve order;
- (iii) to prevent the commission of offences;
- (iv) where an offence has been committed, to take measures to bring the offender to justice.”

It is clear that, in the execution of their duties, police officers may be required to use force in certain circumstances. A clear distinction can be made between lethal force and non-lethal force.

(d) Lethal force

(i) Lethal force includes:

- (aa) the use of force which is intended to result in the death of a person and which has that effect;
- (bb) the use of force which results in the death of a person and which could have been reasonably foreseen to have that consequence;
- (cc) the use of force which results in serious injury to a person, where death could have occurred.

(ii) United Kingdom law, interpreted in the light of Article 2 of the European Convention on Human Rights (ECHR), imposes upon States an obligation to safeguard life. This consists of three main duties:

- (aa) not to deprive a person of their life unless absolutely necessary for a specified aim (which is, in effect, the protection of the life or lives of others);
- (bb) to investigate suspicious deaths; and
- (cc) to take steps to protect life (often referred to as the “positive obligation”).

Absolute necessity

- (aa) Lethal force may be used only where it is absolutely necessary to do so, in pursuit of a specified aim. Article 2 of the ECHR makes reference to three specified aims. However, in United Kingdom law, a deprivation of life may only be justified if it is absolutely necessary for the protection of the lives of others. The other aims (to quell a riot or insurrection or to prevent the escape of a detainee) may not, of themselves, be used as a justification for the use of lethal force.
- (bb) There is a requirement of strict proportionality between (a) the objective and (b) the force used to achieve it. The person using the force must honestly believe that it is absolutely necessary to use lethal force to avert a real and immediate risk to the lives of themselves, and/or others. An honestly and reasonably held belief may subsequently be shown to have been mistaken, but this will not of itself render the deprivation of life in violation of Article 2 of the ECHR.
- (cc) The question of whether a use of force was “absolutely necessary” in the circumstances is one that depends to a very large degree on the facts of the individual case. Key issues to consider include:

- (A) the nature of the aim pursued – is it the protection of a person from unlawful violence which poses a real and immediate risk to life?
 - (B) is the use of lethal/potentially lethal force absolutely necessary in the circumstances, bearing in mind the dangers to the lives of all persons involved?
 - (C) what are the risks to others, including the subject of the force and all others in the vicinity?
 - (D) what other options were considered before resorting to the use of force? What weapons or equipment were available at the time? Why were these options discounted? Have all relevant decisions been recorded and reported?
- (dd) The method of applying force must be in accordance with PSNI instructions and training. Officers must report any defects, etc in their equipment, and to ensure that they undergo training in accordance with Service instructions.
- (ee) The ECHR closely examines the planning and control of operations. A key issue is whether the operation was "planned and controlled by the authorities so as to minimise, to the greatest extent possible, recourse to lethal force." [McCann and others v United Kingdom (1996) 21 EHRR 97]. This standard is reflected in the PSNI Code of Ethics, at Article 4.3. All decisions should be subjected to a process of constant critical analysis.

Investigations

If death (or injury) occurs as a result of the use of force or other involvement of a PSNI officer, an independent investigation is required. In practice, this will be carried out by the Police Ombudsman's Office. All PSNI officers and police staff must comply with any investigation (see Policy Directive 03/06 – Post Incident Procedure, Deployment of Post Incident Managers – Discharge of Firearms). In addition, all suspicious deaths (whether involving the police or not) must be the subject of an effective official investigation, and police officers must comply with such investigations.

Positive obligation

A full discussion of this issue is outside the scope of this Policy Directive. In brief, there are situations where the police are required to take all reasonable steps to avert a real and immediate risk to life from the criminal acts of others, of which they are aware or should have been aware. Where lethal force is necessary to protect the lives of others, paragraph 2(d)(i) above will apply.

- (e) Non-lethal force
 - (i) When police are required to use force to achieve a lawful objective (such as making a lawful arrest, acting in self-defence or protecting others) the legal basis are to be found in:
 - (aa) Common Law;
 - (bb) Section 3 Criminal Law Act (NI) 1967;
 - (cc) Article 88 Police and Criminal Evidence (NI) Order 1989 (PACE).

- (ii) All force used must be 'reasonable in the circumstances'. More specific guidance on the usage of a particular method of force can be found, as appropriate, in Section 7. Factors which may assist in establishing whether or not the use of force was reasonable in the circumstances are:
 - (aa) was the use of force lawful? - eg is the aim one of those outlined in Section 3 Criminal Law Act, PACE or Common Law?
 - (bb) was the degree of force used proportionate in the circumstances?
 - (cc) what other options were considered? If so, what were they? Why were those options discounted? Has an adequate record of all relevant decisions been made?
 - (dd) was the method of applying force in accordance with Service instructions and training?
- (iii) Any force used must not be greater than was reasonable in the circumstances. If force used is not reasonable it may leave the officer open to criminal or disciplinary proceedings. In addition, it may constitute a violation of the human rights of the person against whom the force was used.
- (iv) Article 3 of the ECHR prohibits torture or inhuman or degrading treatment, or punishment. Excessive use of force by the police can engage Article 3. In *Timurtaş v Turkey* [(2001) 33 EHRR 121] the European Court of Human Rights stated: "... where an individual is taken into custody in good health but is found to be injured at the time of release, it is incumbent on the State to provide a plausible explanation of how those injuries were caused, failing which an issue arises under Article 3 of the Convention." In *Ribitsch v. Austria* [(1996) 21 EHRR 573] the Court held that: "... in respect of a person deprived of his liberty, any recourse to physical force which has not been made strictly necessary by his own conduct diminishes human dignity and is in principle an infringement of the right set forth in Article 3 of the Convention."

(f) Investigations

In the event of the use of force by a PSNI officer, an effective investigation may be required. All PSNI officers and police staff must comply with any investigation (see Policy Directive 03/06 – Post Incident Procedure, Deployment of Post Incident Managers – Discharge of Firearms).

(g) Children and Members of other Vulnerable Groups

Special consideration should be given to the heightened vulnerabilities of children and members of other vulnerable groups in relation to the use of force. Although not incorporated into domestic legislation, officers should take cognisance of the UN Convention on the Rights of the Child. Article 3 of the Convention requires the best interests of children to be a primary consideration in all actions concerning children.

- (h) Other issues
 - (i) A use of force may involve an interference with the enjoyment of a number of human rights. For example, an excessive use of force in removing a demonstrator may raise an issue under Article 3 (inhuman or degrading treatment), in relation to that demonstrator. It may also, depending on the circumstances, involve an interference with the demonstrator's rights to respect for their freedom of thought, conscience and religion (Article 9 ECHR), freedom of expression (Article 10) and freedom of assembly and association (Article 11 ECHR). In addition, the police conduct could constitute an interference with the rights of others, who may be discouraged from exercising their rights, out of fear of the consequences. These rights are considered by the European Court of Human Rights to be the cornerstones of a democratic society, and any such interference will be subjected to strict scrutiny.
 - (ii) A use of force, which does not attain the minimum level of severity required to raise an issue under Article 3 of the ECHR may, however, raise an issue under Article 8 of the ECHR (which encompasses a right to moral and physical integrity).

(3) Individual Officer's Responsibilities

- (a) The primary responsibility for using force rests with the individual officer who is answerable ultimately to the law. Individual officers are accountable and responsible for whatever force they use and must be in a position to justify their actions in the light of their legal responsibilities and powers. Any use of force, other than in training, whether intentional or otherwise, must be reported by the officer concerned and recorded in the officer's official notebook or journal. The recording of all relevant information, in as much detail as feasible and as soon as possible after the event, will be of great assistance in justifying actions taken during any subsequent administrative or legal proceedings.
- (b) Obedience to the orders of a supervisor shall be no defence if a police officer knew that the order to use force was unlawful and had a reasonable opportunity to refuse to obey it. Responsibility will also rest with the supervisor who gave the unlawful order. Officers are reminded of the content of the Code of Ethics Articles 1.5, 1.8 and 10.
- (c) Any police officer who has reason to believe that improper force has been used or is about to be used by another police officer, shall, to the best of their capability, prevent and rigorously oppose any such use of force. This officer shall, at the earliest opportunity, report the matter to their supervisor and, where necessary, to other appropriate authorities vested with responsibility for investigating such matters.
- (d) Supervisory officers will be held responsible if they know, or should have known, through the proper discharge of their duties, that officers under their command are resorting, or have resorted, to the unlawful use of force, and they did not take all measures in their power to prevent, suppress or report such use.

(4) Role of the Ombudsman

- (a) Officers are reminded that where a complaint is made by a member of the public against a police officer regarding that officer's use of force, the Police Ombudsman will investigate such complaint.
- (b) The Police Ombudsman also has the authority to investigate a wide range of matters surrounding the conduct of police officers. This will include all incidents where an individual is killed as a result of the use of force and/or when it is arguable that there has been a breach of Article 2 or Article 3 of the ECHR. Any situation in which a police officer has used force, regardless of whether or not a complaint has been made, may be the subject of Police Ombudsman investigation. It is important therefore, that officers can show that non-violent methods have been considered before resorting to force and that their actions were proportionate.

- (c) Comprehensive investigations into all deaths, whatever the cause, are an essential element of Article 2 of the ECHR, indeed, failure to carry out such an investigation has itself been found to be a violation of Article 2. Ombudsman investigators shall exercise their power in such a manner and to such extent to secure the efficiency, effectiveness and independence of the Police Complaints System; and the confidence of the public and of members of the Police Service in that system.
- (d) Where the conduct of an officer has resulted in the death of an individual it will be the responsibility of the senior officer on duty to contact the on-call Ombudsman's Senior Investigating Officer (SIO). The emergency call-out procedure for contacting the Ombudsman must be followed.
- (e) The scope of the investigation will be thorough and wide ranging. It will not only include the circumstances of any injury to, or death of any person, but also the circumstances leading up to the event and all the surrounding issues such as the management of the incident and planning of the operation. Police officers responsible for the planning and control of operations where the use of force is a possibility, shall so far as possible plan and control them to minimize recourse to force, in particular, potentially lethal force. Consideration shall be given during the planning of an operation to the need for medical assistance to be available. (Code of Ethics 4.2).
- (f) The Police Ombudsman will appoint a SIO to commence an investigation. Pending arrival of the Ombudsman SIO, Silver Command or the senior officer on duty will ensure the preservation of the scene, the security of physical evidence and account for all potential witnesses. (See Policy Directive 03/06 – Post Incident Procedure, Deployment of Post Incident Managers – Discharge of Firearms).

(5) Planned Operations

- (a) All officers involved in policing operations must ensure that their actions are compatible with the rights of individuals under the ECHR. Officers are reminded of the content of Article 4 of the Code of Ethics.
- (b) *McCann and others v United Kingdom* (1996) 21 EHRR 97 asserts that strict control must be exercised over operations, which may involve the potential use of lethal force. Planners must consider all tactical options, eg the choice of weapon or equipment used may be important to establish that a lesser degree of force was intended. Further detail on this and other relevant issues is set out at Section 3(2) above.
- (c) In Northern Ireland police officers carry firearms for personal protection as a matter of routine. Firearms may not be specifically required for an operation and may, in certain circumstances, be inappropriate. It is important therefore, that in any operation the appropriateness of the availability of firearms is considered and officers connected with the operation briefed accordingly.
- (d) Command structures for the policing of events where force may be used are clearly set in the Gold/Silver/Bronze command structures, which are clearly explained in the PSNI Manual of Guidance on Keeping the Peace and Public Order Criminal Justice Strategy, and reinforced by the ACPO Guidance on Command and Control.
- (e) It should be remembered that Gold/Silver/Bronze is a role, rather than rank specific. Police officers of a senior rank to those nominated to undertake one of these three roles should not automatically assume primacy, solely on the basis of rank or territorial responsibility.

- (f) Commanders must be fully aware of their responsibilities and capable of appropriate decision-making. Before a police officer undertakes a command role they should be sufficiently trained and competent for that specific role and, where necessary, be adequately experienced. It may however, be necessary as an incident develops, to review the command structure to ensure that those performing the roles are sufficiently trained and competent.
- (g) Where any policing operation utilises TSG/PSU trained officers, or other associated specialist officers, deployed as part of a tactical plan and working to an agreed strategy in accordance with the PSNI Manual of Guidance on Keeping the Peace and Public Order Criminal Justice Strategy, then such an operation should be commanded by trained and accredited APOC and/or IPOC Commanders; or the threat and risk assessment carried out for such an operation dictates that such Commanders should not be used.
- (h) The use of Public Order Tactical Advisers (POTAs) is covered at Section 7, paragraph 7 and assists police officers to comply with Article 4 of the PSNI Code of Ethics.
- (i) If an operation raises issues of compliance with human rights law and principles, the PSNI Legal Adviser on human rights should be contacted for advice.

(6) Criminal Justice Strategy

- (a) It is essential that a Criminal Justice Strategy including arrest and process policy should be developed in the planning stages. This should include planning for the location and method of disposal of those arrested. The Criminal Justice Strategy should be developed by a SIO appointed to assist and advise Gold and Silver Command.
- (b) In the event of anticipated multiple arrests as a result of protest activity, it is essential that the Criminal Justice Strategy provides a clear system for the processing of detained persons. In particular, the identity of police officers assaulted by protestors should be noted and evidence obtained to link the individual protester(s) to the assaulted officer(s). This process should be conducted at the time of the arrest/detention and confirmed by supervising officers during de-briefs at the termination of duty.
- (c) Where arrests and/or retrospective prosecutions are dependent upon video evidence, personnel and appropriate facilities to process the evidence must be identified and made available at an early stage. Police and Criminal Evidence (Northern Ireland) Order 1989 Codes of Practice 'D' should be adhered to throughout the process.
- (d) The Criminal Justice Strategy with regard to public disorder is contained in the PSNI Manual of Guidance on Keeping the Peace and Public Order Criminal Justice Strategy, which clearly outlines the role of the SIO in relation to these matters.

(7) Planning and Police Objectives

- (a) If protest action is anticipated, local commanders should prepare comprehensive operational plans in accordance with this Policy and guidelines.
- (b) Police objectives in respect of this type of protest should be established at the planning stage if advance notice or information is received regarding the protest action. Police objectives will be in accordance with Article 2 and should include the following:
 - (i) Compliance with the determination of the Parades Commission (where applicable) Service Procedure No 14/08 – Public Processions (NI) Act 1998 and the Parades Commission refers;
 - (ii) Maintenance of public safety;
 - (iii) Maintenance of officer safety.

- (c) Where police have not had prior notification of protest activity, local commanders must ensure that Command and Control systems are quickly established for the police response. In areas where spontaneous protests are more frequent, local commanders should consider the development of contingency plans.
- (d) A press/media strategy to inform the public about the protest and if appropriate the intended police response, must be formulated at the earliest opportunity. PSNI Media Guide.

(8) Records and Reports

- (a) Police officers will verbally report any use of force to their immediate supervisor as soon as practicable. Where the use of force requires a written report, eg batons and firearms, this will be furnished in accordance with current policy through the appropriate channels. Article 1.9 Code of Ethics.
- (b) Supervisors will ensure that a notebook entry has been completed by the officer(s) involved and that each notebook entry is inspected and signed by that supervisory officer.
- (c) Police officers must fully document the circumstances in which they found themselves, the reasons for their actions and the details of the supervisor to whom they subsequently reported.
- (d) Supervisors should ensure that relatives or close friends of the injured or affected person are notified at the earliest opportunity. This should be done, where possible, with the agreement of that injured or affected person.

4. IMPLICATIONS OF THE POLICY

(1) Financial Implications/Best Value/Continuous Improvement/Efficiency

This Policy Directive brings all matters pertaining to use of force together, which will ease access to information when planning and dealing with matters requiring use of force.

(2) Training

- (a) Training will follow national guidelines. Where any deviation is made, this should be clearly documented.
- (b) Police officers are reminded of their personal responsibility to identify their training needs and to bring these to the attention of their immediate supervisor. Police officers are also required to maintain a high level of knowledge in relation to Service Policy and current legislation.
- (c) Whilst it is acknowledged that there is a statutory requirement for the Police Service to provide adequate training, there is equally an onus upon all officers and members of staff to co-operate and attend relevant training courses as and when required.
- (d) Any individual not attending or participating in all aspects of training may not only compromise their ability to protect themselves and others, but may also leave themselves liable to committing a disciplinary offence and a breach of their individual legal obligation under health and safety legislation. Such non-attendance should be brought to the attention of a supervising officer for necessary managerial action or referral to Occupational Health and Welfare (OHW) as deemed appropriate.
- (e) Local commanders are responsible for ensuring that those under their command are provided with regular opportunities to attend required training in appropriate aspects of personal safety, first aid and human rights.

- (f) Based on the legal requirements, the variety of techniques and equipment together with the need to refresh and demonstrate an appropriate level of competency, ACPO has recommended a minimum of 12 hours Officer Personal Safety Training each year.

(3) Risks

Any public order tactical option that involves the use of force brings with it associated risks to the general public, to police and other members of the security forces hence the need to ensure that deployment and use of force complies with ACPO Guidance and training procedures. Where possible all anticipated risks should be the subject of a properly conducted Health and Safety risk assessment.

(4) Bureaucracy

The introduction of this Policy Directive will result in the cancellation of a number of Service Procedures and several paragraphs of the PSNI Code.

(5) Consultation

(a) Internal Consultation:

- (i) All ACC's;
- (ii) Director of Human Resources;
- (iii) Director of Procurement and Logistic Services;
- (iv) D/Chief Superintendent, Professional Standards Department;
- (v) Regional Operational Command Units;
- (vi) PSNI Legal Adviser and Human Rights Legal Adviser;
- (vii) Head of Media and Public Relations;
- (viii) District Commanders;
- (ix) Head of Training;
- (x) Chief Inspector, Combined Operational Training;
- (xi) Health and Safety Manager;
- (xii) Superintendent, Community Safety;
- (xiii) Police Federation for Northern Ireland;
- (xiv) Superintendents' Association.

(b) External Consultation:

- (i) Northern Ireland Policing Board;
- (ii) Human Rights Legal Adviser;
- (iii) Police Ombudsman for Northern Ireland.

5. HUMAN RIGHTS/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION

- (1) Human Rights is integral to all the police functions. This is of even greater significance in relation to the use of force by any police officer by whatever means. The relevant Articles of the ECHR are explained in Section 3, paragraph (2) above, which sets out the legal requirements for any officer to justify a use of force.
- (2) This Policy is deemed to be Human Rights compliant, it has been screened for Section 75 considerations and complies with the PSNI Code of Ethics. It is suitable for public disclosure in accordance with the Freedom of Information Act 2000 and is available on the PSNI website. The accompanying Procedures and Guidance contained in Section 7 are suitable for internal dissemination only.
- (3) It is recognised within ECHR law that the responsibilities of the police extend not only to refraining from acts which violate individual rights but also to taking positive action to protect these rights and freedoms. It is therefore vitally important that the legal parameters of each of these rights and freedoms must be carefully considered.
- (4) There is a presumption that convention rights can only be interfered with by any kind of state action where the Convention expressly allows it. These conditions are set out within the legitimate aims contained within each of the qualified rights, ie Articles 8-11.
- (5) In general terms, the rights can only be interfered with:
 - (a) Where the action is prescribed by law; and
 - (b) It is 'necessary in a democratic society'; and
 - (c) The aim is legitimate to protect one of the interests below as per Articles 8.2-11.2:
 - (i) national security;
 - (ii) territorial integrity;
 - (iii) public safety;
 - (iv) preventing disorder or crime;
 - (v) protecting health;
 - (vi) protecting morals;
 - (vii) protecting the rights of others.
- (6) In deciding whether the action was 'necessary in a democratic society' it will be necessary to show that the action:
 - (a) fulfilled a pressing social need; and
 - (b) pursued a legitimate aim; and
 - (c) there was a reasonable relationship of proportionality between the means employed and the aim pursued. This means that the action was designed to:
 - (i) impair as little as possible the right or freedom in question;
 - (ii) meet the objectives of the domestic law in question; and
 - (iii) not be arbitrary, unfair or based on irrational consideration; and

- (i) be balanced against the severity of the effect that the measure has on the individual or group. The more severe the adverse effects of the measure, the more important the objective must be if it is to be classified as legitimate.

- (7) The ECHR is a 'living instrument' and seeks to take account of changes in society and its values. Therefore, state actions that were considered necessary and proportionate in the past might not be viewed as necessary and proportionate today.

6. MONITORING AND REVIEW

- (1) The Head of Operations Branch is responsible for reviewing this Policy annually.
- (2) Feedback relating to this Policy should be conveyed to Operations Branch, Conflict Management Development Unit.