



**Police Service of Northern
Ireland
Human Rights - Programme of
Action
2011 – 2012**



Human Rights Annual Report 2011 Programme of Action 2011 – 2012

Introduction

Assistant Chief Constable George Hamilton

Human Rights principles are at the heart of the Police Service of Northern Ireland's approach to protecting communities and delivering accountable and effective policing.

The Policing environment in Northern Ireland can be a complex one and as a community we continue to face some issues that are not present in other parts of these islands. The PSNI recognises the very sensitive issues that arise from the legacy of our troubles and the concerns we all have in addressing those who still wish to commit violence against our communities. Against this backdrop it is even more important that the police set the highest standards of Human Rights compliance particularly when engaged in difficult policing such as stop and search or the management of serious public disorder.

This Programme of Action is the PSNI response to the Northern Ireland Policing Board Human Rights Annual Report 2011 and should be read in conjunction with that report. The Programme of Action details the recommendations made in the report and our response to those recommendations. The Human Rights Report is a vital element in ensuring that the police service is unrelenting in its adherence to both the principles and laws of Human Rights practice. The PSNI welcomes and supports the



2011 Report and is determined to make speedy progress to address all 16 recommendations.

The acceptance of all the recommendations indicates the seriousness with which we take our responsibilities in ensuring that we maintain the highest standards of human rights compliance. Our acceptance of the recommendations is not the end of the story and we will engage throughout the year with the Northern Ireland Policing Board to ensure that we meet our commitments. This engagement will also ensure that any issues that arise throughout the year are given timely consideration.

For some time now we have worked closely with the Board's Human Rights Advisor, granting full access during the year to all police operations, initiatives and documentation as requested. A number of in depth thematic reviews of police work have been carried out and have made detailed recommendations.

The Police Service of Northern Ireland remains committed to the need to police our community to the highest of Human Rights standards. We are determined to work with partners to improve the quality of service we provide and deliver even higher standards of service to victims and communities.



Number	Recommendations	Department / owner	Current status
1	<p>PSNI should consider how to better utilise the experience and expertise available within the community for the development and delivery of specialist training packages.</p>	Training	<p>The Police Human Rights Training Advisor is analysing the list of organisations with whom the Police College currently works to provide training inputs. Any gaps will be identified and addressed to ensure that police make best possible use of expertise in the community to deliver tangible results for policing. A report of this review will be made available to NIPB in September 2012</p>
2	<p>The PSNI should, within 3 months of the publication of this Human Rights Annual Report, provide to the Human Rights and Professional Standards Committee an analysis of all new [from 3 February 2012] decisions taken upon application by an individual to have DNA profiles and samples and fingerprints destroyed together with any decisions taken to review or amend the policy to be adopted on any such an application being made.</p>	Service Improvement Scientific Support	<p>A report of requests for destruction since the launch of the NIPB Human Rights Report 2011 has been provided to the NIPB.</p>



3	<p>PSNI should provide to the Human Rights and Professional Standards Committee an explanation (together with reasons) for any decision to continue to store such information or material. That explanation should be provided within six weeks of the publication of this Human Rights Annual Report.</p>	<p>Service Improvement Scientific Support</p>	<p>The PSNI is still awaiting a change to the schedule for retention of DNA profiles, samples and fingerprints. However, the PSNI accepts that it is likely that these samples will not be routinely retained for persons not charged or reported for an offence except in cases which involve an offence of violence or a sexual offence. The PSNI will now begin a process to scope out how it will change its systems in anticipation of the amendments. A full updated will be made to the NIPB by October 2012.</p>
4	<p>PSNI should report to the Human Rights and Professional Standards Committee, within 3 months of the publication of this Human Rights Annual Report, on the structures and policy in place to ensure that the retention of photographs by police of all persons arrested is lawful, proportionate and necessary.</p>	<p>Service Improvement Scientific Support</p>	<p>All persons arrested for recordable offences are photographed and their photograph is then attached to the custody record. Access to this is carefully controlled to those officers and staff who have legitimate need to view the record. All access is fully audited. A report on the matter has been provided to NIPB.</p>
5	<p>The PSNI should analyse the behaviour and/or conduct that was alleged to have resulted in sub-Article 1.10 breaches with a view to identifying any trends or patterns that emerge</p>	<p>Service Improvement Professional Standards</p>	<p>Sub-article 1.10 deals with the behaviour of police officers, both on and off duty. A review of allegations of breaches of this will be carried out and a report submitted to NIPB by October 2012.</p>



	<p>and thereafter report to the Human Rights and Professional Standards Committee with the results of that analysis within 6 months of the publication of this Human Rights Annual Report.</p>		
6	<p>The PSNI should, within 3 months of the conclusion of its review of public order policing and the use of force, provide to the Human Rights and Professional Standards Committee a report setting out the findings of the review and all steps taken or to be taken as a result of that review. In particular, the PSNI should consider any issues that arise in relation to the use of AEP rounds.</p>	<p>Operational Support Public Order</p>	<p>PSNI recognises that it is necessary to review operations and use of force. The report of the review and PSNI response to it was provided to the NIPB on 14 June 2012.</p>
7	<p>The PSNI should develop annual briefing sessions which consider lessons learned from the previous year's public order operations and which consider in particular the human rights issues involved in the planning and execution of public order operations.</p>	<p>Operational Support Public Order</p>	<p>PSNI has instigated Service briefing sessions to review past public order operations and inform future ones. This will continue on an annual basis</p>



8	<p>PSNI should publish its use of force statistics on the PSNI website on a 6-monthly basis</p>	<p>Operational Support Public Order</p>	<p>PSNI has developed an efficient means of recording all use of force by officers. These statistics will be published on the PSNI website on a 6 monthly basis.</p>
9	<p>PSNI should forthwith complete its review of all intelligence policies, procedures and protocols and complete the overarching policy on the management of intelligence and report to the Policing Board within 4 weeks of the publication of this Human Rights Annual Report.</p>	<p>Crime Operations</p>	<p>The review of all intelligence policies, procedures and protocols and the overarching policy on the management of intelligence was completed on 13 June 2011. A report has been sent to the Policing Board.</p>
10	<p>The PSNI should develop a hate crime strategy, in consultation with its Independent Advisory Groups, which considers the reasons for the underreporting of hate crime, the procedures in place for reassuring and protecting victims of hate crime and a robust response to hate crime. That</p>	<p>Service Improvement Policing with the Community</p>	<p>A Hate and Signal Crime working group has been established to examine the issues of reporting and detecting hate crime. The group is working on 3 separate areas; (1) access and communication; (2) investigation and procedures; and (3) training. The working group will include representation from minority groups.</p>



	<p>strategy should be provided to the Human Rights and Professional Standards Committee within 12 months of the publication of this Human Rights Annual Report.</p>		<p>This group will revise and update the Hate Crime Strategy by February 2013.</p>
11	<p>PSNI should disaggregate the statistics it collates under the heading of disability hate crime to include a separate category for learning disability.</p>	<p>Operational Support Central Statistics</p>	<p>PSNI currently collates statistics on disability hate crime and will further disaggregate these figures to identify those instances which can be attributable to learning disability.'</p>
12	<p>The PSNI should consider how best to ensure that officers and staff are able to recognise learning disability and therefore to respond appropriately. The PSNI should report to the Human Rights and Professional Standards Committee within 12 months of the publication of this Human Rights Annual Report on its proposals.</p>	<p>Service Improvement Policing with the Community</p>	<p>PSNI has developed an 'E Learning' programme entitled: 'Police and Disability'. This programme deals with attitudes and responses to disability and includes reference to learning disability. Completion of this programme is mandatory for all officers. The programme is available for viewing by Board members upon request.</p>



<p>13</p>	<p>The PSNI should analyse the reason(s) for the increased number of concerns noted by Custody Visitors in respect of the health and well-being of detainees and consider what steps may be required to remedy those concerns. The analysis should pay particular regard to the rights guaranteed by the European Convention on Human Rights. The PSNI should report on its analysis to the Human Rights and Professional Standards Committee within 3 months of the publication of this Human Rights Annual Report.</p>	<p>District Policing Command</p>	<p>The PSNI takes its responsibility regarding the arrest and detention of individuals very seriously and fully engages with the Independent Custody Visiting Scheme. Whilst a large proportion of visits are deemed satisfactory, PSNI will continue to review and address all concerns raised by the Independent Visitors and report to the NIPB on this process.</p> <p>A report of this analysis was sent to NIPB in May 2012.</p>
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<p>14</p>	<p>PSNI should report to the Human Rights and Professional Standards Committee annually on the number of detainees held in non-designated police stations for more than six hours together with the reason for that further detention.</p>	<p>District Policing Command</p>	<p>In certain circumstances legislation permits police to detain persons for up to 6 hours at a non designated station and in very restricted circumstances beyond that time. In practice, police will always aim to bring arrested persons to a designated station where there are better facilities provided. There have been no recent detentions beyond 6 hours at non designated stations. If there are any incidents whereby an individual is detained in a non designated station for more than 6 hours the PSNI will collate the reason why and will inform the NIPB Human Rights and Professional Standards Committee. Statistics are collated at Central Statistics Branch which can clearly show when detained persons are detained more than 6 hours in a non designated station. These statistics are collated on the NICHE RMS system which is an IT facility which is used in all custody facilities.</p>
<p>15</p>	<p>The PSNI should review its policy and practice in respect of arrests under section 41 of the Terrorism Act 2000 to ensure that police officers do not revert to Section 41 in cases where it is anticipated that the suspect is more likely to be charged under</p>	<p>Crime Operations Serious Crime</p>	<p>The sensitive nature of arrests made under S.41 of the Terrorism Act 2000, and subsequent reviews of detention, is recognised by police. A review will be carried out that includes consideration of the report of David Anderson QC on the operation in 2010 of the Terrorist Act 2000 to ensure that such arrests are being</p>



	<p>non-terrorism legislation. The PSNI should thereafter provide reassurance to the Human Rights and Professional Standards Committee that relevant safeguards have been put in place.</p>		<p>carried out in appropriate circumstances. A report of the findings will be sent to the Board by October 2012.</p>
16	<p>The PSNI should review the available data and policy framework relevant to punishment attacks and consider what further measures are required to protect persons from such attacks. In particular, the PSNI should consider the particular vulnerability of children and young people and develop a strategy for addressing attacks on children and Young people. The PSNI should report to the Human Rights and Professional Standards Committee within 3 months of the publication of this Human Rights Annual Report on the progress made and thereafter within 12 months of the publication of this report on the final strategy.</p>	<p>Crime Operations</p>	<p>Analysis of the data available on Paramilitary Assaults has been commissioned and will be available by end of July 2012 to ensure a comprehensive understanding of the issues. This analysis will identify the impact and extent of this criminality on Children and Young people.</p> <p>Paramilitary-style attacks (or 'Punishment Attacks' as referred to in the recommendation) are considered by PSNI as serious criminality and as such fall within the policy frameworks for tackling serious crime. A review is however underway of tactics and quality of investigation of this form of serious criminality.</p> <p>A wider initiative will be presented to the Policing Board on jointly tackling this issue. This initiative will include sharing the details of the review of investigative practice and</p>



			<p>will also include issues such as Confidence Building for communities, families and victims affected by paramilitary-style attacks and the need to tackle this problem through <i>partnership</i> given the wider societal issues linked to this form of criminality.</p>
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Outstanding recommendation

Year	Recommendation	Department/Owner	Status
2010 Rec 5	The PSNI should consider requiring all custody officers to attend Safe TALK training and report to the Human Rights and Professional Standards Committee within six weeks of the publication of this Human Rights Annual Report as to whether, and if so when, the training will commence.	District Policing Command	Training of Custody Officers in Safe Talk has now taken place