

Police Service of Northern Ireland

Human Rights Programme of Action 2014/2015

Prepared by:

S2 Criminal Justice Branch

Service Improvement Department

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Keeping People Safe

Introduction to PSNI Programme of Action 2014 - 2015



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The Police Service of Northern Ireland (PSNI) is committed to a Human Rights based approach to policing. In fact it is at the heart of how we make hard choices and decisions every hour of every day. The introduction of the Human Rights Act 1998, in the year 2000, enshrined into our domestic law the rights contained in the European Convention on Human Rights. The Northern Ireland Policing Board (NIPB) has a statutory responsibility to inspect PSNI for compliance with Human Rights standards and one of the ways it discharges this responsibility is through the process and production of an Annual Report

This Programme of Action is published by the PSNI in response to recommendations made in the Policing Board's Human Rights Annual Report 2014 (published on 20 February 2015¹) and should be read in conjunction with that report. It is an agreed part of the inspection process whereby the PSNI explains the steps that will be taken in relation to each of the recommendations made in the report. Further engagement is undertaken throughout the year to update the Policing Board with developments. Quite simply, we view this process as an opportunity to make policing policy and practice even better, more efficient and more effective.

In addition to the annual report the Policing Board also carries out detailed thematic inspections of identified areas of policing², for example the police use of Stop and Search. Recommendations from the thematic inspections are dealt with separately from this Programme of Action.

¹ http://www.nipolicingboard.org.uk/human_rights_main_report.pdf

² <http://www.nipolicingboard.org.uk/index/our-work/content-humanrights/content-publicorder.htm>

This Programme of Action is the 10th since the framework of inspection was commenced and plays its part in demonstrating and evidencing the PSNI's commitment to Human Rights based policing. Over 200 recommendations made in annual reports over the 10 years have been implemented. All 8 of the recommendations made in last year's report have been addressed with 7 considered as having been implemented and the remaining one awaiting verification that it has been implemented. This has involved a determined, and at times innovative, effort on the part of officers and staff across the PSNI engaged in all areas of police work from policy and training to the operational delivery of our service to the community. This effort will be maintained as we address the recommendations made in this year's report.

Making Human Rights 'Live'

Operationalising Human Rights requires constant effort, it requires us to be accountable, transparent and open to learning. In a world that is constantly changing, the implementation of Human Rights is a constant process, it is a job that is never truly complete. Human rights is not only in the DNA of policing, as a result of the 'Patten' reforms, it is also part of our psyche; it is how we think, weigh up options and ultimately make decisions and take action.

As a Police Service we are intensely reflective and self-critical. We challenge ourselves about how we can work better together in achieving a safe, confident and peaceful society built on the dignity and rights of every human being in our community.

As police officers we are charged with the protection of the public. To accomplish this duty police officers are given powers to stop; to search; to arrest. Human rights provide a practical framework through which we can use these powers with the consent and confidence of our community. This approach ensures our actions have a legal basis, are necessary and proportionate to what we are trying to achieve.

Human Rights and Policing with the Community

It's not just what we do that is important, but how we do it. For the PSNI, Keeping People Safe is what we do; Policing with the Community is how we do it. Our Policing with the Community culture and ethos has accountability, fairness and collaborative decision-making at its core. It is a culture that values Human Rights and one that moves beyond mere compliance to the 'spirit' of Human Rights.

A commitment to openness and transparency is also an important, although less procedural, element of **accountability**. This is not just about the publication of our policies and procedures; it is about telling our story. As police officers and staff we need to be ready to engage and work with our partners in the public, private and voluntary sector; and we need to embrace opportunities to communicate with the public through traditional and new media.

Fairness is fundamentally about legitimacy. Treating people in a procedurally just way by allowing their side of the story to be heard, treating them with dignity and respect, ensuring neutrality in our decision-making processes and ensuring that the individuals involved understand the processes and decisions all make it likely that members of our community will comply with the law and ultimately co-operate with police. Demonstrating procedural fairness complements our Human Rights approach to everyday interactions and decisions. Respecting and valuing Human Rights is not just the 'right' thing to do, it gets results. Public co-operation and assistance follow when we treat people fairly.

Collaborative decision-making is the 3rd strand of a Policing with the Community culture that seeks to support and further embed Human Rights within the PSNI. At its heart it's about allowing staff and communities and partners a voice and a stake in our decision-making. It's not about abdicating responsibilities or defensively seeking consensus on every challenge facing the Police Service, but it is about respecting rights, understanding the impact of what we do and knowing we do not always have the best answer.

Human Rights and the Demands on Policing

Last year we had over half a million calls for assistance from the public. From answering the phone, to police attendance and follow-up, we touch on human lives 24- hours a day, 7 days a week, 365 days of the year. Police officers will often meet people in crisis, at the lowest point in their lives. I want my officers to respond in a way that is professional, but also in a way that is human. Every victim, witness and offender should remember the person, not just the uniform, the person who helped; who cared; who treated them with respect and dignity. As a Service we also deal with so much more than crime. We are there for vulnerable people, seek to find missing persons, tackle anti-social behaviour and support other agencies and partners.

Budgets have been reduced by almost £100m per year (11%) since 2011/12 and are anticipated to reduce by a further 10% over the next 3 years. This means policing in

Northern Ireland must change. We are prioritising our resources to respond to those who need us the most. This approach is a Human Rights approach. By working better in partnership across public, private and voluntary sectors we can improve the support we provide to the most vulnerable in our community.

Northern Ireland continues to present a complex and challenging environment to deliver a policing service. Policing in Northern Ireland is still significantly more expensive per head of population than in Great Britain. Our officers and staff are continuing to deliver a professional policing service while a small, but dangerous number of violent dissident republicans are actively planning attacks on police. While the police and security services remain the main target, their actions show a total disregard for the lives of all in our community. We are also seeing violent Loyalist Paramilitaries maiming and killing individuals and seeking to control communities by way of summary and unaccountable 'justice'. These groups care nothing for Human Rights or human lives.

The PSNI's response to policing this threat however, is based on a measured, focussed Human Rights approach and it applies to both overt and covert policing. For example, in planning an intelligence-led operation our objectives are the protection of the community and putting criminals before the courts. But in planning how we achieve our objectives we consider the Human Rights implications for all affected by the operation. This includes members of the community, the suspected criminals targeted by the operation and the police officers involved in implementing the operation.

The often untold story of the professionalism and bravery displayed by our officers, in the most challenging and dangerous of circumstances, is something that the PSNI is incredibly proud of. They display a dignity and respect for human life that is entirely absent in the actions of terrorists and Paramilitaries. These traits are clearly demonstrated when our officers act in an incredibly restrained and controlled fashion during extremely violent public order situations. This style of policing has been commented on by Professor Richard English (April 2015), who states that the PSNI's method of policing public order has meant that the support levels for violent groups have not increased, as they would have done with police overreaction and that it has ultimately saved hundreds of lives.

In conclusion we welcome this report and the process of scrutiny and challenge that lies behind it. While it is often challenging, PSNI believe that the work of Alyson Kilpatrick and the Performance Committee of the NIPB is fundamental in improving policing.

There are big challenges facing policing over the next number of years; reducing budgets, protecting the most vulnerable; new crimes and new crime domains; policing the consequences of a divided society; balancing our duties to the past and present; and ensuring we have a workforce with the capacity and capability to tackle these challenges. But for all of these, ensuring our approach is focussed on and constantly tested against Human Rights principles and responsibilities is key.

Human Rights is not a block to effective, efficient and legitimate policing, it is a building block. If Keeping People Safe is what we do, Policing with the Community is how we do it. Human Rights is the enduring and objective standard against which we must measure our policing practice and culture.

Current recommendations from 2014 Human Rights Annual Report

No	Recommendation	Owner	Response
1	<p>PSNI should continue to participate in an annual District Training Presentation Day to the Police Learning Advisory Council (PLAC) District Training Sub Group. That presentation day should be attended by senior police personnel with responsibility for setting strategic priorities and for ensuring the delivery of effective training across the PSNI.</p>	<p>District Policing Command</p>	<p>PSNI welcomes the positive and supportive comments regarding the District Training Presentation Day. We will continue to host this event for the Police Learning Advisory Council (PLAC) District Training Sub Group which meets every 18 months. It will be attended by senior police personnel with responsibility for setting strategic priorities and for ensuring the delivery of effective training across the PSNI. In consultation with the NIPB Human Rights Adviser, the next presentation will be held before the end of April 2016 and a report will be sent to the Policing Board by the end of May 2016.</p>
2	<p>PSNI should publish all Policy Directives and Service Procedures that are currently in force on its website (subject to redaction of classified information). If any Policy Directive or Service Procedure is undergoing a review, this should be noted but the document should not be removed from the website until such time as it has been cancelled or an updated version issued. PSNI should provide the Performance Committee with a progress report in relation to the implementation of this recommendation within 3 months of the publication of this Human Rights Annual Report.</p>	<p>Operational Support Department</p>	<p>PSNI will publish all Policy Directives and Service Procedures in accordance with the recommendation. An Action Plan, that includes timelines, will be provided to the Policing Board.</p>

No	Recommendation	Owner	Response
3	<p>PSNI should amend Service Procedure 4/2013 (Handling Public Complaints and the Role of the Police Ombudsman) to include a policy on counter allegations. The Service Procedure should remind officers of their duty to report criminality and that if an allegation of criminality is raised for the first time as a counter-allegation it may be treated as a failure of duty. Prior to making any amendment to Service Procedure 4/2013 PSNI should first liaise with the Office of the Police Ombudsman.</p>	Service Improvement Department	<p>PSNI will not be implementing this recommendation. The incident referred to in the Human Rights report was a single incident which occurred 8 years ago. Discipline Branch have examined the Police Ombudsman report along with other documentation, and can advise that all suspected criminal offences arising from this incident were reported appropriately to the officer's authorities. Furthermore, to include such a provision within our policy is likely to be viewed by the public, complainants, and the Police Ombudsman's Office as seeking to undermine the complaints system and inviting allegations to be made against complainants. It is therefore neither necessary, appropriate nor proportionate to implement this recommendation.</p>
4	<p>The PSNI should within 3 months of the publication of this Human Rights Annual Report provide to the Performance Committee a report on progress made to implement the recommendations directed at the PSNI in the Report of the Independent Inquiry into Child Sexual Exploitation in Northern Ireland. That report should include the lessons learned by the PSNI from its own internal review of Operation Owl.</p>	Crime Operations Department	<p>A report will be sent within 3 months to the performance committee. This report will include progress the Recommendations made in respect of The Report of the Independent Inquiry into Child Sexual Exploitation in Northern Ireland (The Marshall Report) and lessons learned from the review of Operation Owl.</p>

No	Recommendation	Owner	Response
5	<p>PSNI should provide the Performance Committee, within 6 months of the publication of this Human Rights Annual Report, with an evaluation of its internal review on the service of ex-parte non-molestation orders and occupation orders. That evaluation should consider whether there has been any improvement in the length of time taken to serve orders, whether checks and balances put in place to oversee service of orders have been effective, and how the PSNI will ensure that victims are kept informed as to progress or delay in serving the orders.</p>	<p>Crime Operations Department</p>	<p>A review and evaluation will be carried out of the process and performance of how PSNI deals with ex-parte non-molestation orders and occupation orders. A report of the review and evaluation will be made to NIPB.</p>
6	<p>PSNI should review its training, policy and practices for responding to disability hate crime with a particular focus on the outcome rate for disability hate crime. PSNI should report to the Performance Committee on the outcome of that review within 3 months of the publication of this Human Rights Annual Report.</p>	<p>District Policing Command</p>	<p>PSNI is extremely committed to tackling Hate Crime, which includes Disability Hate Crime. Extensive guidance, training and information are delivered to officers and staff, appropriate to their roles. This is kept under regular review. A dedicated Command structure currently oversees all aspects of our approach. A review of training, policy and practice for disability hate crime will be undertaken and a report of this review will be sent to the Performance Committee of the Policing Board</p>

No	Recommendation	Owner	Response
7	<p>PSNI should review its policy and practice in respect of arrests under section 41 of the Terrorism Act 2000 to ensure that police officers have not reverted to using section 41 Terrorism Act 2000 in cases in which it is anticipated that the suspect is more likely to be charged under other legislation. The review should be completed within 6 months of the publication of this Human Rights Annual Report. Within 1 month of the conclusion of the review PSNI should report to the Performance Committee on the findings of the review and if required the steps PSNI proposes to take.</p>	Crime Operations Department	<p>PSNI will carry out a review of the number of Section 41 TACT arrests carried out to provide confidence that all arrests using this legislation are proportionate and necessary.</p>

No	Recommendation	Owner	Response
8	<p>PSNI should report to the Performance Committee within 6 months of the publication of this Human Rights Annual Report on the progress or otherwise of its review of healthcare within custody suites including the extent to which it has secured the necessary input of healthcare professionals.</p>	<p>Service Improvement Department</p>	<p>PSNI is committed to ensuring appropriate healthcare is provided within custody suites. The Performance Committee will be up-dated with progress on our programme of development.</p>
9	<p>PSNI should provide a report to the Performance Committee in September 2015 in which the operation of Youth Engagement Clinics is valuated. That report should include detail on the number and nature of referrals made in each District. The report should also explain the monitoring mechanisms that are in place to ensure that practice is consistent across all police Districts. It should set out the measures that are in place to ensure that there are sufficient resources to ensure the Youth Engagement scheme is not affected by seasonal priorities.</p>	<p>Service Improvement Department</p>	<p>PSNI will evaluate the operation of Youth Engagement Clinics and report the findings to NIPB. This report will consider referrals to the scheme and how these are monitored. It will also consider the impact of other operational commitments and partner agency pressures on the clinics.</p>

Outstanding recommendations – 2013

No	Recommendation	Status	Current response
5	<p>COMPLAINTS, DISCIPLINE AND THE CODE OF ETHICS:</p> <p>PSNI should put in place a system which identifies trends and patterns in OPONI policy commendations. If recurring recommendations are made, the system should highlight these and require PSNI to take further action. That system should be put in place within 6 months of the publication of this Human Rights Annual Report. PSNI should thereafter provide the Performance Committee with an annual report highlighting trends and patterns in OPONI policy recommendations and any recurring recommendations. The report should also outline how lessons learned from the OPONI investigations have been communicated throughout the Police Service and how they have resulted in organisational change.</p>	Outstanding	<p>PSNI has put in place a system in accordance with this recommendation. A report has been provided to the Policing Board. It will be discussed at the next appropriate committee meeting, in June 2015, when it is expected that the recommendation will be considered as implemented.</p>
8	<p>COVERT POLICING</p> <p>In the course of the post-implementation review of UAS to be provided to the Policing Board PSNI should identify and explain the extent to which UAS has been used for surveillance purposes together with a detailed explanation of the framework within which PSNI uses UAS for overt surveillance and for surveillance which does not relate to a specific operation or investigation.</p>	Implemented	<p>A review of the PSNI use of UAS was carried out and a report of the review accepted by the Policing Board as having implemented this recommendation.</p>