

# NORTHERN IRELAND POLICING BOARD

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## HUMAN RIGHTS ASSURANCE REPORT

SEPTEMBER 2017 - AUGUST 2019

## Introduction

The Northern Ireland Policing Board is required by section 3(3)(b)(ii) of the Police (Northern Ireland) Act 2000 to monitor the performance of the Police Service Northern Ireland (PSNI) in complying with the Human Rights Act 1998. In order to assist it with fulfilling this duty, the Board has a Human Rights Monitoring Framework in place which sets out in detail the standards against which the performance of the police in complying with the Act is monitored.<sup>1</sup> The Performance Committee Programme of Work ensures that the key monitoring areas are considered and discussed regularly with PSNI and other criminal justice partners.

From September 2017 until December 2018, in the absence of a legally constituted Policing Board, the Independent Members agreed that officials would progress the day-to-day monitoring of PSNI performance against the established areas within the framework and keep Members informed of key developments and seek their advice accordingly.<sup>2</sup> In progressing this function, a range of methods was used to monitor police performance; formal written updates were requested from PSNI on the implementation status of recommendations contained within previous Human Rights Annual Reports and Thematic Reviews. Meetings were held with lead PSNI officers and staff responsible for key work areas. Site visits were conducted where possible and officials attended a number of PSNI working groups to ensure frequent engagement with stakeholders and community organisations in key work areas.

As per section 3(4)(d) of the Police (NI) Act 2000, Board officials also recognised the need to co-ordinate activities with those of other statutory bodies, and to co-operate with such authorities in assessing compliance with human rights. Officials obtained and reviewed reports, research and recommendations made by criminal justice organisations and thereafter sought updates from the PSNI. Where the Policing Board's Independent Members considered there was a potential issue or specialist subject matter relating to the PSNI's compliance with its human rights obligations, they would recommend instructing an independently contracted legal advisor to reinforce their oversight.

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<sup>1</sup> Monitoring PSNI Compliance, Northern Ireland Policing Board available at <https://www.nipolicingboard.org.uk/sites/nipb/files/media-files/monitoring-PSNI-compliance.pdf>

<sup>2</sup> The Board was reconstituted on the 1 December 2018. John Wadham was appointed as the Board's new Independent Human Rights Advisor on 13 June 2019 and took up post in August 2019.

Following reconstitution in February 2019, the Board's Performance Committee agreed that the human rights assurance briefings provided by officials should be compiled into a composite report. This publication has been developed to assist public understanding of the work progressed in the absence of a legally constituted Board, which ensured that the 11 key monitoring areas identified by the Human Rights Monitoring Framework continued to be considered and discussed with PSNI.

The current report reviews the Human Rights Assurance work carried out by the Policing Board's Performance Directorate from September 2017 to September 2019. The key areas considered are: (1) Training; (2) Policy; (3) Operations; (4) Complaints, Discipline and the Code of Ethics; (5) Use of Force; (6) Covert Policing; (7) Victims; (8) Treatment of Suspects; (9) Policing with the Community and Human Rights Awareness in the PSNI; (10) Privacy, Data Protection and Freedom of Information; and (11) Children and Young People.

## **1. Training**

The Patten Report recognised that "training was one of the keys to instilling a human rights-based approach into both new recruits and experienced police personnel" and specifically recommended training in the "fundamental principles and standards of human rights and the practical implications for policing" (para.4.9). In monitoring the performance of the PSNI in complying with the Human Rights Act 1998, the Policing Board identified training as a key area within the framework since its development in 2003. Since then, the Policing Board's Human Rights Annual Reports and Thematic Reviews have considered how the PSNI has striven to give full effect to the Patten recommendation and subsequent recommendations made by the Board's Human Rights Advisors.

During 2016 a review of the PSNI Police College was commissioned by the Chief Constable, at the request of the Policing Board, following issues of student officer impropriety, and the ensuing Report ('the Gibson Report') made 34 recommendations in total, concluding that while the Student Officer Training Programme (SOTP) was "rightly demanding" it placed "significant and unnecessary

strain on students and staff”.<sup>3</sup> In order to ensure that the recommendations were effected in full, the Board agreed to set up an Oversight Panel to assess the PSNI’s implementation of the recommendations. The Panel submitted a Draft Report in February 2018 identifying tangible progress, although full implementation is yet to be realised. Further oversight arrangements will be pursued through the Policing Board’s Resources Committee.

In terms of its pertinence to the PSNI’s human rights obligations, the Police College Review highlighted concerning and “overly militaristic” discipline practices and a negative “all for one” training culture. The Human Rights Annual Report 2016/17 examines this in more detail, including analysis on the PSNI’s acceptance and response to the recommendations. However it also explores how the PSNI embraced the review and took meaningful steps to overhaul and fully modernise PSNI training so that recruits are able to learn in a supportive and interactive training environment, where the vision, values and ethos are front and centre.

#### Student Officer Training Programme Observation (SOTP)

During 2018 Board officials conducted observation visits to the Police College to observe various lessons within the SOTP and continue engagement with the College to ensure that the positive outworking of the Gibson Report has been maintained. Observations began from the first week of the SOTP which, following the recent restructure, contains lessons dedicated to setting priorities such as Policing with the Community (PWC); accountability; fairness, courtesy and respect; collaborative decision-making; problems solving; and vulnerability. Thereafter site visits focused on lessons requiring sufficient integration of human rights considerations. Both classroom-based and practical lessons were observed in the following areas; domestic abuse, stop and search, hate crime, personal safety programme (PSP), missing persons and child protection. Consideration was given to course content, training materials, the delivery of training and the level of engagement between students and trainers.

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<sup>3</sup> Police Scotland, The Police College Review Report, Version 1.2 26<sup>th</sup> October 2016 available at: <https://www.psni.police.uk/globalassets/news-and-appeals/latest-news/news-stories/2016/november/college-report/police-college-review-final-version-1.2---official-marking.pdf>

Although there is a dedicated introduction to human rights lesson in the first week, the SOTP takes the approach of integrating human rights considerations into each course and draws links to the National Decision Making Model.<sup>4</sup> The aim is to promote self-reflection in order to equip officers to incorporate purposeful and well-reasoned consideration of human rights principles into their operational decision making. For instance, the SOTP challenges student officers to consider how their method of communication or use of tactical options (in particular those associated with force) can impact upon an individual's legally constituted rights- and that any tactical option chosen must be necessary and proportionate to the threat faced.

The integration of scenario-based learning and practical developmental assessments<sup>5</sup> encourages student officers to scrutinise their theoretical understanding of human rights law in relation to the situations and decisions they will routinely face. In doing so, the programme demonstrates a focus on police accountability and the need to provide robust justifications for each decision made.

In keeping with the PWC values they aim to instil, the Police College invites engagement between the new recruits and a number of community, charity, and voluntary and partner organisations. Some of these agencies and other subject matter experts also provide input into police training (Women's Aid, Nexus NI, RADAR<sup>6</sup>). Although, it is acknowledged that victim organisations have expressed concerns over the reduction of their input following the SOTP restructure. The Performance Committee has considered recommendations reflecting these concerns, namely from reports produced by the Gillen Review and the Criminal Justice Inspectorate for Northern Ireland (CJINI), and will be engaging with PSNI further in 2019/20 to ensure this matter is addressed.

During the reporting period the Police College devoted significant time and effort to assist Board officials in understanding the training employed and in the provision of materials. The Foundation Training Team emphasised their commitment to

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<sup>4</sup> College of Policing, Authorised Professional Practice, National Decision Making Model available at <https://www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model/>

<sup>5</sup> Rather than a formal pass/fail practical, developmental assessments are used throughout the course requiring students to display their practical understanding and ability to apply what they have been taught across scenarios including search, arrest, custody etc. Rather than receiving a grade, students are encouraged to self-reflect on their decision making and provided with feedback from the trainers.

<sup>6</sup> RADAR (Risk Avoidance Danger Awareness Resource) RADAR is Northern Ireland's first fully interactive, safety and life skills education centre opened in January 2016.

continually improving the programme and ensuring all course content accurately reflects the emerging demands of policing. The progress observed during visits to the Police College support the encouraging remarks made in the Human Rights Annual Report 2016/17 that, by fully embracing the review, the PSNI demonstrate a willingness to accept challenging recommendations and address them head on.<sup>7</sup>

### PSNI Human Rights Training Advisor

The Police College has a dedicated Human Rights Training Advisor to advise on and support the development, delivery and review of all human rights, equality and vulnerability training within the PSNI.<sup>8</sup> They are also responsible for auditing and monitoring the integration of human rights, equality and vulnerability into all modules of police training. During the reporting period Board Officials met with the Human Rights Training Advisor on a number of occasions and it was agreed that in order to provide regular quality assurance to the Policing Board, the Training Advisor will prepare a quarterly report outlining the work being progressed.

During 2018/19 the Training Advisor delivered training to over 30 PSNI Trainers on integrating and developing human rights content into training and lesson plans and provided follow-up support and checked content for awareness and understanding of human rights by reviewing or attending over 100 courses. He has additionally developed and maintained an internal system of human rights training monitoring and auditing. In the first quarterly report covering March to June 2019 he advises of over 40 ongoing reviews and feedback support across training specialisms including Custody, District Policing Command (DPC), Armed Response Vehicles (ARV), Public Safety & Protection (PSP) and Cyber.

The Human Rights Annual Report 2016/17 noted that a 'Training the Trainers' programme led by the previous PSNI Human Rights Training Advisor was achieving real results by addressing concerns over the quality of training delivery.<sup>9</sup> Therefore it is encouraging that the new Training Advisor will be continuing these workshops in 2019/20. Another notable achievement of the new Training Advisor is the

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<sup>7</sup> *Human Rights Annual Report 2016/17*, Northern Ireland Policing Board, p.19

<sup>8</sup> After the PSNI Human Rights Training Advisor post was left vacant in 2014, the Board's Human Rights Annual Report 2015 recommended that the PSNI must, without delay, recruit a Human Rights Training Advisor with sufficient expertise and experience to ensure that the highest level of human rights training is delivered within the PSNI. This position was filled in 2017,

<sup>9</sup> *Ibid*, p.15

development of a Police College Human Rights E-Zine which launched in February 2019 and will be followed by an internal Human Rights web-portal. These are useful training resources which provide trainers with up to date human rights information, such as emerging jurisprudence of the courts and developments across civil society, in order that trainers are kept informed and can reflect key issues within lesson planning and scenario delivery.

### **Going forward...**

It is not envisaged that the Policing Board's new Human Rights Advisor will be able to conduct comprehensive monitoring of the actual delivery of human rights training in time for his first annual assessment on the performance of the PSNI in complying with the Human Rights Act during 2019/20. However given the comprehensive nature of this review of training the Advisor will consider the most appropriate approach to training in the future and whether to conduct random and unannounced checks of human rights training for (i) student officers, (ii) other officers and (iii) policy makers both within the Police College and within districts. The Advisor will also evaluate the PSNI's own arrangements for monitoring the delivery of human rights training and keep itself informed of the work of the PSNI Human Rights Training Advisor and District Policing Command Training Committee.

## **2. Policy**

PSNI policy governs the conduct of police officers and police staff and sets out the framework within which decisions may be made. PSNI policy is primarily contained within Service Policy documents, which PSNI describes as being "principles to govern the organisation", and Service Instruction documents which are defined as "practical instructions for service delivery to inform decision making in line with Service Policy." Combined, these policy documents inform every officer or staff member what principles they must embrace, what procedure they must follow and



what standards are expected of them. Crucially for the Policing Board, they provide a measure by which police practice can be monitored and assessed. As part of the human rights monitoring framework, the Policing Board evaluates the extent to which particular police policies ensure operational compliance with human rights standards.

As reported in previous Human Rights Annual Reports, the Board has consistently advocated for the publication of all PSNI policy on the 'Corporate Policy' section of its website. For all police action to be human rights compliant it must have a lawful basis which includes the requirement that it is accessible to those whom the police interact with. Over the past year, Board Officials have continued to analyse relevant service instructions ensuring they are up to date, accessible and taking account of learning derived from significant reviews or inspections of PSNI policies, practices and procedures.

## Policy Developments

### *Working Together Project*

The Working Together Project (WTP) was set up following CJINI's 2015 inspection on the quality and timeliness of police files submitted to the Public Prosecution Service (PPS), with the aim of improving quality, effectiveness and reducing delay.<sup>10</sup> This incorporated a number of procedural initiatives and policy changes to address poor practice in areas such as investigative standards, bail management and forensic strategy, case management and disclosure.

Recommendations were made in the Human Rights Annual Report 2015 requiring PSNI firstly to report to the Performance Committee by 30 September 2017 on progress in implementing the CJINI recommendations,<sup>11</sup> and thereafter to complete the Working Together Project and implement the CJINI recommendations by 31 December 2017.<sup>12</sup> PSNI were then to provide the Committee with a written briefing

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<sup>10</sup> The Working Together Project focuses on cases prosecuted in the Magistrates' Court, as opposed to the Indictable Cases Process which focuses on a small range of indictable offences through the Crown Court, namely murder, Section 18 and Section 20 assaults, and indictable drugs cases.

<sup>11</sup> Recommendation 11, *Human Rights Annual Report 2015*, Northern Ireland Policing Board, March 2016.

<sup>12</sup> Recommendation 2, *Human Rights Annual Report 2015*, Northern Ireland Policing Board, March 2016.



on the outcomes of the Project and the steps taken or to be taken. In 2016, following the development of a new reporting structure, the annual Policing Plan dedicated specific focus to achieving effective collaboration between the PSNI and the PPS. Since then, as part of the last three annual Policing Plans, Measure 4.1.1 requires PSNI to demonstrate the improvement of their working relationship with the PPS, indicating a commitment from PSNI to address any ongoing concerns.

Therefore, while Recommendation 11 of the Human Rights Annual Report 2015 remains ongoing, Recommendation 2 is considered to be discharged. Progress against the CJINI recommendations has been, and will continue to be, provided to the Policing Board every six months as part of the Policing Plan Performance Monitoring Framework. The Policing Board's Annual Report and Accounts 2018/19 contains a full assessment of the progress made by the Working Together project to date.<sup>13</sup> However, it is acknowledged that any PSNI policy or procedure contributing to delay across the criminal justice system can have implications for the proper administration of justice and the complainants' and defendants' access to rights.<sup>14</sup> Therefore it is disappointing to note that, despite evident progress in the Magistrates Courts through the Working Together Project, persistent concerns in relation to police file preparation in more complex cases continue to be identified by our criminal justice partners during 2018/19.

Reports from the Northern Ireland Audit Office, the Criminal Justice Inspection (Northern Ireland) (CJINI) and a review commissioned by the Criminal Justice Board all identified weaknesses in the early stages of investigations. While the CJINI Inspection and 'the Gillen Review' focussed specifically on the handling of serious sexual violence and abuse cases, their findings suggest that the learning from the WTP is not yet applied service-wide. CJINI inspectors remarked that the WTP seemed to have '*limited impact to date*', with the impetus for the work appearing to have '*stalled with key individuals changed and less of a focus by Senior Officers on*

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<sup>13</sup> Northern Ireland Policing Board Annual Report and Accounts, April 2019, p.144-150, accessed at: <https://www.nipolicingboard.org.uk/sites/nipb/files/publications/Northern%20Ireland%20Policing%20Board%20Annual%20Report%20and%20Accounts%201%20April%202018%20-%2031%20March%202019.PDF>

<sup>14</sup> Article 6 of the European Convention on Human Rights provides the right to a fair hearing within a reasonable time.

*these issues*'.<sup>15</sup> Though serious and complex cases such as sexual violence covered by the Gillen Review are more likely to fall under the remit of the Department led 'Indictable Cases Project'<sup>16</sup>, the WTP and ICP work towards a common purpose of improving the quality and timeliness of police files. The findings of these reviews might therefore highlight the limitations of the WTP and ICP in fostering any cultural change across the organisation beyond the confines of the pilots.

The Performance Committee will wish to examine this issue further with the PSNI in 2019/20 to consider how the benefits from both pilots could be extended, not just to a service wide roll out, but to properly embed transformative change as to how police and prosecutors work together.

### *Missing Persons*

The Human Rights Act 1998 and the European Convention on Human Rights (ECHR) places a positive responsibility on public authorities to protect life and to protect persons from the infliction of torture or ill-treatment, without discriminating on any grounds. Persons reported as missing should therefore receive an appropriate quality of service and investigation according to individual need.

The Board received reports in 2018 from the Police Ombudsman relating to two separate police investigations of missing persons in April 2010 and in December 2016. The Police Ombudsman identified a number of failings in the police response to the missing person report from 2010, primarily relating to the initial phase of the investigation, and made disciplinary recommendations against nine officers (all of which PSNI has accepted and acted upon) and four policy recommendations. The policy recommendations related to the documenting of the investigative process, the role of the call handlers in a missing persons investigation, the risk assessment indicating potential vulnerability of the persons and the training for officers. With regard to the subsequent case in 2016, the Police Ombudsman made no policy

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<sup>15</sup> Criminal Justice Inspection Northern Ireland, *Without Witness: Public Protection Inspection I: A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland*, November 2018, p. 52, <http://cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx>

<sup>16</sup> The Indictable Cases Project which focused on a small range of indictable offences through the Crown Court, namely murder, Section 18 and Section 20 assaults, and indictable drugs cases.

recommendations but in light of some minor failings recommended disciplinary action against two officers which was accepted by PSNI. Previous PSNI internal audit reports also highlighted issues around non-compliance with the related service procedure and the recording and quality assurance of investigation plans.

Board Officials wrote to PSNI to seek further information on steps PSNI had taken to address the problems identified in the Police Ombudsman and internal audit reports. In response PSNI advised that the relevant Service Policy was updated in 2015 and took account of a series of recommendations and reviews made between 2009 and 2015. PSNI further advised that the documenting of the missing persons process was replaced from a paper-based form to an electronic Missing Persons Report which includes an assessment of risk and an opportunity to review. The updated Service Policy includes clear guidance on the role and responsibilities of relevant personnel, including call handlers. Missing Persons training modules were being reviewed to ensure that the training remains fit for purpose.

An average of 33 reports of missing persons are filed by PSNI per day, with over 53% of missing persons reports originating from Health and Social Board (HSCB) facilities, such as residential children's homes, emergency departments, hospital wards and mental health units. PSNI are working with a number of strategic partners, such as healthcare staff, to develop a joint definition of missing persons and an associated risk assessment which will lead to bespoke training for all staff across the relevant partner agencies. The joint definition is likely to be completed by September 2019. There is a joint PSNI & HSCB working group and the development of a joint Strategic Action Plan.

### *Mental Health*

Police officers will often come into contact with people experiencing a mental health problem, whether as victims of crime, witnesses, offenders, or when detained under the Mental Health Act. In 2013 PSNI received a total of 8,686 calls with a mental health aspect. In 2018 that total was over 22,000, equalling approximately 1,600 calls per month, with repeat demand a growing concern as many of the vulnerable

people encountered by the police are known to local services. In response to this increase in demand PSNI have developed a Mental Health Strategy supported by a Mental Health Action Plan. An operational mental health lead has been appointed since 2016 and subsequently each of the 11 policing districts have identified mental health points of contact. In July 2018 a collaborative approach in addressing calls for service for those experiencing mental health or emotional crisis was established – a street triage scheme. This innovative approach is a first for PSNI and sees two PSNI officers, a Ambulance Service paramedic and a South Eastern Health & Social Care Trust (SEHSCT) mental health professional on shift together each Friday and Saturday night from 7pm until 7am the following morning with the capability of offering telephone advice to colleagues on scene or physically attending to make mental health triage assessments.

Anecdotally, PSNI advised officials that the street triage pilot has seen a reduction in emergency department presentations via PSNI or NI Ambulance Service (NIAS) to the Ulster Hospital over the two weekend nights they are on shift equating to less time for police waiting with individuals in crisis to be seen and therefore allows for other front line duties to be carried out. PSNI officers working on the mental health team have seen a benefit of increased knowledge in the area of mental health from working directly with mental health practitioners on shift as well as paramedics. This has allowed officers to increase their skillset and allows them to utilise and share some of these skills when they return to their normal duty routine when not on weekend shift with the mental health team. There is also a clear cost benefit from time not spent at hospital by police. Street triage will be subject to a detailed evaluation report and further information will be provided to Members in due course through the Policing Plan Performance Monitoring reports.

#### *Retention and deletion of DNA Samples, Profiles and Fingerprints*

The Grand Chamber of the European Court of Human Rights decided, in the 2008 case of *S and Marper v UK*, that the blanket policy at that time in England and Wales, which was mirrored in Northern Ireland, of retaining indefinitely the DNA samples, profiles and fingerprints (referred to collectively as ‘biometric material’) of all people who have been arrested but not convicted of an offence, does not comply

with Article 8 ECHR (the right to respect for private and family life). This case and the subsequent implications for the PSNI have been discussed at length in previous Human Rights Annual Reports.

In response to the *Marper* judgment the Northern Ireland Assembly introduced a new legislative framework for the retention and destruction of biometric material through the Criminal Justice Act (Northern Ireland) 2013. There has been a delay in the new framework coming into operation but as an interim measure PSNI established a Biometric Retention/Disposal Ratification Committee which meets regularly to discuss applications for individuals requesting that their biometric materials be destroyed and relevant records and databases amended to reflect this. The Board's Human Rights Advisor previously attended the Committee meetings in an observer capacity and reported in the Human Rights Annual Report 2016/17 that the Committee 'makes decisions insofar as possible within the spirit of the forthcoming framework under the 2013 Act'.

In January 2019 the Northern Ireland Human Rights Commission reported that it had settled a case taken against PSNI on DNA retention.<sup>17</sup> As a result the PSNI have agreed to produce a formal public policy on the retention of biometric data within 12 months. The policy will take into account human rights and will provide guidance to the public on how they can find out if their DNA or fingerprints have been retained, why this is so, and how they can challenge the decision if necessary. It was agreed that the policy will be made available to members of the public on the PSNI website.

Following this, the PSNI wrote to the Board in April 2019 to advise that the police service will be voluntarily commencing compliance with the provisions contained within CJA and are working towards a commencement date of November 2019. Any new PSNI policy or procedure in relation to this will be considered by the Performance Committee in 2019/20.

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<sup>17</sup> Northern Ireland Human Rights Commission, News, 'Human Rights Commission secures settlement in DNA fingerprint retention case' <http://www.nihrc.org/news/detail/human-rights-commission-secures-settlement-in-dna-fingerprint-retention-cas>

### *Domestic Violence Protection Notices and Domestic Violence Protection Orders*

Domestic Violence Protection Orders are a civil order that fill a gap in providing protection to victims by enabling the police and magistrates' courts to put in place protective measures in the immediate aftermath of a domestic violence incident where there is insufficient evidence to charge. A Domestic Violence Protection Notice is an emergency non-molestation and eviction notice which can be issued by the police when attending to a domestic abuse incident. It is effective from the time of issue, thereby giving the victim immediate support. The 2015 Human Rights Annual Report contains two recommendations in relation to the introduction of DVPNs and DVPOs;<sup>18</sup> and the disaggregation of statistics on outcome rates for domestic motivated crime according to each disposal type.<sup>19</sup> PSNI accepted the recommendation and advised they are committed to providing the Committee with draft policy, guidance and training plans when they become available. However, for DVPOs and DVPNs to be brought into force it requires legislation being passed through the Northern Ireland Assembly, therefore this recommendation remains outstanding.

During 2018 Board officials sought assurance from PSNI that they are prepared for the timely introduction of DVPO/DVPNs once legislation is in place. PSNI advised that the development of policy and training will depend on the Department's intentions as to the timeframes and method for rolling out the Notices/Orders. While this Departmental guidance has been developed in draft, due to the absence of a Minister of Justice, Committee for Justice and NI Assembly, it has not been possible to progress these any further. In the interim PSNI has been working closely with the Department and other agencies to inform their own draft guidance and plans for training.

Recommendation 9 of the 2015 Human Rights Annual Report has been considered by the Performance Committee as 'Partially Achieved'. PSNI provides a breakdown in its annual domestic abuse statistical reports on disposal types (for example number of domestic crimes resulting in charge, caution or discretionary disposal).

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<sup>18</sup> Recommendation 3, *Human Rights Annual Report 2015*, Northern Ireland Policing Board, March 2016.

<sup>19</sup> Recommendation 9 *Human Rights Annual Report 2015*, Northern Ireland Policing Board, March 2016.

The outstanding part of the recommendation relates to providing conviction data which, PSNI has advised, may not be possible due to complexities in tracking the data through the criminal justice system. However PSNI has been liaising with the Department of Justice, the PPS and the Court Service to see if anything more can be done to enable the tracking of cases from first report to conviction.

The Policing Board is represented on the PSNI Domestic Abuse and Sexual Violence Independent Advisory Group, at which a wide range of key stakeholders are represented. It is highly likely that any further developments in respect of this area will be considered at the IAG going forward.

### **Going forward...**

In monitoring the performance of the PSNI in complying with the Human Rights Act 1998 during 2019/20, the Human Rights Advisor will select particular police policies and evaluate the extent to which they will ensure operational compliance with human rights. This will include an assessment of the systems PSNI has put in place to ensure all policies deliver operational compliance, such as consideration of the training given to policy drafters and the mechanisms in place for the periodic review of PSNI policies.

### **3. Operations**

Monitoring the strategy, planning and execution of operations is critical to any overall assessment of the PSNI's compliance with the Human Rights Act 1998. While the Chief Constable is responsible for making operational decisions, the Policing Board holds the Chief Constable to account for such decisions after they have been taken. Previous Human Rights Annual Reports have contained a range of operational areas which have been kept under review during the reporting period, such as counter-terrorism operations (stop and search), the use of Body Worn Video (BWV), the use of force (discussed in section 5 below) and tackling child sexual exploitation (discussed in section 8 below).



### *Stop and Search – Recording of Community Background*

The Board's thematic review on the police use of powers to stop and search and stop and question made 11 recommendations the PSNI to consider; of which 10 were accepted and have since been implemented. The one outstanding recommendation is in relation to the recording of the community background of the individuals who PSNI have stopped and questioned/searched. Issues around the implementation of this recommendation such as the use of GPS equipment or recording by officer perception have been considered at length by the Performance Committee and PSNI.

The Committee agreed on 14 February 2019, that the issue of the use of police powers through stop and search would be a priority area of focus in its work programme. Members met and discussed the key issues with PSNI, an academic researcher and a legal advisor, and thereafter produced a report.<sup>20</sup> During these engagements the Committee queried the lack of progress on the issue of community background monitoring. PSNI advised that they do not have a statutory power to compel a person to provide detail of their community background. The collection and retention of this information must therefore be voluntary and compliant with data protection obligations. The PSNI ultimately advised it has reluctantly come to a conclusion that this matter cannot be further progressed at this time. Members have requested that PSNI provide the Committee with a map indicating where all types of stop and searches encounters were taking place during 2017/18 and 2018/19 for comparison. The PSNI has provided this information to the Board and the Performance Committee will closely consider its implications in September 2019.

### *Stop and Search – Review of Stop and Search Authorisations*

The exercise of police powers contained within the Terrorism Act 2000 (TACT) and the Justice and Security Act 2007 (JSA) to stop and search or stop and question without suspicion is a significant intrusion into personal liberties and a potential interference with the rights guaranteed by the ECHR. Thus the Board has paid particular attention to PSNI's authorisation of these powers and closely considers the

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<sup>20</sup> See: *Performance Committee Review: PSNI Use of Stop and Search Powers*, Northern Ireland Policing Board, May 2019, available at: <https://www.nipolicingboard.org.uk/publication/committee-review-use-stop-and-search-powers>

operational need for them and their community impact. In March 2014 the Board agreed that in order to ensure that the Board is in a position to effectively oversee and monitor the authorisation regime for use of police security powers, the Human Rights Advisor would, on behalf of the Board, conduct quarterly reviews of all stop and search authorisations made under TACT and JSA.

During these reviews, the Advisor was able to question officers about the authorisations and the justification for them. The Advisor would meet regularly with relevant officers within PSNI as well as the Independent Reviewer of Terrorism Legislation and the Independent Reviewer of the Justice and Security Act 2007 to discuss PSNI's application of the powers and report on their use. Both the Independent Reviewer of JSA and the Human Rights Advisor annually studied the material and rationale for the authorisations and considered the criteria for the Ministerial confirmation of authorisations. They have previously reported how applications are accompanied by detailed information on the nature and extent of the security threat, with each containing a careful analysis of the relevant intelligence. A rigorous process is then followed which includes review by the authorising officer, the relevant Area/District Commanders and the PSNI's Human Rights Legal Advisor. Each authorisation should be considered separately and uniquely according to robust criteria. The relevant legal provisions are set out in the authorisation against which the application is measured and then it is subject to in-depth Ministerial scrutiny before being confirmed or rejected.

In the draft Human Rights Annual Report 2016 the Human Rights Advisor indicated that in the course of her oversight of PSNI's use of stop and search, she paid particular attention to the geographical and temporal extent of authorisations in light of the requirement that they extend over no greater area and for no longer than is necessary. While the authorisations had extended over the whole of Northern Ireland and have been renewed continuously ever since the powers were introduced, the Advisor reported that she was satisfied that the extent and duration of authorisations was justified, necessary and proportionate given the nature and extent of the security threat in Northern Ireland.

Scrutiny over stop and search authorisations has been a priority for the Board both in terms of monitoring PSNI's human rights compliance and in respect of the value and

reassurance that oversight in this area brings to policing and confidence in policing; it was for these reasons that the Board instructed a suitably qualified and developed vetted legal advisor to seek assurance on the authorisations throughout the period September 2017 to September 2019. The Performance Committee have considered the two reports produced so far and await receipt of the final one.

Thus far Counsel has found each PSNI authorisation to be 'in accordance with the law and in accordance with Codes of Practice' and advised that the authorisations were detailed, critical and well-reasoned. Furthermore, the authorisations were found to be necessary and proportionate in response to the current threat. Counsel reiterates in each report that authorisations may extend over no greater an area and for no longer than is necessary, and while she was satisfied as to the temporal and geographical extent of the authorisations, this is something that must be "kept under review and should not be taken for granted."

Furthermore, Counsel considered the recent judgment in the High Court In the Matter of an Application by Steven Ramsey for Judicial Review which was handed down on the 1st November 2018 by Lord Justice Treacy. The applicant contended that the decisions to stop and search him over 150 times in three years were unlawful and a breach of Article 8 of the ECHR. While LJ Treacy ultimately dismissed the challenge, on account that evidence established a basis for each incident, he acknowledged that, in failing to record the basis for the use of the power, PSNI are acting in breach of the requirements of the Code of Practice. Counsel concluded that this 'will have to be rectified by the PSNI as a matter of urgency'. The Ramsey case has been appealed and PSNI has advised that it intends to 'cross-appeal' issues raised in the case, therefore will not be taking any action in respect of the comments of LJ Treacy pending the outcome of the appeal.

### *Body Worn Video (BWV)*

The PSNI successfully completed the roll out of a Body Worn Video (BWV) across the organisation in July 2017, aiming to maximise the benefits of new technology in capturing best evidence and ensuring police accountability. Body Worn Video cameras are currently being used by frontline officers in Local Policing Teams,

Neighbourhood Policing Teams, District Support Teams, Tactical Support Groups including dog handlers, Roads Policing Unit, and a limited number of Officers in the Armed Response Unit using head mounted cameras. Training has been delivered to all officers using the technology and has been integrated into the Student Officer Training Programme (SOTP). In 2016 the Board's Human Rights Advisor attended the training and was satisfied that it covered all aspects of use and addressed for example Article 8 ECHR (the right to respect for the home and private life) and data protection issues. The Board's previous Performance Committee supported PSNI's efforts although echoed the concerns of the Independent Reviewer of Justice and Security Act that the use of any new technology should be closely monitored. To that end, once the new Performance Committee sat in February 2019, it was agreed that assurances around PSNI's operational use of BWV should be further pursued.

Since then, the Committee have considered PSNI's post-implementation evaluation over its use of BWV and sought clarification over a number of issues through follow-up correspondence. The key issues discussed are summarised below;

- **Stop and Search:** The Independent Reviewer of Justice and Security remarked in his 2018 report that the use of BWV should be considered best practice in all incidents of stop and search, and not simply encouraged. Therefore the Committee sought assurance from PSNI that any operational policy makes the use of BWV mandatory for all stop and search encounters. PSNI have since advised that a direction was given across the service that BWV must (rather than 'should') be used in all stop and search encounters and the usage subsequently increased from 38% to 70%. PSNI have further generated a corporate performance report which aims to assist them in establishing why the figure is not higher by informing Commanders and Senior Management of usage rates.

The Committee also sought assurances over the PSNI's internal monitoring of the use of BWV during stop and search encounters. PSNI have advised that BWV provides a clear audit trail and assists supervisors in quality assuring such interaction where concerns have been raised specifically or through management dip samples where necessary. Factors that may trigger a dip sample would include, but not be limited to, an officer who has attracted complaints or a

Probationer Constable citing a stop and search incident for their portfolio of evidence.

- **Sharing/Retention of BWV Information:** PSNI have advised that any BWV information that is not considered evidential and will not form part of a subsequent prosecution will automatically be deleted after 31 days.

Taking account of recent findings in relation to the lack of coordinated approach to digital information sharing across the criminal justice system, Members raised concerns over the efficiency and security of PSNI's current method of sharing media on encrypted disks with the PPS and Courts Service. PSNI have advised that a Digital Solutions Project is underway to explore how the PSNI could make best use of available technology to send audio and visual evidence to the PPS. The project initially focussed on a simple delivery system via a Digital Sharing Platform, but a number of other uses have become apparent which will potentially enable PSNI to ingest evidence from the public in a secure manner and allow the external sharing of large documents with selected partners (Social Services, the Department of Justice, and Solicitors etc.).

A procurement process has been initiated for this composite information sharing portal. In any event, it is anticipated that the first stage of the Digital Solutions Project - the sharing of evidential BWV and digital interview recordings with the PPS - will have completed before the end of 2019. The Performance Committee have requested future updates from the PSNI on the outworking of this project.

- **Criminal Justice Process:** PSNI have reported that BWV provides high quality, reliable evidence which supports and augments other evidential sources. For instance, BWV evidence is capable of being used to convict suspects at court without the need for a statement of complaint (i.e. 'victimless prosecutions'). This is particularly significant for cases which may have relied on victim testimony in order to meet the evidential threshold for prosecution, but where victims may not always engage for various reasons (for instance, in cases involving domestic abuse). PSNI reported that, in 2017/18, the percentage of domestic abuse cases proceeding to court with the use of evidential BWV was 39.11%, comparing to the 31.02% of such cases proceeding to court without its use.

Between May 2018 and May 2019 the PSNI created 37,280 exhibits of BWV overall, illustrating a significant level of usage. However the tangible impact of its use is difficult to discern. PSNI have asserted that BWV is 'expected to contribute to efficiency savings through improving the quality of evidence gathered and in turn to encourage early guilty pleas and as a result, less court hearings'.<sup>21</sup> However, upon further probing, the Committee were advised that it is not possible to directly attribute the impact of BWV within the criminal justice process, owing to a number of contributory factors. In fact, at least in the short term, PSNI acknowledged that file preparation time and cost may have increased due to having another source of evidence to review. This should, in part, be addressed by the outworking of the Digital Solutions Project which will reduce the work required to produce physical disks.

Nevertheless, there appears to be a positive trend with regard to the impact on conviction rates so far; PSNI reported that an analysis of 2017/18 cases showed that where BWV evidence was presented, the conviction rate was 35.7% compared to 29.4% for cases without BWV evidence. In addition, the Public Prosecution Service has further provided figures obtained following a significant manual trawl of cases between May 2017 and May 2019. 1359 cases were checked overall and for those not involving the use of BWV, the decision rate for summary prosecution was 38.53%. For cases using BWV it increased by 4.15%, to 42.68%.

- **Complaints:** PSNI have provided anecdotal evidence that BWV has helped resolve false or unfair complaints against police officers to the Police Ombudsman. This is beneficial, not only to the officers involved, but to OPONI investigators and legitimate complainants, by freeing capacity for those matters to be dealt with expeditiously. However, it is again difficult to discern any tangible evidence that can be attributed to BWV alone with regard to its impact on the number of complaints made. The Performance Committee will be considering this further with the OPONI in September 2019.

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<sup>21</sup> Questions to the Chief Constable, Northern Ireland Policing Board, 6 June 2019, available at: <https://www.nipolicingboard.org.uk/questions/what-has-been-impact-body-worn-video-equipment-initiative>



### **Going forward...**

The Policing Board will examine recent revisions made to PSNI operational documents to ensure that the planning and execution of operations is human rights compliant. The Board's Human Rights Advisor will conduct an after-the-event paper audit of particular operations in 2018/19 and examine any other operational matters brought to their attention during the monitoring exercise. The Human Rights Advisor, given the comprehensive nature of the recent review of authorisations, will consider how best to progress the review of all stop and search authorisations made under the Terrorism Act 2000 and the Justice and Security Act 2007 between September 2019 and March 2020, to ensure the application of these powers do not give rise to any concern about the PSNI's compliance to the Human Rights Act 1998.

#### **4. Complaints, Discipline & Code of Ethics**

The Performance Committee has responsibility to implement a framework for monitoring the performance of the PSNI in complying with the Human Rights Act 1998; to consider and review the PSNI Code of Ethics and its implementation; to keep itself informed about the OPONI complaints process; and to monitor trends and patterns in complaints against police officers<sup>22</sup>. In order to assist the Committee with fulfilling these functions a Professional Standards Monitoring Framework was developed in 2011 and revised in 2014. In accordance with the Framework, PSNI and OPONI provided Board Officials with complaints and disciplinary information throughout 2017/18 and 2018/19. This information has been compiled into the 'Professional Standards Monitoring Framework – Annual Report 2018/19' (to be published on the Policing Board website), which will contain comparative analysis across both 2017/18 and 2018/19.

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<sup>22</sup>Police (NI) Act 2000 52(1)The Board shall issue, and may from time to time revise, a code of ethics for the purpose of (a)laying down standards of conduct and practice for police officers;

Police (NI) Act 2000 3(c) In carrying out its functions the Board shall keep itself informed as to the workings of Part VII of the 1998 Act (police complaints and disciplinary proceedings) and trends and patterns in complaints under that Part;



The annual information provided to the Committee from PSNI includes: PSNI Anti-Corruption & Vetting Branch and Discipline Branch Annual Report, which gives an overview of breaches of the Code of Ethics, suspensions and repositionings, police misconduct matters of complaints and allegations, details of statute barred cases, officers receiving criminal convictions, Chief Constable's referrals from PSNI to OPONI and information on police staff discipline. The PSNI Policy Evaluation Group (PEG) Annual Report sets out learning identified from OPONI policy recommendations. The Committee also receives information from OPONI on trends and patterns in complaints and allegations made to OPONI by members of the public. This information is used by the Committee at meetings with the PSNI to challenge the organisation's performance and to seek further information from the police or OPONI on any areas of concern.

The key findings from the information provided by PSNI for 2018/19 (1 April 2018 – 31 March 2019) were discussed at the Committee Meeting on 13 June 2019.<sup>23</sup> Representatives from the OPONI will be attending the Committee meeting in September 2019 to discuss their findings during 2018/19.

### *Code of Ethics Review*

Under sections 3(3)(d)(iv) and 52 of the Police (Northern Ireland) Act 2000, the Policing Board is required to assess the effectiveness of the Code of Ethics and revise it when appropriate. The original Code was published in 2003, commenced in 2006 and latterly reviewed in 2008. Despite minor revisions to the Foreword and Explanatory notes in 2015 (to reflect changes in personnel) the content of the articles within the Code have not been revisited since. In November 2017, then Deputy Chief Constable wrote to the Policing Board advising that, due to a number of significant developments in the area of police professional standards and misconduct, a review of the Code would be valuable. In the absence of a fully constituted Board the consultation process required by section 52(5) could not then be formally progressed. Therefore, in the interim, it was agreed that PSNI officers

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<sup>23</sup> Northern Ireland Policing Board, Minutes of the Performance Committee Meeting held on 13 June 2019, available at <https://www.nipolicingboard.org.uk/publications-search>

and Board officials undertake a preliminary scoping exercise in order to move forward with the initial stages of the review.

During 2018/19 Board officials met with senior officers within the Professional Standards Department <sup>24</sup> to discuss key policy and social developments to be taken into consideration when redrafting the Code. This includes the introduction of new Police Conduct Regulations on 1 June 2016, the Code of Ethics for the Garda Síochána published January 2017 and the College of Policing Code of Ethics for England and Wales published July 2014. PSNI also advised of new and emerging integrity risks such as data misuse and the abuse of authority for personal gain. In June 2019 PSNI advised the Board that staffing changes, resource shortfalls and operational priorities within Discipline Branch had slowed the progress of the review significantly. However PSNI have since dedicated resources to redrafting the Code and it has been agreed that a final draft of the Code will be brought before the Performance Committee in December 2019, to anticipate the launch of the new Code at the start of the 2020 financial year.

### **Going forward...**

The Policing Board will keep informed of complaints and disciplinary proceedings brought in respect of police officers in 2019/20 and monitor any trends and patterns emerging. The Performance Committee will use this information to provide challenge to the PSNI when necessary and to seek clarification from the police or OPONI on any areas of concern.

The Board's Human Rights Advisor will examine the revised PSNI Code of Ethics to ensure that it makes considered and appropriate reference to the Human Rights Act 1998, thereby making officers aware of the rights and obligations arising out of the Convention rights. The Advisor will additionally examine the steps taken by the Chief Constable to ensure that all officers will have read and understood the revised Code once it has come into effect.

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<sup>24</sup> Following a restructure in 2018, PSNI Professional Standards is now comprised of two branches – Anti-Corruption & Vetting and Discipline.

## 5. Use of Force

Police officers have the authority to use force in order to defend themselves or another person, to affect an arrest, to secure and preserve evidence or to uphold the peace, but any such use must be justified on each and every occasion. Consideration must always be given to whether there is a viable alternative to the use of force. Mechanisms are in place, both internally and externally, to ensure that PSNI is held to account for all uses of force by its officers. These are reviewed regularly by PSNI, the Office of the Police Ombudsman and the Policing Board. These three key layers of oversight are examined in detail in the Human Rights Annual Report 2016/17. Following a recommendation made in the Board's Human Rights Annual Report 2008, PSNI collates the data captured on the electronic use of force monitoring forms and produces a six-monthly use of force report which is considered by the Performance Committee. The statistical reports provided to the Committee are classified as 'Official – Sensitive' as they contain information that cannot be published due to statistical reporting rules, however, a less detailed version of the report is published through the PSNI website on a six monthly basis.<sup>25</sup>

While a statistical report does not in itself measure PSNI human rights compliance when using force, the six monthly reports provide the Committee with a broad overview of the use of force. Any issues identified during the reporting period continued to be raised directly with PSNI's senior command team. The most recent report published on 21<sup>st</sup> June 2019 summarises uses of force reported by officers for incidents that occurred between 1<sup>st</sup> April 2018 and 31<sup>st</sup> March 2019. The table below compares uses of force across the same reporting period over the last five years.

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<sup>25</sup> PSNI, Use of Force Statistical Report, April 2018 to March 2019, published 21 June 2019  
<https://www.psnipolice.uk/inside-psni/Statistics/statistics-on-police-use-of-force/>

**Table 1: Police use of force between 1 April 2014 and 31 March 2019**

Use of Force	2014/15	2015/16	2016/17	2017/18	2018/19
AEP Pointed	39	41	37	41	39
AEP Discharged	3	4	0	0	4
<b>AEP Total</b>	<b>42</b>	<b>45</b>	<b>37</b>	<b>41</b>	<b>43</b>
Baton Drawn Only	353	375	376	351	330
Baton Drawn & Used	165	183	162	154	162
<b>Baton Total</b>	<b>518</b>	<b>558</b>	<b>538</b>	<b>505</b>	<b>492</b>
CS Drawn (not sprayed)	170	176	166	178	219
CS Sprayed	212	209	187	195	199
<b>CS Total</b>	<b>382</b>	<b>385</b>	<b>353</b>	<b>373</b>	<b>418</b>
PAVA Drawn (not sprayed)	-	0	0	1	0
PAVA Sprayed	-	0	3	5	3
<b>PAVA Total</b>	<b>-</b>	<b>0</b>	<b>3</b>	<b>6</b>	<b>3</b>
Firearm Drawn or Pointed	265	358	431	499	520
Firearm Discharged	0	1	1	1	0
<b>Firearm Total</b>	<b>265</b>	<b>359</b>	<b>432</b>	<b>500</b>	<b>520</b>
<b>Police Dog Used</b>	<b>51</b>	<b>116</b>	<b>75</b>	<b>225</b>	<b>165</b>
CED Drawn(a)	104	177	246	311	377
CED Fired(b)	22	14	13	35	22
<b>CED Total</b>	<b>126</b>	<b>191</b>	<b>259</b>	<b>346</b>	<b>399</b>
<b>Handcuffs / Limb Restraints</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>5,191</b>	<b>5,064</b>
<b>Unarmed Physical Tactics</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>5,954</b>	<b>6,537</b>
Water Cannon Deployment	45	26	15	0	0
Water Cannon Used	0	4	0	0	0
<b>Water Cannon Total</b>	<b>45</b>	<b>30</b>	<b>15</b>	<b>0</b>	<b>0</b>

(a) Includes drawn, aimed, arced, red-dotted. (b) Includes drive-stun. (c) % change figures rounded to nearest integer.

In 2018, in the absence of a fully constituted Policing Board, Independent Members considered the annual PSNI Use of Force Statistics 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018 and wrote to PSNI's Head of Operational Support highlighting their concerns. As outlined below, Members sought PSNI's view on the following uses of force in 2017/18;

- **The use of Conductive Energy Device (Taser) drawn and fired increased by +169%**

The Conductive Energy Device, or Taser as it is more commonly known, is a single shot weapon designed to temporarily incapacitate a subject through the use of an

electric current, which temporarily interferes with the body's neuromuscular system. This is one of a range of tactical options available where there is violence or a threat of violence which may escalate to the point where the use of lethal force would be justified. If a Taser is drawn, aimed and/or red-dotted (at which stage a red dot appears on the subject indicating where the Taser would hit) that must be reported, even if it is not subsequently discharged.

As evidenced by Table 1, use of CED fired increased from 13 uses in 2016/17 to 35 uses in 2017/18. PSNI advised that the increase is not attributable to any particular month of event and confirmed that post incident investigation and review has indicated that each discharge was a proportionate use of force in the circumstances. Members noted that the increase of CED discharges has not continued into 2018/19, however the number drawn has continued to rise. PSNI have highlighted that there are restrictions on the issue of CED to Authorised Firearms Officers and Specialist Firearms Officers. Deployment is subject to strict demand and control protocols and oversight by Strategic, Tactical and Operational Firearms Commanders. In the event of a complaint against police following CED deployment the Police Ombudsman will investigate and where there is no such investigation, each discharge is internally review by a Tactical Firearms Commander and Chief Inspector of the Armed Response Unit.

- **Use of force involving police dogs increased by +200%**

All Police dogs are under the control of Operational Support Department and can be used for a variety of purposes. Force is recorded in respect of a dog in the following scenarios: When the dog is deployed to achieve control of an immediate threat to the handler, other officers, innocent persons or the dog itself, whether or not the dog bites or causes injury; When the dog is deployed to apprehend a fleeing offender/subject, whether or not it bites or causes injury; When the dog bites at the direction of the handler and there is no injury; and When the dog bites not at the direction of the handler and there is no injury.

As seen in Table 1, the use of police dogs increased from 75 in 2016/17 to 225 in 2017/18. The 225 incidents in 2017/18 were against 234 members of the public, of those involved 16 were bitten by the dog. This compares to the 75 occasions that a

police dog was used in 2016/17 against 87 members of the public, where 11 persons were bitten. Therefore, Members noted that despite the sharp rise in the level of usage, the number of people bitten remains comparatively low. PSNI advised that there has been an increase in the number dog handlers from 17 to 25 during the 2017/18. The 8 new dog handlers were deployed during the reporting period, which coincided with a reminder issued to all dog handlers that use of force records should be completed when a dog is deployed from a vehicle and stood beside the handler at an incident as well as when the dog is actually used. As evidenced in Table 1, the increase in the deployment of police dogs has not continued into the 2018/19 reporting period; the 165 incidents in 2018/19 were against 185 members of the public, of those involved 3 were bitten by the dog. The main reasons given by officers for using a dog has been consistent over the last three years; namely to protect self (72%, 76%, 84%) and to prevent an offence (64%, 75%, 79%).

- **The use of firearms drawn or pointed increased by 16%**

The Chief Constable has issued standing authority for all officers, so long as he or she has completed the necessary training, to be issued with a personal issue firearm. That standing authority is kept under regular review.<sup>26</sup> Officers are required to report any instance when a personal firearm has been drawn or pointed even if it is not discharged. There are also a number of specifically trained firearms officers to deal with pre-planned and spontaneous firearms incidents. These officers are deployed with Heckler & Koch weapons and the 'Glock' personal issue handgun, but they also have other less lethal options available (i.e. Taser and AEP).

As evidenced by Table 1, the number of times where firearms were drawn or pointed (but not fired) has steadily increased over the last five years; from 265 in 2014/15 to 520 in 2018/19. Despite this rising trend the number of firearms discharged remains consistently low (between 0 and 1). The increases do not appear to be attributable to any particular month or to any particular events. PSNI were unable to provide an exact reason for this but advised that, after a review of the Personal Safety

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<sup>26</sup> Recommendation 65 of *A New Beginning: Policing in Northern Ireland*, Report of the Independent Commission on Policing for Northern Ireland, September 1999 (the Patten Report) stated that "the question of moving towards the desired objective of a routinely unarmed Police Service should be periodically reviewed in the light of developments in the security environment". PSNI regularly assesses the need for continued carriage of firearms by PSNI officers in the context of the current security situation and reports to the Policing Board in writing on the outcome of its deliberations on an annual basis.

Programme (PSP) and firearms training in 2016, officers employ the National Decision Model (NDM) when responding to incidents which places an emphasis on officers considering the full range of tactical options. By way of assurance PSNI have advised that the existing emphasis on officers being required to justify all actions taken and reporting their use of force remains. PSNI also highlighted that generally there has been an increase in the number of assaults on police officers on duty from 2576 in 2016/17 to 2700 in 2017/18. The main reasons given for use of firearms across the last three years has consistent been to protect self (98%, 98%, 99%) and to protect other officers (94%, 96%, 95%).

### **Going forward...**

The Performance Committee will keep under review the PSNI's use of force throughout 2019/20 and monitor any trends and patterns emerging. The Committee will use this information to provide challenge to the PSNI when necessary and to seek clarification on any areas of concern during the reporting period.

The Policing Board's Human Rights Advisor will consider the most appropriate approach to reviewing PSNI's use of force to the end of the financial year.

Consideration will be given to PSNI training and guidance on the use of forces and the use of firearms, PSNI's operational planning and procedures for uses of force, and the post operational mechanisms in place for recording and reporting on the use of force and firearms.

## **6. Covert Policing**

The Board has a statutory duty under the Police (Northern Ireland) Act 2000 to maintain and secure an efficient and effective police service. Amongst other things, the Board must monitor the performance of the police in carrying out their general duties (to protect life and property, to prevent the commission of offences etc.) and in doing so must monitor police compliance with the Human Rights Act 1998. The Board must also monitor the performance of the police in carrying out their functions



with the aim of (a) securing the support of the local community; and (b) acting in co-operation with the local community. The Board must make arrangements for obtaining the co-operation of the public with the police in the prevention of crime. In discharging those duties, the Board has retained oversight of and held the Chief Constable to account in respect of all aspects of police work, including that which relates to National Security. The Board has no remit in respect of the Security Service; however the Chief Constable of PSNI remains responsible for and accountable to the Board in respect of all PSNI officers and staff including those working alongside the Security Service.

In respect of the exercise of specific counter-terrorism powers and security powers, the Performance Committee considers PSNI statistics on police use of stop and search and stop and question powers. The Board also takes account of the work carried out by other relevant oversight authorities. The Performance Committee meets regularly with the Independent Reviewer of Terrorism Legislation, the Independent Reviewer of the Justice and Security Act and the Independent Reviewer of National Security Arrangements in Northern Ireland.

### *National Security*

Responsibility for national security intelligence work was transferred from the PSNI to the Security Services in 2007. However, in all circumstances, including where national security issues are involved, it is the role of the PSNI to mount executive policing operations, make arrests and take forward prosecutions under the direction of the Public Prosecution Service for Northern Ireland. In monitoring PSNI's compliance with the Human Rights Act 1998 in this regard, the Policing Board relies upon Annex E to the St Andrew's Agreement. Annex E states that the Security Service will participate in briefings to closed sessions of the Policing Board to provide appropriate intelligence background about national security related policing operations. Annex E also states that the Policing Boards Human Rights Advisor should have a role in human rights proofing the relevant protocols that underpin the principles within which the PSNI must operate and also in confirming that satisfactory arrangements are in place to implement the principles.

Therefore, as noted by the current Independent Reviewer of National Security Arrangements in NI, for the vast majority of the reporting period (1 January 2017 to 1 December 2018) the Policing Board was not able to fully comply with its obligations due to its lack of full legal constitution and, therefore, appointments.<sup>27</sup> Nevertheless the Board Chair met with the Independent Reviewer, Mr Brian Barker CBA QC, on two occasions to discuss his findings on the effectiveness of the arrangements during 2017 and 2018. Key findings of his latest report were published in a Ministerial Statement in May 2019 and included; the continuation of strong cross-border links with An Garda Siochana, impressive standards and commitment of the senior members of MI5 and the PSNI, recurring concerns about the effect of the political situation and excellent cooperation between MI5 and the PSNI on Covert Human Intelligence Sources (CHIS) operations.

Mr Barker indicated that the number of security related incidents remained broadly similar across both 2017 and 2018; shooting incidents rose from 49 to 58, while the number of security related deaths decreased from 6 to 2. There were 30 bombing incidents and casualties from paramilitary style assaults (excluding fatalities) increased from 65 to 74; casualties from paramilitary style shootings (excluding fatalities) also increased from 20 to 27. The number of persons arrested and charged under section 41 of the Terrorism Act decreased from 18 to 13.

### *Terrorism Acts*

Regarding the oversight of specific counter-terrorism and security powers, the Government appointed Independent Reviewer of Terrorism Legislation reviews and reports annually on the operation of the Terrorism Act 2000 (TACT) and Part 1 of the Terrorism Act 2006 across the UK. The powers provided to police officers within TACT include, amongst others, powers to stop and search persons and vehicles and the section 41 power to arrest and detain (which can last for up to 14 days on judicial authority). Mr Max Hill QC occupied the role from 2017 to late 2018; during his tenure he produced two annual reports and one investigation report. The first

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<sup>27</sup> National Security Arrangements in Northern Ireland 1 January 2017 – 31 December 2018: Written statement - HCWS1538 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-05-07/HCWS1538/>

examined the operation of the Terrorism Acts in 2016 and was delivered to the Home Office in November 2017 and published in January 2018. The second report, published March 2018, addressed the police investigation (Operation Classific) which followed the Westminster Bridge attack on 22<sup>nd</sup> March 2017. The final report, published October 2018, encompassed the annual inspection on the operation of the Terrorism Acts in 2017 and included a review of two of the major terrorism investigations in the United Kingdom last year, the Manchester Arena and London Bridge attacks.

The key points arising from Mr Hill QC's last annual report on the operation of the Terrorism Acts during 2017 in Northern Ireland are as below;

- The threat level in Northern Ireland remains SEVERE; although the level of security related incidents in Northern Ireland has been lower and remained relatively consistent during the past decade compared to the preceding ten years, here has been an increasing trend in the number of paramilitary style assaults since 2012/13.
- In 2017 the numbers of people stopped and searched under the Terrorism Act 2000 (TACT) in Northern Ireland have decreased from the previous year; in 2017 65 people were stopped and searched under s43 (compared to 91 in 2016), a further 31 were stopped under ss43 and 43A (down from 92 in 2016).
- No authorisations were issued in Northern Ireland during 2017 for the use of stop and search power under s.47A of TACT.
- In 2016/17 there were 3,491 examinations at ports and airports in Northern Ireland, yet none of the examinations resulted in a detention under TACT; Mr Hill QC acknowledged PSNI's admission that PSNI port officers do not encounter the same difficulties with language barriers due to the lack of international carriers, however he reiterated concerns raised by NGO's over PSNI's use of Schedule 7 of TACT to examine individuals who are subsequently detained or handed over to another agency under other legislation. NGO's are of the opinion that police use of Schedule 7 powers must always be restricted to terrorism policing and never used for general immigration purposes.

- There were 171 arrests under s41 of TACT in 2017, up from 123 in 2016, but comparable to 169 in 2015 and 222 in 2014. Only 6% (11) of the 171 people arrested were charged in 2017 (compare this to 33% charge rate in GB in 2017, down from 73% in 2016). This has been consistently low in recent years but continues an incrementally decreasing trend in the number of individuals charged following an arrest (11% in 2016, 12% in 2015, and 18% in 2014). Mr Hill QC reiterated concerns that the low charge rate in Northern Ireland (compared to the rest of the UK) may be an indicator that the arrest power is overused in NI.

Mr Hill stepped down as Independent Reviewer of Terrorism Legislation on October 2018 and Mr Jonathan Hall QC took over the role on 23 May 2019. The Policing Board Chair met Mr Hall in July 2019 and a meeting with the Performance Committee and the Independent Human Rights Advisor is scheduled in October 2019.

### **Going forward...**

The Performance Committee will keep under review PSNI statistics and operational guidance in respect of the exercise of specific counter-terrorism powers and security powers, for instance on the police use of stop and search and stop and question powers. In assessing PSNI compliance with human rights, the Committee will coordinate their oversight with the work carried out by other statutory authorities. The Committee will meet with the Independent Reviewer of Terrorism Legislation, the Independent Reviewer of the Justice and Security Act and the Independent Reviewer of National Security Arrangements in Northern Ireland.

The Board's Independent Human Rights Advisor will review the extent to which the arrangements in place for the oversight of covert policing are sufficient, including those areas that overlap with the work of the Security Services and the scheme adopted by Parliament to scrutinise the interception of communications, surveillance and the use of covert human intelligence sources (as provided for in Part IV of Regulation of Investigatory Powers Act 2000 or 'RIPA').

## 7. Victims

As set out in the Annual Policing Plan 2019-20, one of the most important duties that police carry out is in terms of protecting the most vulnerable members of the public and supporting victims.<sup>28</sup> The service defines a vulnerable person as someone in need of special care, support or protection because of age, disability, or risk of abuse or neglect. The PSNI identifies the following groups as being particularly vulnerable and requiring specific protection: (1) Children at risk, which includes protecting missing children and victims of Child Sexual Abuse and Exploitation (2) Victims of sexual abuse and violence (3) Victims of domestic abuse, including those vulnerable people who may become repeat victims (4) Older people at risk and tackling the fear of crime in partnership with health & social care, the voluntary sector and local communities.<sup>29</sup>

Policing Plan Measure 2.1.2 indicates the PSNI's commitment to reducing the harm caused to those most vulnerable as, through the Board's Police Performance Monitoring Framework, the PSNI must provide evidence and analysis of the activities undertaken to improve the service provided to the identified groups.<sup>30</sup> Within this reporting framework the Policing Board also expects the PSNI to demonstrate how effectively it collaborates with a range of key partners in the public, private and voluntary sectors. The Board publishes an annual assessment of PSNI's performance in relation to these reports, which highlights both good practice and areas where further improvement is required. Detailed analysis of the activities undertaken by the PSNI to protect vulnerable groups during 2017/18 and 2018/19 can be found on the Board's website.<sup>31</sup>

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<sup>28</sup> *Annual Policing Plan for Northern Ireland 2019-20*, Northern Ireland Policing Board, available at <https://www.nipolicingboard.org.uk/sites/nipb/files/publications/annual-policing-plan%202019-20.pdf>

<sup>29</sup> *Ibid*, pg.8

<sup>30</sup> *Ibid*, pg.6

<sup>31</sup> *Policing Board Assessment of the PSNI Performance Against the Policing Plan 2017-18*, Northern Ireland Policing Board available at <https://www.nipolicingboard.org.uk/sites/nipb/files/publications/board-assessment-psni-performance-policing-plan-201718.PDF> pg.23-42

*Annual Report and Account for the period 1 April 2018 – 31 March 2019*, Northern Ireland Policing Board, pg.83 – 120. available at <https://www.nipolicingboard.org.uk/sites/nipb/files/publications/Northern%20Ireland%20Policing%20B>

In terms of its human rights obligations, in certain circumstances, the PSNI may have a positive obligation to intervene and protect an individual's rights.<sup>32</sup> This is particularly relevant when the police are dealing with victims of criminality. Therefore, in addition to the PSNI's operational response to victims, the Performance Committee considers the mechanisms in place to ensure the appropriate and effective treatment of victims by police officers. This refers to the training, direction and guidance given to police officers to ensure that all victims are treated with compassion and respect for their dignity. As noted in the previous Human Rights Annual Report, '*the police response to the report of a criminal offence will have a direct and often decisive impact on a victim's attitude to the criminal justice system... [officers] must ensure that the victim feels that the offence is being considered properly and is being taken seriously*'.<sup>33</sup>

Board officials have analysed PSNI's performance reports and engaged with key stakeholders to consider how the PSNI identify vulnerability at the first point of contact and assess the risk of harm to victims, and the effectiveness of the PSNI response thereafter, particularly in relation to the quality of collaborative support provided with partner agencies. The findings of external reviews conducted by criminal justice organisations, alongside regular engagement with community groups and victim organisations, has been pivotal to this area in the monitoring framework. Some of the key findings are summarised below.

### *Identifying Vulnerability*

The Performance Committee were encouraged to note that the latest HMICFRS PEEL inspection reports for 2018 recorded that the PSNI is 'Good' at protecting vulnerable people and supporting victims.<sup>34</sup> This is an improvement from the previous inspection of vulnerability in 2016 when the service was judged to 'require

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[oard%20Annual%20Report%20and%20Accounts%201%20April%202018%20-%2031%20March%202019.PDF](#)

<sup>32</sup> Article 2.3 of the PSNI Code of Ethics includes a duty to "treat all victims of crime and disorder with sensitivity and respect for their dignity"

<sup>33</sup> *Human Rights Annual Report 2016/17* pg.144

<sup>34</sup> HMICFRS PEEL: police efficiency and effectiveness '*An inspection of the Police Service of Northern Ireland*' 2018 Available at: <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/peel-police-efficiency-effectiveness-2018-psni.pdf>



improvement'.<sup>35</sup> Of particular note are the positive comments in relation the PSNI's developed understanding of the nature and scale of vulnerability in Northern Ireland, and that officers and staff recognise it as a priority. However, the report also recognises that there are a few areas where the service could be more effective. This includes introducing a single, standard form for the referral of vulnerable people to support agencies. Currently such referrals rely on individual officers submitting emails to the central referral unit and HMICFRS found a lack of consistency in the quality of information provided in such referrals.

### *Risk assessment in cases involving Domestic Abuse*

During the reporting period, with regard to the early identification of potential victims of domestic abuse, a key achievement of the PSNI was the introduction of the Domestic Violence and Abuse Disclosure Scheme (DVADS) in March 2018. The scheme provides individuals with the 'right to ask' the police to check if their partner, or the partner of someone they know, has a history of domestic abuse as well as giving the police the 'power to tell' an individual about their partner's abusive history. PSNI have advised that since the inception of the scheme 41 disclosures have been made by police and partner agencies, enabling possible victims to make the informed choice as to whether or not continue a potentially high-risk relationship. A review of the scheme was due to be carried out during spring/early summer 2019 in conjunction with statutory and voluntary sector partners.

In June 2019, the Criminal Justice Inspection Northern Ireland (CJINI) published a thematic inspection report which indicated that risk assessment in domestic abuse cases could be improved. PSNI's primary risk assessment tool for incidents of domestic abuse and violence is known as the DASH (Domestic Abuse, Stalking and Honour-based violence) risk checklist.<sup>36</sup> CJINI's case file review highlighted issues with the quality of completed DASH forms. For example, some officers noted 'DASH form refused' rather than completing the form as best as they could with the

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<sup>35</sup> HMICFRS PEEL: Police effectiveness (vulnerability) 'An inspection of the Police Service of Northern Ireland', 2016. Available from: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/psni-peel-effectiveness.PDF>

<sup>36</sup> The DASH (Domestic Abuse, Stalking and Honour-based violence) Risk Checklist is a risk assessment tool which includes a series of questions based on extensive research of domestic abuse to aid identification and provide a uniform understanding of risk across professions.



information known to them (for example, with reference to any previous domestic violence incidents, whether any injuries were sustained). Where Inspectors asked about the reason for this it was generally suggested that the form was too long with too many questions and that officers didn't see the relevance of some of them.

However HMIC Inspectors found that the standard of DASH assessments was generally good (albeit based upon findings from a small dip-sample), but similarly noted that officers expressed frustration over the bureaucracy of completing the forms. It was suggested that the service should consider making the form available for completion and submission on its mobile data platform. Therefore it is encouraging that PSNI have since advised that they are in the process of moving DASH onto an electronic system, which provides officers mobile access to the checklist and other details in connection with an incident (such as background information on the victim and perpetrator and any statements). This aims to speed up referrals to MARAC<sup>37</sup> and also hopes to have a positive impact on the quality of completed DASH forms. Officers must submit an answer to all questions in order to proceed, which will hopefully address CJINI's finding in relation to the high numbers of incomplete or poorly filled out forms. The system is currently being tested before further information can be shared formally with the Performance Committee.

Furthermore, with regard to DASH assessments, guidance issued by the Attorney General for Northern Ireland in April 2018 emphasised the need for PSNI to be alert to patterns of coercive and controlling behaviour as a key risk factor for identifying abuse. It states; '*Officers are required to take, within the scope of PSNI's powers, preventive and protective measures even where no criminal offence is immediately apparent, particularly where there are signs of controlling or coercive behaviour and stalking*'.<sup>38</sup> The Performance Committee therefore were concerned over the findings of CJINI's most recent inspection which identified the training and development of new recruits and first responders in the areas of harassment, stalking and coercive

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<sup>37</sup> Multi Agency Risk Assessment Conference

<sup>38</sup> Attorney General for Northern Ireland, Guidance by the Attorney General for Northern Ireland pursuant to Section 8 of the Justice (Northern Ireland) Act 2004: No. 13 human rights guidance for the Police Service of Northern Ireland, the Public Prosecution Service, the Probation Board for Northern Ireland and the Northern Ireland Courts and Tribunals Service, Domestic Abuse and Stalking, April 2018: [https://www.attorneygeneralni.gov.uk/sites/ag/files/media-files/Section%208%20Guidance%20in%20Relation%20to%20Domestic%20Abuse%20and%20Stalking%20-%20Final\\_0.pdf](https://www.attorneygeneralni.gov.uk/sites/ag/files/media-files/Section%208%20Guidance%20in%20Relation%20to%20Domestic%20Abuse%20and%20Stalking%20-%20Final_0.pdf)

and controlling behaviour; and their approach to risk assessment as areas requiring improvement.<sup>39</sup> During their fieldwork CJINI Inspectors were informed of several incidents which suggested a lack of understanding among PSNI officers around the cycle of domestic abuse and how what may be perceived to be minor can escalate into something much more significant.

The Performance Committee submitted a question to the Chief Constable at the April Board Meeting 2019 to seek clarification over the measures taken to prepare officers for dealing with the planned introduction of the new domestic abuse offence that encompasses coercive and controlling behaviour.<sup>40</sup> In a written response the then Chief Constable advised that,

“Research shows that learning is likely to be most effective when it occurs nearest to the time and place of use. Therefore, [PSNI] will use this time prior to the legislation being introduced in Northern Ireland to work with partners and learn from the experience in England, Wales and Scotland to develop our training plan – the delivery date of which will need to be considered alongside a known date for introduction of the legislation.”

Nevertheless, the Committee recognise that if PSNI are to properly identify and subsequently support vulnerable victims of domestic abuse, particularly where a significant proportion of the behaviour is coercive and/or controlling which is often seen as relatively ‘low level’ offending, then there must be a sufficient means of capturing this type of behaviour irrespective of a specific legislative provision being in place. Therefore the Committee invited the views of victims’ organisations in a recent roundtable discussion during their June meeting. There was a general consensus among those present that the service would benefit from a more structured and consistent approach to the training associated with these issues across the districts.

The Committee are encouraged to note that PSNI has welcomed the findings within CJINI’s inspection report and have outlined their commitment to implementing the

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<sup>39</sup> Criminal Justice Inspection Northern Ireland, *Without Witness: Public Protection 2: A Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System in Northern Ireland*, June 2019 p. 10. <http://www.cjini.org/getattachment/079beabb-d094-40e9-8738-0f84cd347ae8/report.aspx>

<sup>40</sup> The Department of Justice has drafted a Domestic Abuse Bill which includes provisions on coercive and controlling behaviour, though this cannot be taken any further forward until an Executive has been formed and a Justice Minister is in post.

recommendations within the time frames set. The Committee will be engaging with senior PSNI officers in relation to this work area during the Committee meeting in September 2019.

### *Identification of Child Sexual Abuse and Exploitation (CSAE)*

In 2017-18 the Board agreed to conduct a review on the Policing of Child Sexual Exploitation (CSE) by the PSNI and the National Crime Agency. The report focused on compliance with the Human Rights Act 1998 as well as international treaty obligations such as the United Nations Convention on the Rights of the Child (UNCRC). The review assessed how the PSNI and the NCA protect children and young people from sexual exploitation and abuse.

In March 2019 the Performance Committee of the Board agreed to share the draft report and the recommendations with the PSNI and the NCA and those recommendations are being progressed by both organisations. As part of their Programme of Work, the Committee will be receiving a specific briefing from PSNI in relation to CSAE in November 2019. However, from early discussions with PSNI, the Committee welcome that an extensive problem profile has already been developed by PSNI analysts in response to Recommendation 2 of the draft thematic. This intends to develop better understanding of children experiencing or at risk of CSAE, including where exploitation and abuse takes place and the grooming techniques leading to CSAE.

Through the Police Performance Monitoring Framework, the Committee has considered concerns over the perceived low number of children and young people identified as being at risk of becoming victims of Child Sexual Abuse and Exploitation (CSAE), and this is examined in detail in the Board's Annual Assessment of PSNI Performance 2018/19. However it is of note that, in order to understand the CSAE identification and risk assessment process, the Board has reframed some of the indicators in the Policing Plan 2019-20. Indicators now focus on number of children at risk of CSAE; the number of looked after children and children in need at risk of CSAE; number of children at risk of CSAE whose risk has reduced because their vulnerability has decreased; number of newly identified children; number of children

assessed for CSAE and not deemed at high-risk; and, the number of incidents linked to children 'at risk' of CSAE. This will enable the Committee to more effectively monitor PSNI performance based on a robust qualitative and quantitative evidence base.

### *Delays in investigations involving sexual offences*

A number of recent critical reviews and inspections, namely the independent review into how the law and procedures in Northern Ireland deal with serious sexual offences ('the Gillen Review'), and the CJINI thematic inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland, have highlighted significant issues with PSNI policies and practices in relation to cases involving serious sexual offences. The Gillen Review emphasised the '*the inordinate delay*' across the criminal justice system in respect of these cases, reporting that the time taken for sexual offence cases to complete in the Crown Court in Northern Ireland is twice as long as in England and Wales.<sup>41</sup> Their research highlighted the urgent need for PSNI to improve efficiency in the early stages of investigations and identified some key causes of avoidable delay. In general terms, the proposed recommendations for PSNI emphasise the need for renewed and specialised training, earlier and more efficient judicial management, and resource-led development of digital technology.

In November 2018 the Criminal Justice Inspection of Northern Ireland (CJINI) published a report on how the criminal justice system is currently struggling to handle the level of sexual violence and abuse cases. Inspectors found that while relationships between the PSNI and PPS have strengthened over the last few years, their ability to deliver improved outcomes and reduce delay has been hampered by challenges around securing a sufficient number of suitably qualified and experienced staff and managing their ever increasing workload. The report made one strategic recommendation for PSNI and two operational recommendations (including one joint recommendation for PSNI and the PPS). These echoed concerns raised by the

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<sup>41</sup> Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland., p. 210, available at <https://www.justice-ni.gov.uk/publications/gillen-review-report-law-and-procedures-serious-sexual-offences-ni>

Gillen Review, namely that PSNI need to more effectively assess resource distribution in the Public Protection Branch, and that full, efficient collaboration between PSNI and the PPS requires the transfer of digital information across new technology systems fit for purpose.

The Northern Ireland Audit Office Report also published a report in March 2018 titled *Speeding up Justice: Avoidable Delay in the Criminal Justice System*. This report focused on how effectively the four main justice organisations in Northern Ireland have worked together to deliver criminal justice: namely, the Police Service of Northern Ireland, the Public Prosecution Service, the Northern Ireland Courts and Tribunals Service and the Department of Justice. The main findings broadly identified a lack of collaboration between agencies and the need to work in partnership to address the systems current failure to complete cases within reasonable timescales. While cognisant of the fact that police investigations of serious sexual offences are often complex and can relate to long-standing or historical abuse, with multiple suspects and usually significant digital evidence to examine, the report identified weaknesses in the early stages of investigation as the most critical cause of delay in criminal justice.<sup>42</sup>

The Performance Committee have expressed concern that the reporting of sexual violence and abuse offences such as rape, sexual assault and child abuse amongst others has almost tripled since 2000/01, and that PSNI figures for 2018/19 show a continuation of this upward trend. While the data could be an encouraging sign that more complainants are prepared to come forward and report to the police, there is no conclusive evidence that this is the case. However, as emphasised by the Gillen Review, if vulnerable victims experience lengthy delays in reaching an outcome and face the reality that conviction rates are very low, the high attrition rate and gross under-reporting of these crimes are likely to continue.

The Committee is encouraged by the PSNI's acceptance of all recommendations contained within the Gillen Review. Senior officers in the Public Protection Branch provided assurance at the Committee Meeting on 13 June 2019 that work is already underway to ensure the timely implementation of the recommendations. PSNI are

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<sup>42</sup> Northern Ireland Audit Office, *Speeding up justice: avoidable delay in the criminal justice system*, March 2018, p. 17, <https://www.niauditoffice.gov.uk/sites/niao/files/media-files/Speeding%20up%20Justice.pdf>

represented on the Sexual Violence Reduction Group established by the Department of Justice to ensure a co-ordinated approach to dealing with sexual violence with a key task of overseeing the implementation of review. A dedicated Gillen Review Implementation Team will drive the delivery of the recommendations; PSNI advised that their action plan is to be presented to the Criminal Justice Board in September 2019. It was therefore agreed that the PSNI will attend a further Committee meeting in November 2019 to provide an update in relation to their approach to implementation, including clear timeframes and use of short, medium and long-term actions.

### *Policing Race Hate Crime Thematic Review*

In June 2017 the Board published its Policing Race Hate Crime Thematic Review which considered PSNI's approach to policing with and for members of the community identified as being within a minority racial group. The terms of reference for the thematic review required a consideration of the PSNI's compliance with the Human Rights Act 1998 in, but not limited to, the following areas:

- Identifying, recording and encouraging the reporting of race hate crimes;
- Supporting victims of race hate crime;
- Investigating race hate crimes and arresting and prosecuting the perpetrators;
- Effectiveness of the police use of powers to bring offenders before the court;
- Strategies to combat race hate crime;
- Supporting police officers and staff from minority ethnic communities; and
- Engaging with external partners and stakeholders.

Throughout the thematic review process the Committee, through its Human Rights Advisor, engaged with relevant PSNI personnel and a wide range of stakeholders. The work culminated in a thematic report which outlines the key findings of the review and makes 14 recommendations for PSNI. Board officials have monitored PSNI progress as to the implementation of the recommendations and since 2018 have attended the quarterly meetings of the PSNI Race Hate Crime Delivery Group. The Performance Committee was provided with a detailed report on PSNI progress in implementing the thematic recommendations in April 2019. Given the level of



detail provided in the update, Members wish to examine any outstanding issues with the Board's new Independent Human Rights Advisor to determine whether all recommendations can be definitively discharged. The Committee will be receiving a further briefing on race hate crime as part of the Police Performance Monitoring Framework in October 2019.

### **Going forward...**

By virtue of the intersecting Board monitoring frameworks of PSNI compliance with human rights and the Policing Plan 2019/20, the PSNI are required to demonstrate an effective contribution to protecting the most vulnerable members of the public and supporting victims of criminality. The Performance Committee will continue to review the mechanisms in place for the treatment of victims by police officers, to include training, direction and guidance given to PSNI officers. The Committee will support and oversee the PSNI's implementation process of external reviews and inspections by criminal justice partners.

Where particular areas for improvement are identified from a human rights perspective, the Board's Independent Human Rights Advisor will consider whether there is a need for more focused scrutiny on specific subject area of police work by undertaking a human rights thematic review.

## **8. Treatment of Suspects**

As examined in previous Human Rights Annual Reports, when the police detain a person they assume responsibility for the protection of the detainee's Convention rights. Detention directly engages Article 5 of the ECHR (right to liberty and security) and police must follow strict procedures and take every reasonable step to uphold the rights and welfare of all detained persons. Articles within the PSNI Code of Ethics require police officers to ensure that all detained persons are treated in a humane and dignified manner. It stipulates that arrest and detention must be carried out in accordance with the relevant PACE Codes of Practice and in compliance with



the ECHR. Police also have a duty to protect the health and safety of detained persons and take immediate action to secure medical assistance where required.

In 2017/18 the PSNI detained 22,300 persons under Police and Criminal Evidence NI Order 1989 (PACE) within the custody suites and a further 179 persons were detained in the Serious Crime Suite (Musgrave) under the Terrorism Act 2000.<sup>43</sup> The data for 2018/19 is not due for publication until November 2019.

### *Independent Custody Visiting Scheme*

The Policing Board runs the Independent Custody Visiting Scheme to make, and keep under review, arrangements for designated places of detention to be visited by lay visitors. Independent Custody Visitors (ICVs) are volunteers from the community who are unconnected with the police or the criminal justice system. They make unannounced visits to police custody suits to check the conditions, treatment and welfare of persons detained, by inspecting the facilities, checking custody records and, with consent, speaking to detainees. Where reasons for concern are identified during these visits, they are raised by ICVs with PSNI who must advise the Board within 28 days of the action taken to remedy the concern.

The Board's Partnership Committee keeps under review the arrangements for the ICV Scheme and where issues are raised in respect of PSNI's compliance with the Human Rights Act 1998, these are passed to the Performance Committee to assess the adequacy of the PSNI response. Custody Visitors are trained to inspect the custody record of any detainee who has consented to the inspection. The Human Rights Annual Report 2016/17 emphasised the central importance of the custody record to ICV visits, as volunteers are able to check that,

...the detainees have been afforded their rights and entitlements to have someone informed of their arrest, to consult with a solicitor and to consult PACE Codes of Practice; that medication, injuries, medical examinations, meals and diet are recorded and if treatment was required whether it was given; that the procedures to assess special risk or vulnerabilities have been

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<sup>43</sup> Northern Ireland Terrorism Legislation: Annual Statistics 2017/18, Northern Ireland Office, November 2018

properly recorded and implemented; that rules concerning the timing and frequency of cell inspections, particularly inebriated or otherwise vulnerable detainees, have been complied with; and that reviews of the continuing requirement for detention have been conducted.<sup>44</sup>

It is encouraging that in 2017/18 73% (705) custody records had been checked and in 2018/19 72% (746) records were checked, which is consistent with the previous two years and a marked difference from the low numbers checked seven years ago (49%). Between April 2017 and September 2018, the ICVs carried out 486 valid visits to custody suites across Northern Ireland of which 38 were to TACT detainees. There were 968 detainees held at the time of the 486 valid visits, of which ICVs saw 421 (43%). Between April 2018 and September 2019 the ICVs made a total of 502 valid visits to custody suites, of which 41 were to TACT detainees. There were 1031 detainees held during the reporting period, of which ICVs saw 413 detainees (40%).

#### *Detainees under the Terrorism Act 2000*

Section 41 of TACT empowers a police officer to arrest without warrant a person whom he or she reasonably suspects to be a terrorist. A person arrested under section 41 may be detained without charge for up to 48 hours without judicial intervention. If detention is to extend beyond 48 hours it must be extended by a Judge. The extension may be for up to but no more than a *total* of 14 days. Section 41 is different from other arrest powers, in particular because it permits arrest without suspicion of a particular offence and a person may be detained without the possibility of bail, for periods in excess of four days.<sup>45</sup>

In his last report as the Independent Reviewer of Terrorism Legislation, Mr Hill QC expressed concerns over the apparent reluctance of detainees in Northern Ireland to give consent to ICV visits within the TACT custody facility. He recommends that '*greater efforts are made to ensure that TACT detainees in NI are encouraged to view the ICVA volunteers entirely independent of the police*'. He worked with the

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<sup>44</sup> Human Rights Annual Report 2016/17, p.192

<sup>45</sup> If a person has been arrested pursuant to a power under the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) the maximum detention period of detention may never be extended beyond 96 hours.

Board to introduce a policy change where ICV's self-introduce to detainees to encourage increased participation. This commenced in April 2018 and has resulted in a marked improvement in refusal rates whereby 37% of detainees refused to speak with ICVs in the 2017/18 reporting period compared to 20% refusal rate in 2018/19. It was recognised by both parties that there was additional work to be done in this area, in particular in relation to the legal sector and the cultural practice of clients being advised not to talk with ICVs. This included raising solicitor's awareness of custody visiting, outlining the independent nature of the ICV role and working to influence them to encourage their clients to accept a visit from ICVs. Mr Hill and the Board had plans to take this forward through an event in December 2018, potentially in partnership with the Law Society, aimed at solicitors (in particular those traditionally working with TACT detainees). This did not materialise due to Mr Hill's change of employment and is therefore an area that the Board would be keen for the new Independent Reviewer, Mr Jonathan Hall QC to consider revisiting.

#### **Going forward...**

The Policing Board is obliged, by virtue of section 73 of the Police (Northern Ireland) Act 2000, to make and keep under review arrangements for designated places of detention to be visited by lay visitors. That function is fulfilled through the Independent Custody Visiting Scheme and reported through the Board's Partnership Committee. Where issues are raised in respect of PSNI's compliance with the Human Rights Act 1998 based on the visits carried out by Custody Visitors, the Performance Committee will critically assess the adequacy of the PSNI response. The Performance Committee will liaise with, and consider the reports of, the Independent Reviewer of Terrorism Legislation whose remit extends to considering police use of the power under section 41 of the Terrorism Act 2000 (arrest and detention of persons suspected to be a terrorist). The Board's Independent Human Rights Advisor will consider any issues emerging from these reports which have a clear impact upon the human rights of persons detained in police custody, for example, staffing of custody suites; training of custody staff; risk assessments and access to medical treatment; bail; detention of juveniles; appropriate adults; designation status of police stations; and the treatment of non-PACE detainees.

## 9. Policing with the Community & Human Rights Awareness

Police officers are required not only to comply with the Human Rights Act 1998 when carrying out their duties, as per Section 31 PNIA 2000, they must also aim (i) to secure the support of the local community; and (ii) act in co-operation with the local community. PSNI's capacity to '*embed and demonstrate Policing with the Community ethos and behaviours throughout the service*' is monitored through the Board's Performance Monitoring Branch and reported to the Partnership Committee. The Policing with the Community 2020 Strategy, published in March 2011, makes an unequivocal statement of PSNI's commitment to implementing a policing with the community model. Monitoring the implementation of the 2020 Strategy is a key priority for the Board's Partnership Committee.

As noted within previous Human Rights Annual Reports, there is no simple empirical method of measuring human rights culture; all the monitoring carried out by the Board does cumulatively demonstrate the existence or otherwise of a positive culture. This is evident through the policies PSNI have in place, the training it delivers and the manner in which officers interact with the community. Negative attitudes and behaviours of officers can be gauged through the monitoring of PSNI complaints and disciplinary processes (considered through the Professional Standards Monitoring Framework). The Board also seeks the views of the community through various public events, through the engagement work carried out by the Partnership Committee, and through the human rights monitoring work carried out by the Performance Committee, in particular through the thematic review process.<sup>46</sup>

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<sup>46</sup> The Policing Board has published five human rights thematic reviews; considering policing issues pertaining to domestic abuse, children and young people, Lesbian, Gay, Bisexual and Transgender individuals; the use of police powers to stop and search and stop and question; and race hate crime.

### **Going forward...**

The Performance Committee Programme of Work 2019/20 ensures that the key monitoring areas identified by the Human Rights Monitoring Framework will continue to be considered and discussed with PSNI and other relevant organisations throughout the year. The Board's Human Rights Advisor will ensure that the strategic and operational approach of the police, including the policies and procedures they work to, have a rights based approach. Where the Advisor identifies any significant concerns in police practice, formal recommendations will be made at the end of the financial year. Consideration will be given to specific areas of policing which may require further examination through a human rights thematic review.

### **10. Privacy, Data Protection & Freedom of Information**

A failure to handle personal data correctly constitutes misconduct and, in the case of police officers, a breach of Article 3 of the Code of Ethics. All police officers and members of the police civilian staff must comply with the Data Protection and Freedom of Information Acts. These acts create a number of criminal offences for the mishandling of personal data and protect an individual's right to request information held by public authorities. Inappropriate handling of information could also impact upon an individual's Convention Rights, in particular the right to respect for their private and family life, their home and their correspondence<sup>47</sup>, and has the capacity to seriously damage public confidence in the police. PSNI compliance with this legislation is reported upon annually in the Human Rights Annual Report.

Between April 2018 and March 2019 PSNI recorded 41 alleged breaches of the Code of Ethics which related to matters involving the Acceptable Use Policy and the Data Protection Act. This is an increase from the previous two years when 36 were recorded in 2016/17 and 32 recorded in 2017/18. Alleged breaches relating to

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<sup>47</sup> There can be no interference by a public authority with the exercise of that right except such as in accordance with the law and is necessary in a democratic society: in the interests of national security; in the interests of public safety; in the interests of the economic well-being of the country; for the prevention of disorder or crime; for the protection of health or morals; or for the protection of the rights and freedoms of others.

privacy and confidentiality increased from 1 in 2016/17 to 11 in 2017/18 (1,000% increase). However this increase has not continued into 2018/19, where there was only 1 incident recorded. Before 2017/18, assault (including domestic or sexual offences) was consistently the highest category for criminal investigations across the previous 4 years, but in 2017/18 this reduced by half while data protection breaches increased from 12 in 2016/17 to 14 in 2017/18 (17%). A further 16 have been recorded in 2018/19.

Where an individual does not believe that a subject access request or Freedom of Information (FOI) request has been dealt with appropriately, or where they have other concerns regarding an organisation's information rights practices, they may complain to the organisation itself and/or to the Information Commissioner's Office (ICO). Between 1 April 2017 and 31 March 2018, PSNI received and processed 1,584 subject access requests under the Data Protection Act and 5,800 requests made from 1,601 individuals under the Freedom of Information Act. During the same period, PSNI were contacted by the ICO in relation to 23 complaints made under Section 50 of the FOIA and 18 requests for assessments made under Section 42 of the DPA. Over half (13) of the FOI complaints related to PSNI's adherence to the timescales contained within the Act. Of the 18 complaints made in relation to the DPA, four related to adherence to timescales and nearly half (8) related to PSNI's processing of personal information.

Between 1 April 2018 and 31 March 2019, PSNI received and processed 1,591 subject access requests under the Data Protection Act and 5,539 requests made from 1,483 individuals under the Freedom of Information Act. During the same period, PSNI were contacted by the ICO in relation to 32 complaints made under Section 50 of the FOIA and 15 requests for assessments made under data protection legislation. PSNI advised that, due to a current backlog, the majority of the requests assessed by the Information Commissioner's Office related to breaches of timescales within the legislation. Therefore they met with the ICO and agreed a formal plan of action which included securing additional resource for the Corporate Information Branch to handle requests. Since then, new staff members have joined the branch and as a result PSNI reported that the backlogs experienced have begun to reduce.

It should be highlighted that from the 25th May 2018 the processing of personal data changed across the United Kingdom with the new Data Protection Act 2018, which introduces the EU General Data Protection Regulations (GDPR) and the complementary Law Enforcement Directive (LED). In preparation for this, PSNI formed a Data Protection Implementation Group responsible for delivering an extensive implementation plan based on guidance from the National Police Chief's Council. After a recommendation from the ICO, PSNI put in place an Information Asset Register in order to assess and audit all of their records, advising that it will be a substantial piece of work. In May 2018 two new corporate policy instructions were issued to define the renewed responsibilities placed on officers regarding Data Protection (SI0518) and Freedom of Information (SI0318). All officers and staff underwent mandatory training which is to be delivered every three years thereafter. In August 2019 PSNI wrote to the Board to advise that Internal Audit has completed their review and provided an overall audit opinion rated 'Green-Satisfactory' assurance rating. Following this work, PSNI have appointed an external candidate to a newly created role of Data Protection Officer, who will ensure training and compliance across the service with the new legislation.

### **Going forward...**

In 2019/20 the Performance Committee will continue to keep informed of PSNI's compliance with the newly enforced Data Protection Act 2018 and the Freedom of Information 2000. Through the Performance Committee Programme of Work 2019/20, the PSNI's compliance with Article 8 ECHR will also be monitored in a wider context. For instance, the way in which police officers protect and uphold the right to respect for private and family life is evidenced through the daily interactions they have with the public and through the way in which they exercise their powers, for example, stop and search powers, covert policing powers, powers of detention and so on.



## **11. Children and Young People**

In monitoring the PSNI's performance in complying with the Human Rights Act 1998, the Policing Board considers the way in which police interact with children and young people and protects their rights. It is recognised that children and young people have the same rights as adults but they also have additional rights as a result of their vulnerability. Therefore due consideration is given to the United Nations Convention on the Rights of the Child (CRC) and in particular, the following core principles; all children have the right to life; the best interests of the child should be paramount; the State has a duty to protect children from all forms of violence; children have a right not to be discriminated against; and children have a right to have their opinions taken into account in matters concerning them and a right to freedom of expression.

As part of the Police Performance Monitoring Framework, to achieve the Strategic Outcome of 'increasing trust and confidence in policing in Northern Ireland' a measure has been carried forward in the Policing Plan 2019-20 for PSNI to increase young people's confidence in policing in areas where it has been identified as being lower. Measures have also been carried forward in the 2019-20 Plan for PSNI to improve service to the most vulnerable (including young people) across policing districts through the implementation of Support Hubs in collaboration with PCSPs and other partners; and to demonstrate an effective contribution to protecting young people by implementing initiatives and interventions to improve outcomes in collaboration with partners in relation to child sexual exploitation and abuse and children who go missing. The Performance Committee will continue to assess performance against the measures in the Plan throughout 2019/20.

The Committee receives a range of statistical information which is broken down according to age profiles, including the age of persons against whom various types of force is used, the age of persons against whom stop and search powers are used, the age of people who have made complaints to the Police Ombudsman's Office, and the age of victims of crime, including victims of domestic abuse. Following a recommendation made in the Human Rights Annual Report 2016/17, a high level breakdown by age for paramilitary style shootings and assaults is now included in the PSNI Security Situation statistical report. In their latest report, between 1 July 2018 to 30 June 2019 there were there were 17 casualties of paramilitary style

shootings, compared to 20 in the previous 12 months. All 17 casualties were aged 18 years or older. There were 64 casualties of paramilitary style assaults during the reporting period compared to 59 during the previous 12 month period. Of the 64 casualties of paramilitary style assaults between 1 July 2018 to 30 June 2019, 4 were aged less than 18 years old.

Between 1 April 2018 to 31 March 2019 PSNI recorded that 28,116 persons were stopped and searched/questioned; 13% (3,629 persons) of all stops were on persons aged 17 and under. Of those 3,629 persons, 69% stopped and searched were under the Misuse of Drugs Act (including a combination of Misuse of Drugs Act and other powers). In May 2018, the Young Life and Times (YLT) survey suggested that young people are experiencing stop and search encounters at a higher rate than is formally recorded in PSNI official statistics and that no clear reason is given to the majority of young people being stopped.<sup>48</sup> It asserts this raises questions as to whether the legal threshold for ‘reasonable suspicion’ has been met in such searches. During the Committee Review of the PSNI’s use of stop and search powers, the Committee considered findings from an academic researcher supporting further investigation into the oversight directed at PSNI’s use of the powers contained in the Police and Criminal Evidence (Northern Ireland) Order 1989 and the Misuse of Drugs Act 1971.<sup>49</sup> This is a concern that the Committee will be dedicating further consideration to, with the assistance of the Board’s newly appointed Independent Human Rights Advisor.

Stop and searches of young people under counter-terrorism and security powers are less frequent,<sup>50</sup> but nonetheless concerns in relation to young people have repeatedly been raised by the current Independent Reviewer of Justice and Security

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<sup>48</sup> The Young Life and Times Survey reported that; over two thirds of respondents were not given a reason when they were stopped and 90% were not given a receipt or reference, even though in 57% of cases the name and/or address of the young person were recorded in the officer’s notebook.

<sup>49</sup> John Topping and Dirk Schubotz, *The ‘usual suspects’? Young people’s experiences of police stop and search powers in Northern Ireland*, ARK research update, May 2018

<sup>50</sup> Between 1 August 2017 to 31<sup>st</sup> July 2018 Mr Seymour reported 247 children were stopped and searched under sections 21 and 24 of JSA, representing 3.4% of the total stopped (no child was stopped under TACT).

The eleventh Annual Report of the Independent Reviewer of Justice and Security (Northern Ireland) Act 2007 from 1st August 2017 – 31st July 2018, Northern Ireland Office, 15 March 2019, <https://www.gov.uk/government/publications/11th-annual-report-of-independent-reviewer-of-justice-security>

Act, Mr David Seymour. For instance, in his tenth report (1 August 2016 to 31 July 2017), Mr Seymour recommended that an internal record be kept of any stop and search under the JSA or TACT involving children. The PSNI have considered this recommendation carefully and concluded that it is not feasible to accept it, as these powers are “without reasonable suspicion” powers and police officers should not be required to articulate reasons why a particular person should be stopped and searched. In the latest report covering the period 1 August 2017 to 31 July 2018 Mr Seymour noted that, while PSNI have not accepted his previous recommendation, if they could demonstrate *‘that there was effective supervision and a service wide strategy in relation to the use of these exceptional powers that would be a significant additional safeguard’*.<sup>51</sup> Mr Seymour also recommends that the PSNI ensure that Body Worn Video is used in all cases of children under JSA and TACT.

The Performance Committee considered the findings of David Seymour’s report and received a briefing from PSNI Crime Operations team on the issue of stop and search (discussed in section 4 above). Members were encouraged that PSNI are in the process of developing a new stop and search service instruction which will have a dedicated section on children and young people. PSNI have advised the policy has been drafted and is currently going through their internal governance structures before going out for consultation among key stakeholders including youth organisations, academics and criminal justice partners. The policy will deal with stop and search generally as opposed to specifying procedures in relation to the powers contained within different statutes. The reasoning being that PSNI do not think it is necessary to reiterate the accompanying Codes of Practice. The Committee anticipate receiving the draft service instruction by autumn 2019.

In June 2018, the Northern Ireland Commissioner for Children and Young People (NICCY) published a ‘Statement on Children’s Rights in Northern Ireland’, informed by the UN Committee’s Concluding Observations following their fifth periodic examination in 2016.<sup>52</sup> As examined in the Human Rights Annual Report 2016/17, the UN Committee commented on the use of stop and search powers against

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<sup>51</sup> Ibid. p24

<sup>52</sup> The 5<sup>th</sup> periodic examination of the UK State Party, on delivery of its obligations in the Convention was held in 2016, the Concluding Observations of which can be found at [www.niccy.org/UNReporting](http://www.niccy.org/UNReporting)

children and young people, recommending that the statutory use of the stop and search checks is proportionate, taking into consideration the age and maturity of the child, and non-discriminatory; and that data is regularly collected and analysed relating to the use of stop and search on children, disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background. NICCY further recommends that *'PSNI must demonstrate the purpose and outcomes of all Stop and Search operations involving children and young people, and must also improve the quality of engagement with young people'*.<sup>53</sup>

The PSNI's Youth Champions Forum (YCF) provides a useful means of engagement between the service and youth representative organisations. Board officials continue to observe these meetings, which focus on how PSNI could improve their services for children and young people at risk of or engaged in crime & disorder. One key development within the reporting period has been the bespoke 'Youth Champions Forum Report' which aims to improve dialogue over PSNI statistics and information in relation to children and young people. The report will contain sections on victims and witnesses, detentions, use of force, stop and search, and the use of Community Resolution Notices (CRNs). It will provide assurance by giving further insight into operational figures by supplementing data with contextual narrative where possible. This will become a bi-annual report provided to the YCF as a guide for discussion; it will not represent official figures and will contain information that cannot be published due to statistical reporting rules.

The Committee is also pleased to note the development of PSNI's Children and Young People Strategy, from which PSNI will be able to develop an action plan to deliver the commitments contained within the document. It aims to further improve the quality of the PSNI's interactions with children and young people. The strategy identifies the following key themes;

1. Engagement
2. Safety and Protection
3. Suspected Offending
4. Victims and witnesses

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<sup>53</sup> Northern Ireland Commissioner for Children and Young People, *Statement on Children's Rights in Northern Ireland* June 2018 <https://www.niccy.org/media/3051/socrni-main-report-final-june-18.pdf>

## 5. Stop and Search

PSNI sought feedback on the proposed strategy from YCF Members and over 120 public authorities, stakeholders and MLA's.

### **Going forward...**

In all aspects of its human rights monitoring work, the Performance Committee will consider the way in which police interact with children and young people and give effect to the United Nations Convention on the Rights of the Child (CRC). Board Officials and Board Members will continue to attend independent working groups, events and conferences with key stakeholders and community groups to maintain their breadth of oversight in this area. The Performance Committee will continue to assess performance against the measures in the Policing Plan in relation to children and young people throughout 2019/20, and publish an annual assessment by the end of the reporting year.

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## DOCUMENT TITLE

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**Northern Ireland Policing Board  
Human Rights Assurance Report  
September 2017- August 2019**

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