



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-01227

**Keyword:** Operational Policing

**Subject:** Police and Criminal Evidence Act 1984 Code of Practice

### **Request and Answer:**

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

### **Question 1**

Has your Chief officer exercised his/her discretion to implement the recent changes to the Police and Criminal Evidence Act 1984 Code of Practice, Code A in relation to stop and search and stop and account given effect by the Police and Criminal Evidence Act 1984 (Codes of Practice) (revision of Codes A, B and D) Order 2010. The changes came into effect on 7 March 2011?

### **Answer**

The changes do not relate to Northern Ireland.

### **Question 2**

In particular, are your officers required to record incidents of stop and account, including the self defined ethnicity of people they stop and ask to account for themselves?

### **Answer**

Stop and account is not available in Northern Ireland. As regards stop and search, persons stopped are not asked to self define ethnicity. Ethnic appearance is recorded by the officer based upon the current 11 + 1 Northern Ireland census.

### **Question 3**

When your officers stop and search in individual do they record the individual's name, address, physical description, whether any injury or damage was caused as a result of the search and/or whether anything was found as a result of the search?

### **Answer**

Name and address are recorded if provided, otherwise a description is recorded. Injury and/or damage/items found are recorded if applicable.

#### **Question 4**

Do community concerns exist around disproportionality (ie a greater proportion of people from a Black and Minority Ethnic Background are subject to stop and account than from the population as a whole) in any area under your jurisdiction? If so where?

#### **Answer**

Stop and Account is not available in Northern Ireland.

#### **Question 5**

Did you have 'due regard' to the need (a) to eliminate unlawful racial discrimination and (b) to promote equality of opportunity and good relations between persons of different racial groups ('equality objectives by virtue of s71 Race Relations Act 1976) in deciding whether to take a decision in the exercise of public functions which may disproportionately impact upon certain racial groups? If so, how?

#### **Answer**

The PSNI Stop and Search Policy takes into consideration The Human Rights Act 1998 and the rights of people under the Act. It has also been audited for Section 75 of the NI Act 1998 and PSNI integrity standards. Consideration has been given to the compatibility of this document and related procedures with The Human Rights Act; with particular reference to the legal basis of its precepts; the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and outcomes of action.

In the application of this policy the Police Service of Northern Ireland will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth, or other status as defined under Article 14, European Convention on Human Rights (ECHR).

#### **Question 6**

Please provide us with details of the steps you took in purported compliance with this duty when deciding to 'opt out' of the stop and account/stop and search reporting requirements of PACE Code A, in particular whether you took steps to;

- 6.1. gather relevant information;
- 6.2. engage (consult) with stakeholders;
- 6.3. conduct an 'equality impact assessment' (under the 2010 Act an equality analysis');
- 6.4. Weigh all information relevant to the equality objectives in the balance and to consider taking proportionate action in pursuit of those objectives, including steps to mitigate the adverse effects of the decision.

#### **Question 7**

If so, please explain what steps you took in respect of each of the above.

#### **Answer**

Stop and account is not available in Northern Ireland. As regards stop and search the PSNI complies with the current reporting requirements as outlined in the PACE (NI) Order 1989 Codes of Practice A.

#### **Question 8**

Please provide copies of:

- 8.1. All records relating to the decision to exercise your discretion to implement the changes to PACE to include the date on which you made that decision and the records of the aforementioned steps

taken prior to your decision;

8.2. All national and internal Force Orders, policy and/or guidance relating to the changes to include the guidance document introducing officers to the new procedure and the dates on which those documents were drafted and/or issued.

### **Answer**

The changes do not relate to Northern Ireland.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.