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**Human Rights Annual Report 2015**

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|  | **Detail** | **Update from PSNI** | **Human Rights Advisor Assessment** |
| 1 | The PSNI should, 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. Progress in relation to that recruitment should be reported to the Performance Committee within 1 month of the publication of this Human Rights Annual Report. | PSNI are currently undertaking a corporate review of staffing across the whole organisation including within the Police College as part of its response into the impact of the Voluntary Exit Scheme. This review will include a review of the Human Rights Training Advisor Role and how it can be achieved which may include an amendment to include other key advisory areas within training. College management met with the Human Rights Advisor to the Policing Board to discuss this matter and will report on progress and developments to the Performance Committee after the organisational impact of the Voluntary Exit Scheme on police staff has been properly assessed. | Implemented |
| 2 | The PSNI should complete its Working Together project on case file preparation and implement the recommendations and findings contained within the Criminal Justice Inspection Northern Ireland Report. Thereafter, the PSNI should provide to the Performance Committee a written briefing on the outcomes of the project and on the steps taken or to be taken. That written briefing should be provided within 12 months of the publication of this Human Rights Annual Report. | The PSNI has accepted the six CJINI strategic recommendations made in its report and is working, together with the PPS, to implement them. A project has been set up to scope different options for the CJINI recommendations and present a business case to the Project Board. Once the preferred option is determined the project will move into solution design followed by implementation phase. It is anticipated that implementation will commence by end December 2016. | Implemented |
| 3 | In the likely event that the PSNI will obtain the power to issue **Domestic Violence Protection Notices and apply for Domestic Violence Protection Orders** within the next 12 months it should provide to the Committee its draft written policy and guidance on the use of the powers and the proposed training plan for officers. In any event, training must be delivered prior to the introduction of the powers. | The recommendation has not been achieved through no fault of PSNI as it depends on DVPOs and DVPNs being brought into force and this will require legislation being passed through the NI Assembly. In the interim PSNI has been working closely with the Department of Justice and other agencies to develop draft guidance and this in turn will inform training. | Work ongoing |
| 4 | The PSNI, in co-operation with OPONI, should identify those complaints which relate specifically to the police response to reports of domestic abuse (within the more general complaint heading of domestic incident) and disaggregate those complaints in the presentation of its six monthly reports | Discipline Branch has agreed with the Police Ombudsman and the Human Rights Advisor to the Policing Board as to how this recommendation will be implemented. The Ombudsman will collate and provide the relevant data and Discipline Branch will provide the comment on this as part of the Professional Standards Monitoring Framework report to the Board. | Implemented |
| 5 | The PSNI should include as part of the information provided for the Professional Standards Monitoring Framework trends and patterns identified in complaints and misconduct matters arising in respect of police civilian staff who are not designated officers within the remit of the Office of the Police Ombudsman. | PSNI has committed to providing information on staff misconduct and discipline to the Policing Board and will extend this to include any trends or patterns that can be identified. It may be noted that there are in fact only a small number of cases and caution will need to be applied before identifying any similar incidents as representing a trend or pattern. | Implemented |
| 6 | The PSNI should forthwith amend its Youth Diversion Scheme to include clear guidance that a child must always be referred to the possibility of seeking legal advice when an Informed Warning is to be administered. Thereafter, the PSNI should confirm in writing to the Performance Committee that the Scheme has been amended and that officers have received appropriate advice on the amendment. | Legal advice is available to all children to whom a Caution or Informed Warning is to be administered. The Certificate Declaration has been amended to ensure that a child is aware of this. Officers have been instructed of this change. An amendment reflecting this will be made to the Youth Justice Service Procedure. A report on this matter will be sent to the Performance Committee. | Implemented |
| 7 | The PSNI should in respect of its use of SUAs overtly, while awaiting dedicated policy guidance, adopt formally and issue to officers the Surveillance Camera Code of Practice (June 2013) and the Information Commissioner’s Code of Practice (May 2015). | In relation to the overt use of SUA, the PSNI had complied with this recommendation and circulated the documents to all operators of SUA systems | Implemented |
| 8 | To enable the Performance Committee of the Policing Board to monitor effectively the use of SUAs the PSNI should provide to the Committee every 6 months a report on the nature and extent of Small Unmanned Aircraft use. | Small Unmanned Aircraft (SUAs) provide valuable support to police operations and their use is monitored and recorded. A report of overt use of SUAs will be provided to the Committee every 6 months. | Implemented |
| 9 | The PSNI should forthwith and for a period of 12 months disaggregate the further statistics on outcome crime according to each disposal type including conviction in a form which can be easily accessed and understood. The PSNI should at the end of the 12 months period report to the Performance Committee with the empirical evidence distilled from the statistics | PSNI is committed to providing statistics and information to assist in understanding and tackling domestic motivated crime. We will engage with the Performance Committee to ensure, that where possible, relevant information is provided in a report that is meaningful | Implemented |
| 10 | The PSNI should continue to monitor the service of non-molestation orders and provide the Performance Committee, within 12 months of the publication of this Human Rights Annual Report, with an analysis of the length of time taken to serve orders, an analysis of the checks and balances put in place to oversee the service of orders and the extent to which applicants and their legal representatives are kept informed of the service of orders | PSNI will continue to monitor and report on progress on the service of non-molestation and occupation orders. This report will include an analysis of the length of time taken to serve orders, and analysis of the checks and balances put in place oversee the service of orders and the extent to which applicants and their legal representatives are kept informed of the service of orders. | Implemented |
| 11 | The PSNI should, within six months of the publication of this Human Rights Annual Report, report to the Performance Committee on progress made against the recommendations contained within the CJINI report, An Inspection of the Quality and Timeliness of Police Files (Incorporating Disclosure) Submitted to the Public Prosecution Service for Northern Ireland, 26 November 2015 | The PSNI and PPS have established a joint ‘Working Together’ Project Team to deliver on the CJINI recommendations. This project has been set up to scope different options for the CJINI recommendations and present a business case to the Project Board. Once the preferred option is determined the project will move into solution design followed by implementation phase. It is anticipated that implementation will commence by end December 2016 | Implemented |
| 12 | The PSNI should forthwith provide to the Performance Committee a report on the number of times and the reason(s) for a buzzer in a cell having been switched off between 1 January 2014 and 1 January 2016. The report should include reference to the relevant PSNI policy and the alternative arrangements that were or should be made to ensure the safety of the detainee | A cell buzzer is provided to enable a detainee to attract the attention of custody staff. The main reason why a buzzer may be switched off is abuse of the facility by the detainee by unnecessary and frequent use. This can distract staff from their duties, which include ensuring that all detainees are safe. When the buzzer is switched off staff employ other established procedures to ensure that the detainee remains safe, until the buzzer may again be switched on. A full report on the matter will be given to the Performance Committee | Implemented |
| 13 | The PSNI should provide to the Performance Committee forthwith a report detailing the period during which exercise facilities were or are unavailable for use by detainees. If exercise facilities are unavailable to detainees held for extended periods, consideration should be given to moving that detainee to an alternative station | Custody Branch will review the availability and use of exercise facilities in Custody Suites. The Review will consider the alternatives available if exercise facilities are unavailable for extended periods of time. The findings will be reported to the Performance Committee | Implemented |
| 14 | The PSNI should carry out a training needs analysis for all Custody Staff and ensure that all staff receive sufficient training on the identification of and appropriate response to: detainees presenting with physical or mental health issues and/or addictions; and on child protection issues. The PSNI should present its findings to the Performance Committee within 6 months of the publication of the Human Rights Annual Report | The PSNI has a statutory obligation to ensure that detainees receive appropriate clinical attention. Police custody is reflective of societal trends in substance misuse and mental health problems, including self-harm, in considering the complex needs of those people detained and to meet safe detention principles a Police custody and training needs analysis will be carried out and the results presented to the Performance Committee | Implemented |

**Human Rights Annual Report 2016/17**

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|  | **Detail** | **Update from PSNI** | **Human Rights Advisor Assessment** |
| 1 | The PSNI Human Rights Training Advisor should assess the capacity of police trainers to deliver the renewed Student Officer Training Programme with an emphasis on human rights and policing with the community. That assessment should include a consideration of whether trainers are themselves sufficiently knowledgeable about their subject, skilled in the delivery of training and given sufficient time to engage with students during lessons. Thereafter, that assessment should be included in the PSNI’s sequence of briefings to the Policing Board on the implementation of the Police Scotland recommendations |  | Implemented |
| 2 | PSNI should consider whether its engagement with older people is effective and, assuming that more could be done, its strategy for engagement with the objective of enhancing the protection of older vulnerable people. The PSNI should report to the Performance Committee within 6 months of publication of this Human Rights Annual Report with its analysis | Currently there is no legislation for Adult Safeguarding in Northern Ireland. The Police Service of Northern Ireland is part of Adult Safeguarding Protection Bill Transformation Group and is contributing to the new legislation currently being developed. This sees a number of key stakeholders supporting Health develop both legislation and associated guidance. PSNI will then replicate with internal structures to deliver against the introduction of the same – focuses on training, ICS implications, policy, comms and awareness and front line support. | Implemented |
| 3 | PSNI should analyse its use in 2016/17 of **police detention for children**. That analysis should consider a random sample of cases (not less than 20%) in which children were detained. The analysis should include in particular whether alternative options were considered. If alternatives were considered but unavailable the PSNI should identify the reason(s). PSNI should report to the Performance Committee within 6 months of the publication of this Human Rights Annual Report. | Accepted. PSNI advised it works with a range of statutory and voluntary partners to divert young people away from the criminal justice system. When, for whatever reason, a young person enters the criminal justice system, care is taken to manage the process to ensure the best outcomes for the young person. Custody records record the grounds for the arrest, reason for arrest and other information relevant to detention. Alternatives to arrest are considered by the arresting officer and not recorded on the custody log. | Recommendation 14 in the Human Rights Annual Report 2019/20 reiterated this recommendation |
| 4 | In the event that the PSNI considers introducing **spit guards** or hoods for use by officers it should first report to the Committee outlining the need, the capability gap to be filled, whether there is potential for death or injury; a tactical and medical needs assessment; and an equality impact assessment. | Accepted. PSNI provided an overview of findings including data around assaults on police involving spitting and biting; information on the safety of the 'Spit Guard Pro' model which has been introduced on a temporary basis in response to the COVID-19 pandemic. PSNI included an equality impact assessment.   442206: PSNI wrote to the Board to advise that as part of the EQIA on SBG they are conducted a consultation with key stakeholders, which is due to commence on 1 March 2021 and end on 24 May 2021. It is anticipated that the results of the EQIA will be published in June 2021. | From September 2019 to February 2020, the Performance Committee entered into a process of discussions with the PSNI in relation to the introduction of Spit and Bite Guards. The Performance Committee considered there is a lack of evidential basis for outlining the need and capabilitity gap (including the consideration of other alternatives). There were also concerns raised with the EQIA, which indicated that the Boards Performance Committee and Human Rights Advisor approved of SBG, which is not the case - a letter was issued to PSNI to highlight this.  On 16 March 2020 the Chief Constable wrote to the Board to advise SBGs will be introduced on a temporary basis in response to the pandemic. In May 2020 the Performance Committee requested PSNI's evidence and formal submission regarding its proposals to introduce SBGs on a permanent basis. This was due to be received and considered by Committee in October 2020, however it has been delayed.  A recommendation in the COVID-19 Review (Rec 15) states PSNI should phase out the use of SBG as soon as possible, this has not been accepted New recs within HRAR 2019/20, COVID Report & SBG Review (March (2022). |
| 5 | In the event that the PSNI intends to issue **spit guards** or hoods to officers it should report to the Committee on the policy guidance in place; training developed (for all officers and civilian detention officers); the monitoring framework for the use of hoods; and, the commitment to report the use of hoods to the Policing Board by the electronic use of force monitoring form. | Accepted. PSNI provided an overview of measures taken, including; updates to Chapter 16 of the Conflict Management Manual; an online, mandatory training video developed by COT; arrangements with OPONI for the use of force monitoring system. | New recs within HRAR 2019/20,COVID Report & SBG Review (March (2022). |
| 6 | PSNI should include an age breakdown of the victims of paramilitary style shootings and assaults within its year end statistical report. |  | Implemented |

**Human Rights Annual Report 2019/20**

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|  | **Detail** | **Update from PSNI** | **Human Rights**  **Advisor Assessment** |
| 1 | PSNI should  consider Dr. Richard Martin’s research on the **training** of officers;  work with the PSNI Human Rights Training Advisor to develop plans for improving the training; and  report to the Policing Board on the implementation of those plans. | Accepted. The Board’s Human Rights Advisor in January 2021 met with the PSNI Human Rights Training Advisor met with to discuss the broader application of the recommendation for the Police College. The Police Human Rights Training Advisor is to consider development of an annual plan for 2021/22 and will report on progress to the Board through the established quarterly reporting mechanisms between the Board and Police College.  Since the publication of Dr Richard Martin’s report which specifically relates to Public Order Command Courses delivered by Combined Operational Training, the PSNI has reviewed and amended the Human Rights and Use of Force lessons in both the Bronze and Silver Command Courses and now delivers this lesson. Proportionality assessments/discussions take place throughout the Public Order and Public Safety training material and additional material on policing of peaceful protest is now included in the course. This will be kept under review as a part of an annual review of Combined Operational Training content and delivery. | Closed. The Human Rights Advisor and Board Officials meet with the Police College each quarter to receive an update on any completed or upcoming training incentives. |
| 2 | The PSNI should develop and publish a plan and timetable to ensure that all of its **policies are published** and, where relevant, they set out the human rights issues involved in sufficient detail to allow a member of the public to be reassured that proper consideration has been given to them. It is accepted that there may be some policies that contain sensitive issues and in those cases the Policing Board or its Human Rights Advisor should be consulted on what can or cannot be disclosed to the public. | Accepted. Work is ongoing to review, update, timetable and publish Service Policy and Instruction. These policies reference Human Rights considerations. Some Service Instructions have been shared in their entirety with the Board for specific comment; such as The Use of Drones and Stop and Search. | Work in Progress |
| 3 | The **Body Worn Video** guidance should be expanded to include more information about the human rights issues involved in the use of Body Worn Video (especially in relation to privacy). | Accepted. The use of BWV during encounters with members of the public is grounded in increasing accountability in policing and providing openness and transparency. The PSNI continues to extend and embed the use of BWV in frontline service delivery. Current training highlights the potential impact on human rights and in particular, Article 8 issues. The policy framework and guidance will be reviewed in light of this recommendation to provide reassurance on content relating to human rights impact. The current policy has been updated and sent to Legal Services Branch in early March 2021 for consideration and sign off and to make sure we are Human Rights compliant and legally protected. The BWV policy has been updated to incorporate human rights and a new end date of September 2021 has been set for full implementation of this recommendation awaiting the outcome of the judicial reviews. | Superseded by Recommendation 3 included in the Human Rights Annual Report in 2021/22. |
| 4 | The street triage pilots, subject to a positive evaluation, should be expanded to the whole of Northern Ireland and the PSNI should seek support from the Department of Health to achieve this. | Discharged. 21/04/22 Discharge approved on following basis:  There were two evaluations of the MATT service, which were conducted prior to the COVID 19 pandemic and the exit of NIA’s from this scheme, who were a major collaborator in the pilot. The premise under which the recommendation was accepted can no longer be seen as valid due to these significant changes. The scheme cannot be expanded in its current form as this is different to what was originally envisioned and the evaluation that was previously undertaken should, in all probability, be re-examined to see if the conclusions drawn are still valid. The recommendation articulated that support should be sought from DoH, the conduit to DoH is PHA, who are the main collaborator working with the Police Service and have joint oversight of this pilot. The delivery of this recommendation in its current form is unachievable.  Further discussion would need to take place so that the operation and support of the MATT scheme is accurately reflected. In addition, with the absence of NIAS from the scheme, the premise under which it was originally accepted needs to be examined to evaluate whether or not it is still valid.  As this recommendation is not deliverable for the reasons outlined above, it is requested that consideration be given to discharging this recommendation. |  |
| 5 | Pending the establishment of the Historical Investigations Unit the PSNI should put in place procedures that comply with the **Article 2 requirements for legacy investigations as set out in the Court of Appeal case of McQuillan**. At a minimum this should include consideration of the appointment of Senior Investigating Officers from outside the PSNI to lead investigations where practical independence is in question. | Not Accepted/Unable to Accept. The 2019 Northern Ireland Court of Appeal judgment in the McQuillan case is subject to appeal to the Supreme Court, now listed for June 2021. It would, therefore, be premature in advance of the outcome of the appeals, to put in place specific measures such as that recommended, for all legacy cases where independence had been questioned. When the outcome is known, PSNI will take any relevant and necessary steps to demonstrate the capacity to deliver practically independent investigations. Interim measures including a Conflict of Interest policy have been in place for some time. | Superseded by new recommendations included in the Human Rights Annual Report for 2021/22 |
| 6 | The PSNI should report to the Policing Board on implementing the recommendations made in the CJINI review of the methods used to **disclose information in respect of historic cases** to the office of the Police Ombudsman for Northern Ireland.  CJINI Recommendation 1 – The PSNI should urgently put in place an effective system to provide corporate assurance that all material provided by the Liaison Officer was that required in the original request from the Office of the Police Ombudsman for Northern Ireland and the disclosure and discovery regimes were effective and consistent across all Departments.  CJINI Recommendation 3 – PSNI should immediately review its internal processes for appointing and training staff to perform the role of an OPONI Liaison Officer.  CJINI Recommendation 4 – The PSNI should review its PONI Liaising staffing levels against current and potential future demand within one year of the publication of this review. | In July 2019 PSNI established a new IT platform with an enhanced search function onto which all electronic legacy information transferred. The Ombudsman attended to watch a demonstration of the new system. OPONI investigators then conducted searches of the system in person, assisted by police representatives in order to satisfy themselves that all PSNI and the OPONI should revisit and revise the MOU. A new MOU was subsequently signed and PSNI continue to work collaboratively with OPONI to finalise the processes underpinning the new MOJ.  Review completed and training procedure established from July 2019 for the new IT platform.  Review complete. |  |
| 7 | Within 6 months of the publication of this Human Rights Annual Report, the PSNI should publish the criteria used by chief officers to decide which **stop and search** tools officers should use, ensure that they are human rights compliant and that they will be effective. Thereafter, the PSNI should analyse the activity after the event to determine whether the increase/decrease in deployments had an impact on crime levels or other objectives. The PSNI should provide a written briefing to the Performance Committee on the findings and on the steps taken, or to be taken, within 12 months of the publication of this Human Rights Annual Report. | Accepted. The Policing Powers Delivery Group chaired by the Assistant Chief Constable, Operational Support Department continues to meet quarterly. This group oversees the use of all police powers, including the impact of stop and search. PPDG commissioned some research pertaining to increased stop and search activity in two Policing Districts during 2020, however, the results did not provide any learning in terms of an increase or decrease in crime following police activity. Further research has, therefore, been commissioned where all District activity will be examined over a specific period of time in 2019 (pre-covid). The results will be considered by PPDG in 2021 and, in due course, a full response will be shared with the Boards Human Rights Advisor. The Human Rights Advisor notes that the term ‘tools’ referred to in this recommendation means ‘powers’. We understand, therefore this to mean how we determine where and when Stop and Search powers should be used. A report setting out our approach from a NIM perspective is being drafted and I hope to have this ready for ACC’s consideration at some time during May 21. In addition, the new PPDG quarterly report has been updated to include operational feedback and learning and a new section is being prepared on Point giving supervisors further advice in relation to quality control. | Closed. Superseded by new recommendations included in the Annual Report for 2020/21 |
| 8 | The PSNI should draft a Service Instruction, or add to its current draft Service Instruction, on **Stop and Search** which sets out how police officers should record the basis for their stops and searches using Terrorism Act 2000 and Justice and Security (Northern Ireland) Act 2007 powers and how they should ascertain and record the community background of those subject to this power. | Accepted. A new Service Instruction has been published and related section 75 is complete. To maximise the understanding of operational officers new point pages have also been launched in support of the service instruction. (Sept 2021) | Superseded by new recommendation included in the Human Rights Annual Report in 2021/22. |
| 9 | PSNI should set out what indicators they use to assess the effectiveness of their use of each of the **stop and search** powers compared with other kinds of police officer deployments. | Accepted. Closed. All powers continue to be monitored at the Policing Powers Development Group (PPDG). From a stop and search perspective, quarterly reports identify trends in terms of use of the powers on both adults and children; geographic (community) increases or decreases; use of related body worn video. i.e. use when conducting stop and search. | Closed as superseded by new recommendations included in the Annual Report for 2020/21 |
| 10 | The PSNI should share in April each year its overall strategy for dealing with the **events over the upcoming summer** with the Policing Board. | Accepted. Closed. The PSNI will share its Gold Events Strategy for 2021 when complete. ACC District Policing & DCC have agreed that sharing a strategy for operational policing in the public domain may be counterproductive. | Closed. The Human Rights Advisor will continue to receive the Strategy and brief the Board accordingly |
| 11 | The Policing Board will work with the PSNI over the next year to seek to make public the **use of force** statistics by gender, age, ethnic minority and disability etc. Subject to the actions taken by the PSNI to respond to the stop and search case of Ramsey, the Policing Board will discuss with the PSNI the production of statistics on the use of force and community background status of those subjected to this use of force.PSNI should report to the Board on how use of force is monitored and the reasons for the increases in the number of times force has been used. | Accepted. Work to progress community monitoring data continues following recommendations by Lord Chief Justice, HMIC and the Policing Board. Further to the Ramsey Judgment, significant steps have been taken to address, in particular, records relating to the basis of a search. In the short term, this included new instructions to officers and an update to the existing IT recording system. IN the longer term, a new IT solution (due around Spring 2021) will be implemented. Work to improve the reporting of Use of Force incidents continues. A specific plan has been developed which will culminate in an updated IT solution which seeks to automate requests. | Superseded by new recommendation included in the Human Rights Annual Report 2021/22 |
| 12 | As a result of the proposed new legislation on **domestic violence** in respect of domestic abuse, harassment, stalking and coercive control*,* which is to be expected to be in place this year, it is now recommended that PSNI should provide the Board with its draft written policy and guidance on the use of the new powers and the proposed training plan for officers. | Accepted – Closed. The training programme for the Domestic Abuse and Civil Proceedings Act 2021 commenced on 22 March 2021. It aims to change how frontline police officers and staff understand and respond to domestic abuse, particularly the investigation of the new domestic abuse offence which will criminalise abusive behaviour. The programme seeks to achieve this by increasing knowledge and understanding, raising awareness of the varied forms of domestic abuse, physical and non-physical and providing strategies and skills that police officers and staff can use to improve outcomes for victims. As of August 2021, the internal training modules are complete. | Closed |
| 13 | Jonathan Hall QC in his latest report raises some questions about the PSNI’s use of the **TACT powers** at ports (Schedule 7) and a need to look at the safeguards and training that is in place (Para 9.86). He also says the ethnic minority data should be published by PSNI as a matter of course (Para 9.87) and community background information should be requested and published (Para 9.92). The Policing Board recommends that the PSNI reviews these issues and reports to the Policing Board. | Accepted. Closed. PSNI consider that Jonathan Hall’s report is endorsing the importance of training to ensure the powers are not used in a discriminatory way, rather than highlighting an issue. PSNI see this as so important that their Ports officers (Examining officers) are trained to a National Accredited level for use of Schedule 7 (which is subject to annual re-accreditation) and they are continuing to invest in CPD. | Closed |
| 14 | In the previous Human Rights Annual Report the following recommendation was made: *PSNI should analyse its use in 2016/17 of* **police detention for children***. That analysis should consider a random sample of cases (not less than 20%) in which children were detained. The analysis should include in particular whether alternative options were considered. If alternatives were considered but unavailable the PSNI should identify the reason(s). PSNI should report to the Performance Committee within 6 months of the publication of this Human Rights Annual Report. This recommendation was not completed because the PSNI did not have the capability to carry this out.* However, the PSNI is part of a wider working group which has been considering alternatives to detention. The PSNI should report to the Board on the outcomes from this work and its actions following any recommendations. | Accepted – Closed. PSNI currently carries out a monthly audit which is then converted into an annual figure for comparison. The sample size exceeds the aforementioned 20%. It should be acknowledged that the PSNI does not currently have alternative accommodation, other than the Juvenile Justice Centre, so the sampling is based on identifying whether children and young people are not taken to Juvenile Justice Centre and associated rationale. Dip sampling is intended to highlight any recurring issues of Juvenile Justice Centre availability or compliance issues. An internal audit of relevant custody records is conducted on a monthly basis, to identify trends on reasons for non-transfer to Juvenile Justice Centre. The reason, in the majority of cases, is direct transfer to court, disposal, lack of available space in Juvenile Justice Centre or the impracticality of transfer due to travel distance. Education continues and is embedded around the unsuitability of custody for the detention of children in custody suites. PSNI continue to work with key strategic partners in relation to the provision of suitable overnight accommodation for detained young people. This includes a range of issues, including proximity of suitable accommodation to court and custody areas. Going forward, PSNI suggest that they will forward a quarterly report to the Board to highlight figures and provide regular update on progress. | Closed. Agreed that Quarterly reports be provided to the Board |

**PSNI Response to Policing COVID 2019**

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| **Rec** | **Detail** | **Update from PSNI** | **Human Rights Advisor Assessment** |
| **1** | The Executive should always consult the Assembly on draft laws that create criminal offences, even if this has to occur after the implementation of those laws in an emergency. Any such drafts should be subject to specific advanced consultation with the PSNI, the Policing Board and the Northern Ireland Human Rights Commission. These principles should also apply to any proposed amendments to the law; | PSNI support this recommendation and have been engaging with the Executive on the drafting of the most current regulations. Our response has reflected the finding of this report and that of the Police Ombudsman | Closed |
| **2** | All laws, especially those having a significant effect on peoples’ lives or creating crimes, should be accessible and written in a way that they are easy to understand; |  | Closed |
| **3** | Politicians and the Executive should link any key statements on what the public should do (or not do) directly to the guidance on the law and the law itself. Guidance needs to be directly aligned with the law; |  | Closed |
| **4** | Such Regulations and laws should include human rights principles and any guidance should make issues of overlap or contradictions with human rights clear and there should be an accompanying human rights assessment document; |  | Closed |
| **5** | The Department of Health should have a greater role in working with police on policing strategies where laws are designed to protect the health of the community. | In the initial PSNI response (14 January 2021) this recommendation was 'Accepted.' The PSNI would welcome greater collaboration with partners such as the Department of Health in the development and implementation of joint strategies designed to protect the health of the community. We remain committed to working with the Department to effectively tackle the threat to public health posed by Covid-19. The PSNI add that they would also seek to strengthen existing collaboration with the Department in other areas impacting public health, such as drug misuse and drug related deaths. In May 2021 PSNI advised that PSNI continues to inform and encourage the Executive to provide the Department of Health with greater powers of enforcement to support the PSNI and other legislative bodies in managing the Covid 19 pandemic. Governance structures are in place to ensure accountability. | Closed |
| **6** | The PSNI should always initiate quality control mechanisms for urgent and novel laws (particularly those giving officers on the street significant discretion) and especially in urgent cases where there is bound to be a lack of time for officer training; | In the initial PSNI response (14 January 2021) this recommendation was 'Accepted.' The PSNI advise that they have continuously reviewed the application of the of Coronavirus Regulations and more specifically the use of Fixed Penalty Notices and have issued strict assurance mechanisms for the issuing of Covid-19. Fixed Penalty Notices. Frontline officers may only issue a FPN with the authority of an Inspector (or above) within SCC. Once FPN's are checked and countersigned by the officer's supervising Sergeant that they are satisfied it has been completed fully and issued lawfully and in compliance with the guidance. In May 2021 PSNI add that the Strategic Coordination Centre (SCC) manages the police response to all Covid-19 related incidents; this includes the issuing of Fixed Penalty Notices for breaches of the Regulations, reviewing each PND prior to issue and providing the authorisation for issue. Community Safety Department will ensure that any future 'fast time' criminal justice implementation plans take the learning from our Covid-19 experience into account. | Closed |
| **7** | The PSNI and the Public Prosecution Service should review all of the Coronavirus Regulation cases, both Fixed Penalty Notices and possible prosecutions and ensure that (1) All those that involve in peaceful protest are assessed as to their compliance with the Human Rights Act;  (2) All those where the subject’s right to a family life (to leave home, travel, meet family members) was affected to check that any interference was not disproportionate; and  (3) They are still clearly in the public interest, taking into account the fact the criminal laws that may have been breached have never existed as crimes ever before, are not likely to be crimes after this emergency has passed and, that the defendants are unlikely to commit the same offences again. | In the initial PSNI response (14 January 2021) this recommendation was "Noted";  "We have taken legal advice from Senior Crown Counsel who has determined that there is no scope to take any action in respect of FPNs issued. As is the case with all other prosecutorial acts taken by us, it is the PPS and courts who independently adjudicate on these matters. We are therefore of the view that we cannot review these matters or, indeed, withdraw any action taken. That said, we will accept any decision of the PPS or courts and reconsider matters thereafter." | Closed |
| **8** | The PSNI should review its records as far as possible to publish Section 75 statistics of those subject to the additional powers and the equipment that it used during the lockdown (including figures based on the community background of the people involved). | In the initial PSNI response (14 January 2021) this recommendation was "Accepted" and PSNI have reviewed available records and will collate and publish available data pursuant to Section 75, as it relates to the use of additional powers provided for under the Regulations. PSNI note that the data gathered from recipients of FPNs is limited to gender and age. Data pursuant to Section 75 has and is being monitored in respect of the use of additional equipment issued to officers, namely Spit and Bite Guards. This data will be examined as part of the ongoing full Equality Impact Assessment commissioned by the Chief Constable. In May 2021 PSNI advise that Section 75 statistics are reliant on persons subject to Notices providing details and most of whom refuse these details. Any statistics are therefore unreliable and not suitable for a review. Notwithstanding this, PSNI will look again to see if the limited records we possess are capable of being published. | Closed |
| **9** | Effective policing and human rights compliance do not have to be in conflict and a sophisticated approach will not constrain proactive and responsive policing or risk undermining the professional judgment of police officers. Despite the excellent processes and procedures within the PSNI to embed human rights into all of its operations, it needs to work even harder, perhaps involving the PSNI lawyers and human rights experts more in its operations policies and take the initiative of consulting the Policing Board on these challenges and become even more transparent about the challenges it faces with implementation. This process will need to include a transparent assessment of the human rights in more detail, including involving alternative strategies at the Gold, Silver and Bronze Commander levels; | In the initial PSNI response (14 January 2021) this recommendation was "Accepted" and PSNI have noted that the speed at which the Coronavirus Regulations were enacted to address the risk to our communities did not allow for a full examination of the Human Rights impact of these Regulations as would normally be the case and the development of guidance for police officers by the Government. The PSNI recognise, following the BLM protests on 6th June 2020, that their approach to balancing the enforcement of Health Protection Regulations with Human Rights had adversely impacted upon confidence in policing within the black and ethnic minority community. Renewed emphasis will be given to ensuring that legal advise and expert human rights advice informs policy, strategy and operational decision making. This will be reflected in Command Training programmes and subsequent Gold Strategies, Silver and Bronze Operational plans and applicable Criminal Justice strategies. These lessons will be embraced and actively applied to future policing operations. The PSNI conclude that they will continue to provide the Board with all relevant information to facilitate it in exercising its oversight function. In addition, PSNI will undertake to highlight to the Board any relevant operational challenges as they arise. There has been no update provided since Jan 2021. | Closed |
| **10** | PSNI should report to the Board on any lessons learnt from the apparent inconsistency in approach to the enforcement of all large gatherings of people during April, May and June 2020; | In the initial PSNI response (14 January 2021) this recommendation was "Accepted" and PSNI are in receipt of the report and recommendations of the Police Ombudsman and are carefully considering their contents. PSNI will share their response with the Board. The PSNI recognise, following the BLM protests on 6th June 2020, that their approach to balancing the enforcement of Health Protection Regulations with Human Rights had adversely impacted upon confidence in policing within the black and ethnic minority community. Renewed emphasis will be given to ensuring that legal advise and expert human rights advice informs policy, strategy and operational decision making. The PSNI are determined to carry out more thorough Human Rights balancing exercises in the delivery of policing operations going forward. This process will be reflected in subsequent Gold Strategies, Silver and Bronze Operational plans and applicable Criminal Justice strategies. In May 2021 PSNI advised that a draft presentation has been completed and will be shared with the relevant leads for comment prior to finalisation. | Closed |
| **11** | PSNI should hold discussions with the organisers of the Black Lives Matter protests on future co-operation to ensure peaceful protests are facilitated and that both sides understand the positive obligations of the police and the key role of the organisers; | In the initial PSNI response (14 January 2021) the PSNI advise that whilst there is no obligation to inform police when organising an open air public meeting they will continue, pursuant to Section 32(5) of the Police (Northern Ireland) Act 2000 to seek to engage protest organisers at the earliest opportunity, adopting a "no surprises" approach that has been central to policing of parades and protest for many years. The PSNI accept the need to do more to effectively engage with and understand Black and Minority Ethnic community needs and expectations. The Community Relations Task Force, led by ACC Community Safety Dept will take this and similar work forward. PSNI has carried out a series of virtual engagements facilitated by third parties (the most recent on the evening of Tuesday 20th April 2021) which on this date included both organisers of the Black Lives Matter protests. Feelings of mistrust and anger within this diverse BAME community remain high towards the PSNI, however, consent was gained to further engage with Mutual Gain, the independent specialist community empowerment group, with a view to improve relations and mutual understanding between the BLM organisers and the wider BAME community with the Police. This will take some time, but we remain committed to grow these engagements into stronger relationships of trust and regain the lost confidence in the legitimacy of the PSNI to achieve this stated outcome. There are no known planned future protests involving both BLM organisers at this time. In March 2022, PSNI advised the Committee, through the Policing Plan reporting that that the highest number of repeat victims16 continues to be racist, sectarian and homophobic abuse. They specifically outline that racist repeat victimisation in particular has increased this year and is in line with the overall increase in reported racist abuse. By way of comparison from previous reporting on the issue, the PSNI highlight that, ‘…when non-hate crimes and incidents were added to the dataset, the overall level of repeat victimisation increased considerably to 35%,’ which is an increase from 29% outlined in June 2021 reporting. 34.9% of hate crimes had been assigned the outcome ‘Investigation Complete - no suspect’, around 15% higher than overall recorded crime. PSNI state that, ‘…this confirms that victims of hate crime or abuse are often victims of other crime and incident types also. This may be due in part to the prevalence of ongoing harassment and disputes within the hate profile,’ and as such it would appear, as previously outlined in analysis, that these victims experience enhanced vulnerability. | Closed |
| **12** | It may also be useful for the PSNI to create an Independent Advisory Group on protests and to co-op representatives of those organisers (this IAG should not deal the traditional challenges and debates surrounding parades and protests in Northern Ireland which are the focus of many other forums and processes); | In the initial PSNI response (14 January 2021) the PSNI recognise the benefits of meaningful and genuine engagement with communities and therefore have established a corporate Independent Advisory Group (IAG). IAG members have broad expertise and experience with direct links to diverse communities, enabling them to articulate and reflect a wide range of viewpoints. They will provide a sounding board for the service to understand the potential impact of police policies, practices and strategies on communities, and provide advice and perspective on challenging critical incidents. In May 2021, PSNI advise that A series of IAGs have now taken place on a wide range of issues and remains an ongoing process of external consultation led by the Chief Constable on occasion or Head of Branch. The creation of this IAG process has enabled a much more diverse range of views to be collated to help inform strategy, policy and operational activity. | Closed |
| **13** | The PSNI should hold a seminar with OPONI, the Northern Ireland Human Rights Commission, human rights NGOs and the Policing Board to assist them with ensuring a consistent approach to all protests; | **Agreed**  A seminar will be organised by ACC OSD once public health regulations allow.  Update 31 Jan 2024 – DCC Todd has directed that this be taken forward by ACC Operational Support Department and delivered by inclusion within the Public Order Public CPD. OSD will progress this and include this in their future CPD. | Work in Progress |
| **14** | The Police Ombudsman is investigating a number of protests and is likely to consider whether there was any discrimination in relation to the treatment of individuals in the enforcement of the Regulations at the Black Lives Matter protests. The Human Rights Advisor will consider the report once published, as to whether the Board should support the recommendations and whether any further investigations are needed. | Refer to recommendation 8 | Closed. The OPONI report on the policing of the  Black Lives Matter and the Protect Our  Monuments protests states: ‘The differential treatment by PSNI of  protesters on 6 June when compared with  those attending ‘Protect Our Monuments’  on 13 gave rise to claims of unfairness and  discrimination against those persons who  organised and attended the ‘Black Lives  Matter’ protests. These concerns are in  my view cogent, have substance and are  justified in the circumstances. I believe that  this unfairness was not intentional. Neither  was it based on race or ethnicity of those  who attended the event. Rather PSNI failed  to balance Human Rights with the public  health considerations and requirements of  the Regulations.’ PSNI have shared a ‘Lessons Learnt’  document with the Board. |
| **15** | In the light of the fact that the deployment of spit and bite guards was triggered by the COVID-19 emergency, spit and bite guards should now be phased out as soon as possible and officers who have been provided with spit and bite guards should, instead, be provided with the necessary Personal Protection Equipment (PPE) or other alternative. The PPE provided should be of sufficient quality to protect these officers from contamination from spitting, aerosol droplets and other bodily fluids reducing the risk of transmission of COVID-19 and other diseases. The use of spit and bite guards should, regardless, cease by 31st December 2020. | In the initial PSNI response (14 January 2021) the PSNI advise it is unable to accept this recommendation; "We have informed the Board of our decision to further roll out this equipment during the duration of this pandemic… To date the full roll out is yet to be commenced pending the approval of the policy and training materials by the Chief Constable." | SUPERSEDED BY PUBLICATION OF SBG REPORT |
| **16** | The PSNI should ensure that the innovation, progress and learning made in developing new approaches to collaborative working for vulnerable people during the pandemic emergency period is harnessed and used to inform better collaboration in the future. | In the initial PSNI response (14 January 2021) the PSNI advise that they continue to review their Covid-19 response to addressing vulnerability and ensure learning will result in sustainable outcomes. With regards Public Protection the PSNI advise that the innovative approaches developed in respect of Domestic Violence and children and young persons at risk, have been adopted as business as usual by the PSNI and their partners. The Multi Agency Community Safety Board was established to provide a platform to engage and de-conflict on shared issues in relation to contributors to community safety. This includes early intervention, diversion and use of restorative practices all of which feed directly into community safety. The Community Safety Board continues to meet on a quarterly basis and intends to make the Community Safety Framework available on each Community Safety Board member's website to help aid a common understanding of the collaborative approach being taken regarding community safety. In May 2021 PSNI advise that following the first lockdown, a review was conducted in relation to the establishment of the Collectively Preventing Harm Group. Many of the aspects implemented were adopted as business as usual with the work of the group being absorbed by the Strategic Community Safety framework. The same response has been adopted for the second lockdown with bi weekly partners meeting. A de-brief is planned as part of the recovery phase to draw down any further learning. | Closed |
| **17 & 18** | OPONI and Policing Board should plan and co-operate more often on significant or serious challenges confronting PSNI; and  The two organisations should therefore consider making joint or parallel submissions to the review of police oversight arrangements which is currently being led by the Department of Justice, whilst both ensuring their unique and independent roles. |  | Closed |

**Human Rights Annual Report 2020/21**

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| **Rec** | **Detail** | **Update from PSNI** | **Human Rights Advisor Assessment** |
| **1** | Within the restrictions that the COVID-19 pandemic has brought to the training/classroom environment and the Board’s stated position that the use of **Spit and Bite Guards** should cease, it is recommended that if spit and bite guards are proposed for permanent use by the Chief Constable, a spit and bite guard practical element should be considered/introduced within the annual operational personal safety programme {PSP} refresher for officers designated to use the guards in order to provide further reinforcement on their use, subject welfare and possible medical considerations. It is also recommended that future training on Spit and Bite Guards, if introduced, be carried out face to face rather than only online. | Accepted. The Spit and Bite Guard training course is currently a mandatory online training video that must be completed by all officers and staff authorised to carry a Spit and Bite Guard. Officers and staff are also required to read Chapter 16 of the Conflict Management Manual (CMM), which contains Service Policy on the use of Spit and Bite Guards. As we continue to return to face-to-face Personal Safety Programme (PSP) training, officers and staff are currently receiving a physical input on the use of Spit and Bite Guards. This will ultimately become the vehicle for training decisions with officers also being required to view the video. A re-launch of the training package in January 2022 will require officers to complete online training again. | Closed. PSP training now includes a lesson on the application of a Spit and Bite Guard and the policy on their use. The mandatory online training video will, however, continue to be the primary training tool for officers and staff. |
| **2** | In order to assess the level of human rights awareness in PSNI and to assess the extent to which a human rights culture exists, the PSNI and the Policing Board should jointly commission an independent organisation to repeat the assessment to enable the PSNI and Board to understand how far the PSNI, its officers and staff have moved and what still remains to be done. | **Accepted**  PSNI have engaged with the NIPB Human Rights Legal Advisor and conducted an organisational wide survey. PSNI is now focused on completing focus groups and have held recent meetings with the NIPB Human Rights Advisor in this regard. | Work in progress |
| **3** | Given the delay in taking action on Recommendation 3 from 2020/21 that the Body Worn Video guidance should be expanded to include more information about the human rights issues involved in the use of body worn video (especially in relation to privacy) from the 2019/20 report (albeit the delay was partly during the pandemic) the PSNI should prioritise this work and , where necessary, provide the resources that are needed to take action without unnecessary delay. | Accepted. PSNI confirmed the template went live with the launch of the new external PSNI website which was created on the 26 September 2022. | Closed |
| **4** | The PSNI Service Instruction should be extended to cover the use of all PSNI aircraft, should be published alongside the Privacy  Impact Assessment and should set out, in summary, the Regulation of Investigatory Powers Act 2000 authorisation processes. | **Discharged**  ACC Crime has advised that the aims of the recommendation have been achieved and colleagues within Specialist Ops Branch are available to meet with the NIPB HR Adviser to provide further information and assurance as required.  After consulting widely within the Police Service, it has been determined that whilst an overall Service Instruction is not the correct mechanism for achieving the aims of this recommendation, it has been implemented via a series of Standardised Operation Procedure (SOP) documents which have been developed for each airframe and are maintained in Crime Department.  ACC Crime will be available to provide assurance to the Board or HR Adviser around the aforementioned documents if required.  ACC Crime has approved this recommendation for closure on 10 January 2024. | Work in Progress |
| **5** | The PSNI publish its policy on its monitoring of social media for policing purposes and include in this its retention and access arrangements. If a new policy is to be developed this should be subject to public consultation and an equality impact assessment. | **Not Accepted**  The decision not to accept this recommendation was discussed and ratified on 13th October 2022 at the Strategic Management Board.  There is currently no Police Service policy that encompasses all circumstances in which personnel may access social media across all organisational areas. This is because different teams access social media for different reasons. Examples include, community engagement work carried out by Neighbourhood Policing teams and Senior Management teams, media monitoring by Corporate Communications, or the collection of evidence or intelligence for the purpose of the prevention or detection of crime and the prevention of disorder.  When accessed for crime and disorder purposes social media can be used to efficiently obtain information that would otherwise require more intrusive and resource intensive tactics. Guidance exists advising whether activity may require authorisation under appropriate legislation. Any novel techniques may be considered in advance with a Police Service of Northern Ireland Legal Advisor and the Investigatory Powers Commissioner’s Office (IPCO). Training is provided to personnel who engage in this activity. This includes how to lawfully manage any information collected.  Bulk data collection techniques are not used. The Police Service of Northern Ireland is subject to regular inspections by the Investigatory Powers Commissioner’s Officer (IPCO) who hold us accountable on behalf of the public. IPCO are currently focussing all agencies attention on the subject of data retention. This concerns arrangements that ensure data is held securely, is only accessed by people who have a genuine need, and the necessity to retain it is regularly reviewed.  Members of the public also have the right to complain to the Investigatory Powers Tribunal (IPT) if they suspect the Police Service of Northern Ireland have unlawfully used covert capabilities. | Work in Progress |
| **6** | The PSNI should consult the Policing Board and the wider public if facial recognition technology is to be recommended to assist in preventing crime or investigating offences and this should be subject to an equality impact assessment and human rights audit. | **Discharged**  The Police Service does not currently operate a Facial Identification System but fully recognises the value this could bring to investigations and public safety. We also recognise the need for robust governance around its use. To that end the Police Service is closely engaged with the Home Office Biometrics Programme who have plans to develop a National Facial Identification system. The Service will be invited to sit on the Home Office Biometrics Facial Matching Project Board, charged with delivering a National Facial Identification system and will contribute to its development.  However, this system will be based on using retrospective facial images, rather than the live facial images that have resulted in the recent legal challenge involving South Wales Police. As the national system develops the Police Service of Northern Ireland will fully consult with the Policing Board, Human Rights Commission and the public as the technology advances and will ensure equality assessments are completed. The Police Service’s desire is to ensure that there is a full transparency and governance around the use, sharing and retention of facial images. 17/08/22  Head of Forensic Services now sits on the Home Office Strategic Facial Matching (SFM) Project Board. The HOB SFM Board are currently developing a communication package for potential stakeholders including PSNI, DOJ and NIPB to provide clarity around the development of a National system. A Project Board will commence in September to start exploring facial identification in consultation with NIPB.  **DISCHARGED**:  The Police Service have established a Facial Recognition Project Board which is attended by NIPB HR Adviser. Therefore the recommendation to consult the Policing Board and the wider public has been achieved and will continue to be progressed as BAU through this group as systems are developed. | Work in Progress |
| **7** | Despite the delay to resolve the issue as to who should investigate **legacy cases**, the PSNI should continue to investigate these cases properly and promptly, should be adequately resourced for the task and, in the absence of guidance from the Supreme Court (and the cases pending still with the Council of Europe’s Committee of Ministers), follow the advice from the Court of Appeal to ensure its compliance with Article 2. | Accepted. This Police Service position is clear in that we will continue to fulfil our legal obligations and conduct legacy investigations in line with current procedures until alternative legacy arrangements have been established. Our current procedures are as outlined in our Family Guidance Document, Family Engagement Strategy and Conflict of Interest Policy and are available externally through the Police Service of Northern Ireland website. Branch (LIB) remains unchanged. The effective sequencing of more than 1,100 cases within LIB’s remit is a significant undertaking. It is understandable that every family who is affected by Northern Ireland’s troubled past wishes that their case was prioritised, but with the relatively modest number of resources, it is simply not possible to open all cases simultaneously.  Cases are therefore managed and progressed according to a Case Sequencing Model (CSM), which focuses on factors such as whether a case involves contemporary persons of interest, forensic potential, criminal justice status and case progression. This brings to the fore those cases which contain offenders who continue to pose a risk to the public today, and those cases which appear to offer the best potential to bring offenders to justice.  The European Court of Human Rights in Brecknell v UK 2004 found that the Police Service of Northern Ireland was institutionally and hierarchically distinct from the Royal Ulster Constabulary. The 2019 Court of Appeal judgement in McQuillan however found that the Police Service had failed to demonstrate its capacity to deliver practical independence. The judgement stated that there was ‘an obligation on the Chief Constable…. to put in place suitable arrangements for practical independence and that those arrangements should be transparent’. Accordingly, Legacy Investigation Branch have taken a number of steps:   * Development of a bespoke Conflict of Interest Policy * Development of a bespoke Family Engagement Strategy * Publicly available key documents * External Engagement Survey * Continued adherence to the Police Service of Northern Ireland Code of Ethics * Developed a service profile of all LIB staff   The Court of Appeal decision in the McQuillan case was appealed by the Chief Constable to the Supreme Court in respect of, among other issues, whether the Police Service is sufficiently independent to conduct investigations into such (alleged state involved) cases and what steps are necessary to ensure that the investigation meets Article 2 standards. The appeal was heard in June 2021 and judgment handed down on 15th December 2021. The judgment stated that the PSNI had demonstrated their ability to be institutionally and practically independent from the RUC. The PSNI is now considering the potential impacts of the judgement for the investigation of legacy cases.  PSNI update 21/09/22: SMB agreed that LIB casework pre-October 1988 will be sequenced with the CSM to receive a lower priority grading, to provide community confidence that these cases would not be removed from the LIB casework despite the direction from the UKSC that there was not any Article 2 obligation upon the PSNI to investigate those cases. In addition, work is ongoing to develop a case assessment matrix to determine the 'genuine connection of cases' from October 1998 to 2000 to determine if they should be retained within the CSM. A conflict of interest process is in place within the branch to ensure that any potential conflict of interest can be identified, recorded and managed appropriately. | Superseded by new recommendation included in Human Rights Annual Report in 2021/22 |
| **8** | The PSNI should review its use of the common law offence of unlawful assembly given its vague nature, likely violation of Article 7 (the requirement for clarity in the criminal law) and the fact that it was abolished in England and Wales many years ago. Consideration should also be given to the use of the Terrorism Act in such cases, perhaps by consulting the Independent Reviewer of Terrorism Legislation. | **Accepted**  18 Jan 24: ACC OSD will re-open this recommendation and seek legal advice on the use of other suitable legislation. If is transpires that there would be a gap created by not using this legislation then we will need to retain use of the common law offence. | Work in Progress |
| **9a** | The PSNI should investigate and report to the Board on why the arrest rate varies so significantly between Districts | **Accepted**  An outcomes paper was presented at Police Powers Development Group (PPDG) in March which detailed the no further police action (NFPA) outcome, including a District breakdown.  There are many possible reasons why figures fluctuate across Districts and some of these can be attributed to specific and targeted operations that are carried out in particular locations. In some cases it may be the case that where arrest rates are lower, other outcomes may have been used instead (e.g. report to Public Prosecution Service, Community Resolution etc.). Belfast District can also have an impact on figures due to the fact that stop and searches are carried out there in conjunction with night-time economy operations (which other Districts may not have). Any significant fluctuations within stop and search figures are investigated and explanations are provided (regarding specific districts) to the quarterly PPDG meeting 17/8/22  The Police Services’ Statistics Branch cannot provide any information on why the arrest rates may differ significantly. This matter is progressing and in line with other workstreams, as part of the transformation from PPDG to the Service Accountability Panel. | Work in Progress |
| **9b** | The PSNI should take a series of representative samples of those stopped and searched and track them through the system to find out what substantive outcomes are achieved – what happens to those arrested or referred to the PPS. | **Accepted**  Outcomes have been reviewed at several PPDG meetings and a dip sample of outcomes were tracked.PPDG will continue to monitor this data in the months ahead and will continue to share the data with the Policing Board after each meeting. Where inconsistencies arise in terms of use of force, community monitoring or other matters, additional research will be tasked.  17/8/22  A significant resource with expertise on CJ outcomes would be needed to take this type of exercise forward. The Action Register for PPDG has a number of updates on outcomes with a final note to say the action is marked as closed, with a letter having been sent to NIPB.  **Update 18 Jan 2024**  ACC OSD will provide a dip sample report in relation to this that will inform a final response to this recommendation. |  |
| **10a** | The category of 13 to 17 years old used by the PSNI for young people stopped and searched should be broken down further so that more information is available on the youngest children in this group | Recommendation 10a is completed. Information on 13–17-year-olds is broken down by single year of age in the excel files that accompany the Quarterly Stop and Search published report and have been included each Quarter since the report covering the 12 month period of April 2019 to March 2020. | Work in Progress |
| **10b** | The PSNI reconsider the proposal that an internal record be kept of any stop and search under JSA or TACT involving children or where an unexpected incident has occurred which might prove controversial. | **Discharged**  Recommendation 10(a) is already complete. Information on 13 to 17 year olds is broken down by single year of age in the files that accompany the Quarterly Stop and Search published report and have been included each Quarter since the report, covering the 12 month period of April 2019 to March 2020.  The Police Service did not accept recommendation 10(b) when it was put forward in David Seymour’s tenth report and the rationale at that time was because Section 24 of the Justice and Security Act (JSA) is a ‘no reasonable suspicion power’ and it would not be feasible for a police officer to articulate the reasons why an individual had been stopped and searched.  Since the case of Ramsey, the Police Service has now made several amendments to the information that is recorded during a JSA stop and search. This consists of the selection of a basis from a pre-populated list (i.e. Briefing, Incident, Subject Behaviour and Subjects Location) and a mandatory field in which officers must provide a free text input in the form of a short narrative regarding the basis selected. Additionally, and where children are concerned, the Police Service has made changes to the stop and search app to include a mandatory field that must be completed when a person under 18 years old, in cases where the search is of a child who accompanies the principal subject of the search i.e. the child is not the target of the search but happens to be present in the vehicle or at the scene, the officer must record the reason why they decided that it was necessary and proportionate to conduct the search of the child, in addition to the search of the adult subject(s). |  |
| **11a** | The PSNI should publish Dr Topping’s research and provide an official response to its findings; | – Accepted- Work in Progress (a) In 2020 PSNI formed a Stop and Search working group regarding children and young people (as part of the Police Service Stop & Search Strategy) and Dr Topping is a member of this group, along with several other external statutory and voluntary bodies. Dr Topping assisted with the design and running of an online stop and search survey for young people, which was completed 3,235 times. This survey gathered statistical data regarding responses but also allowed for free text feedback in response to 10 questions. The free text responses from this survey have now been grouped into themes for analysis and as part of this analysis, the feedback will be compared to Dr Topping’s research (regarding previous findings / new themes). The research was presented to Policing Powers Development Group in December 2021, as was a related action plan. Progress against the plan will be monitored at the quarterly PPDG meetings and Dr. Topping remains involved. |  |
| **11b** | The PSNI should publish its leadership approach to **stop and search** and should make it transparent on why they use stop and search in the way that they do, including its analysis of how the use of these powers aligns with service objectives and clearly demonstrate why no mitigation measures are considered necessary | **Discharged**  The Police Service will review its leadership approach to stop and search including how the use of the powers align with service objectives.  **18/06/22**  We have issued guidance to all operational officers and supervisors. The guidance provides instruction to supervisors on how to report learning issues back to policy unit/department. This work is under review as it develops.  **18 Jan 2024**  We have since commenced a quarterly Service Accountability Panel (SAP) that examines, among other issues, stop and search for young people. SAP involves independent members, who form the External Reference Group (ERG), and is also attended by the NIPB’s HR advisor.  ACC OSD is content that this recommendation can be discharged, as it has been delivered and will continue to be tracked via the Service Accountability Panel. |  |
| **12** | The PSNI should change the recording system to ensure that in future any use of force is recorded in the stop and search record as well as being recorded as a use of force. | **Accepted**  The Police Service is currently working to progress this recommendation and on the 18 November 2021 our ICS department confirmed that the use of force can be recorded on a stop and search record. This recommendation will continue to be progressed through our ICS department until it is implemented.  **17/08/22**  ICS is progressing all matters around this recommendation.  **18/01/24**  ACC OSD has requested that this change be made on our Origin system. It is currently progressing in the queue for systems updates by ICS |  |
| **13** | The Court of Appeal in Ramsey also required the PSNI to find a way to record the community background of those stopped under the JSA. The system for recording community background should be put in place quickly and, at least, by 1st January 2022. | **Not Accepted**  The complex subject of community background monitoring of stop and search has been an ongoing matter since 2015, with related recommendations from various oversight bodies. From a legal perspective, Police do not in fact, have a legislative power to ask those who are subjected to stop and search, to provide information on their community background. Whilst oversight bodies have suggested that this matter is simple and should have been progressed many years ago, the requirement to balance human rights, police powers, lawful duty, data protection principles and accountability have made progression difficult.  Whilst a number of options have been considered, the Police Service has not been in a position to implement a system for recording the community background of those stop searched under the Justice and Security (Northern Ireland) Act 2007 by January 2022. In June 2021 at the Service’s Strategic Management Board, the progress of the internal working group was assessed and the various options considered. As a result, and taking account in particular of the limitations of all of the options presented, enabling legislation was assessed as the most appropriate course of action to take.  In October 2021, correspondence was sent to the Northern Ireland Justice Minister regarding the current and future legislative framework for the monitoring of community background information, for persons who are stopped and searched. The Justice Minister responded in October 2021 advising that this was a non-devolved matter. Further engagement has therefore taken place with NIO and options for enabling legislation have been discussed. A workshop has been arranged for late February 2022 when reps from the Equality Commission, Human Rights Commission, ICO, NIO, DOJ, Policing Board and others will discuss options to progress community monitoring.  **Update 18/01/24**  ACC OSD will be implementing a pilot scheme in relation to Community Background Monitoring (CBM) for stop and search. This is scheduled to commence in March 2024 and will be tracked via the Service Accountability Panel (SAP) |  |
| **14** | The PSNI should report to the Policing Board on improvements made on its reporting of the **use of force** and further **deployment of CEDs** to a wider range of officers should only be made following discussion with the Board and include consideration of the human rights implications, potential dangers with its use and benchmarking with other police services. | Accepted. Any use of force must be recorded as such on the Police Service’s electronic use of force system. Policy on the use of Spit and Bite Guards instructs officers to complete a Use of Force form as soon as practicable and, in any event, prior to the termination of duty. Work is underway to include an automated prompt on IT operational systems such as NICHE, Controlworks and Custody for officers to complete a use of force form when any force is used. A mobile Use of Force app is also being explored to enable officers to complete the form at the scene.  A pilot scheme is currently underway to trial a new use of force monitoring process, which includes mandatory reviews of body worn video footage, to promote transparency and accountability on occasions whenever we use force against another person. The process is aimed at ensuring that any use of force is suitable to identify and disseminate learning and to hold officers to account when behaviour falls below acceptable standards.  In June 2020, a review of current and future Conducted Energy Devices (CED) capacity within the Service concluded that an uplift in Armed Response Unit (ARU) capacity would provide the Service with adequate Taser Stun Gun capacity in the present operating environment. The ARU uplift was accepted in September 2021 with a proposal to increase the number Authorised Firearms Officers (AFOs) equipped with CED to allow for greater availability of trained officers across Northern Ireland and in particular the North West. Such an increase in CED capacity maintains its use by AFOs and does not authorise the use of CEDs to a wider range of officer roles (TSG, Response etc.). The ARU uplift is underway with an additional 15 officers being allocated to this role for each year over a three year period (2021/2022, 2022/2023 and 2023/2024). Infrastructure to support the uplift (vehicles, kit, accommodation, etc.) is also being progressed and advancement is being monitored at the Service Transformation Board. Whilst the PSNI will obviously engage with the Policing Board on the subject the issue of CED is an operational decision for the Chief Constable. | Superseded by recommendations made in the Use of Force Thematic Review published in January 2023. |
| **15** | The PSNI commission research to identify the factors that make the use of force (and what kind of force) more likely and to learn lessons to try to reduce, as far as possible, any use of force. Specifically, with the availability of **firearms**, what causes an officer to escalate the use of force to draw or point a firearm and how this can be reduced. | Accepted. A review of the Personal Safety Programme training has been commissioned via the Service Performance Board and will report in 2022.  The Policing Powers Development Group may commission further work on this matter in due course (and may explore national research) however it should be acknowledged that funding such academic research may not be possible in the current financial climate.  17/08/22: PPDG to obtain further update from operational and tactical development training unit. | Superseded by recommendations made in Use of Force Thematic Review |
| **16** | The Policing Board will work with the PSNI over the next year to seek to make public the **use of force statistics** by gender, age, ethnic minority and disability etc. Subject to the actions taken by the PSNI to respond to the stop and search case of Ramsey, the Policing Board will discuss with the PSNI the production of statistics on the use of force and community background status of those subjected to this use of force. PSNI should report to the Board on the reasons for the increases in the number of times force has been used. | Accepted. The Police Statistics Branch have published a revised use of force statistical report with effect from December 2021. This version contains more detailed information than previously published, including use of force statistics by gender, age and ethnicity for those persons subject to the uses of force. A draft of this report was sent to the Human Rights Advisor for comment. Age, gender and ethnicity are the only demographic fields captured on the current use of force system so we would be unable to provide further breakdowns on disability, community background or any other demographics at this time. | Closed |
| **17** | There should be a wider debate of the asymmetry in intelligence gathering and law enforcement functions in Northern Ireland involving the PSNI and the Policing Board and this should be initiated by the PSNI. | **Not Accepted**  The decision not to accept this recommendation was discussed and ratified on 13th October 2022 at the Strategic Management Board.  ACC Crime has discussed this in a meeting with NIPB HRA.  **Rationale includes:**  Crime Department provides a detailed quarterly performance report related to Serious and Organised Crime to the Policing Board and this includes reporting against crime types linked to paramilitary organised criminality.  There are existing joint working practices where national security and paramilitary related criminality are jointly assessed so tasking and prioritisation decisions can be made around deployment of covert policing resources.  It is recognised by a number of relevant stakeholders i.e. the Police Service, the Security Service, the Northern Ireland Office and the department of Justice that there could/should be enhanced levels of joint working across both the Northern Ireland Related Terrorism and Tackling Paramilitarism Programme service areas.  The Paramilitary Crime task Force (PCTF) operates within Crime Department, which ensures intelligence development and investigations are considered across the service and tasking decisions made based upon a collective assessment of threat, harm and risk.  The point about a broader asymmetry of approach is as a consequence of political decisions on devolved and reserved matters.  The Police Service are supportive of actions to increase public awareness of the threats facing the safety of all communities in Northern Ireland, but as this is a political decision – it may not be for the Police Service of Northern Ireland to initiate. | Work in Progress |
| **18** | The PSNI should report to the Policing Board with its response to the criticism from Jonathan Hall QC that young and vulnerable people should, where there a choice, be arrested under PACE rather than TACT so that bail is available and should consult those organisations representing children and young people on the consequences of the current policy. | **Discharged**  Approved for discharged, 15/11/22.  The Police Service is committed to using all of the powers lawfully available to it to protect the people of Northern Ireland from terrorism, while ensuring that the rights of suspects are respected. A key element of this is exercising powers of arrest when the relevant thresholds are met. Persons suspected of terrorist offences are normally arrested under s.41 of the Terrorism Act 2000 (TACT).  It is not Police Service policy to utilise the power of arrest under s.41 of TACT on the basis of public perception. The decision to arrest a suspect under s.41 of TACT or under Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) is made after a determination in each case. The Police Service ensures that the best interests of the child are taken into account in all decisions related to them. This is enshrined in Service Instruction 0817, which reflects the specific needs and vulnerabilities of children who come into contact with the police and wider criminal justice system.  While the availability of bail is an important issue, it is not the sole or decisive one in deciding whether a child should be arrested under TACT or PACE. It is important to note that the Police Service carries out very few arrests of children under TACT. In the past 5 years, November 2017 to October 2022, there have been 618 security-related arrests under s.41 of TACT, of which 3 involved a person under the age of 18 years old. In conclusion, the Police Service has noted the Advisor’s Report, and will continue to ensure that the best interests of children are taken into account in all police decisions affecting them. | Work in Progress |
| **19** | The **Investigatory Powers Commissioner** encourages all those inspected to publish the reports from his Office (suitably redacted if necessary) and PSNI should follow this approach, perhaps starting by producing a summary of the inspection and the action that it has taken. Further consideration should be given to disclosing other Service Instructions, policies and procedures to ensure greater transparency. | Not accepted at this time – the Police Service of Northern Ireland provides full access for the Policing Board Human Rights Advisor to the Annual inspection reports together with a full briefing regarding the Service action plan in respect of any observations or recommendation which have been made. Given the operational sensitivities and very detailed covert methodology contained in these reports there is a risk to covert tactics and capability if this material exposed and, therefore, it is not feasible to publish the reports even in a redacted or summary form.  PSNI is committed to continuing the current arrangement whereby the Human Rights Advisor has access to all relevant Regulation of Investigatory Powers Act and Investigatory Powers Act material to review so that they can appraise the Board of human rights compliance.  Furthermore, RIPA and IPA Codes of practice which guide the Police Service in its approach to covert tactics and which form the basis of our internal policies and guidance is publicly available. | Superseded by new recommendations included in the Annual Report for 2021/22 |
| **20** | Given the identification by many Parliamentarians of flaws in this Act and the concerns from the past of the **use of CHIS** and possible criminal offences, the PSNI should develop more detailed guidance to ensure human rights compliance. | Accepted. This matter is now being progressed with internal guidance. The first draft of the internal guidance document is being shared with John Wadham, on 1 February 2022. Upon the receipt of feedback from this consultation, this matter will be prepared for sign off by ACC Crime Operations and circulated to relevant personnel in C3, anticipated date March 2022. | Superseded by new recommendations included in the Annual Report for 2021/22 |

**Human Rights Annual Report 2021/22**

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| **Rec** | **Detail** | **Update from PSNI** | **Human Rights Advisor Assessment** |
| **1** | PSNI to report to the Policing Board within six months of the publication of this report with a plan of roll out of the internal human rights assessment form including training, guidance and publication. | **Discharged**  All training and actions have been completed. The required and correct training was delivered in October 2022. All guidance and documentation has been published and provided to heads of Branch and the Human Rights screening form is published on our external website |  |
| **2** | PSNI to obtain legal advice, which it should provide, in confidence, to the Policing Board’s Human Rights Advisor so that it is able to re-write its Service Instruction relating to Biometric Retention, deletes the unlawfully retained material, and ensures that, as far as possible, it complies with the two ECtHR cases | **Discharged**  The Interim Service Instruction on Biometric Retention is now on the PSNI website and publicly available. The balancing of PSNI's many and varied Human Rights obligations remains a priority and as a result we continue to retain all biometrics taken under PACE with the provision that any member of the public may apply to PSNI to have their biometrics considered for deletion at the Biometric Ratification Committee.  T/ACC OSD approved this recommendation for closure on 16/01/24 |  |
| **3** | In the event that the legacy snapshot is retained after the new Commission has been established, the PSNI should obtain independent legal advice about the lawfulness of retention, disclosure and remedies | **Accepted**  16/10/23  The Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 has now received Royal Assent as is now an Act of Parliament. As a result an Independent Commission for Reconciliation and Information Recovery (ICRIR) has been established. The Police Services’ Biometric team will work closely with ICRIR once a timeframe is known.  22/11/23  The Biometrics team had a meeting with NIO and MPS colleagues on 15 November 2023 to discuss the NIO's drawing up of the regulations designed to take the Biometric Snapshot for use by the Independent Commission for Reconciliation and Information Recovery. Establishing the legality of PSNI use of this material will be impossible until these Regulations are agreed and known to PSNI as the Regulations themselves may dictate how the material is to be used by the Commission and PSNI. Further meetings are planned with NIO and MPS on this matter.  08/01/24  We await the publication of the Regulations detailing the taking, storage and use of the Biometric Snapshot |  |
| **4** | The PSNI should provide the Policing Board with a written update of its social media policy review by Spring 2023. | **Discharged**  The updated Service Instruction was published on 6 July 2023. |  |
| **5** | Given the history of the PSNI dealing with the difficult issue of policing all communities throughout Northern Ireland, the PSNI should engage an independent equality expert to assist with its analysis of the information and development of an action plan.  In the meantime, the PSNI should collect, collate, and compare the community background statistics of those arrested and charged with the figures of those subsequently prosecuted. | **Accepted**  **Ongoing -** The community background work has started with ORIGIN, once this is complete it will be expanded to encompass arrest  Regarding the second aspect of the recommendation, the PPS do not publish statistics segregated by Community Background so it is not possible to compare. |  |
| **6** | The PSNI should report to the Policing Board on actions taken to ensure that applications for search warrants are now being made correctly. | **Discharged**  A new online training programme was developed and has been delivered by Crime Faculty.  Development followed liaison with Independent Counsel, MPS, NCA, local Lay Magistrates and having reflected on Authorised Professional Policing (APP). These modules (6 in total) were designed for both rank and role, Constable through to Inspector. Search Warrants training is also now a standing input on all detective Skills Development Courses (D/Constable, D/Sergeant, D/Inspector and PIP3 SIO). A Search Warrants input has been included in the First Line Managers Development Programme HYDRA exercise (programme for DPC Sergeants). New Search Warrant service forms have now been designed and released (in support of training learning outcomes).  Crime Faculty have devised and released a ‘How to Complete Search Warrant Application’ on PSNI Player. A ‘Search Warrants Champion’ cadre has been established. A CPD event was delivered to this cadre. Their role will be to act as a local contact in branch/team for any search warrant queries. PSNI has established a conduit for information sharing with the body who cater for training for our Lay Magistrates & District Judges, the Judicial Studies Board (JSB).  Crime Faculty have delivered an online awareness event for Lay Magistrates and District Judges, facilitated by JSB. The judiciary who engaged were appraised as to Search Warrant developments, introduced to the new application forms, and advised as to what they should expect from officers presenting Search Warrant Applications.  PSNI Legal Services continue to advise Crime Faculty, indeed continue to co-deliver training. This oversight has been critical to achieving our learning outcomes. |  |
| **7** | 1. The scrutiny of Justice and Security Act authorisations remains important and the PSNI response regarding the enhanced consideration of the grounds to support authorisations is very welcome. In addition and at a more technical level, the current procedures could be improved in the following ways: 2. The cover emails that are sent to the Northern Ireland Office with the applications themselves are designed to set out the context or explain a particular expression used in the application. This material should be contained within the application itself in order to enhance transparency. It is also important to ensure that the application contains all the information needed for the Secretary of State to make a decision; 3. Page 1, Section 5 of the application appears to add to the statutory justifications for authorisation other factors not specifically in the legislation. This section should state the law clearly and should include relevant extracts from the Code of Practice; 4. (The legal advice section should set out in detail how the intelligence for any authorisation of the stop and search power is ‘necessary to prevent such danger’ (the danger indicated by the intelligence) [as set out in Sch. 3, 4A(1)(b)(i)]. | **Discharged**  Initially Recommendations 7(i) and 7(ii) were not accepted, however, this decision was subsequently revisited and reversed. They are now considered discharged, with the following rationale:  Following consultation with all relevant stakeholders, including the Reviewer of National Security Arrangements in Northern Ireland and the Human Rights Advisor to the Northern Ireland Policing Board, agreed changes have been made to the application process to meet these recommendations.  Regarding 7(iii) the legal advice section deals with the relevant legislative requirements, applicable case law and the ECHR tests engaged under appropriate headings. The new format was agreed following the consultation referred to above. |  |
| **8** | Considering Northern Ireland’s high proportion of arrests under section 41 of the Terrorism Act rather than PACE and subsequent low charge rate compared to Police Services in Great Britain, Jonathan Hall KC recommends that PSNI not take account of public perception when deciding on the appropriate arrest power for terrorist related activity. The proposed PSNI stop and search working group is a positive development but Jonathan Hall’s recommendation relating to the use of the Terrorism Act is also endorsed again by the Policing Board | **Discharged**  Most planned TACT arrests are undertaken by the Police Services’ Serious Crime Branch. There has been engagement with Head of Branch to ensure that SIOs have clear policy considerations around whether arrests are best managed as TACT or PACE but this decision needs to remain with SIO and arresting officers.  Discharge approved by A/ACC OSD 26/09/23 |  |
| **9** | The regular reports by the NCA to the Policing Board should contain a section dealing with human rights compliance issues arising from its work in Northern Ireland, including any challenges and difficult issues | The Human Rights Advisor has had a number of meetings with the NCA and has been able to view the IPCO annual inspection report. The NCA is now including a section on human rights in their report. |  |
| **10a** | The PSNI should provide a detailed, but confidential, written report to the Policing Board’s Human Rights Advisor on the operation of the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 by the Spring of 2023 and, subsequently, a summary of that report to the Performance Committee in Spring 2023 | **Not Accepted**  The recommendation was not accepted following discussion with the NIPB HRA regarding an alternative means of achieving the same outcome, namely his engagement with, and attendance, at the IPCO inspection debrief in 2023 as set out below.  This provided HRA with the assurances he was seeking and he indicated that the CHIS report was no longer required as a result. |  |
| **10b** | The PSNI should invite the Human Rights Advisor to the briefing by the Investigatory Powers Commissioner’s Office (IPCO) inspection team at the conclusion of their next inspection in 2023. The PSNI should consult IPCO in advance of this inspection, allowing the Human Rights Advisor to discuss this directly with IPCO if this is necessary. | **Accepted**  This was acceded to in 2023 following consultation with DCC Hamilton and IPCO, and the HRA attended the IPCO debrief and had access to the unredacted inspection report on that occasion as sought. |  |
| **11** | The Policing Board’s Independent Custody Visitor Handbook para. 3.55, and the custody visitor report forms should be revised by the Board following consultation with the PSNI to make this confidentiality duty absolutely clear. | **Not for PSNI** |  |

**PSNI Use of Spit and Bite Guards 2022**

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| **Rec** | **Detail** | **Update from PSNI** | **Human Rights Advisor Assessment** |
| **1** | The lack of sound medical advice that demonstrates the effectiveness of Spit and Bite Guards in preventing the transmission of COVID-19 or any other infection means that PSNI should make it clear to officers and the public that the use of Spit and Bite Guards on medical grounds alone is not justified. | **Accepted**  We have updated our policy on the use of Spit and Bite Guards to reflect the medical position as follows:  *The Spit and Bite Guard is not PPE, it is a piece of work equipment. We have issued Spit and Bite Guards to protect you and the public from subjects who are spitting or biting. Spit and Bite Guards can reduce the risk of spitting or biting and can therefore reduce the risk of the spread of blood borne viruses via saliva or blood.* |  |
| **2** | The PSNI should investigate why the statistics in relation to religion appear to demonstrate prima facie indirect discrimination contrary to domestic equality law and in relation to Article 14 of the European Convention of Human Rights. | **Accepted**  The data currently available to us concerning the use of Spit and Bite Guards indicates a potential difference of treatment between members of those groups. This data cannot be properly relied upon to support a finding of discrimination, prima facie or other. We understand the concerns raised by this data and will, as part of the process of ongoing review of policy and training, endeavour to obtain more reliable data and identify any measures which would provide greater understanding of the issues involved.  Third sector groups with an interest in Spit and Bite Guards recognise that there are multi-faceted reasons for the seemingly disproportionate use of the tactic on members of the Catholic community. They also agree that we can only understand the reasons for this through partnership working with the DOJ, Education Authority and Health Trusts etc.  An independent equality advisor may offer a way of examining the Section 75 implications that lie within the way we use of force on the protected groups. We are exploring this option with the Policing Board. Communication from the Northern Ireland Office in late 2021 indicated that the Secretary of State for NI (SOSNI) was supportive of the introduction of legislation enabling community background monitoring. The current SOSNI has recently reviewed the case for legislative change and has declined to take this proposal forward.  In the absence of legislative change, we are actively considering other means of progressing community background monitoring. |  |
| **3** | It is difficult to see how the use of a Spit and Bite Guard will ever be in the interests of a child and therefore the Guidance should be amended to set out the circumstances where this might, possibly, be true. | **Accepted**  We have updated our policy as follows:  *“..There may be rare occasions when use on a person under 18 may be appropriate. In certain circumstances, the use of a Spit and Bite Guard on a child may be the only alternative to an unnecessary escalation of the use of force or untested restraint tactics and may therefore be in the best interests of the child. In such circumstances, officers must implement the following:*  *Officers must take all reasonable steps to confirm the age of a subject prior to considering deployment of a Spit and Bite Guard.*  *The vulnerability of the subject must be taken into consideration in the context of the threat to officers and other members of the public.*  *Where a subject is confirmed as being under 18 (or is believed to be under 18), officers must consider and discount all other available options and tactics before a spit and bite guard is deployed. This includes options to aide de-escalation with the subject and, where practicable, an alternative to a Spit and Bite Guard,  for example, good communication, donning additional personal protective equipment or placing the individual in a cell van and keeping under observation.  Other tactics to consider are disengaging entirely from the subject for a period of time with due consideration given to the safety of yourself, your colleagues and members of the public, engagement with a parent/guardian or engagement with Social Services.”*  We continue to monitor the use of Spit and Bite Guards on children at our Service Accountability Panel (SAP). We view the Body Worn Video footage of each deployment on a child and provide a summary of the incident for discussion at SAP. |  |
| **4** | A more detailed assessment of the law and the human rights requirements in relation to the use of Spit and Bite Guards should be set out in the Guidance and provided in the training of officers for their use and this should include the requirement to consider alternatives. | **Accepted**  The Human Rights requirement in respect of the use of Spit and Bite Guards was not adequately set out in Chapter 1 of the Conflict Management Manual. We have updated policy on the use of Spit and Bite Guards (Chapter 16) to reflect the views of the Board’s Human Rights advisor in this area by referencing our own Code of Ethics as follows:  *Article 4 of the PSNI Code of Ethics states:*  *Police officers, in carrying out their duties, shall as far as possible apply non-violent methods before resorting to any use of force. Any use of force shall be the minimum appropriate in the circumstances and shall reflect a graduated and flexible response to the threat. Police officers may use force only if other means remain ineffective or have no realistic chance of achieving the intended result.* All of our Personal Safety Programme (PSP) lessons incorporate crisis communication/de-escalation techniques. PSP training includes scenario-based training where officers can put de-escalation training into practice.  Data on the use of Spit and Bite Guards (since introduction) compared to other uses of force is as follows:   |  |  |  | | --- | --- | --- | | **Period** | **Use of Force** | **Total number** | | 16th March 2020 – 24th January 2024 | Baton drawn only | **713** | | Baton drawn & used | **359** | | Irritant spray drawn only | **763** | | Irritant spray used | **756** | | Spit and Bite guard | **511** |   The use of Spit and Bite Guards is markedly less than other tactical options.  We undertook benchmarking of our use of Spit and Bite Guards with other UK forces of a comparable size between April 2020 and March 2023 –   |  |  |  |  |  | | --- | --- | --- | --- | --- | | **Police Service** | **Number of deployments** | **Use on males** | **Use on females** | **Use on children** | | PSNI | 511 | 418 (81.8%) | 93 (18.2%) | 36 (on 30 children) (7%) | | West Yorkshire | 1,220 | 938  (76.9%) | 282 (23.1%) | 84 (6.9%) | | Greater Manchester | 1,908 | 1,495 (78.4%) | 411 (21.5%) | 154 (8.1%) | | Avon and Somerset | 1,060 | 806 (76.0%) | 250 (23.6%) | 81 (7.6%) | |  |
| **5** | The wording of the Guidance should be strengthened to deter any officer from using a Guard if they have not been recently trained to do so. | **Accepted**  Policy now states:  *..a subject wearing a Spit and Bite Guard MUST NOT be in the custody or care of Police Officer/Civilian Detention Officer who has not received training in Spit and Bite Guards. It is the responsibility of the officer applying the Spit and Bite Guard to ensure that the subject is always under the supervision of a trained officer/staff. If in doubt, ask a colleague if they are trained in the use of Spit and Bite Guards.*  We launched a revised training video in August 2022 incorporating recommendations from the Board’s HR advisor and PONI. This replaced any previous Spit and Bite Guard training course, with compliance being monitored. |  |
| **6** | The Guidance should be strengthened to recognise the dangers illustrated by the Sussex case in regard to the use of PAVA and Spit and Bites Guards. | **Accepted**  We haveupdated our policy to include this excerpt from Sussex Police policy on the use of Spit and Bite Guards:  *“Where the Spit Guard is applied after the subject has been exposed to incapacitant spray there is the potential for the Spit Guard to `trap` the product against the face of the subject and lengthen the effects. Consideration should be given to the replacement of the contaminated Spit Guard with a new Spit Guard if continued use is required.”* |  |
| **7** | The Guidance needs to reinforce the importance of the guard being single-use. This should also be reflected in the training videos and face-to-face learning. | **Accepted**  We reinforce this aspect of policy during PSP training. The revised training video and policy refer to the guard as a single-use item as follows:  *A Spit and Bite Guard should not be allowed to become saturated or filled with fluid or solids of any description. If this occurs, the Spit and Bite Guard must be replaced with a new one.*  *If you have applied a Spit and Bite Guard to a subject and it is removed or otherwise dislodges from the subject, it must be replaced with a new one.*  *A Spit and Bite Guard must only be used on one subject and must never be applied to another person.* |  |
| **8** | The previous training video for officers shows an individual actor subject to a Spit and Bite Guard who appears to be completely compliant. As a Spit and Bite Guard is a use of force and should be only be applied when ‘absolutely necessary’ the person to whom the Spit and Bite Guard is being applied is very likely to be actively resisting and/or being aggressive towards police. The training now appears to be unrealistic and needs updated. | **Accepted**  The Police Ombudsman for Northern Ireland also raised this point. The new online training video now depicts a non-compliant individual to ensure that training remains realistic. |  |
| **9** | The training that officers receive on Spit and Bite Guards should be more comprehensive and repeated, at least, annually. It should be more extensive than the current training available and the implications of the use of force for human rights should be at the centre of such training. | **Accepted**  Online training remains a one-off training package. We launched the revised video in August 2022 and all eligible officers and staff are required to complete this new package. We provide District Commanders with weekly training compliance figures for their District. With every policy revision, we send a Service-wide notification for the information of officers and staff who carry Spit and Bite Guards.  We re-inforce online training annually/bi-annually (depending on role) in PSP training during a 45-minute lesson with a practical scenario and revision of the policy which includes the section of policy pertaining to human rights. The College of Policing is reviewing PSP training for all forces with a desired emphasis on scenario-based training. We are moving to a more scenario-based model of training in 2023. |  |
| **10** | An individual who has spat or bitten, but has since calmed down or is now unconscious, should not have the Guard reapplied and the Guidance should reflect this. The Guidance should also provide more detail on how to reassess the continuing need for the Guard and how long a Guard should typically stay | **Accepted**  A guard will never be reapplied to an individual who has had the guard removed having calmed down and stopped spitting. An officer may reapply the guard if the individual begins to spit or bite again. Policy states:  *Monitor the subject at all times. Make sure you constantly reassess the need for the Spit and Bite Guard and keep it in place only as long as necessary…Officers should also be mindful of the duration a Spit and Bite Guard is worn by the subject whilst travelling to and waiting at a Custody Suite. As with any use of force, it should only be used while it is necessary and a continual risk assessment should be carried out and the Spit and Bite Guard removed if appropriate…* *Where a Spit and Bite Guard has been placed on a subject within the custody suite for a period of 30 minutes, an officer of at least the rank of Inspector must be informed as soon as practicable. This officer will review the circumstances regarding the continued necessity for the Spit and Bite Guard.*  The online training video also advises officers*: As with any use of force, a Spit and Bite Guard should* ***only*** *be used while it is necessary, a continual risk assessment should be carried out and the guard removed if appropriate.*  The daily spreadsheet we use to monitor the use of Spit and Bite Guards now includes a section showing the length of time each Spit and Bite Guard remained on the subject. |  |
| **11** | Where the Guidance refers to putting on gloves and PPE more emphasis needs to put on this as the first action to take if someone is spitting or biting, rather than using force and applying a Guard. It is recommended that the Guidance and training reflects this and gives officers the practical training they need in moving away from the threat and putting on PPE. The Police Ombudsman also recommended that police circulate a reminder to all relevant officers / staff to remind them of their responsibility to wear Personal Protective Equipment and its importance. | **Accepted**  PSP training stresses that officers should consider wearing gloves due to the potential of transfer of bodily fluids. The revised training video shows officers in full PPE applying the Spit and Bite Guard to a detainee. This serves as a reminder that officers should consider PPE as an alternative to the application of a Spit and Bite Guard.  Although it is desirable for officers to wear PPE as alternative to the application of a Spit and Bite Guard, in these circumstances it would need to be clinical grade PPE. Spitting and biting incidents are often dynamic and unexpected. Donning and doffing PPE in such circumstances would be impractical. |  |
| **12** | Neither the Human Rights Advisor nor the Policing Board have the expertise to develop detailed proposals for the vehicles or alternative equipment that might be needed keep both officers safe without the use of Spit and Bite Guards. The PSNI should therefore report on the options for safe travel for the some 0.6% of suspects that have currently to be transported wearing a Spit and Bite Guard. | **Accepted**  We now have a policy regarding the tactical use of different vehicles when a subject has been arrested/detained, including the issue of transporting violent/aggressive prisoners in cell vans where available. We have increased our number of available cell vans. |  |
| **13** | The Guidance should be reworded to reflect the fact that officers must give a prior warning stating that if the individual does not stop spitting, then they will apply the Guard. | **Not Accepted**  We train officers to use the National Decision Model prior to engaging any use of force. PSP refresher training includes a lesson on the National Decision Model, which includes information on the use of effective communication skills in a conflict management situation. The range of communication models covered include LEAPS (Listen, Empathise, Ask, Paraphrase and Summarise), the Betari Box (my attitude and my behaviour affect your attitude and your behaviour) and the Five-Step Appeal (simple appeal – reasoned appeal – personal appeal – final appeal - action). The five-step appeal acts as a mediation tool to assist individuals to view the situation with a fresh personal view from their own perspective. We have added a reference to the five-step appeal model to policy to re-inforce the de-escalation approach officers should take prior to using force:  *Officers should follow the five-step appeal model as a means of final approach in cases of resistance whereby individuals are given every chance to comply with the officer’s request.*  If the individual continues to spit/bite, officers give the following warning prior to applying a Spit and Bite Guard:  *Stop spitting, to protect myself and others I am intending to place a Spit and Bite Guard over your head.* |  |
| **14** | The training and Guidance should give better Guidance to officers on how to effectively communicate to de-escalate the situation and to disengage safely. This training on de-escalation and disengagement should reflect the examples from the other forces set out above, showing officers how to actively respond to a situation without using force. It is imperative that this training is detailed, in person and parts are delivered by those who are independent from PSNI, are professionally training in social work or related fields and play a vital role in de-escalating situations involving complex mental health crises. If de-escalation or disengagement is effectively used, this is the best way to protect the individuals from unnecessary uses of force and also protecting the officers. | **Accepted**  Officers use the five-step appeal (detailed above) as a de-escalation tool. We use the National Police Chiefs Council Personal Safety Manual as the basis for our PSP training. This means we are in line with other UK forces in terms of what we teach in relation to de-escalation and disengagement. Our Combined Operational Training colleagues advise that they currently run 2 or 3 PSP classes per day in 3 separate locations around the province. To include external agencies in the delivery of de-escalation training would be logistically impossible. |  |
| **15** | If an officer is aware the child is under 18 then the Guard should not be used under any circumstances. (Alternatively, where it is possible, only follow authorisation from a Superintendent.) If the Guard is used on a child, then the incident of this should be notified to the Police Ombudsman who should review the Body Worn Video. | **Not Accepted**  We continue to examine the use of Spit and Bite Guards on children, however, policy still allows for the use of the tactic on under 18s in certain circumstances. Deployments on children remain low. Of 511 deployments of Spit and Bite Guards at 25 January 2023, there were 30 deployments on children/young people under 18 as follows:  1 x 12 year old  1 x 13 year old  3 x 14 year olds (guard applied twice to one individual)  6 x 15 year olds (guard applied twice to one individual)  9 x 16 year olds (guard applied twice to three individuals)  10 X 17 year olds (guard applied twice to one individual)  With the re-application of the guard on six individuals, there have been 36 applications in total on children/young people.  Data shows that between 1 March 2020 and 22 November 2023, there were 1690 reports of spitting/biting. Out of these 1690 forms submitted, 1,043 incidents were identified. Of these 1,043 incidents, 187 involved a child as the alleged perpetrator. This equates to 17.9% of the reported incidents.  The Police Ombudsman has agreed to review every deployment of a Spit and Bite Guard on a child for a 12-month period beginning on 1 November 2022. PONI will also view the Body Worn Video footage of every deployment on a child during this period. This process has been extended and is continuing as of 25th January 2024. |  |
| **16** | The PSNI should amend their use of force training package and general training on the use of force on children, with specific reference to the use of Spit and Bite Guards, which should include:   * An explanation of children’s rights; * A simple explanation of the issues of the development of the child and adolescent brain; * How children are likely to react differently to situations than an adult; and * A detailed focus on the heightened risks of Spit and Bite Guard use on children and young people. | **Accepted**  We address the rights of the child in our policy on the use of Spit and Bite Guards and more extensively in the revised online training package, which Policing Board members have viewed.  Every officer, as part of PSP training, undertakes training in de-escalation. Although there is no specific neurobiological element to the training, policy is clear in its position on the use of the guard on children. In addition, we train all student officers in neurodiversity as part of their student-training programme.  We offer all police officers training in Adverse Childhood Experiences (ACEs training). Three Districts have a vulnerability navigator in post who will pick up any vulnerability referrals from officers who may be concerned about an individual. We now also have Spit and Bite Guard deployments added to the custody record as part of the Custody Officer’s pre-release risk assessment. This will provide an opportunity to capture data on referrals offered to / accepted by the detainee.  To address the 4 points within this recommendation:   * Point 1: We refer to the rights of the child in policy and training as follows: *Special consideration should be given to the heightened vulnerabilities of children. Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) requires the best interests of children to be a primary consideration in all actions concerning children.*   When officers attend PSP training we make clear the definition of a child as being any person under the age of 18. Each lesson includes highlighting the need to exhaust all alternatives to using force on a child. Force should only be used as a last resort and should be proportionate to the level of threat and with consideration of the child’s welfare. We stress that the child’s wellbeing must be a priority in all decisions and actions that affect children, (Article 3 UNCRC). We emphasise that all children have the right to health, education, family life, play and recreation, an adequate standard of living and to be protected from abuse and harm in accordance with The United Nations Convention on The Rights of The Child. This forms part of the initial opening lesson in PSP and forms part of discussions throughout the training day in all use of force scenarios.   * Points 2, 3 and 4: When officers complete Adverse Childhood Experiences (ACEs) training, there are specific sections on the development of the child and adolescent brain focussing on the impact of ACEs on cognisance, decision-making and reasoning. The training raises officer awareness and understanding of the impact of ACEs throughout the lifespan and identifies options for officers once they have identified ACEs. Understanding trauma and its impact on developmental processes helps us to respond more effectively in these circumstances. Through the training, we discuss the importance of early intervention and prevention strategies to help mitigate ACEs through a trauma-informed approach. We emphasise to officers that this is what any of us would wish for our children and young people and it is firmly rooted in the United Nations Convention on the Rights of the Child, (UNCRC).   We have added the following to policy:  *In people under 20, the frontal lobe of the brain still developing. This regulates decision- making, impulse control and the ability to cope with stressful situations.* *Children are likely to react differently than adults to some situations. You may be dealing with a child who has experienced past trauma. Psychological damage is a real factor for vulnerable children who may have suffered abuse. Please be alert to this possibility when dealing with children.* |  |
| **17** | Any new Guidance should be subject to consultation with children themselves in addition to those organisations that act as advocates for them. | **Accepted**  Discussions are ongoing with relevant partners to work with young people through a series of youth reference, engagement and listening events. Going forward, our Strategic Partnerships and Prevention Branch will work with young people to consider matters such as Spit and Bite Guards, Stop and Search and other matters relevant to young people. |  |
| **18** | The Guidance needs to be strengthened to include other medical factors, including autism and sensory issues. It also needs to help officers to deal with people who not only have such disabilities, but also those who have taken drugs or alcohol and are unable to act rationally. The training should also cover these issues and provide officers with detailed Guidance on how to recognise such issues and problems that are not always. | **Accepted**  Police officers and staff with an interest in neurodiversity have undertaken other initiatives recently. These include examining best practice in custody suites nationally and globally and devising a custody and autism toolkit, which forms part of mandatory custody training for all custody staff. We hope that this toolkit will become mandatory for all officers.  We have informed officers and staff of the existence of awareness cards, which may be carried by vulnerable individuals. These include the JAM (Just a Minute) card, which allows people with a learning difficulty, autism or communication barrier to tell others they need ‘Just A Minute’ discreetly and easily; the Sunflower lanyard designed for those who have hidden disabilities and the Autism Awareness card. We incorporate these cards into practical lessons during student-officer training.  A new custody suite has opened in Waterside specifically designed to reduce anxiety for vulnerable detainees. The suite has bigger windows to allow as much natural light in as possible and lighting that can be dimmed if required. There are also four vulnerable cells with LED screens to assist in communication with vulnerable detainees and exercise yards at the end of each cell wing which may be of great benefit when calming vulnerable people.  As part of Stage 7 of the EQIA process (*Monitoring for adverse impact in the future and publication of the results of such monitoring)* we continue to monitor how many incidents relate to mental health/drugs/alcohol. PSP training includes scenarios where the subject is behaving irrationally due to one or more of these factors. Officers are encouraged to use good communication to de-escalate these situations. |  |
| **19** | Where an officer knows that someone has a mental health condition that could be exacerbated by the use of Spit and Bite Guards, particularly self-harm or suicide, then the Guard should not be used. | **Accepted**  This is covered in policy and training as follows:  *If you are aware or believe that the subject has mental health or another debilitating condition, which the use of a Spit and Bite Guard could exacerbate, the presumption will be that a Spit and Bite Guard should not be used.*  Our revised training video also includes a section on the use of the tactic on vulnerable people with the following message:  *Officers should be mindful of other vulnerabilities or medical factors that may exist. These may include visual impairment, epilepsy, respiratory illness or symptoms related to Covid-19. This list is not exhaustive. Good communication with the subject and other relevant parties can help to identify any vulnerabilities or relevant medical factors.*  *Officers should be aware that there may be situations where communication barriers exist between the officer and the subject. You may be dealing with people who are deaf or hard of hearing, people who have autism or those individuals for whom English is not their first language.*  We accept that officers should not use a Spit and Bite Guard when an assessment confirms the likelihood of exacerbation. However, this will not always be possible as officers are operating in dynamic situations and are not mental health professionals. Therefore, whilst we will put safeguards in place where a vulnerability is known or immediately obvious, a Spit and Bite Guard may be deployed in other circumstances where the only alternative may be to employ physical restraint or an untested tactic using a makeshift alternative.  We examine any encounters involving the use of a Spit and Bite Guard where officers have not activated Body Worn Video. We reviewed 2 incidents in July 2022 where officers explained that their devices had run out of power towards the end of a long shift.  To date there have been a total of 18 incidents where BWV was not activated by the officer deploying the Spit and Bite Guard with the following reasons given:  Spontaneous incident, not aware it was required, officer discretion, not available, camera faulty, battery flat, error operator. |  |
| **20** | As the PSNI’s Equality Impact Assessment states that all statistics on all uses of force are shared with the Policing Board bi-annually and statistics on the use of Spit and Bite Guards weekly, this should continue. | **Accepted**  The Police Service complete a bi-annual report to the Policing Board that contains statistics relating to the use of force and SBG. The bi-annual reports are also published on our website. The use of SBG is further scrutinised on a quarterly basis via the Service Accountability Panel (SAP) that is attended by the Policing Boards HR advisor. This includes each case of the use of SBG on a child being reviewed on an individual basis. While we still collect the weekly statistics in relation to the use of SBG, the Policing Board have stated that they no longer require weekly updates around this. The Police Service are content to provide these weekly updates on request should the Policing Board require them. |  |
| **21** | The Policing Board should consult with the Police Ombudsman, HMICFRS, CJINI and other inspection bodies on how best to implement this recommendation:   * Every use of a Spit and Bite Guard on a child should be reviewed; * Every use of a Spit and Bite Guard on a person already in a police vehicle or police custody should be reviewed; again need a specific comment. * Any use of a Spit and Bite Guard that occurs after a person is restrained and where officers can temporarily remove themselves to a safe distance should be reviewed; * The Human Rights Advisor should dip sample the BWVs of the use of Spit and Bite Guards over the second quarter of 2022 and report on his findings in October 2022; * An independent investigation and report on the reasons why members of one religious group are more likely to be subject to a Spit and Bite Guard than another; Advise that research will be tasked at PPDG.   A complete review of the use of Spit and Bite Guards by PSNI should be conducted by the end of 2022. Advise that this will be considered post the decision at SMB in March. | **Accepted**  We review every use of the guard on a child. In addition, immediate supervisors and an officer of at least Chief Inspector rank view the Body Worn Video (BWV) of every deployment on a child.  Our Operational and Tactical Development Unit view the BWV footage of **every** deployment to assess compliance with policy and the need for continued use in individual cases. It is evident that, despite being restrained, subjects do continue to spit at police and the public. The Service Accountability Panel will monitor the use of Spit and Bite Guards going forward.  We continue to collate a daily return of deployments and maintain a spreadsheet showing data on age, gender, any disability and ethnicity. We add additional data to the spreadsheet if volunteered by an individual. This includes disability and community background. We regularly gather statistics on spitting and biting incidents, the use of Spit and Bite Guards by District/Department/location as well as data on the protected Section 75 groups, where known. Stage 7 of the Equality Impact Assessment has been completed and will be published soon. This involved assessing the impact of the use of Spit and Bite Guards on the protected groups over a 12-month period (June 2022-July 2023).  Between 1st November 2022 and 31st October 2022, we will refer all deployments of Spit and Bite Guards on children (under 18 years) to the Police Ombudsman for NI (OPONI) for review; this will include a review of relevant Body Worn Video (BWV) footage. OPONI have advised that this process is to continue at present.  We have provided the Policing Board with a review of the use of Spit and Bite Guards in January 2023.  An independent equality advisor may offer a way of examining the Section 75 implications that lie within the way we use of force on the protected groups. We will explore this option with the Policing Board. |  |

**Human Rights of Police Officers 2022**

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| **Rec** | **Detail** | **Update from PSNI** | **Human Rights Advisor Assessment** |
| **1** | Police officers and staff are often concerned that human rights are discussed only in the context of suspects and defendants. Therefore, PSNI should consider setting out their rights in guidance as part of the PSNI People Strategy. | **Ready for Discharge**  This recommendation has been considered as part of a review of the People Action Plan and has been included in a corporate action under objective 2 of the revised People Action Plan for 23/24 that is due to be presented to NIPB Resources Committee in May 23. The corporate action states, “To ensure professional and ethical standards, Human Rights and Organisational values are clearly understood and demonstrated by everyone in PSNI. All service areas will be contributing to the delivery of this action.  The People Strategy 2025 outlines the commitment of the organisation to value our people. The PDR process includes an integrity health check which consists of a discussion between supervisors and staff about ethical issues, and how those entrusted with the responsibility of law enforcement should behave. The Police College has a Human Rights advisor to ensure that this is central to the design and delivery of all training. The person currently doing this has been promoted and work is ongoing to secure a replacement to fill this post. |  |
| **2** | The PSNI should consult the staff associations directly to produce a plan to address the allegations set out above regarding officer wellbeing, sectarianism, and racially motivated violence, and provide a copy to the Policing Board by Spring 2023. | **Ready for Discharge**  The NIPB report on Human Rights will be discussed with staff associations, Minority Support Associations and Disability Support Association representatives at PSNI’s Your Voice Forum, which is chaired by the Chief Constable and attended by ACO Duffield. This recommendation was circulated and subsequently discussed at the Your Voice forum on 19 June 2023. This was to acknowledge the report and invite member comments. Members discussed the potential to include EDI training in the Police College, and involvement of Staff Networks in an advisory position for internal processes, such as, promotion, grievance, bullying and harassment. Police Federation Northern Ireland observed that the recommendations can’t be looked at through a single lens and reported that officers are being attacked on a daily basis externally. |  |
| **3** | The Policing Board and the PSNI encourage the Executive and Assembly to consider whether the current legislation regarding assaults on emergency staff reflects the risks that come with these occupations. | **Ready for Discharge**  Police Service (Criminal Justice Branch) have encouraged The Executive Office to consider whether current legislation adequately reflects the risks that come with these occupations and therefore complied with this recommendation. In doing so we have learned that there are plans to introduce new and more fitting legislation to reflect such risks. CJB will continue to encourage TEO (DoJ and DoH) to progress this legislation. |  |
| **4** | The PSNI:   1. Consult the staff associations and produce a plan to protect officers from the disproportionate threats of violence from the public and provide that to the Policing Board by Feb 2023 2. Take steps to change the culture to ensure that officers and staff in all the diverse and minority groups employed by the PSNI are not subject to any discriminatory actions or treatment by other officers and staff; and 3. Recognise that eliminating misogyny needs to be tackled urgently to protect female officers and staff and to build trust of women and girls in Northern Ireland who needs its help and support. | The Police Service has introduced a ‘Nine Point Plan’ to change internal culture and improve the way assaults are investigated. It places emphasis on ensuring incidents are as thoroughly and robustly investigated as attacks on the public. The plan also seeks to improve criminal justice outcomes and ensure individuals affected are given the right support. The Chief Constable has provided an impact statement for inclusion in all applicable prosecution files submitted to the PPS and is meeting with the Lady Chief Justice to discuss this issue. A working group has been established to develop the PSNI’ s injury and assault reduction strategy and is currently working to take this forward. |  |
| **5** | Due to overlap, this Recommendation has lifted the six Recommendations contained within the Policing Board’s Professional Standards Report, published in November 2022:  i) The Board will continue to review the current Code of Ethics to identify potential improvements and modernisation of the current Code of Ethics;  ii) Mindful of its advocacy role, the Board should write to invite the Department of Justice to review the current Misconduct Regulations in order to identify improvements in the use of existing legislation provision which would enable cases to be progressed expeditiously, mindful of legislation in the rest of the UK, and explore the possibility of making legislative change, including in the following areas:  - Chairing of Misconduct Hearings;  - Criminal Proceedings;  - Misconduct Hearings in Public; and  - Use of Regulation 13. Any proposed amendment to the regulations would be subject to the normal consultation process under legislation.  iii) Mindful of the role of the Criminal Justice Board, the Board should write to the Department of Justice, to invite them to consider what more can be done to address delay in the criminal justice system; iv) Following the review of PSNI PSD, the PSNI should report to the Board on the outcome of the review so the issues of process and governance can be assessed;  v) The PSNI should review and update its policies in relation to whistleblowing, vetting, sexual misconduct and abuse of position for sexual purposes in order to identify any improvements, ensure sufficient rigour and be mindful of the current and updated policies that exist in England and Wales; and  vi) The PSNI should ensure that appropriate policies and procedures are in place to communicate expected standards of behaviour | All of the policies suggested by NIPB have already been recently reviewed and updated. The recommendation is therefore assessed as discharged and recommended for closure. |  |
| **6** | The PSNI should produce accessible guidance for officers and staff on the limitations of privacy that apply to them and ensure that refresher training is provided to all. | PSD staff provide input to several training courses organised by the Police College; Student Officer prior to Attestation, CDO, Custody Sergeants and First Line Managers Courses. Personal use of social media and private communications are discussed within these training sessions. PSD also provide guidance on Point and illustrate real examples of the consequences when officers and staff breach the expected standards expected of a police officer or staff member. Knowledge of obligations around these issues are tested annually via the Integrity Check part of the PDR process.  Currently there is a development of a framework regarding participation in events and use of PSNI property and assets. This is in draft at present, and is subject to consultation as the next stage. The framework is centered on the requirement for others to inform the organisation of participation and highlight decision-making guidelines to protect employees and the organisation in relation to, and ensuring, neutrality and impartiality. The Participation in Events paper is still subject to ongoing scrutiny and review by Legal Services. Following a decision taken by SET to undertake further internal consultation on this paper with our Staff and Minority Support Associations the aim is now that this paper will be finalised in time for final governance review at February’s SMB. Completion and implementation of this paper is the final ‘live’ aspect of this recommendation. |  |
| **7** | The PSNI should produce accessible guidance for officers and staff on the limitations of Freedom of Expression that apply to them and ensure that refresher training is provided to all. | **Accepted**  The update provided for recommendation 6 incorporates the Police Services’ response to this recommendation. |  |
| **8** | The PSNI should consider the concerns from the associations on issues of discrimination and respond to the Policing Board by Spring 2023. | **Update not sought by NIPB** |  |
| **9** | Questions about the extent to which officers and staff feel free to raise issues about their colleagues’ actions have been raised by the associations and in the media. A more positive and supportive approach to formal and informal whistleblowers should be developed and action should be taken to end any reprisals against them and to develop a more positive culture seeing their contribution as an important way of improving the work of PSNI. | **Discharged**  10/08/23  The new Whistleblowing policy has been through all consultation and approval stages and has been published. Our Integrity Matters app has been launched, and there are a range of advertising avenues planned to showcase the app and encourage confidential reporting. |  |

**Human Rights Review of PSNI Use of Force 2023**

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| **Rec** | **Detail** | **Update from PSNI** | **Human Rights Advisors Assessment** |
| **1** | *Firearms*  The reduction in the security threat level in Northern Ireland and the fact that officers very rarely have to fire their firearms raises a question about what the criteria should be for issuing firearms to all officers rather than, as in the rest of the UK and the Republic of Ireland, only to those specially trained in their use. The PSNI should consider this issue as part of its longer-term plans. | **Under Review**  26/04/23  This is now built into the annual APSTRA process (Armed Policing Strategic Threat and Risk Assessment and therefore features in our long term plans in a structured fashion.  The Strategic Management Board agrees that the question of arming / disarming officers is important and it remains under review. Although there is a low use of firearms (PPWs) it does not undermine the importance of being armed. The PSNI is an armed police force, given the indigenous threat from terrorists and the threat from organised crime gangs, PSNI will remain armed. It is believed that the removal of PPWs would impact in confidence in policing internally and externally.  The fallout from political representatives cannot be measured at this time. The matter of arming PSNI is under review, therefore no change is foreseen for the next 24 to 36 months so this Recommendation will remain “Under Review”. This Recommendation should be reviewed every 12 months as opposed to the present review status period because of the threat level being at SEVERE. |  |
| **2a** | *AEP*   1. The PSNI should contract with an independent research body to ascertain the effect or injuries of those individuals who are hit by AEP. | **Not Accepted**  The initial UK government-wide AEP development programme kept a watching brief on injury reports before the introduction of the AEP and undertook modelling of the ballistics and injury causing potential of the AEP as part of the assessment for its suitability for introduction before 2005. This testing was submitted to the Defence Scientific Advisory Council (DSAC) sub-committee on the Medical Implications of Less-Lethal Weapons (DOMILL) as evidence for them to support their independent assessment of the medical implications of the AEP system.  The work submitted to the Scientific Advisory Committee on the Medical Implications of Less-Lethal Weapons (SACMILL) in order to assess the injury causing potential has been previously presented to the Northern Ireland Policing Board and other groups (including the Patten Oversight Team, British Irish Right Watch and the scientific community through International conferences relating to Less-Lethal/Non-Lethal Weapons (IQPC and Jane’s conferences)). There is an enduring responsibility on the Home Office to provide annual reports on the use of AEP as part of the DOMILL statement – these annual reports should cover all uses across the UK. These reports have been considered by the independent medical committees as they have been submitted (initially DOMILL and latterly by the Scientific Advisory Committee on the Medical Implications of Less Lethal Weapons (SACMILL – the body that replaced DOMILL)). Whilst there is limited information on the injuries caused, the views of DOMILL and SACMILL have been that medical implications of the use of AEP (from the common weapon system) within the national guidance, remain unchanged from those articulated by DOMILL.  There is a current programme underway to replace the current AEP round with a new variant of the round; this involves the use of new propellant and a new plug manufacture method that is compliant with the Registration, Evaluation, Authorisation and restriction of Chemicals (REACH) regulations. This will involve the use of a different polymer for the projectile, a different manufacture method for the projectile and a new propellant for the current round. Every attempt has been made to ensure that the new round is no worse than the current round in terms of accuracy, consistency, injury causing potential or effectiveness. The new manufacture method is attempting to enhance the energy attenuation in the round design.  This new round will still be referred to as ‘AEP’, simply being a new variant of the existing round and integrating into the current weapon and sight system, however it will be subjected to independent review by SACMILL of the evidence on its medical implications at the request of the Home Office. It is expected that this new review will include a review of the original test data, review of the development data for the new variant and review of the operational experience of the current round. SACMILL will be invited to comment on its comparable behaviour to the current round. |  |
| **2b** | The PSNI should also set out medical aftercare guidance for persons hit by AEP in their AEP policy. | **Discharged**  The policy regarding AEP`s will be restructured to set out medical aftercare guidance for persons hit by AEP in the AEP policy. It should be noted that in April 2023, PSNI have officers trained in AEP, i.e. officers Op support, NFIs, Belfast Area, North Area, South Area, HMSU (C4). The numbers are small. This is on Protective Services Agenda to complete. |  |
| **3a** | Police Dogs  The PSNI should contract with an independent research body to ascertain the effect or injuries of those individuals who are bitten by police dogs. | **Not Accepted**  Rationale for not accepting:   * Independence would be better served via academic research or by research commissioned directly by the Board; and * There are limited funds to invest in research at this time and other research (relating for example to stop and search and JSA powers) should be prioritised. Operational Support Department will accept part b of the rec and will explore (via the Service Accountability Panel) how additional data can be recorded and reported. |  |
| **3b** | The PSNI should include details of the types of force recorded for dog use in their statistical use of force bulletin. | **Discharged**  The use of force figures, including use of police dog, were extracted and presented at the Service Accountability Panel on 22 May are for the 12 month period 1 April 2022 to 31 March 2023. These will be included in the returns going forward and therefore I propose closure of this recommendation.  ACC OSD approved the closure of this recommendation (03.07.23) |  |
| **4** | *Stun Grenades*  The PSNI should contract with an independent research body to ascertain the effect or injuries of those individuals who are subjected to stun grenades. | **Not Accepted**  There is a project of work following on from the Grainger Inquiry ([Anthony Grainger Inquiry: report into the death of Anthony Grainger - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/anthony-grainger-inquiry-report-into-the-death-of-anthony-grainger)); again tasked from the Home Office under NPCC direction. This involves the NPCC formalising the detailed operational requirements and system requirements for such devices and an assessment the acceptability of the selected devices against these requirements. The intention of the current project is that this will include the consideration of the medical implications in line with the procedures used for other Less-Lethal Systems. This will produce independent assessments of selected stun grenades (although described as ‘specialist munitions’). This is work in progress. Whilst there is some evidence available, typically generated by manufacturers, of the effects of their devices, this is not typically controlled testing or subject to the independent review that the current process is aimed to achieve. This current project is aimed at providing a robust audit trail for the definition, selection and acceptance of stun grenades in UK policing. |  |
| **5** | CED  The PSNI should reject the recommendation from HMICFRS and continue to restrict the use of CED to Authorised Firearms Officers, Counter Terrorism Specialist Firearms Officers, and Specialist Operations Branch Officers. | **Discharged**  The Police Servicecurrently hold 144 Taser x 2 Conducted Energy Devices (CED) and have issued these to specialist officers, primarily to respond to spontaneous firearms incidents.  We recently purchased 45 Taser T7 CED’s, and will train and arm CPU officers with these devices to comply with the NPFTC role profile and as part of Ops Gunning.  There is no precedent in the UK Armed Policing APP or NPFTC for non AFO officers carrying a conventional firearm and a CED simultaneously, so the CED will be retained only for Specialised Units within PSNI. This is part of the APSTRA. |  |
| **6** | For PSNI to include the different ‘stages’ of CED use in their Use of Force statistical bulletins, including arcing and red-dotting. | **Discharged**  It is confirmed that all different stages of use relating to a CED are captured on the Use of Force monitoring form and NISRA has confirmed that going forward this use of force will be contained in the Bi-Annual Use of Force report. It is considered that the collection of this data makes the PSNI compliant with this recommendation |  |
| **7** | PSNI officers should never use CED in custody or where a person is already restrained, and the relevant parts of the Conflict Manual should be amended to make this clear. | **Discharged**  No firearms are allowed in custody and as PSNI regard the CED as a firearm, then this Recommendation can be closed. |  |
| **8** | *Mental Health*  To better understand the extent of subjects with mental health needs that the PSNI engage with, the Human Rights Advisor recommends collecting data on subjects threatening self-harm. This data could prove useful in advocating for a better linkage between mental health services and the PSNI. | **Discharged**  (From email – 11/5/23)  Protective Services had a meeting with the Human Rights Advisor and Paula Gow, NIPB, and one aspect of the discussion involved this recommendation.  The discussion from Protective Services was the analysis gathering of this information would not lead to a greater understanding of “subjects with mental health” and it would not lead to “a better linkage between mental health services and the PSNI”. It was agreed by the Human Rights Advisor that it may not lead to a great understanding between the two Public Sector organisations.  It was explained to Mr Wadham that the officers who responded to such calls from vulnerable persons were doing so because of Article 2 concerns as opposed to the Mental Health Order and this was agreed by all present at the meeting. It was further agreed that this matter would be escalated to the Accountable Officer of the Overview Recommendation 8.  ACC OSD believes this can now be discharged. Right Care Right Person work stream via ACC Justice will progress this work further |  |
| **9** | It is difficult to see how the use of CED will ever be in the interests of a child and therefore the guidance should be amended to set out the circumstances where this might, possibly, be true. | **Accepted**  Officers who are trained in the use of CED already deploy it to national levels where threat/harm/risk/etc. is considered for all persons regardless of age, sex, ethnicity, etc. Should further clarity be forthcoming in terms of the precise concerns and how these can be addressed, we can review the rec.  Update 14/07/23  In the PSNI only Authorised Firearms Officers use CED.  The Conflict Management Manual mentions the following in relation to Taser use on children:   * Children should be considered a possible greater risk than adults as medical evidence indicates that children may be at a heightened risk of injury. (All that is noted until further research is undertaken) * The Bronze Firearms Commander will make a dynamic risk assessment at the scene on the use of Taser if the subject appears to be a child, and will ensure that the reason for the use of Taser involving a child is clearly documented. * Officers should take knowledge of United Nations Convention on the Rights of the Child (UNCRC). Article 3 of the Convention requires the best interests of children to be a primary consideration in all actions concerning children |  |
| **10** | *Body Worn Video*  Considering the vulnerable nature of children, the Human Rights Advisor recommends using BWV in all situations where an Officer is interacting or engaging with a child or young person (or someone who the Officer perceives to be a minor), regardless of the operational context, if BWV is available. | **Not Accepted**  PSNI met with HRA to discuss the context of the recommendation. During the meeting it was conceded by HRA that the recommendation is not definitive or specific enough. It was agreed as a substitute that the new PSNI BWV policy will reflect NPCC guidance in relation to persons under 18 and also highlight that Use of Force and Stop & Search on persons under 18 SHOULD be recorded. |  |

**Human Rights Review of Privacy and Policing 2023**

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| **Rec** | **Detail** | **Update from PSNI** | | **Human Rights Advisor Assessment** |
| **1** | PSNI and the Policing Board agree a Memorandum of Understanding (MoU) to ensure early visibility and oversight of any new strategy, policy or practice under consideration by PSNI. The MoU would cover all novel deployment, use of technologies and focus on human rights, privacy, ethical and equality considerations alongside any issues having an impact on public perception or confidence. This MoU should be in place by November 2023. | **Not Accepted**  Any organisational decisions or policies remain with PSNI and accountability, engagement and information will be through the usual governance structures of the Board. i.e. Performance Committee**.** |  | |
| **2** | The Policing Board and PSNI should hold a round-table in January 2024 with key external stakeholders to examine the developments in data-driven technology in policing, its value and the need for effective governance. Stakeholders might include the Minister of Justice, the Department of Justice, Information Commissioner’s Office, the Police Ombudsman for Northern Ireland, the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland, the Attorney General, local academics, human rights NGOs and key voluntary sector organisations. | **Not Accepted**  Any new data driven policies will require a Section 75 screening, which will involve formal consultation and engagement and evaluation prior to introduction. It is PSNI viewpoint that NIPB, as the hosts should lead in the administration of this round table discussion which PSNI will attend**.** |  | |
| **3** | Once a year, starting in November 2023 PSNI should present to the Performance Committee an update on developments in data driven technology including what systems have been implemented, what systems are being considered. This should include how those system assist PSNI with objectives, the human rights implications and any additional necessary governance arrangements. | **Not Accepted**  NIPB HR advisor confirmed that his intention is that PSNI only report in where we are using data led technology for support associated with investigation, evidence or identification. There is no requirement for reporting around our wider business function. |  | |
| **4** | By January 2024 the PSNI should develop a Data Ethics Governance Framework to ensure policing is driven by effective and efficient use of data in an ethical way. | **Accepted**  An interim Data Board convened in January 2024. Once fully established the Board will consider the development of a Data Ethics Governance Framework, looking to do so in parallel with NPCC. |  | |
| **5** | By April 2024 PSNI should produce a Data Ethics Strategy engaging with external stakeholders and the wider public on the value of data driven technology, its development and use and how ethical and privacy safeguards will be effectively addressed. | **Accepted**  As per update at Recommendation 4, a Data Ethics Strategy will be developed by the Police Services’ Data Board once it is fully established. |  | |
| **6a** | The PSNI should give more immediate consideration to the following specific issues:  The PSNI should set out its current use and future proposals on facial recognition systems in a special report to the Policing Board.  Any proposals should consider the protections that the Metropolitan Police and other police forces are likely to put in place.  This should also include privacy, equality and human rights impact assessments and the PSNI’s plans to consult the public on its proposals. | **Accepted**  PSNI should set out its current use and future proposals on facial recognition systems in a special report to the Policing Board. Any proposals should consider the protections that the Metropolitan Police and other police forces are likely to put in place. This should also include privacy, equality and human rights impact assessments and the PSNI’s plans to consult the public on its proposals.  21/11/23  A report on the use of the Police National Database (PND) facial recognition facility by PSNI has been completed and presented to the Northern Ireland Policing Board. The NIPB response was to inform PSNI that the decision whether or not to use this facility on PND was a PSNI operational matter and not for the NIPB to comment on. The decision on whether to use this PND facility was then taken to Service Executive Team and a definitive decision from SET is pending. Once this decision is taken the result will be communicated to the NIPB. The Head of Biometrics sits on the Home Office Biometrics Strategic Facial Matcher Project Board and is aware of national initiatives with respect to Retrospective Facial Recognition, Live Facial Recognition and Operator Initiated Facial Recognition. Decisions on when and how to implement these within PSNI will be taken at the PSNI Facial Recognition Project Board and the NIPB Human Rights Advisor is a standing member of this Board.  8/1/24  The Head of Biometrics continues to engage with the Home Office Biometrics Strategic Facial Matcher Project Board, the next meeting of which takes place on 24 January 2024. To date, no firm decision has yet been taken by PSNI on the future use of facial recognition technology using the national facial recognition technology currently being developed by the Home Office. No decision has been made yet by SET on whether to recommence facial recognition searching using the Police National Database (PND). PSNI has committed to fully engage with NIPB on any future development or deployment of facial recognition technology. |  | |
| **6b** | The Policing Board should invite the Biometric and Surveillance Camera Commissioner to visit Northern Ireland and to give evidence about his work generally and particularly his assessment of the PSNI and the issues more generally in Northern Ireland. | **Not for PSNI** |  | |
| **6c** | As there is currently no College of Policing guidance available around artificial intelligence systems the PSNI should develop both internal guidance and a public facing document that explains PSNI’s approach to the technology. | **Not Accepted**  The PSNI will be abiding by the NPCC guidance |  | |
| **6d** | The PSNI should consider using and adapting the Home Office’s proposals for maintaining public trust in CCTV systems by:     * Undertaking Data Protection Impact Assessments (DPIAs) prior to the use of a new biometric technology or a new application of an existing biometric technology, inviting scrutiny from an independent ethics panel, regulators and the Board | **Not Accepted**  The Police Service no plans to introduce new biometric technology but if this changes then PSNI will update the NIPB accordingly.   * As a matter of transparency, PSNI should publish all their Data Protection Impact Assessments and their Privacy Impact Assessments   Public Space CCTV across different Local Government areas in NI is provided through a number of different models with different funding streams.  In light of continuing pressure on police budgets a SPOC has been appointed and will take a holistic view of CCTV provision, including an examination of existing policy and practice which will include consideration of the Home Office proposals for maintaining public trust in CCTV systems.   * Follow all the relevant Codes including Surveillance Camera Code of Practice   **Status:**  **Update**  The update immediately prior to this recommendation also refers.   * Consider the findings of the Home Office’s Custody Image Review and ensure that the Commissioner’s and ICO’s guidance on the use of images is followed.   **Status: Discharged**  **Update**  PSNI has engaged with both the Home Office and the ICO in its exploration of facial recognition technology and will continue to do so. We are committed to ensuring it meets all its human rights and data protection commitments and engagement with the Home Office and ICO will continue as this technology evolves. |  | |
| **6e** | Due to the legislative nature of request this recommendation would be best addressed by the Department of Justice. |  |  | |
| **6f** | Given the fact that there is almost no public information available on how to challenge the retention of DNA and other identity data held by the PSNI, the PSNI should consider how to increase public awareness of the procedures. | **Discharged**  An Interim Service Instruction on Biometric Retention was published on the PSNI website on 7 November 2023. This public facing document informs members of the public how to seek deletion of their biometrics taken by PSNI under the provisions in the Police and Criminal Evidence (Northern Ireland) Order 1989 in the absence of any Northern Ireland specific biometric retention legislation.  The Biometric Ratification Committee adjudicates on applications and if successful, applicants will have their biometrics deleted from local and national databases. The retention periods applied have been devised from the biometric retention rules in the un-commenced biometric provisions in Criminal Justice Act 2013 in respect of non-conviction material and the Department of Justice NI proposals in their 2020 public consultation on biometric retention legislation in respect of conviction material. |  | |

**Human Rights Review Children & Young People: Strip Searching of Young People 2023**

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| **Rec** | **Detail** | **Update from PSNI** | **Human Rights Advisor Assessment** |
| **1** | Police And Criminal Evidence (PACE), Art 55 should be re-written to make sure that the ‘*reasonable suspicion*’ test applies both to search and seizure in custody so custody officers are required to have an honest and objective basis for their belief that the detained person has concealed a prohibited item before a strip search can be authorised. This will increase the likelihood of this provision complying with Article 8 of the European Convention of Human Rights (ECHR), to ensure that fewer juveniles are strip searched and that the procedure is more clearly targeted at those with prohibited and concealed items. | **Not for PSNI** |  |
| **2** | For DOJ - PACE Codes A and C should be amended to make it clear that strip searches of children should only occur when the new proposed reasonable suspicion test is met (Recommendation 1) and when there is no other alternative available to find the item or protect the detained person or others. These Codes should also remind all police officers of their duty to safeguard children, even during strip searches. This should include: • The requirement for authorisation by both the Custody Officer and an Inspector; • Clear guidance on making a safeguarding referral whenever a child is strip searched; • Setting out more clearly the need for an Appropriate Adult to be present before and during a strip search; • Clearer guidance on the exceptional circumstances when the presence of an Appropriate Adult can be dispensed with to minimise any ambiguity around the term ‘urgency’. Until these changes are made in the PACE Codes the PSNI should draft and publish a Service Instruction containing these provisions. | **Accepted**  Ongoing - The Code of Practice is currently under review by the Department of Justice’s Policing Policy and Legislation Team. This change has not been agreed by Government and will not be implemented in the near future. In the interim, Custody Policy Unit have written new guidance relating to the Strip Searching of Juveniles. The Guidance is complete and is to be reviewed by Corporate Governance and Legal Services prior to launch. |  |
| **3** | *Appropriate Adult*  PSNI custody staff should clearly record in detail their decisions in relation to strip searches and set out the detail of the justifications in the custody record. | **Discharged**  Considered discharged on 04/10/23 on following basis:  I review all custody records in relation to strip searching of under 18's. I am satisfied that this message has landed and there has been a considerable improvement in the custody records. We now have good decision making and rationale clearly outlined and recorded.  This has been achieved by new internal directions to all staff and reinforced in visits to all suites and during the custody operational meetings. ACC A Todd has also conducted WebEx briefings with all Custody Sgt’s. Niche upgrade will assist further. |  |
| **4** | PSNI do not routinely record who the Appropriate Adult is, i.e. a parent or guardian or a person from the Appropriate Adult scheme. This should be rectified as soon as possible, and should include the name, their relationship with the detained person, time contacted, estimate of the arrival time, actual time arrived and any other relevant details. | **Discharged**  Discharged on following basis:  A new tile has been added to the NICHE UA Custody Record, which launched on 21st November 2023. The new tile includes the information recommended. NIPB have been updated. |  |
| **5** | *Statistics of Juveniles in Custody*  The PSNI should publish annual figures on the strip searching of children, disaggregated by section 75 grounds, including a categorisation of the reasons for and outcome of the search. This should include whether an Appropriate Adult was present and, if not, why not. | **Accepted**  Ongoing. C/Supt Justice Department met with NISRA in November 2023, agreeing that the required data would be collected and recorded. The initial data will be reviewed, with a view to potentially releasing the information for Q1 2024, as low numbers could lead to a risk in identifying any individual. |  |
| **6** | *Training*  PSNI should commit to additional training for custody officers and custody staff, with a particular focus on strip searching of children and vulnerable persons. | **Discharged**  Discharged on following basis:  Custody Policy Unit and the Police College reviewed the current training courses, with a view to including training on Strip Searches. Custody officers attend a two day annual skills development course. ACC Todd hosted a series of Webinars in July 2023, specifically relating to strip searching. The Custody Policy Unit held a series of CPD days in October and November 2023 for all custody staff. A training schedule for the year ahead, including refresher courses, has been planned with the Police College. |  |
| **7** | The role and expectations of the Appropriate Adult should be made more explicit in PSNI policy and agreed with the NI Appropriate Adult Scheme, taking into account concerns about privacy, dignity and trauma. Sufficient resources should be available to police to use constant watches while awaiting the arrival of an Appropriate Adult. | **Accepted**  Ongoing. Custody Policy Unit have designed a Form ‘AA3’ outlining the role of the appropriate adult in a strip search. The proposed form has been shared with NIAAS for their views. The form and supporting guidance is to be shared with Corporate Governance and Legal Services prior to launch. |  |
| **8** | PSNI should reconsider its oversight and governance arrangements for the strip searching of children in custody. In doing so it should consider the recent Custody Detention Scrutiny Panels guidance from the National Police Chiefs Council3 and the establishment of a Custody Scrutiny Panel, such as the one in place in Suffolk Constabulary4 to ensure that all strip searches are considered by external ‘experts’ such as Independent Custody Visitors and the NI Appropriate Adult Scheme provider, specially trained in the role. | **Discharged**  Ongoing. Following engagement with NIPB, a Terms of Reference for the Scrutiny Panels has been arranged. Independent Custody Visitors have been identified and the initial training will take place on 31st January 2024, allowing the first panel to meet shortly after, reviewing all strip searches of children. |  |
| **9** | PSNI should ensure that a child rights impact assessment (CRIA) is conducted on the new policy. | **Accepted**  Following engagement with NIPB, a Terms of Reference for the Scrutiny Panels has been developed. Independent Custody Visitors have been identified and the initial training took place on 31st January 2024, allowing the first panel to meet, reviewing all strip searches of children. A date for the first panel will be set shortly. |  |
| **10** | PSNI and the Department of Justice should implement the relevant recommendations as a matter of urgency and the PSNI should provide a full report to the Policing Board setting out their detailed response to each recommendation with a timeframe for implementation within six months of publication of this report. | **Accepted**  Ongoing. An initial update report was shared with NIPB in November 2023, within 6 months of the publication. The report is now a living document, recording the ongoing work. A final report will be shared with NIPB when the recommendations are fully implemented. |  |