

HUMAN RIGHTS | ANNUAL REPORT

2024/25



Contents

Chair's Foreword	2
Recommendations	3
1. Hate Crime	7
2. Religion and Community Background	27
3. Vulnerable Victims	42
4. Stop and Search	57
5. Arrest and Custody	73
6. Use of Force	96
7. Training and Policy	105
8. Complaints and Discipline	114
9. Biometric Retention	119
10. National Security	126
11. Covert Surveillance	133
12. External Forces	156
Annex A: Extracts from the Investigatory Powers Commissioner's Office Annual Inspection Report	158
Glossary	163

The Policing Board, by consensus, has adopted and published this report but not every member of the Board endorses each and every part of this report. This report was researched and written over the first six months of 2025. Many of the statistics in the report are for the year October 2023 to September 2024 and it should be noted that more up to date statistics will be available by the time the report is published.

Chair's Foreword

This report is the Northern Ireland Policing Board's 17th Human Rights Annual Report covering 2024/25. This is the 6th report completed by John Wadham, Independent Human Rights Advisor.



The report reviews topics such as Victims, Stop and Search and Use of Force. These, and other areas, have been evaluated in each previous annual report. The Human Rights Advisor has been able to assess the progress of recommendations made against each area to help ensure the PSNI meets its human rights obligations.

During 2024/25 there have been several issues that have come to the fore and the Human Rights Advisor has completed a more in-depth analysis of these areas. These areas have included hate crime including a specific focus on PSNI's treatment of minorities and the PSNI pilot into gathering statistics in relation to community background in stop and search.

Hate crime attacks escalated over the summer of 2024 and the PSNI response to this growing issue was discussed by the Board. It is important to ascertain what strategies and policies the PSNI have in place to deal with this increase in hate crime and if they were human rights compliant.

Through many Human Rights reports, the Human Rights Advisor, the Courts and the Independent Reviewer of the Justice and Security Act has made recommendations to the PSNI to gather information on community background. The PSNI launched a pilot project specifically for the area of stop and search to trial a process of gathering this data. This report provides an overview of the importance of collecting this data and analyses the progress of the pilot scheme. This report examines twelve important areas of policing in Northern Ireland and the Human Rights Advisor makes an assessment of PSNI's current performance in each one. From this analysis the Policing Board has identified ten recommendations for the PSNI to consider.



Mukesh Sharma MBE DL
Policing Board Chair

Recommendations

Recommendation 1

Over the last five years there appears to have been a lack of clarity about the process for PSNI responding to the Board's human rights reports. For the future, PSNI should provide a formal written response to the Performance Committee within six months of the publication of any human rights report published by the Board. A further response by the PSNI to the Board's report should be then provided twelve months after the Board's report is published. Once they have been provided to the Performance Committee, they should be published by PSNI.

Recommendation 2

The Board welcomes the fact that the Police Ombudsman's office has recently been able to share more of its recommendations and concerns with the Board and hopes that this can continue.

Currently the Police Ombudsman's office is subject to very strict restrictions in what it can share with the Policing Board and even with the Human Rights Advisor (who has high level, Developed Vetting, security clearance). These restrictions, for instance, in section 63 of the Police (Northern Ireland) Act 1998 have little regard of the role of the Policing Board in holding the PSNI to account. The Department of Justice should make very specific and narrow amendments to the Act to allow the Police Ombudsman to share emerging themes, policy problems and strategic concerns directly with the Policing Board so that it understands what needs to be changed or improved.

Recommendation 3

- (a) The Policing Board recommends that the recommendations made in Judge Marrinan's Report into hate crime legislation in Northern Ireland need to be implemented urgently by the Department of Justice in order to protect everyone in Northern Ireland.
- (b) The PSNI should engage an expert to provide an external review of its response to hate crimes in Northern Ireland.

Recommendation 4

PSNI's collection of equality data is inadequate, particularly the collection of community background data.

- (a) The PSNI should adopt the approach recommended by the National Police Chiefs Council and the College of Policing. The collection of this data is particularly important where police officers are using their powers.
- (b) The PSNI should reconsider its approach to the collection of community background data. Perhaps the most meaningful data on a person's community background can be ascertained by questions about the person's religious background, that is, the most prominent religion of their family during their childhood. In the meantime, the PSNI should provide the Policing Board with a report every year, starting in six months after this Human Rights Annual Report is published, setting out any data that it has collected on religion or community background from members of the public. It is particularly important to provide such data where police officers have used their powers: covert surveillance, stop and search, any use of force (such as spit and bite guards), arrest, strip searches, length of detention, criminal charge and police bail.
- (c) The PSNI should reconsider its approach to the publication of stop and search statistics on the number of transgender persons, lesbian, gay and other sexual minorities and those with disabilities and should publish the numbers alongside the numbers in the population in Northern Ireland.

Recommendation 5

The Policing Board endorses the recommendations of the Domestic Homicide Review Panel. The PSNI should report to the Board on how it will deliver and implement the Panel's recommendations.

Recommendation 6

- (a) The PSNI should develop a strategy to ensure that fewer people are stopped and searched but a greater proportion of those stops and searches are effective. Good practice should be shared between districts.

- (b) Statistics showing the rates of stop and search for different minority groups, including information on population proportions that are available to the Service Accountability Panel should be published regularly, including the more detailed specific age of the children stopped and searched.

- (c) Over the last decade there has been a gradual, albeit uneven, reduction in the security threats in Northern Ireland that the Justice and Security Act (JSA) was designed to combat. Therefore, the PSNI and the Northern Ireland Office (who have to confirm PSNI's JSA authorisations), with the assistance of the JSA Independent Reviewer (Dr Jonny Byrne) should draft criteria to use to decide when the general and specific threat levels have reduced such that the JSA stop and search powers are no longer necessary and the several other stop and search powers available to officers will be sufficient.

Recommendation 7

The PSNI should report to the Board with an analysis of any trends or systemic issues identified in a review of cases of wrongful arrest.

Recommendation 8

- (a) PSNI should investigate, including engaging an outside expert, whether the current use of force training regime for officers is adequate. There is concern that without proper training officers may become more reluctant to use force as well as less confident in de-escalating the situation. Members of public and officers may, as a result, be more at risk of injury.

- (b) The PSNI should consider the results of the police officers human rights survey and report to the Policing Board with a strategy to improve officer understanding of human rights and re-test officers in the next 12 months.

Recommendation 9

- (a) The PSNI should provide a report to the Policing Board every year on its use of covert surveillance powers including:

- the numbers of each type of surveillance, including the numbers of CHIS Criminal Conduct Authorisations (unless the publication is unlawful or the numbers are so small and would reveal PSNI's specific tactics in particular cases);
- the numbers of journalists, lawyers and other members of similarly sensitive professions subject to covert surveillance; and
- the numbers of its cases that are pending before the Investigatory Powers Tribunal (IPT)

(b) The Policing Board's Human Rights Advisor should be provided with a summary of each of these IPT cases.

(c) The Policing Board should be provided with the procedure that PSNI use to supervise the use by police officers and PSNI staff of the telephones provided by PSNI. This should include what information is provided about this procedure to the members of public and journalists who, in the usual course of business, supply their telephone numbers to the PSNI.

Recommendation 10

The Policing Board fully appreciates the necessity at times for investigations to be undertaken by a service independent of PSNI and should be advised at the earliest possible opportunity of such, including how the other services have been selected, the terms of reference for the investigation, anticipated costs, and the governance arrangements PSNI have in place for the investigation.

With regard to independent reviews of PSNI work areas, such as data breach, the Board must have a greater role to include the selection of reviewers and development of terms of reference before commissioning, and sight of the final report.

1. Hate Crime

Introduction

Hate crime is a growing issue in Northern Ireland culminating in the attacks in August 2024. In response to this the Police Service of Northern Ireland (PSNI) introduced a Race and Ethnicity Plan consultation document (November 2024). This document sets a laudable and ambitious action plan including accepting that there are issues to deal with:

‘Nationally, policing has accepted there is racism, discrimination and bias in policing. The PSNI also accepts this is the case and is, therefore, determined and fully committed to taking practical and meaningful action.’

‘In Northern Ireland, the Police Service has not been immune to criticism following our own handling of peaceful protests organised by the Black Lives Matter (BLM) movement, following the death of George Floyd.’

And there are, much needed, important commitments:

‘Summer 2024 brought more appalling attacks and scenes of violence and disorder across Northern Ireland, with members of our ethnic minority communities attacked, damage caused to property and evidence of racist graffiti. Similar to events across England and Wales, this activity was carried out with the singular intent of terrifying communities and inciting hatred. We are clear through our policing response and the content of this plan, there will be no place for hatred and discrimination in Northern Ireland. We are an anti-racist Police Service.’

Hate Crime Law

The Universal Declaration of Human Rights provides the framework for the principles of equal rights and non-discrimination and was the first international instrument to affirm that:

‘Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as ‘race’, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.’

The International Covenant on Civil and Political Rights (ICCPR)¹, adopted by the United Nations General Assembly in 1966, expands on those principles. For example, Articles 6 and 7 ICCPR protect an individual’s right to life and freedom from inhuman and degrading treatment, respectively. Article 2 requires that states have sufficient legislative, judicial and other measures to ensure that a remedy is available in the event of treaty violations.

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD), adopted by the United Nations General Assembly in 1965, provides states’ duties to investigate racist violence. CERD also requires states to implement legislation prohibiting acts of violence and incitement to violence based on racism.

The Committee has also recommended that, in order to assist victims of racism in bringing cases to court, states should ensure that victims are allowed to participate in criminal proceedings, are kept informed about progress, are protected against reprisals or intimidation and that they have access to compensation and assistance, where available.

It is the duty of the state agencies (including the PSNI and PPS) to ensure that a racist motivation is investigated fully. Failure to do so when there is *prima facie* evidence of motivation in connection with a serious crime is considered to be a violation of Article 6 CERD (on effective remedies) and Article 2 CERD (on bringing an end to racial discrimination by all appropriate means). The CERD Committee has considered the duty to take effective action against acts of discrimination under Article 2, and to provide effective remedies under Article 6 in relation to the adequate investigation and prosecution of hate crimes.

The European Court of Human Rights has considered specifically the extent of states’ obligations in relation to hate crimes. From those judgments a number of

¹ [International Covenant on Civil and Political Rights | OHCHR](#)

principles emerge, which can be summarised as follows. States are obliged to conduct prompt and effective investigations into violent crimes involving violations of Article 2 (the right to life) and Article 3 (the right to be free from torture, inhuman or degrading treatment) in order to give effect to those rights. Furthermore, state agencies investigating crime must be impartial in their assessment of the evidence.

The Court has held that state authorities have the duty, when investigating violent incidents, ‘to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events. Failing to do so and treating racially induced violence and brutality on an equal footing with cases that have non-racist overtones would be to turn a blind eye to the specific nature of acts that are particularly destructive of fundamental rights.’²

The European Court of Human Rights has made clear that in crimes involving bias on the grounds of race, the state is held to a very high standard. Investigators must recognise and give additional weight to the bias element of crimes and take all reasonable steps to collect evidence of motive and bring offenders to justice. The evidence must be assessed in a fair and unbiased manner to ensure that evidence is not dismissed on the basis of stereotypes. Where investigators appear to have applied stereotypes, police must be aware of the responsibility to challenge and to question whether the investigation was thorough and effective.³

Disability Law

The Convention on the Rights of People with Disabilities is a legally binding treaty of the United Nations that sets out the human rights of disabled people, recognizing that they are entitled to the same rights as everyone else. The United Kingdom ratified this treaty in 2009 and the latest report on the UK’s compliance was published in 2017.⁴ The UK also ratified an additional part of the treaty that allows people to complain directly to the Committee on the Rights of Persons with Disabilities if they believe their

² Secic v Croatia, 2007.

³ Milanovic v Serbia, 2010.

⁴ <https://docs.un.org/en/CRPD/C/GBR/CO/1>

rights have been violated. It can only be used when all domestic channels have been exhausted.

The Convention emphasises the importance of ensuring that people with disabilities are not discriminated against, promoting the full and effective participation of people with disabilities in all aspects of society, respecting the autonomy, independence, and freedom of people with disabilities to make their own choices.

Law in Northern Ireland

The Public Order (Northern Ireland) Order 1987 makes it an offence to use threatening, abusive or insulting words or behaviour, or display any written material which is threatening, abusive or insulting, if it is intended thereby to stir up hatred or arouse fear or, having regard to all the circumstances, hatred is likely to be stirred up or fear is likely to be aroused by it. Such an offence may be committed in a public or a private place, save where the words or behaviour are used, or the written material is displayed by a person inside a dwelling and are not heard or seen except by other persons in that or another dwelling. It should be noted therefore that if the offensive words or behaviour etc. are made in a public place the police need not prove that any particular person was actually put in fear; it is sufficient if a person is likely to be put in fear.

The Order defines fear and hatred in this context:

'A sentence for a crime can also be increased if the offence was 'aggravated' by hostility based on the victim's actual or presumed religion, race, disability or sexual orientation.'⁵

Domestic equality provisions also exist including the Sex Discrimination (Northern Ireland) Order 1976 although, unfortunately, neither the general anti-discrimination provisions in sections 75 or 76 of the Northern Ireland Act protect this group.

⁵ Criminal Justice (No 2) (NI) Order 2004

The Race Relations (Northern Ireland) Order 1997 make it unlawful for a person to discriminate against another if, on racial grounds he treats that other less favourably than he treats or would treat other persons.⁶

The PSNI must ensure that the ECHR rights of all members of the public are secured without discrimination on any ground. Non-discrimination (or put another way, equality) is a fundamental human rights principle which underpins all of the aforementioned human rights instruments. Non-discrimination, in policing terms, does not mean that the police should treat everyone in exactly the same way: it requires the police to take differences into account and tailor their response accordingly to ensure that all individuals, regardless of, for example, race, enjoy equal access to the benefit and protection of their rights and to equality of outcomes. In addition to ensuring that ECHR rights are secured without discrimination, PSNI has a statutory duty under section 75 of the Northern Ireland Act 1998 to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status, sexual orientation, sex, between persons with a disability and persons without and between persons with dependants and persons without. The purpose of section 75 is to mainstream equality, making it central to the policy decision making of all public authorities. That means that equality must be incorporated into all policies from the drafting stage through to the review and implementation of policy.

PSNI Response

The PSNI have a detailed Service Instruction to assist officers to deal with hate incidents and hate crimes which was fundamentally revised in 2017 and reviewed as recently as April 2023.⁷

According to the most recent census data, 8.1% of the Northern Ireland population belong to ethnic minority groups. Despite this, the PSNI is significantly under-

⁶ The 1997 Order defines 'racial grounds' as meaning colour, race, nationality or ethnic or national origins. 'Racial group' means a group of persons defined by reference to colour, race, nationality or ethnic or national origins. Racial group includes the Irish Traveller community. It does not include religious belief or political opinion.

⁷ Service Instruction 2117, 25 April 2023.

represented, with only 0.66% of officers and 0.75% of staff currently from ethnic minority backgrounds, comprising an average of 0.71% of the workforce.’

In relation to the use of police powers the plan is to:

‘Eliminate any racial bias, stereotyping, profiling or discrimination in our actions.’⁸

And:

‘Reducing the harm caused by crime against ethnic minorities through enhanced partnership working and ensuring appropriate accessibility of services.’

It is hoped that this important initiative by PSNI might lead in future to similar approaches to other minorities such as sexual minorities and people with disabilities. It is disappointing that other important strategies to tackle hate crime and racism do not seem to be doing so well.⁹

In response to the disorder in August 2024, which was largely driven by anti-immigration sentiment, the PSNI has reviewed its control strategy in relation to hate crime and outlined their commitment to dealing with hate abuse in all its forms. The Hate Crime Control Strategy¹⁰ has three key outcomes:

- Increased reporting through improved victim trust and confidence in policing;
- Improved standards of service to victims of hate crime; and
- Improved hate crime outcome.

In order to achieve these outcomes the PSNI are engaging in Reference, Engagement, and Listening (REaL) events with members of the communities who can raise awareness with officers of how the PSNI can help victims. These events include members of faith and LGBTQ+ communities. The police are aware they can often be viewed negatively by LGBTQ+ communities and are engaging with transgender and disability groups to gain trust and confidence.

⁸ Hopefully addressing the significant disproportionality revealed year of year in the stop and search figures.

⁹ No action plan or budget undermined NI racism strategy – review, BBC, 4 January 2025.

¹⁰ [Hate Crime Control Strategy - August 2024.pdf](#)

It is understood that PSNI have updated their search protocols and guidance around transgender victims/suspects and the hate crime service instruction has been updated to include how officers should respond to a domestic incident in an LGBTQ+ household.

The PSNI have discussed with the Human Rights Advisor the legal difficulties they encounter in relation to policing hate crimes especially when trying to protect transgender victims. As highlighted in Judge Marrinan's Review of Hate Crime in NI, published in 2020,¹¹ gender and gender identity is not one of the protected characteristics included in the current hate crime legislation. PSNI therefore, do not have the appropriate power to prosecute these specific crimes. The PSNI are then placed in a difficult position as they cannot complete their role effectively and the victim feels there is no reason to report an incident as nothing can be done. The PSNI then are likely to be viewed negatively although the reason that the police cannot respond is because the law is not working.

The Human Rights Advisor would reiterate recommendation 9 of the Review of Hate Crime in NI, which states that:

'All current protected characteristics, race, religion, disability and sexual orientation should continue to receive protection but age, sex/gender and variations in sex characteristics should also be included. This includes transgender identity'¹²

The PSNI work alongside Policing & Community Safety Partnership (PCSP) colleagues to try to raise awareness of hate crime in all forms¹³. The aim is to increase reporting, support victims and reinforce the messaging that police are committed to investigating all types of hate crime. The police acknowledge that many hate crimes go unreported.

¹¹ [hate-crime-review.pdf](#)

¹² [hate-crime-review.pdf](#)

¹³ [Hate Crime Awareness Week public meeting, Moira | PSNI](#)

*‘Research repeatedly shows that many people tolerate ‘low level’ incidents and crimes and do not report to the authorities on the assumption that nothing can, or will, be done, that they won’t be believed and won’t be taken seriously. This results in a high level of underreporting. Building confidence in how we approach and deal with victims of Hate Abuse is therefore critical’.*¹⁴

The police also take part in Hate Crime Awareness week to raise awareness. Deputy Chief Constable Bobby Singleton has said:

*‘There is no place for hate in Northern Ireland and we take reports of these types of crimes and incidents incredibly seriously. Hate crime can have a long lasting, damaging impact on victims and their wider community. We believe that every person has the right to go about their lives without being the target of abusive language or criminal behaviour motivated by hate or prejudice’.*¹⁵

Judge Marrinan’s report into Hate Crime legislation in Northern Ireland, states that overall figures can be misleading when we are looking at the various types of hate crime. For example, racial and sectarian crimes. It may appear that the overall figures for race hate crimes are low but they fail to take into account the proportion of the population who come from ethnic minority backgrounds. Once the numbers of these incidents are considered in the context of the particular population then the real situation becomes clearer:

*‘In practical terms there is approximately a 1 in 31 chance of being the victim of a reported racial hate incident compared to approximately a 1 in 1,777 chance of being a victim of a reported sectarian hate incident’.*¹⁶

Hate Crime Advocacy Service

One way to try and combat this lack of confidence in PSNI would be by using Hate Crime Advocates whose role is to encourage victims to report incidents or crimes. Hate

¹⁴ [Hate Crime 25 April 2023.pdf](#)

¹⁵ [Highlighting the extent and impact of hate crime during Regional Hate Crime Awareness Week | PSNI](#)

¹⁶ [hate-crime-review.pdf](#)

Crime Advocates are specialists within independent community organisations, and they meet with the police on a monthly basis to discuss best practice and any emerging priorities. They act as a liaison between the police and the victim to help guide the way through the criminal justice process and are key in encouraging the victim to report to the police.¹⁷ The PSNI and Department of Justice fund the hate crime advocacy service. This service provides assistance to victims from specialists within independent community organisations. (Migrant Centre NI, The Rainbow Project, Victim Support).

The hate crime advocacy service quarterly statistics show an increase in race and sexual orientation (inc. transgender) referrals from 2023/24 to 2024/25. There have been 120 referrals made from April 2024 to December 2024 compared to a total of 137 for April 2023 to April 2024. The largest increase has been in relation to race referrals. From April 2024 to December 2024 679 referrals have been made. The total for the previous year (April 2023 – April 2024) was 528. 304 referrals were made in quarter 2 (July-September 2024).¹⁸

The advocacy service launched its Hate Crime Manifesto in June 2024.¹⁹ The manifesto sets out key areas for change and provides insights for improvements within the statutory bodies and wider public. They have highlighted that the policing and Public Prosecution Service approach to assessing hate motivations in investigations do not properly align. They argue that best practice and closer working would help ensure that hate elements in cases are not lost.²⁰

Gaps that have been identified are:

- Police officers do not always update or inform victims on the progress of their case.
- Victims are often unaware perpetrators were out on bail or have been released from prison.

¹⁷ [Welcome to the Hate Crime Advocacy Service - Hate Crime Advocacy Service](#)

¹⁸ Figures from Hate Crime Advocacy Service

¹⁹ [hcasni-hate-crime-manifesto-october-2024-compressed.pdf](#)

²⁰ [hcasni-hate-crime-manifesto-october-2024-compressed.pdf](#)

- Not accurately recording the specific hate crime motivation. This can be a significant issue if the victim does not speak English as their first language and cannot express to the police officer in English exactly what happened.
- Lack of successful convictions fails to deter repeat offenders.
- Importance of neighbourhood policing teams in building confidence and reassurance in the local areas. This occurred when officers from other departments visited victims of crime.

Neighbourhood disputes are one of the major types of complaints received. This can include criminal damage, harassment and assault. Housing is a significant issue as people often find they have limited options or needs offered accommodation in areas where they would feel unsafe. Repeat victimisation rates can therefore be higher in hate crime category because of this problem.

The advocacy service also believes that sectarianism needs to be more clearly defined. The lack of definition can often mean that cases will not be investigated as a hate crime as the police will not have a clear marker that the crime should be recorded as a sectarian hate crime. They also argue that there is a lack of data in regard to paramilitary involvement in hate crime and this makes it more difficult for police officers to respond.

Northern Ireland Hate Crime Legislation

The absence of comprehensive hate crime legislation in Northern Ireland poses problems for PSNI. PSNI cannot effectively respond when a victim reports a hate crime. It has been reported²¹ that the Department for Justice has dropped plans for a stand-alone hate crime bill due to the lack of time in the current Assembly's mandate. The proposed legislation would not have created a new offence but have ensured that the law takes account of the motive for the offence if crime was motivated by hatred. The Justice Minister had previously stated:

²¹ [Northern Ireland Justice Minister Naomi Long drops plans for stand-alone Hate Crime Bill, saying three remaining years of Assembly Mandate is not enough time \(newsletter.co.uk\)](https://www.newsletter.co.uk/news/2019/04/11/northern-ireland-justice-minister-naomi-long-drops-plans-for-stand-alone-hate-crime-bill-saying-three-remaining-years-of-assembly-mandate-is-not-enough-time/)

*'Targeting a person because of who they are or what they believe, be it their race, religion, political belief, sexuality, gender identity or disability, is wrong. It is not necessarily criminal, but it is wrong, and from my perspective the purpose of the hate crime Bill, which will be brought to the Assembly in the latter half of this mandate, is to support victims and to send a clear message that hate crime in any shape or form will not be tolerated.'*²²

The Minister for Justice, in response to a written question on the 4 June 2024, confirmed the intention to deliver the key provisions through existing legislation and the core element of a statutory aggravator model will remain. This could be through the Sentencing Bill or Victims of Crime Bill.

'I therefore have brought forward the key provisions to be delivered in the current mandate as part of existing legislative vehicles. Whether legislation is delivered through a standalone bill or as part of a wider piece of legislation, the provisions will be the same, and the core element of a statutory aggravator model will remain the foundation for all other provisions. It is the content and impact of hate crime legislation and its urgent delivery, rather than the vehicle, that are my primary concerns.'

*'There are two options available for legislation that I am considering. One is through the Sentencing Bill, and the other is through the Victims of Crime Bill which is scheduled for introduction towards the end of the mandate'*²³.

In 2023, the Advisory Committee on the framework Convention for the Protection of National Minorities completed a review on how minorities were treated in the United Kingdom. It stated:

'The situation for people from Black, Asian and minority backgrounds and Irish Travellers is particularly alarming. Northern Ireland has the highest rates of hate

²² [Naomi Long says 'no intent to criminalise thought' in proposed hate crime Bill - Belfast Live 22 April 2024](#)

²³ [Weekly Written Answer Results \(niassembly.gov.uk\)](#)

*crime in the UK per capita. Irish Travellers are absent from any form of representation or participation even consultation by Government’.*²⁴

The committee called on the Northern Irish authorities to complete the process of collating data on grounds of race including Roma and Irish Travellers. Their argument is that without this data the authorities and PSNI are unable to effectively implement policies to help those minorities or to deal with discrimination (intentional or otherwise).

Examples of Lived Experience

The Human Rights Advisor met with staff and clients of Participation and the Practice of Human Rights (PPR). The PPR supports refugees and asylum seekers in Northern Ireland. The Human Rights Advisor heard firsthand accounts of refugees’ experience of race hate crimes being committed against them. He heard that the police attended when called but the victim believed the police were not interested in solving the crime. They said that this was because they had no evidence or that there was no record the altercation and that therefore, they could not investigate it. They reported they had items thrown at their home and were threatened. The victim said that they and their children are living in fear and the only conclusion they can come to is that they are being targeted as a result of their race.

Staff of PPR also spoke of the disturbance in August 2024 when race attacks were taking place mainly in Belfast. They argued that the PSNI had protected the mosques but did not protect the hotels where many of the families were staying. Children were reportedly terrified of the hostile groups outside those hotels. Many families were afraid to complain as a result of their status as asylum seekers and felt that on occasions when they did report incidents they believed that because they were a person of colour they would be blamed. Worryingly, their perception was that the police officers would assume the criminal was more likely to be the non-white person.

Other issues raised during the visit, included the lack of interpreters in police stations and, the perception that, following any altercation with racists, even if only a caution

²⁴ [1680ab55b4](#)

was administered against them this would affect their chances of gaining employment, even if the caution was for a minor offence.²⁵

The Human Rights Advisor also met with representatives of the Rainbow Project. The Rainbow Project offers health and wellbeing services, training, campaigning and policy work for the LGBTQ+ community in Northern Ireland.²⁶ They also found that many service users who had been victims of attacks did not report incidents to the police because they believed nothing would be done. Reports of homophobic abuse, being stalked and private information being shared on social media are all issues that have been raised without sufficient confidence that there will be a proper investigation by police.²⁷

Hate Crime Statistics – particularly race hate

Hate crime is currently recorded by the PSNI against one or more of the following factors - Sexual Orientation, Race, Sectarian, Faith, Disability and Transgender. There does not have to be evidence of prejudice or hate, the victim's belief or perception can trigger the recording. However, not all hate incidents will be recorded as crimes as they need also to meet the threshold for severity.

Northern Ireland is the least diverse part of the United Kingdom.²⁸ The Census in 2021 provides statistics into the ethnic diversity of Northern Ireland with the number of those from ethnic minority backgrounds doubling from 32,400 compared with 2011. 65,604 (3.5%) of the usually resident population of Northern Ireland belonged to minority ethnic group. In NI the key groups recorded were Irish Traveller 2,609 (0.14%), Mixed 14,382 (0.76%), Indian 9,881 (0.52%), Chinese 9,495 (0.5%), Black African 8,069 (0.42%), Other Asian 5,244 (0.28%).

From 1 October 2023 to 30 September 2024 the number of incidents increased in two out of the six types of hate motivations. These were race hate and faith/religion crimes.

²⁵ Obviously these examples are accounts from particular individuals and many others would have had more positive experiences, including from individuals who were protected from harm by PSNI during the riots.

²⁶ [Home - The Rainbow Project](#)

²⁷ Obviously these examples are accounts from particular individuals and many others would have had more positive experiences, including from individuals who were protected from harm by PSNI during the riots.

²⁸ [Despite migration, NI is the least diverse part of the UK - BBC News](#)

Crimes with race hate motivation saw the largest increase. 521 more race incidents and 309 crimes were recorded than in the last reporting period. The total number of incidents was 1787 with 1161 the total number of crimes. These figures represent the highest level of race hate motivation since recording began in 2004/05. 111 incidents were recorded in 2023/24 in the race hate category up from 48 in the last period for race and 75 crimes recorded compared to 32 in 2022/23.²⁹

Five of the seven highest monthly levels of race incidents were recorded between May and September 2024. There were 350 race incidents recorded in August 2024, this is the single highest monthly level and twice the previous monthly high in July 2024.

Public Order and Racist Attacks in Summer of 2024

The increase in race hate crime could be attributed to the unrest in July and August 2024.

Amnesty International stated:

‘The disgraceful events of August, when a racist mob was able to run amok in Belfast, attacking homes and businesses at will, must never be repeated. But neither must we accept the insidious, ongoing attacks which continue to happen under the cover of darkness week in, week out.’³⁰

The European Commission against Racism and Intolerance (ECRI) published their report on the United Kingdom in October 2024. They referenced the attacks that took place in Northern Ireland and the perceived reluctance of the PSNI to investigate properly.

‘ECRI is deeply concerned about a significant recent increase in attacks, such as firebombing, against businesses owned by people with a migration background in Belfast, Northern Ireland, as well as about similar attacks against premises used for worship by religious minorities, notably mosques, in both of

²⁹ [Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland Update to 30th September 2024.](#)

³⁰ [Northern Ireland: Anti-racism march to be held in Belfast as race hate attacks at all-time high](#)

which there might be a degree of involvement by paramilitary groups, which police have reportedly been reluctant to investigate effectively for fear of upsetting the fragile peace prevailing between different paramilitary groups.’³¹

They also highlighted the increase in racist graffiti in local communities

‘Another worrying recent development is the appearance of an increasing number of anti-immigrant graffiti and signs as well as threats, in Belfast, Northern Ireland.’

The ECRI recommended that:

‘The relevant authorities, in particular the police and other criminal justice actors, carry out effective investigations into any cases of attacks against persons with a migration background and their properties in Northern Ireland and ensure that the perpetrators are held accountable.’

In response to the ECRI criticism DCC Singleton stated:

‘The PSNI ‘categorically reject’ claims it has been reluctant to investigate such criminality. . . ECRI have not engaged with PSNI with regards to these claims had they done so we could have easily set the record straight. . . To the contrary, our response to racially motivated hate crime and recent violence led to around 50 arrests and we will continue to relentlessly pursue those involved without fear or favour.’³²

Faith/Religion Hate Crime

There has been an increase in the number of victims who have been subject to hate crime based on their faith/religion. The number of recorded incidents from 1 April 2022 to 31 March 2023 was 46 and for the same period in 2023/24 the figure had rose to 77. The number of recorded crimes had also increased from 33 to 48. The faith/religion that saw the biggest increase of attacks were on Jewish people (from 3 to 16) and those from Muslim (from 18 to 25) communities.³³

³¹ [1680b20bdc](#) – ECRI 6th report

³² [PSNI avoided paramilitary links to racist violence for fear of ‘upsetting fragile peace’, experts claim | BelfastTelegraph.co.uk](#)

³³ [Faith-religion Incidents and Crimes in Northern Ireland 2005-06 to 2023-24.xlsx](#)

67% of crimes committed were against the person, 25% against business organisations (this figure has doubled from the previous year) and 8% were a state-based offence³⁴. The total figure of 24 for violence against the person was the same from 2022/23 to 2023/24. Criminal damage rose from 7 incidents to 17 and all other offences rose from 2 to 7. Of those recorded crimes assigned during 2023/24 financial year only 10 had a sanction outcome. 8 crimes recorded where progressed by a charge or summons and 2 were by informal disposals.

These figures exclude the incidents that occurred in the summer of 2024 but reflect the growing societal problem of hate crime against those of different ethnic and religious backgrounds. In March 2025 the Chief Constable attended the Muslim festival to celebrate Eid and stated that:

'It's a chance for us as the police to talk to a community that sometimes feels under threat, sometimes doesn't feel supported. . . Last summer, we all know, we had some really difficult times in the UK and particularly here in Northern Ireland around the disorder.. . So to reassure this community, that that doesn't represent Northern Ireland...that's part of what we were doing today, and I think it's been a huge success.'

The organisers of the event also praised the efforts of the Chief Constable and his willingness to support the Muslim community.

*'We really appreciate his efforts to bring the communities together.. We feel like a lot of bridges have been built since he came into post and we are hoping for the best for the future.'*³⁵

³⁴ Crimes 'against the state' i.e. with no immediate victim (e.g. possession of drugs).

³⁵ [Belfast: Muslim festival Eid al-Fitr celebrated - BBC News](#)

Sectarian Hate Crime

Recorded sectarian hate crime has seen an overall fall in 2023/24. Hate crime with a sectarian motivation has fallen from 921 reported crimes from ^t April 2022 to 31 March 2023 to 730 in the same period. There were 1238 sectarian incidents in 2022/23 compared to 1091 in 2023/24.³⁶ There were 358 recorded crimes against the person in 2023/24 compared to 487 in the previous period. 112 of those 358 were violence with a person injured as a result. 150 crimes were recorded as stalking and harassment compared with 244 in the previous year. Criminal damage figures show a fall also from 316 in 2022/23 to 261 in 2023/24.

75% of crimes in 2023/24 were crimes against the person, 24% against business, organisations and 1% a state-based offence.³⁷ 61 victims were under the age of 18, whilst the 30-34 year old category recorded the highest number of victims at 75. 220 of victims were female, 310 male, 16 gender unknown including 12 who were against a police officer on duty.

Disability Hate Crime

One person in four (24.3% or 463,000 people) had a limiting long-term health problem or disability, 40% of which were aged 65 or more (185,300 people).³⁸ From 1 April 2023 to 31 March 2024 disability crimes fell from 102 in the previous year to 58. All of these crimes were against the person. 29 victims were male and 29 female. 15 crimes were against under 18's, 41 against 18-64 and 2 against those aged over 64. Disability incidents also fell from 139 to 97. The total violence against the person crime recorded with a disability motivation fell from 85 in 2022/23 to 48 in 2023/24. Harassment saw the largest fall with 44 crimes recorded in 2022/23 to 23 in 2023/24.

³⁶ [Sectarian Incidents and Crimes in Northern Ireland 2005-06 to 2023-24.xlsx](#)

³⁷ crimes 'against the state' i.e. with no immediate victim (e.g. possession of drugs). [Sectarian Incidents and Crimes in Northern Ireland 2005-06 to 2023-24.ods](#)

³⁸ Page 6, Main statistics for Northern Ireland Statistical bulletin Health, disability and unpaid care, 15 December 2022.

Figures show that out of the 58 crimes recorded only 11 resulted in a sanction outcome being assigned. 6 resulted in charge/summons, 3 out of court formal and 2 out of court informal.³⁹

The question remains as to why there has been a decrease in disability crime/incidents. PSNI have acknowledged they have work to do in this area to gain confidence and trust in the disabled community.⁴⁰

Sexual Orientation Hate Crime

The census in Northern Ireland that was carried out in 2021 found that 2.1% of the population identify as lesbian, gay, bisexual or other. The results showed that 31,600 people aged 16 and over were LGBTQ+.

Sexual orientation related hate crimes also decreased from 289 in 1 April 2022 to 31 March 2023 to 241, there were 384 recorded sexual orientation incidents. 94% of these were against the person and 5% against property. Those aged between 50 and 64 reported the most crimes with 36 reports made. 25 reports were made by those under 18. The crimes recorded can be broken down as follows.⁴¹

Transgender Identity

There were estimated to be between 30 and 150 trans people living in Northern Ireland in the year 2000⁴² but there appear to be no official figures. Obviously, those transitioning, considering their status or wishing to assert their non-binary status will not be included in these figures. Due to transgender identity not being a protected characteristic in terms of hate crimes, it is not always recorded for statistical purposes.

³⁹ [Disability Incidents and Crimes in Northern Ireland 2005-06 to 2023-24.xlsx](#)

⁴⁰ PSNI Hate Crime Lead

⁴¹ [Sexual Orientation Incidents and Crimes in Northern Ireland 2004-05 to 2023-24.xlsx](#)

⁴² Public Record Office of Northern Ireland (PRONI), BBC reported 25 August 2023 <https://www.bbc.co.uk/news/uk-northern-ireland-66600592#:~:text=%22There%20are%20approximately%205%2C000%20transsexual,and%20hormonal%20treatment%20is%20available.%22>

From 1 April 2022 to 31 March 2023 there were 72 recorded transgender identity incidents and 39 crimes. For the same period in 2023/24 the figures have decreased to 68 transgender incidents and crimes have a small increase to 41.⁴³

In relation to recorded use of force statistics, 45 members of the public were recorded as other/unknown. This figure includes persons who identified as transgender. The level of crime recorded in 2023/24 is 50% lower than the highest level which was recorded in the 2005/06. Despite this trend victims have told the hate crime advocacy service that they still feel unprotected and that the police are not taking their views seriously.⁴⁴

A transgender victim who liaised with the advocacy service recorded her experience with police when she was persistently attacked by local youths.

*'I was in contact with the police for a while, but when I saw the results of that I thought 'what's the point in even ringing them?!' They take half the night to come out and interview you, and then when they do interview you, they leave and nothing ever happens'*⁴⁵.

Human Rights Advisor's Assessment

The PSNI's focus on dealing hate crime is very welcome and it is hoped that the failure to protect everyone last summer can be avoided in future. An external review of how effective the PSNI is dealing with all hate crime should be sought, perhaps by HMICFRS or another police force who has been recognised as delivering a first-rate service to those who have been victims of hate crime.

In Judge Marrinan's Review of Hate Crime in NI, published in 2020,⁴⁶ gender or gender identity is not one of the protected characteristics included in the current hate crime legislation. The PSNI are then placed in a difficult position as they cannot complete their role effectively and the victim feels there is no reason to report an incident as

⁴³ [Transgender Identity Incidents and Crimes in Northern Ireland 2006-07 to 2023-24.xlsx](#)

⁴⁴ Hate Crime Advocacy Service internal information

⁴⁵ Hate Crime Advocacy Service internal information

⁴⁶ [hate-crime-review.pdf](#)

nothing can be done. The PSNI then are likely to be viewed negatively although the reason that the police cannot respond is because the law is not working.

The absence of comprehensive hate crime legislation in Northern Ireland poses problems for PSNI. PSNI cannot effectively respond when a victim reports a hate crime. It has been reported that the Department for Justice has dropped plans for a stand-alone hate crime bill due to the lack of time in the current Assembly's mandate. The proposed legislation would not have created a new offence but have ensured that the law takes account of the motive for the offence if crime was motivated by hatred.

The Justice Minister and the Assembly need to prioritise the necessary changes in the law to ensure that every group is protected. Protecting some groups rather than others sends a very poor message suggesting that some groups deserve less protection than others.

The PSNI also have internal work to do to be reflective of our current diversity. According to the most recent census data, 8.1% of the Northern Ireland population belong to ethnic minority groups. Despite this, the PSNI is significantly under-represented, with only 0.66% of officers and 0.75% of staff currently from ethnic minority backgrounds, comprising an average of 0.71% of the workforce.

The Policing Board's Recommendation

Recommendation 3

- (a) The Policing Board recommends that the recommendations made in Judge Marrinan's Report into hate crime legislation in Northern Ireland need to be implemented urgently by the Department of Justice in order to protect everyone in Northern Ireland.

- (b) The PSNI should engage an expert to provide an external review of its response to hate crimes in Northern Ireland.

2. Religion and Community Background

Introduction to the history of discrimination in policing in Northern Ireland and England and Wales

Discrimination in policing within Northern Ireland is a complex issue, deeply rooted in the region's historical context, particularly the sectarian divide between the Catholic and Protestant communities. The PSNI has faced ongoing challenges related to perceptions of bias and discrimination.

Historically, the RUC was criticized for its disproportionate treatment of the Catholic community, leading to widespread distrust. This legacy has affected the PSNI's efforts to build positive relationships across communities. Issues like recruitment, representation and community engagement have been central to ongoing discussions about discrimination in policing.

Issues of equality and equal treatment in policing is an issue in most jurisdictions as well as in Northern Ireland. The issue has been a long running and contested dispute in the United States,⁴⁷ in England and Wales and in virtually every country. The more recent history in England saw the development of the concept of institutional racism. Following the riots or 'political uprisings' in inner city England in the 1980's the government set up a public inquiry chaired by Lord Scarman and in his report he said:

'If, by [institutionally racist] it is meant that it [Britain] is a society which knowingly, as a matter of policy, discriminates against black people, I reject the allegation. If, however, the suggestion being made is that practices may be adopted by public bodies as well as private individuals which are unwittingly discriminatory against black people, then this is an allegation which deserves serious consideration, and, where proved, swift remedy'.⁴⁸

⁴⁷ Solving racial disparities in policing, Harvard Review, 23 February 2021, <https://news.harvard.edu/gazette/story/2021/02/solving-racial-disparities-in-policing/>

⁴⁸ Para 2.22, p 11, Scarman Report, 1981. The Scarman report resulted in significant changes to policing including the introduction of the Police and Criminal Evidence Act 1984 and the equivalent Order in Northern Ireland. These measures provides a more detailed code setting out the police's powers and the rights of citizens, suspects and those arrested and detained. It provided specific provisions on stop and search, arrest, how long a person could be detained, the requirement for authorisation by senior officers for extending the period of detention and the requirement for authorisations by a court for detentions longer than 36 hours. The Act also provided more specific

In policing terms Lord Scarman said of the Metropolitan Police Service:

'The direction and policies of the Metropolitan Police are not racist. I totally and unequivocally reject the attack made upon the integrity and impartiality of the senior direction of the force. The criticisms lie elsewhere - in errors of judgment, in a lack of imagination and flexibility, but not in deliberate bias or prejudice'.⁴⁹

And

'All the evidence I have received, both on the subject of racial disadvantage and more generally, suggests that racialism and discrimination against black people - often hidden, sometimes unconscious - remain a major source of social tension and conflict'.⁵⁰

The Stephen Lawrence (MacPherson) Inquiry concluded that institutional (racism) discrimination should be defined as:

'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people'.⁵¹

In England and Wales there is now much more research on the issue and much greater transparency.⁵²

rights for those detained including, a clear compulsory caution from the police warning the person arrested that what they say could be used in evidence and their right to silence,⁴⁸ the right to advice from a lawyer free of charge for those detained (and consequently the creation of a system of local independent lawyers available to attend the police station), the right to have someone (family or friend) notified of the detention, access to the detailed codes setting out the rules, access to medical advice and the right to support in the police station from an 'Appropriate Adult' for those under 18 or who are vulnerable.

⁴⁹ Para 4.62, p 64.

⁵⁰ Para 6.35, p 110.

⁵¹ Para 6.34, The Stephen Lawrence Inquiry, February 1999.

⁵² See <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest/>

In Northern Ireland, the Patten Commission reported:

‘The Northern Ireland Communities Crime Survey, conducted by Queen’s University, Belfast, in 1996, looked at attitudes in different types of community – Protestant and Catholic small towns, Protestant and Catholic lower working class areas, and mixed middle class areas. It found that Catholic lower working class communities had by far the most negative view of whether the police treated people fairly in their local area – only 36% approval, as opposed to around 70% in Catholic small towns and other areas. Moreover, only 19% in Catholic lower working class areas thought the police treated people equally in Northern Ireland as a whole, compared with 73% in Protestant lower working class areas. Interestingly, only half the respondents in Catholic small towns gave a positive response on this point, much less than the 70% approval rating they gave to their local police, which appears to be another reflection of the phenomenon identified in paragraph 3.5.

Respondents to the Omnibus Surveys were asked if they thought the RUC had treated both communities equally in policing public disorder. Positive responses from Protestants have ranged between 64% and 73%, while the corresponding Catholic response has ranged between 19% and 40%, well short of the Protestant figures.’⁵³

Human rights and the unlawful nature of discrimination in policing

Section 76 of the Northern Ireland Act 1998 states:

‘Discrimination by public authorities.

(1) It shall be unlawful for a public authority carrying out functions relating to Northern Ireland to discriminate, or to aid or incite another person to discriminate, against a person or class of person on the ground of religious belief or political opinion.

⁵³ Para 3.5, Patten.

(2) An act which contravenes this section is actionable in Northern Ireland at the instance of any person adversely affected by it; and the court may—

(a) grant damages;

(b) subject to subsection

(3), grant an injunction restraining the defendant from committing, causing or permitting further contraventions of this section...

(7) The following are public authorities for the purposes of this section...

(e) the Police Service of Northern Ireland, the Police Service of Northern Ireland Reserve and the Police Ombudsman for Northern Ireland...

Section 75 states:

‘Statutory duty on public authorities.

(1) A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity—

(a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation...

(2) Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

(3) In this section ‘public authority’ means—

(cc) the Chief Constable of the Police Service of Northern Ireland and the Police Ombudsman for Northern Ireland;’

There are primarily two kinds of discrimination that are unlawful.⁵⁴ Direct discrimination, where a person or organisation excludes or prioritises one group of people with a particular ‘protected characteristic’ over others (sex, gender, marriage status, pregnancy, race, ethnic origin, religion, age, sexual orientation, disability,

⁵⁴ Others include discriminatory advertisements, a lack of parity in pay, harassment based on membership of a protected group.

political or other opinion etc.). Indirect discrimination, where a person or organisation has a policy or practice which has a disproportionate negative effect on people from one of the protected categories and which cannot be objectively justified on other grounds. Note that this second kind of discrimination does not require any intention or choice to discriminate and would include unconscious bias or, for instance, a selection policy or a practice that discriminates in fact, albeit unknowingly.⁵⁵

In relation to the Justice and Security Act 2007 power or stop and search the Northern Ireland Office's Code of Practice (binding on the police) states:

'5.6 Racial or religious profiling is the use of racial, ethnic, religious or other stereotypes, rather than individual behaviour or specific intelligence, as a basis for making operational or investigative decisions about who may be involved in criminal activity.'

5.7 Officers should take care to avoid any form of racial or religious profiling when selecting people to search under section 24/schedule 3 powers. Profiling in this way may amount to an act of unlawful discrimination, as would discrimination on the grounds of any protected characteristics.'

5.8 To avoid the kinds of discrimination referred to in paragraph 5.4; great care should be taken to ensure that the selection of people is not based solely on ethnic background, perceived religion or other protected characteristic. Profiling people from certain ethnicities or religious backgrounds may also lose the confidence of communities...

5.11 Supervision and monitoring must be supported by the compilation of comprehensive statistical records of stops and searches at service, area and local level [emphasis added]. Any apparently disproportionate use of the powers by particular officers or groups of officers or in relation to specific sections of the community should be identified and investigated.'

⁵⁵ For instance, imposing a requirement for a job that a person needs to be taller or stronger where there is no reason for this or an employer imposing early start which is likely in practice to affect more women than men because they are more likely to drop children off at school in the morning before work.

Religion and community background

This expression is not defined directly in the law but might encapsulate a person's current religion, the religion of their family when they were growing up, current political opinion⁵⁶ or the political opinions of their family when they were growing up. There is something akin to this concept in the law:

*'In this Order 'affirmative action' means action designed to secure fair participation in employment by members of the Protestant, or members of the Roman Catholic, community in Northern Ireland...'*⁵⁷

In the case of Ramsey⁵⁸ the Court of Appeal resolved two issues of dispute. First, the PSNI argued that after a search of a person using this power it was only necessary to record the fact that there was an authorisation in place:

'54. The second issue in dispute is the requirement to monitor community background. Paragraphs 5.6 to 5.8 of the Code are entitled 'Avoiding Discrimination'. Those paragraphs incorporate by reference the types of discrimination set out in sections 75 and 76 of the Northern Ireland Act 1998. There is a particular focus on the risk of profiling people from certain ethnicities or religious backgrounds and consequently losing the confidence of communities...

58. The evaluation of the pilot by the PSNI has tended to suggest that the best option may be assessment by the individual police officers of community background. We understand that such an option has not yet been implemented but we are satisfied that the requirements of the Code are that some proportionate measure is put in place in order to ensure that there can be adequate monitoring and supervision of the community background of those being stopped and searched.'

⁵⁶ In the context of Northern Ireland, a political opinion on the preferred constitution arrangements for Northern Ireland/the North of Ireland.

⁵⁷ Article 4, the Fair Employment and Treatment (Northern Ireland) Order 1998.

⁵⁸ Court of Appeal, 25 February 2020.

In the most recent litigation on JSA stops and searches the Court of Appeal stated:

'We consider that the steps taken by the Police Service, rehearsed above, are to be viewed as progressive, though incomplete, compliance with the requirements of para 5.9ff of the COP. It is not for this court to second guess the explanations ascertainable from the evidence of why finality has not yet been achieved. This court is mindful that it does not possess the expert credentials of the Police Service. Furthermore, in the most recent phase of this discrete chapter, i.e. from April 2024 the evidence clearly establishes a considered and careful review and monitoring of the measure in place. There are no indications of abdication of responsibility or lack of bona fides. In summary, the failing which we have diagnosed is not outright in nature and is not repugnant to any overarching value or standard.'

[69] We further take into account, as did Lord Steyn in Soneji, the public interest in play, which is the protection of the Northern Irish community against the scourge of terrorism. The potency of this public interest requires no elaboration. On the other side of the notional scales, the private interest engaged is that of protecting the Appellant and others against the arbitrary exercise of the police stop and search power enshrined in paragraph 4A of Schedule 3 to the 2007 Act...

[70] We have concluded that there has been partial, incomplete compliance by the Police Service of the requirements enshrined in para 5.9ff COP. The two specific aspects of non-compliance are (a) delay in finality and (b) the limited geographical scope of the measures which have been introduced. This is the failing in issue. It raises the question: what consequences did the legislature, by implication, intend to flow from this failing? In particular, did the legislature by implication intend that 'total invalidity' – viz in effect a judicial condemnation of illegality in respect of every exercise of the relevant statutory power since 2012 – should result? The answer is binary: either 'total invalidity' or not. 'Total invalidity' would be an extreme and draconian consequence. Indeed, it is the most damning consequence imaginable. This consideration of itself invites

*careful consideration. The correct answer in our estimation is supplied by balancing all of the evidence and considerations identified in the preceding paragraphs and forming an overall evaluative judgement. This exercise impels to the conclusion that the notional pendulum swings clearly one way. In our view, the legislature cannot by implication have intended the consequence of 'total invalidity' to flow from the failing diagnosed.'*⁵⁹

PSNI's pilot project

On Tuesday 30 April 2024 the PSNI launched its community background monitoring (CBM) pilot. This pilot is gathering data in respect of the community background of those persons subject to stop and search under Justice and Security (NI) Act 2007 (JSA) and Terrorism Act 2000 (TACT) powers. In preparation for launch of this pilot the PSNI notified external partners, liaised with internal departments such as the police college, placed information on its internal intranet pages and carried out service user group meetings with operational police officers. For every month that the CBM pilot has been running, the PSNI's Police Powers Development Unit (PPDU) has monitored its progress, produced monthly update papers, along with carrying out dip sampling of stop and search records and body worn video. During August 2024 the PSNI's PPDU met with the Independent Reviewer of the exercised powers under the Justice and Security (Northern Ireland) Act 2007 to review body worn video footage of stop and search encounters, regarding CBM.

On 28 of August 2024, and after evaluation, it was decided that the pilot duration would be extended. During November 2024 a supervisor briefing document designed to improve officer compliance with the CBM pilot was circulated to PSNI district commanders and a CBM internal service user group survey was launched within the PSNI. The PSNI's PPDU has also attended several Reference, Engagement and Listening (REaL) events, attended a Justice & Security (NI) Act 2007 practitioner's day held by the Northern Ireland Office and attended a meeting held by Belfast City Council regarding CBM practices, seeking opportunities for shared learning. In February 2025 and after an options paper regarding CBM was submitted to senior PSNI

⁵⁹ Para 68, Reynolds, 27 February 2025.

management, changes to the CBM pilot were agreed. These changes included moving the CBM question to the start of the record making process so that it appears to the officer prior to the provision of the reference number, a change in the wording of the CBM question to bring it more in line with the current NISRA guidance and an addition of a 'question not asked' option, so that officers can articulate why they may not have asked the CBM question (Note – This is only to be used in exceptional circumstances with a notebook entry required outlining the officers rationale). These changes have now been requested of the PSNI's ICS department and will be implemented as soon as possible.⁶⁰

With regards to the pilot's progress covering the period from 30 of April 2024 to 28 of February 2025 the relevant Justice and Security (NI) Act 2007 (JSA) and Terrorism Act 2000 (TACT) powers have been used 2147 times, the results of which show that:

- Catholic / Nationalist / Republican (CNR) has been recorded as a response in 18% of stops to date;
- Protestant / Unionist / Loyalist (PUL) has been recorded as a response in 6% of stops to date;
- Question 'Refused' was recorded in 69% of responses to date;
- 'Other' has been recorded as a response in 5% of stops to date; and
- 'Not Recorded' was noted in 2% of the total data.⁶¹

Evidence of different treatment

The Human Rights Annual Report for 2021/22 stated:

'During the last year statistics have been published which raise some questions about fairness in policing of the two main communities of Northern Ireland. In December 2021 the Detail obtained Freedom of Information responses from the PSNI which suggested that over the last five years twice as many people who self-identify as coming from the Catholic community as come from the Protestant community were arrested and twice as many Catholics were

⁶⁰ PSNI update: 'Due to technical reasons, the PSNI ICS department is no longer able to proceed with this change. The other changes will proceed but the CBM question will not be moved to the start of the record making process.'

⁶¹ Details provided by PSNI to the Human Rights Advisor, 20 March 2025.

subsequently charged after arrest: 'From the start of 2016 until the end of 2020, over 57,000 Catholics were recorded as being arrested with almost 27,000 charged. By contrast, nearly 31,000 Protestants were recorded as being arrested with under 15,000 charged.'

It is understood that these figures are derived from a standard question asked by PSNI custody staff of all those arrested and taken into custody. It is also understood that a significant number of those asked declined to answer this question. There may be a number of different reasons for this disparity, including the possibility that people from the Catholic community are more willing to answer questions about their religious background.

*What is surprising is that, despite these statistics being collected by PSNI for the last few years (and possibly for longer), they were never published and the Policing Board was apparently not aware of them. It is also surprising that the PSNI took no action to investigate the basis of these statistics and whether or not this prima facie disproportionality constituted unlawful discrimination.'*⁶²

Since that publication no more recent figures appear to have been disclosed by PSNI.

Other relevant statistics include:

⁶² Page 14.

Table 1: Use of spit and bite guards:⁶³

Faith/Religion	No. of Applications
Roman Catholic	105
None	51
Protestant	48
Refused/Unknown	38
Other Christian	4
Other	2
Buddhist	1
Muslim	1

Table 2: Strip search of children and young people

During the year 2023 there were 26 such searches.⁶⁴

Faith/Religion	Numbers
Roman Catholic	13
None	7
Refused	5
Unknown	1

3. Use of force

No details of any breakdown on the basis of religion or community background appear to be available in relation to people who have been subject to the use of force.

The previous Independent Reviewer, Professor Marie Breen-Smyth, in the Fourteenth Report published June 2022, stated:

'In the last year, the PSNI have written to the DOJ and then to the NIO seeking new legislation. I have a number of concerns about this as a way forward for community monitoring of JSA stop and search.'

⁶³ Equality Impact Assessment on the use of Spit and Bite Guards by the Police Service of Northern Ireland Final report, June 2022.

⁶⁴ Follow up question from the Performance Committee, 2024 (unpublished).

First, whilst this may be seen as a next step, seeking new legislation brings the PSNI no closer to specifying a methodology by which they plan to proceed with community monitoring.

Second, community monitoring was first recommended in 2008, some fourteen years ago, and in six successive reports by the Independent Reviewer. Awaiting the passing of new legislation will further delay the implementation of community monitoring of JSA. The pursuit of new legislation could be seen as kicking Mr Seymour's can even further down that same road.'

However, some positive developments can be detected. Marie Breen-Smyth collaborated with the PSNI and the Northern Ireland Statistics and Research Agency to produce some useful indicative figures:⁶⁵

'The estimated religious composition of those persons stopped and searched/questioned under JSA powers between August 2020 and July 2021 across Northern Ireland was as follows:

- 45% Catholic
- 24% Protestant
- 4% Other/None
- 28% Missing'

Human Rights Assessment

What could be the explanation for these figures?⁶⁶ There are a number of possibilities:

- Direct discrimination by a few police officers;
- Unconscious bias by some police officers;
- Indirect discrimination by PSNI as a result of particular policies or practices;
- Justified targeting – the JSA stop and search power being used, for example, against dissident republicans who are more likely to identify as Catholic and as a consequence of the loyalist feud in Newtownards;

⁶⁵ Modelling 2011 Census Small Area Religious Composition onto Justice and Security Act Stop & Search postcode data, 18 March 2022.

⁶⁶ The PSNI have requested changes to the legislative framework for data collection but this has been declined. PSNI believe that such changes would allow a clearer assessment of the issues.

- Cultural factors and attitudes to the police which are generally different between the two communities;
- Cultural factors (respect or resistance) which might lead to more formal outcomes (use of stop and search or arrest) following interactions with police officers;
- Differences in 'availability', more obvious presence on the street and public of one community;⁶⁷ and
- Socio-economic factors.⁶⁸

The statistical and other evidence available is that members of the two communities in Northern Ireland have very different outcomes in any interaction with the PSNI. The basis of this difference in treatment is not properly understood by PSNI and, as a result, this possible unlawful indirect discrimination will continue in the future.

Other issues with the collection of equality statistics by PSNI

Unfortunately, the PSNI collection, recording and publication of statistics on these protected characteristics is inadequate making it difficult to assess their performance in treating everyone in Northern Ireland equally. The National Police Chiefs Council and the College of Policing published guidance for all forces and stated:

*'The aims of the standard are to provide policing with consistent values by which to record protected characteristics. The ambition is that the standard will be applied to both current record management and operational systems and future systems and will evolve as legislation, societal expectations and recording standards change.'*⁶⁹

This guidance also includes helpful definitions of all of the following characteristics: age, disability, ethnic minority status, marriage and civil

⁶⁷ In England and Wales the street population, 'available' for stop and search was generally younger than the general population and the younger population was more diverse than the older population.

⁶⁸ See, Over-representation in the youth justice system in Northern Ireland, QUB and DOJ, 7 March 2022. In this research, once the differential risk assessment of the children's needs were taken into account the difference in incarceration was no longer statistically significant.

⁶⁹ Protected characteristics: Operational Recording Data Standard, March 2023.

*partnership, pregnancy and maternity, religion and belief, sex, transgender, and sexual orientation.*⁷⁰

At present, after a person is arrested and brought before the custody officer in a police station the minority status data that is gathered is as a result of the answers provided by the detained person.⁷¹ These questions, however, can elicit data on some key characteristics of the detained person: religion and community background; any illness; neurodiversity; mental health issue; alcohol, drug, gambling or other dependency; or learning disability.

PSNI currently collate data in regards age, mental health, gender, drug/alcohol dependency, self-harm, ethnic origin and religion. PSNI have committed and are working towards publishing annually community background information, such as arrest and charging statistics, including for children and young persons.

The Criminal Justice Inspectorate of Northern Ireland made the following recommendation:

*'Within six months of the publication of this report, the Police Service of Northern Ireland should address gaps in Section 75 (of the Northern Ireland Act 1998) monitoring of detainees in custody, particularly in relation to community background and sexual orientation (paragraph 2.26).'*⁷²

It appears that this recommendation has been ignored. CJINI completed its follow up research to its 2020 report in 2024 and the publication of its current assessment is awaited.⁷³

⁷⁰ However, it should be noted that, for obvious reasons, these recommendations do not deal with the collection of community background data that it is particular issue in Northern Ireland.

⁷¹ The detained person is not obliged to answer these questions.

⁷² Police Custody, The Detention of persons in Police Custody in Northern Ireland, September 2020.

⁷³ The Human Rights Advisor and Policing Board officials accompanied CJINI inspectors in this follow up research and have contributed to the final report.

The Policing Board's Recommendation

Recommendation 4

The PSNI should adopt the approach recommended by the National Police Chiefs Council and the College of Policing. The collection of this data is particularly important where police officers are using their powers.

- (a) The PSNI should reconsider its approach to the collection of community background data. Perhaps the most meaningful data on a person's community background can be ascertained by questions about the person's religious background, that is, the most prominent religion of their family during their childhood. In the meantime, the PSNI should provide the Policing Board with a report every year, starting in six months after this Human Rights Annual Report is published, setting out any data that it has collected on religion or community background from members of the public. It is particularly important to provide such data where police officers have used their powers: covert surveillance, stop and search, any use of force (such as spit and bite guards), arrest, strip searches, length of detention, criminal charge and police bail.

- (b) The PSNI should reconsider its approach to the publication of stop and search statistics on the number of transgender persons, lesbian, gay and other sexual minorities and those with disabilities and should publish the numbers alongside the numbers in the population in Northern Ireland.

3. Vulnerable Victims

Introduction

One of the most important duties of the police is to protect people from crime. The PSNI are committed to victim focused policing, working towards keeping people safe and to ensuring that victims feel they can report incidents to them.

Issues that have been identified by the Board reflecting the concern of the public and identified by the media: Violence Against Women and Girls and Domestic Abuse (including domestic homicides). This chapter aims to highlight the concerns raised, an assessment of PSNI's strategy and its response to the concerns to and provide recommendations for the future.

The PSNI's Victim Champion, ACC Ryan Henderson, has stated:

'As a victims-focused service our officers and staff have worked tirelessly to keep people safe and tackle the issues that matter to the communities we serve, against a backdrop of increasingly limited resources and growing demand'.⁷⁴

The Human Rights of Victims of Crime

The European Court of Human Rights has taken a particular interest in the need to protect victims, particularly victims from minority or vulnerable groups who have historically not always been a priority, taking into account the prohibition on discrimination in Article 14:⁷⁵

'In this regard, it held that, the obligation on High Contracting Parties under Article 1 of the Convention to secure to everyone within their jurisdiction the rights and freedoms defined in the Convention, taken in conjunction with Article 3, requires States to take measures designed to ensure that individuals within

⁷⁴ [Police Service of Northern Ireland's Victims Champion responds to Victims Survey | PSNI](#)

⁷⁵ European Court of Human Rights, Case Law Guides, <https://ks.echr.coe.int/web/echr-ks/all-case-law-guides>. See particularly the guides to Articles 3 and 14.

their jurisdiction are not subjected to torture or inhuman or degrading treatment, including such ill-treatment administered by private individuals...'

The Court has examined the States' positive obligation to protect from ill-treatment in a number of different contexts. In the context of:

- child abuse;
- domestic violence;
- sexual crimes;
- demonstrations;
- physical and verbal harassment of a person with disabilities;
- physical and verbal harassment of a minor;
- an elderly person; and
- violence inflicted on the basis of hatred.

Also of concern for the Court:

- the domestic legal framework failed to define domestic violence as a separate offence or an aggravating element of other offences;
- the authorities failure to take any preventive operational measures;
- the domestic regulatory framework provided insufficient protection to the victim of an alleged rape;
- failures to protect a member of a vulnerable religious minority from being systematically targeted;
- the specific requirement for an investigation into an attack with racial overtones to be pursued with vigour and impartiality, having regard to the need to continuously reassert society's condemnation of racism in order to maintain the confidence of minorities in the ability of the authorities to protect them from the threat of racist violence;
- when investigating violent incidents triggered by suspected racist attitudes, the State authorities are required to take all reasonable action to ascertain whether there were racist motives and to establish whether feelings of hatred or prejudices based on a person's ethnic origin played a role in the events;
- Treating racially motivated violence and brutality on an equal footing with cases lacking any racist overtones would be tantamount to turning a blind eye

to the specific nature of acts which are particularly destructive of fundamental human rights;

- Moreover, such an investigation concerns not only acts of violence based on a victim's actual or perceived personal status or characteristics, but also acts of violence based on a victim's actual or presumed association or affiliation with another person who actually or presumably possesses a particular status or protected characteristic; and
- The authorities must do what is reasonable in the circumstances to collect and secure the evidence, explore all practical means of discovering the truth and deliver fully reasoned, impartial and objective decisions, without omitting suspicious facts that may be indicative of racially motivated violence (or religious intolerance or violence motivated by gender-based discrimination or by sexual orientation or from political intolerance).

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations General Assembly and entered into force as an international treaty in 1981.

'The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women. The present document spells out the meaning of equality and how it can be achieved. In so doing, the Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights...'

In its preamble, the Convention explicitly acknowledges that 'extensive discrimination against women continues to exist' and emphasizes that such discrimination 'violates the principles of equality of rights and respect for human dignity'. As defined in article 1, discrimination is understood as 'any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field'. The Convention gives positive affirmation to the principle of equality by requiring States parties to take 'all appropriate measures, including legislation, to ensure the full

development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.’ (Article 3)

The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW).

CEDAW can also deal with individual communications, also known as complaints, from or on behalf of a person or group of persons claiming to be victims of a violation of the Convention by a State party, including the United Kingdom (set out in the Optional Protocol to the Convention).

Overall Crime Statistics

From the 1 November 2023 to the 31 October 2024 there was a decrease of 10.7% of overall crimes recorded from the previous 12 months down to 97,346. The level of overall crimes recorded was the lowest since 2021. Lower crime levels were seen in violence against the person and the largest percentage decrease was in stalking and harassment 16.7% (1959 fewer crimes). The largest volume decrease was violence without injury 2,171 (10.8%).

Recent developments

Three key pieces of legislation have been introduced since February 2022 which give the police increased powers to charge suspects for specific offences in the areas of VAWG and domestic abuse.

- Domestic Abuse & Civil Proceedings Act (NI) 2021;
- Protection from Stalking and
- Justice (Sexual offences and Trafficking Victims) Act (NI) 2022.

Statistics have been gathered and published in relation to these new offences and a year-on-year comparison can now be made. These statistics have provided evidence of the types of crimes that have been reported (mostly by women) and enable the Board to consider what further protections to victims are necessary. Although overall

crime rates have fallen in the previous 12 months, VAWG and hate crimes appear to be more widely reported by the media more than they have been in the past.

The PSNI have long term, VAWG,⁷⁶ Children & Young People⁷⁷ and Hate Crime⁷⁸ strategies in place to help tackle these crimes including increased training for officers and prominent social media campaigns to promote awareness. Through working with other statutory and voluntary agencies i.e. right care, right person, it is the PSNI's aim to provide the public with confidence and reassurance that regardless of the crime committed the appropriate response and help will be available.

Violence Against Women and Girls

The Council of Europe Convention on preventing and combating violence against women and domestic violence is based on the understanding that violence against women is a form of gender-based violence that is committed against women because they are women. It is also known as the 'Istanbul Convention'⁷⁹

*'It is the obligation of the state to address it fully in all its forms and to take measures to prevent violence against women, protect its victims and prosecute the perpetrators. Failure to do so would make it the responsibility of the state.'*⁸⁰

PSNI provided an update to the Board specifically in relation to VAWG in December 2024. From 4 November 2023 to 4 November 2024 there were 21,186 offences recorded.⁸¹ This was a decrease of 15.3% on the previous year. VAWG counts for 21.8% of overall crime. Crime with a domestic motivation account for 45.9% of all VAWG offences, 26% of sexual offences and 49% of violence against the person.

⁷⁶ [Tackling Violence Against Women And Girls | PSNI](#)

⁷⁷ [Children and Young People Strategy - Theme: Safety and Protection | PSNI](#)

⁷⁸ [Hate Crime | Police Service of Northern Ireland](#)

⁷⁹ [Home - Istanbul Convention Action against violence against women and domestic violence](#)

⁸⁰ [About the Convention - Istanbul Convention Action against violence against women and domestic violence](#)

⁸¹ PSNI Management Figures to Performance Committee – December 2024

External Accountability and the PSNI Response

In May 2024, His Majesty's Inspectorate of Constabulary, Fire & Rescue Services (HMICFRS) published an inspection report into PSNI crime data integrity. The overall inspection was graded as good with two main areas for improvement:

- Improving its understanding, recording and classification of rape crimes and reported incidents of rape; and
- Complying with Crime Recording Rules by making sure that crime is recorded with a crime number on the service system without delay and in any case within 24 hours of time of the initial report.

Crime recording rules have a victim focused approach - a belief by a victim or someone reasonably assumed to be acting on behalf of the victim, that a crime has occurred should be sufficient to justify its recording.⁸²

HMICFRS found that PSNI had recorded 96.2% of crime accurately. However, there were several reasons why a reported crime was not recorded. Reasons given include that the officer and staff did not always recognise that a crime had been committed. This was more prevalent in cases of domestic and online abuse where officers did not always understand which crimes should be recorded. Of the 408 crimes audited 94 related to domestic abuse, 87 were recorded, but 7 were not. Four of those not recorded related to violent crimes, including stalking, harassment and domestic abuse. Two related to sexual offences, and one of rape and one related to criminal damage. When auditing rape cases, 46 out of 51 cases were accurately recorded. Two were recorded as different sexual offences, two wrongly recorded as incidents (not crimes) and one was not recorded at all. These failures appear quite shocking.

In response to this, PSNI confirmed that updated service instructions had been issued and training in domestic abuse and sexual crimes had been enhanced and refresher training provided. All officers now routinely ask victims of domestic abuse for reasons why they do not want to pursue an investigation to understand whether any particular barrier can be removed by the PSNI and, in particular, to ensure no victim is being coerced or pressurised to end the investigation or prosecution.

⁸² [The Police Service of Northern Ireland: An inspection of crime data integrity - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

The report also suggested that PSNI should improve the way it collects information about crimes affecting identifiable groups within communities. The report argued that:

*'Protected characteristics do not necessarily make someone more vulnerable to crime' but recording accurate data does help to identify patterns and trends and give an indication if a group are more likely to report a crime. The auditors said that there was a lack of awareness of the benefits of recording these details. One area where improvement has been seen is the recording of ethnicity within hate crime reports.'*⁸³

Criminal Justice Inspectorate NI Report

In April 2024, CJINI, completed a report into the review of the effectiveness of the Domestic Abuse and Civil Proceedings Act (NI) 2021.⁸⁴ The Act criminalises repeat abusive behaviour that occurs against an intimate partner, former partner or close family member. Abuse behaviour can be controlling or coercive, psychological, emotional, financial or economic abuse. The Act also gives the Judiciary the power to increase sentencing through aggravating factors which include the victim being under 18 and an under 18 witnessing the abuse.

CJINI reported that

*'Police Officers responded to domestic offences in a proactive way'*⁸⁵

They also highlighted the positive social media campaign and collaborating with statutory bodies in the implementation of the new Act.

CJINI made two Strategic Recommendations and out of the nine operational recommendations made four were directly for the PSNI. These recommendations reinforce those comments and recommendations made by the Human Rights Advisor

⁸³ [The Police Service of Northern Ireland: An inspection of crime data integrity - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

⁸⁴ [CJINI - Criminal Justice Inspection Northern Ireland - Review of Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#)

⁸⁵ www.cjini.org/TheInspections/Inspection-Reports/2024/Apr-June/Review-of-Domestic-Abuse-and-Civil-Proceedings-Act

in both the [Human Rights 5 Year Review](#) and the latest report into [Policing and Children and Young People](#).

A summary of the key recommendations made by CJINI are;

- the widening the scope of Operation Encompass;
- PSNI working closely with the PPS to embed the Prosecution Team approach;
- ensure refresher training is provided to officers to improve the quality of THRIVE assessments, focus on children and the records of supervisory reviews;
- the PSNI should also assess how effectively their training has improved the response in relation to children and how accurate their record keeping has been; and
- the PSNI and PPS should ensure that the Section 15 domestic abuse aggravator is applied to every relevant charge.

In response to a written question by the Board referring to a recent national report, *‘The Police response to stalking - Report on the super complaint by the Suzy Lamplugh Trust on behalf of the National Stalking Consortium’*⁸⁶ published in September 2024, the Chief Constable

‘confirmed the policies and procedures that are being actioned in light of the recommendations made. The new legislation has resulted in extensive training of officers to ensure that the correct offence is selected for investigation and enhanced refresher training including case studies and a bespoke toolkit. They are monitoring the national picture in regard to this issue and will consider any further developments as they arise. The PSNI are also looking at amending their IT systems to allow officers to be able to access a domestic abuse history for a victim, whereby the officer will see all previous incidents and crimes. The PSNI will be working with other statutory and NGO’s to ensure victims receive support and guidance although there are not always suitable support services at present to refer to.’

⁸⁶ [The police response to stalking - His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services](#)

Repeat victimisation

There were 2939 repeat victims of VAWG offences. (18%). Repeat offenders account for 25% of VAWG offences. The HRA and Board members discussed with the PSNI the reasons for the high rate of repeat offenders and what steps can be taken to re-educate and prevent offenders from reoffending.

The PSNI have confirmed they have set up a special unit working to identify repeat offenders and have argued they have limited options if a victim chooses to remain in a relationship with an offender.

Domestic Abuse Incidents and Crimes

The PSNI use the following definition of domestic violence and abuse as outlined in the 2016 NI Government Strategy ‘Stopping Domestic and Sexual Violence and Abuse in NI’.⁸⁷

‘Threatening, controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member’.

From the 1 May 2023 the Home Office in London changed how stalking/harassment (including malicious communications) should be recorded and this has been adopted by PSNI. Conduct and behaviour will only be recorded when it is assessed to be the most serious offence. This results in crimes/incidents not being double counted.

There were 31,043 domestic abuse incidents recorded from 1 October 2023 to 30 September 2024. This is a decrease of 6.5%. There was also a decrease in domestic abuse crimes to 18,754 or 11.8%. The largest volume decrease in domestic abuse crimes is the violence against the person category with a decrease of 12.3% or 2070 crimes recorded.⁸⁸

⁸⁷ [Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy March 2016 | Department of Justice](#)

⁸⁸ [Domestic Abuse Incidents and Crime Recorded in Northern Ireland Monthly Update to 30th September 2024](#)

The PSNI published statistics relating to the number of domestic abuse calls they received from the 20 December 2024 to 2 January 2025. There were 1288 domestic abuse calls in this period compared to 1336 in 2023/24. The highest number of calls were on 1 January 2025 where 127 calls were made. The average number of calls per day was 92.⁸⁹

Figures also show 9 in 10 victims of domestic abuse are white (88%). 3% are Asian, Black or mixed/other. Three-quarters of the victims have UK or Irish nationality. (78%).⁹⁰

The PSNI recognise that although the statistics are showing a decrease in VAWG crimes there is much work still to be achieved. This decrease underlines that the VAWG strategy and initiatives within that are beginning to be effective.

These figures, may not, however, reflect how VAWG is perceived by the public. It has been a constant issue in the media, especially in relation to the homicide rate of women in the past year and the subsequent investigations into their death. It is hoped that this spotlighting by the media will continue and therefore ensure that women and girls are better protected in the future.

Those involved in supporting women victims, Kelly Andrews, CEO of Belfast and Lisburn Women's Aid stated:

'This could happen to anyone, and if we are really serious about tackling femicide we need to call it out, particularly men. This could be anyone's sister, wife or mother.'

*'On one hand we have the Tackling Violence Against Women and Girls strategy and other strategies and action plans, but women are still being murdered in their homes. We need to do more to hold perpetrators accountable.'*⁹¹

⁸⁹ [Domestic Abuse Calls for Service Christmas and New Year period ending 02 January 2025](#)

⁹⁰ [Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2023-24](#)

⁹¹ [Charity warns of 'shocking' femicide levels as four women killed in six weeks – The Irish News](#)

Older Victims of Crime

The Commissioner for Older People published a report in December 2024 highlighting the increase in domestic abuse incidents being reported by over 60's. Although younger people are more likely to be victims of domestic abuse, it is important to recognise that it affects vulnerable older members of the community as well, who are, in addition, more at risk of having a disability or cognitive impairment. In 2022/23 there were 1567 domestic abuse crimes against those aged 60+. This is a 15% increase from 2021/22.⁹² Figures from 1 April 2023 to 31 March 2024 indicate that 1500 over 60's were victims of domestic abuse crimes.⁹³

The Commissioners report also found that:

'Older victims of crime experience poorer outcomes in terms of investigations and prosecutions'.⁹⁴

The PSNI, through raising awareness and working with victims' groups acknowledge that elder abuse is often underreported.

'Unfortunately, abuse against the elderly happens here in Northern Ireland and is often unreported for many reasons. We hope that by raising awareness around spotting the signs of elder abuse will encourage and give people the confidence to report this crime'.⁹⁵

Male Victims

In 2023/24 males represented 33% of all domestic abuse crime victims. In 2004/05 the figure was 25%.⁹⁶ Researchers from Queens University published a report in November 2024 into male experience of intimate partner violence.⁹⁷ The report highlighted that more than half of men in Northern Ireland who suffer domestic abuse

⁹² [Growing-Concern.-Older-victims-of-domestic-abuse-in-Northern-Ireland.pdf](#)

⁹³ [Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2023-24](#)

⁹⁴ [Growing-Concern.-Older-victims-of-domestic-abuse-in-Northern-Ireland.pdf](#)

⁹⁵ [1 in 10 older people who report domestic or sexual abuse in Northern Ireland are over the age of 55 | PSNI](#)

⁹⁶ [Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2023-24](#)

⁹⁷ [Male Experience of Intimate Partner Violence a 'Major Issue' | News | Queen's University Belfast](#)

from a partner do not disclose it. Of the 51% who did not disclose their abuse, 61% of these said they had no plans to do so. The study also found that due to a lack of research, the effects and scale on male victims is unknown. Unfortunately, there is also no safe accommodation for men if the victim needs to leave the home.

Homicide rates

In relation to homicide there were 15 murders in the period November 2023 to October 2024 compared to 9 the previous year, with charges of manslaughter and one charge of corporate manslaughter. Eight of these were female, and 11 male. There were two male victims under 18 and one female victim under 18. Six of the homicides were classed as having a domestic abuse motivation with 5 of these being female compared to 3 females in the previous reporting period.

The Domestic Homicide Review Panel published their report in October 2024.⁹⁸ The panel made seven recommendations after investigating the death of a young mother who had never reported previous domestic abuse even though she engaged with professionals. Recommendations were made directly for the PSNI. These are:

- to incorporate the crucial importance of ‘professional curiosity’ into training of coercive control and annual refresher training;
- PSNI to improve the knowledge of competence in, the undertaking and completion of DASH⁹⁹ risk assessment by PSNI officers and staff to specifically focus on: Risk Factors and broader of risk, professional judgement and review of Domestic Violence history; and
- PSNI to improve the quality/standard of domestic/sexual abuse investigations.

This will include specific focus on:

1. Investigative standards and techniques identifying appropriate offences and core lines of enquiry;
2. Immediate/fast track actions ‘golden hour’ principles;
3. Dealing with victims and witnesses of domestic and or sexual abuse in their various relational forms;

⁹⁸ [Domestic Homicide Review published – ‘Pamela’ | Department of Justice](#)

⁹⁹ DASH Risk – helps to identify the level of risk posed to a victim including children. Risk levels are standard, medium and high. DASH can be used in cases of domestic abuse, stalking and honor based abuse.

4. Timely consultation and support from PPB specialists;
5. Timely and appropriate use of body worn video in line with 'McGuinness Principles'; and
6. Recommended use, management and enforcement of protective orders, as well as the use of, compliance with bail conditions as a protective measure.

The key areas of concern raised in the Domestic Homicide Review Panel¹⁰⁰ are also mirrored in the case of Katie Simpson and concerns have been raised in other VAWG related deaths. The PSNI have acknowledged failures in their investigation into Katie's death and have completed an internal review to ensure that mistakes are not repeated and learnings are taken forward. The Police Ombudsman are also investigating the circumstances into how the PSNI conducted their investigation. This is currently ongoing.

In January 2024, the Justice Minister announced that the Department of Justice is setting up an independent review into the case of Jonathan Creswell who was on trial for the murder of Katie Simpson.¹⁰¹ This was in response to questions raised as to why Creswell was not managed by the Public Protection Arrangements NI (PPANI) Scheme due to his history of previous offending. PPANI is a structure that aims to make the work of the police, probation, prisons, housing and social services more effective by managing the risks posed by certain sexual and violent offenders when they are released from prison into the community.¹⁰² The report will identify if there were failings by the PSNI and any other relevant agencies in not putting Creswell under these arrangements as he would then have been monitored and further offending should not have been able to take place.

The Police Ombudsman can hold the PSNI to account in regard to how they conducted their investigation and make recommendations as to the conduct of officers. The Human Rights Advisor was aware that the Police Ombudsman are also investigating the PSNI's response to numerous incidents involving women. The Board as the

¹⁰⁰ [Domestic Homicide Review published – 'Pamela' | Department of Justice](#)

¹⁰¹ [Jonathan Creswell: Review into handling of Katie Simpson murder accused - BBC News](#)

¹⁰² [About Us | PPANI](#)

accountability body for PSNI, are not, however, privy to the full evidence gathered by OPONI and therefore cannot fully confirm that Human Rights are being upheld by the PSNI or the extent to which errors and failures are systemic rather than particular errors by particular officers.

This problem was particularly apparent during the time that the Police Ombudsman was investigating the errors made in the investigation of the circumstances of the death of Katie Simpson. The Policing Board was aware that there appeared to be issues that went beyond the particular circumstances of that case but the Police Ombudsman was in real difficulty in sharing its systemic findings, even in confidence. Through the VAWG strategies and recommendations made by other accountability bodies including the Board, Criminal Justice Inspectorate (CJINI) and DoJ, the PSNI are now working towards tackling these issues.

In response to the increase in homicides and the wider concerns surrounding how the PSNI conducted their investigations, the PSNI has evaluated the success of their seven-year plan outlining their commitment to ending violence against women and girls and recognised that their response was not always to the standard that was expected.¹⁰³

In September 2024, the PSNI confirmed they are going to adopt the National counter-terror approach to tackling VAWG and updated their VAWG action plan to reflect this. This national framework uses a '4P approach'. Prepare, Prevent, Protect and Pursue. Detective Chief Superintendent Anthony McNally¹⁰⁴, PSNI Tackling VAWG lead stated:

'Too many women and girls in Northern Ireland have lost their lives at the hands of men and it has been publicly acknowledged by the Chief Constable and our senior leadership as a whole, that pre-dating our action plan there were shortcomings in our response which is unacceptable'.

'Over the last two years we have worked extremely hard at building relationships with key partners, bolstering our training and challenging our own thoughts and behaviours in this space. As a result of targeted resourcing and

¹⁰³ [PSNI adopt national counter-terror approach to tackling VAWG in updated action plan | PSNI](#)

¹⁰⁴ Now ACC McNally

relentlessly pursuing perpetrators we have seen a reduction in VAWG offences and an increase in outcome rates for victims'.¹⁰⁵

Human Rights Advisor's Assessment

Policing has often been seen to be about control, the use of force and physical strength as issues for the previous police service - the Royal Ulster Constabulary.¹⁰⁶ The balance between the numbers of women and men in the PSNI may also be a factor as might be also be the sex of the majority of senior officers and in the nature of what women officers were expected to focus on (at least until relatively recently). The failures to protect women and girls and to investigate and to take action to protect them has been a problem and many people assume that it a consequence of institutional misogyny. This appears to have been recognised over the last couple of years by the PSNI and it is to be hoped that changes are being more rapidly addressed.

The Human Rights Advisor remains concerned that there are wider systemic issues within the PSNI when it is dealing with a women's death and how it should be investigated and its approach when domestic abuse incidents occur.

One other note of concern for the Human Rights Advisor was the high level of repeat victimisation rates.

The Policing Board's Recommendation

Recommendation 5

The Policing Board endorses the recommendations of Domestic Homicide Review Panel. The PSNI should report to the Board on how it will deliver and implement the Panel's recommendations.

¹⁰⁵ [PSNI adopt national counter-terror approach to tackling VAWG in updated action plan | PSNI](#)

¹⁰⁶ Although, of course, the continuing violence against women and girls is also an issue for the wide society in Northern Ireland.

4. Stop and Search

Introduction

The Board has raised concerns over stop and search over many years, and it has been highlighted by the current Human Rights Advisor, in this, now sixth Human Rights Annual Report. What follows is therefore largely extracted from the relevant chapter of the [5 Year Review Summary Report](#), updated with more recent statistics. Where available, the PSNI responses to the recommendations from that section of the report have been added, with a commentary, where appropriate.

However, the key take away is that, over the last ten years little has changed, despite significant criticism of the PSNI's continuing approach and several recommendations from the Policing Board. This continues to undermine the trust by some communities and many young people.

Stop and search is regarded by PSNI and other police forces as an important tool and, if used properly, can reduce crime, keep people safe and identify offenders. The alternative of arresting a person on the basis of the equivalent reasonable suspicion threshold would be much more intrusive. However, the challenge for PSNI is, given the consistently low outcomes, a damaging impact on community relations (especially for young people), the lack of evidence to suggest stop and search reduces crime, and the human rights issues; why has stop and search not been subject to more fundamental reform?

Human rights law

The power to stop and search constitutes a deprivation of liberty, albeit in most cases of a very short duration, and as such should be compatible with Article 5 of the European Convention of Human Rights: the right to liberty and security of person. However, the use of the power must also be compatible with Article 8, respect for privacy, and Article 14, non-discrimination. This means that use of the power must be legal, proportionate, and non-discriminatory. However, it should be noted that stop and

search does impact on a person's human rights less significantly than an arrest would and that the Police and Criminal Order 1989 (PACE) Code A, paragraph 1.4 states:

'The primary purpose of stop and search powers is to enable officers to allay or confirm suspicions about individuals without exercising their powers of arrest.'

The officers' suspicion must be reasonable – that is an honestly held suspicion and one that can be objectively verified. The College of Policing provides the following advice to officers:

'Reasonable grounds for suspicion

The only way to be certain of treating everyone fairly, irrespective of personal factors, is to apply an objective test as the trigger for exercising stop and search powers.

Unless exercising a specific 'no suspicion' stop and search power – the circumstances of which are strictly limited – the officer must have reasonable grounds for suspicion before they stop and search someone. This means that:

- the officer must **genuinely suspect** that they will find the item searched for; and*
- it must be **objectively reasonable** for them to suspect this, given the information available to them.*

This is an objective test, in that it expects that a reasonable person given the same information would also suspect that the individual is carrying the item.

The suspicion should relate to the likelihood of the person being in possession of the item, not the likelihood that they are committing an offence. For example, a search may still be justified where a person is in innocent possession of an item or below the age of criminal responsibility.

The officer must be able to give a specific explanation for suspecting the person of being in possession of the item. This should be based on specific information or intelligence, or some particular behaviour by the person. A hunch, gut feeling

*or general suspicion about a person can never provide sufficient grounds for a search, even for an experienced officer, unless it can be explained or justified to an objective observer. The explanation must be articulated in full and be detailed enough to make it possible for someone else to judge if a reasonable person would also have suspected the individual of carrying the item.'*¹⁰⁷

The Metropolitan Police have recently launched a new approach to stop and search. It states:

'[Stop and search] done badly... has the potential to burn through trust with those we are here to protect, undermining our founding principle of 'policing by consent' and damaging our efforts to keep the public safe. Polling shows that up to 68 per cent of Londoners, including young Londoners, support the use of stop and search. But the level of support varies depending on who you ask... It's not about doing less stop and search but about doing it better by improving the quality of encounters, informed by the views of the public it is intended to protect.

*...the first thing to acknowledge is that stop and search is disproportionately used against those from minority backgrounds and young people, in particular men and boys, and that this group are also more likely to be the victim of a violent crime.'*¹⁰⁸

This approach cannot be easily taken from London and transferred to Belfast but it is refreshing to see a new approach and one that is desperately needed in Northern Ireland.

Evidence and Statistics

In comparison to other forces in England and Wales the PSNI numbers of stop and searches per 1,000 population is 11, the seventh highest, and five times higher than

¹⁰⁷ Stop and search, Authorised Professional Practice, <https://www.college.police.uk/app/stop-and-search/fair#reasonable-grounds-for-suspicion>

¹⁰⁸ Page 3, The Stop and Search Charter, February 2025.

the three lowest forces.

In comparison with all the forty plus forces in England and Wales the PSNI's arrest rate following a stop and search is the lowest – 8% compared with 25% in some forces like Suffolk or 21% for North Yorkshire (a comparable force).¹⁰⁹ PSNI's figures would be even worse if the Justice and Security Act stop and search figures were included.¹¹⁰ The JSA power has an arrest rate of 1%. However:

'...there was a decrease in the use of all powers compared to the previous 12 months. In particular, the use of the Justice and Security Act decreased by 49% (from 5,320 to 2,713) and the use of Misuse of Drugs Act by 21% (from 17,389 to 13,683). Use of the Police and Criminal Evidence Order, the Firearms Order, the Terrorism Act and other less frequently used powers also decreased, albeit by smaller amounts.'*¹¹¹

The arrest rate between different districts is still difficult to understand or for the PSNI to explain.¹¹² This varied from 3% in one district to 12% in another. The rate of stop and search per 1000 population also varied considerably: from 4 to 12. Belfast district's rate was 18 per thousand but the difference is likely to be explained by the numbers of people, particularly younger people, from other areas being on the streets of Belfast and the availability of drugs.

¹⁰⁹ The arrest rate is typically used as a measure of the 'success' of stop and search. There are, however, some caveats to this measure. On the one hand finding a prohibited item (e.g. drugs) could, instead of an arrest, result in some kind of community resolution, a report to PPS, a penalty notice for disorder, or a 'No Further Action Disposal'. However, on the other hand, even an arrest might occur as a result of other factors despite no item being found; the item, on further investigation, might turn out not to be illegally held; there might also be no subsequent charge, no subsequent prosecution or no subsequent conviction. The Human Rights Advisor has recommended to PSNI that further research be carried out on the subsequent process once a person has been arrested but the PSNI has not accepted this recommendation.

¹¹⁰ Figures for the calendar year 2024, Use of Stop and Search Powers by the Police in Northern Ireland, 19 February 2025.

¹¹¹ Figures for the calendar year 2024, Use of Stop and Search Powers by the Police in Northern Ireland, 19 February 2025.

¹¹² The Human Rights Advisor has had several meetings with senior officers but no, evidenced based, explanation was produced.

Evidence shows that stop and search has a weak but real relationship with crime levels although its effectiveness as a deterrent is not yet proven.¹¹³ Its effectiveness as an investigatory power can be partly assessed by whether the object of the stop and search is connected to the outcome (the arrest rate and 'find rate' - how often the item being searched for is found).¹¹⁴ A better 'stop-to-outcome' ratio would obviously help demonstrate that the exercise of these powers is fair and rational, which could improve public trust over their use. High volume of stops/low outcomes, lack of data and analysis and benefits impact on public confidence.

Unfortunately:

*'Those who experienced police stops were more likely to experience mental and physical health issues, and this was more pronounced for young people. There was also a deterioration in attitudes towards police... Considering police stops reduce police recorded crime but negatively impact mental and physical health issues, it is difficult to present police stops as a better alternative to other police interventions. Police stops also had an adverse effect on attitudes to the police.'*¹¹⁵

The study by His Majesty's Inspectorate of Constabulary found in 2013:

'However, police stop powers of officers seemed to be the least monitored among police practices. The report noted a general lack of supervision and monitoring of officers' stop and search powers by the higher authorities. Poor recording of searches conducted, officers deviating from the code of practice and not providing those subjected to police stops with the required information, unfairly treating those targeted and absence of legitimate grounds

¹¹³ Home Office (2016)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/508661/stop-search-operation-blunt-2.pdf#page=3

¹¹⁴ Home Office, 'Best Use of Stop and Search Scheme'

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/346922/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf

¹¹⁵ Nair, V., H. White, H. Gaffney, and D. Jolliffe. 2024. Stop and search. Cambridge: University of Cambridge.

to conduct search were some of the important finding of the evaluation of police stop and search.

Most officers had received little to no training in conducting stops since they joined the police force, indicating the absence of a structured training program or manual. Instead, they primarily relied on watching and listening to those around to develop their own practice of stop and search. This could have detrimental effects on how officers use their powers and their relationship with the general population.

In its final assessment, the HMIC report concludes that the police force had no real workable evidence suggesting stop and search powers could reduce crime. Limited data on what works, poor incorporation of technology, lack of awareness and understanding within frontline officers and inadequate supervision did not help in building the knowledge base necessary to effectively make use of their stop and search powers.¹¹⁶

The PSNI only collect statistics for age, gender and ethnicity for those stopped and searched - these figures are published quarterly. The Police and Criminal Evidence Order 1989 (NI) code of practice states:

19. Officers should record the ethnicity of every person stopped according to the categories listed in Annex B. This should be based on the officer's own perception of the person's ethnic background.

The categories listed for recording are: White, Irish Traveller, Mixed, Indian, Pakistani, Bangladeshi, Other Asian, Black Caribbean, Black African, Black other, Chinese, and Other ethnic group.¹¹⁷

PSNI officers when they stop and search a person make a record of whether the person is male, female or transgender.¹¹⁸ It is understood that the figures for

¹¹⁶ Summary taken from page 16, Nair, V., H. White, H. Gaffney, and D. Jolliffe. 2024. Stop and search. Cambridge: University of Cambridge, HMIC, Stop and search powers: Are the police using them effectively and fairly?

¹¹⁷ Annex B.

¹¹⁸ Which is necessary to decide whether that person is searched by a male or female officer, see the Police and Criminal Evidence (Northern Ireland) Order Code A, Annex C.

transgender are so small that PSNI do not publish these on the basis that they are so small that there is a risk that a particular person could be identified from those statistics.

Officers do not ask and do not record any information about the numbers of lesbian, gay or other sexual minorities stopped and searched. Officers do not ask and do not record any information about the numbers of people with disabilities stopped and searched.¹¹⁹

Race and ethnicity

Table 3: Ethnicity of those stopped and searched¹²⁰

Ethnicity ⁽¹⁾	During the last 12 months		
	Number of stops	Population ⁽²⁾	Number stopped per 1,000 population ⁽²⁾
White	18,057	1,837,575	10
Irish Traveller	307	2,609	118
Black ⁽³⁾	279	11,032	25
Other Ethnic Groups /	645	51,963	12
Total	19,288	1,903,179	10

(1) Ethnicity may be officer perceived. A degree of undercounting probably exists for the Irish Traveller category as some Irish Travellers are likely to be categorised as White.

(2) Figures based on 2021 Census figures.

(3) Includes Black African, Black Caribbean and Black Other.¹²¹

These figures, which are generally similar to those from previous years, appear to show that the chances of been stopped and searched if you are black is 250% greater

¹¹⁹ See Stop and Search Service Instruction, SI 0321, 2/09/2021. Changes to the collection of data in relation to all this categories might require changes to the relevant codes of practice for stop and search.

¹²⁰ January 2024 to December 2024

¹²¹ PSNI provisional Internal Management Information

than if you are white. If you are an Irish Traveller you are over eleven times as likely to be stopped and searched and, maybe even higher, as note (1) above suggests.

Children and young people

The arrest rate for 13 to 17 year olds stopped and searched is 4.4%.¹²² Table 4 below shows the number of under 18 year olds stopped and searched/questioned during April 2024 to December 2024 (Q1-Q3).

Table 4: Under 18 Stopped and Searched¹²³

Age	Number of U18s stopped during Apr24-Dec24 (Q1-Q3)	Age	Number of U18s stopped during Apr24-Dec24 (Q1-Q3)
1	0	10	1
2	0	11	6
3	0	12	26
4	0	13	72
5	0	14	147
6	0	15	198
7	0	16	305
8	0	17	452
9	0		
Total	1,207		

The evidence continues to point to children and young people (18 to 25 years) being disproportionately targeted for low level drug possession under the Misuse of Drugs Act. The arrest rate for the use of that power on that group is 3.4%.

Of the 19,288 stop and searches in the calendar year 2024, 45% were aged 25 and under but the population under 25 is 32.6% showing that this group is overrepresented. Latest statistics from the search cards indicate that 17% were Catholic/Nationalist/Republican and only 7% were Protestant/Unionist/Loyalist and on

¹²² Figures for January 2024 to December 2024.

¹²³ Provisional PSNI Internal Management Information

these figures there appears to be significant differences (the first group subject to stop and search two and a half times compared to the second group).¹²⁴

There appears to be a lack of detailed policy on the approach that officers take when stopping and searching children and young people when it comes to the support of appropriate adults. PSNI will not delay a search to allow a parent or other adult to support a child, even one as young as 10 years old although its response will be 'trauma informed'. Obviously, delaying a search to wait for an appropriate adult will lead to practical difficulties and for the child to have to be arrested in order to be lawfully detained. The child may also not want their parents to be informed. However, it is not difficult to imagine the anxiety that many children aged 11, 12, 13 etc. might feel if an unknown adult in uniform carrying several weapons and tells them that they must submit to the intrusive search.

Recently, Dr John Topping commented:

'Empirical evidence around PSNI stop and search encounters from the Young Life and Times Survey (YLTS) indicates that large proportions of children and young people with direct experience of being stopped and searched by PSNI have been done so in a manner which does not fit with the provisions of Code A (or Article 3 UNCRC). This includes, for example, evidence of failure by officers to provide identifying details; that rights of an individual during a stop and search encounter are not explained; the purpose is not explained or no actual reason is provided; and no record was made or receipt was given / offered. The evidence from the YLTS is further supported by PSNI's own survey in 2021, designed as part of the Children and Young People's Working Group on Stop and Search around the attitudes and opinions of children and young people towards their stop and search practices.'

A complaint can of course be made to the Office of the Police Ombudsman for Northern Ireland (OPONI) by any member of the public where they feel a stop

¹²⁴ Statistics included in a question from Board Member Kate Lavery, provided to her by the PSNI.

and search encounter was unjust or inappropriately executed. Albeit very few complaints are made to OPONI about stop and search encounters.

However, this speaks to the importance of inserting the provision to enhance challenge for stops under PACE or the Misuse of Drugs Act 1971, and the relative ‘powerlessness’ of an individual and particularly children). This is particularly so where the stop and search procedures are not in fact followed nor even recorded in order to be challenged because inter alia no ‘evidence trail’ of an encounter exists, as detailed in YLTS. Of course there have been more recent, internal changes within PSNI regarding ‘dip sampling’ of stop and searches; and requirements for body-worn video to be used for stop and searches involving children (along with related amendments to their ORIGIN recording system).

Yet stop and search is not a ‘random’ nor equally distributed power – concentrated mainly in urban and socio-economically deprived areas. In turn, if a subject or group from a particular area or ‘availability pool’ are repeatedly subject to stop and search because of their ‘suspect status’, it may become ‘redefined’ as a ‘normal’ part of police officer engagement. The subject or group may then voluntarily ‘consent’ to being searched to expedite the encounter or reduce the potential for conflict with police officer(s), whether a formal stop and search encounter under PACE/MDA has been engaged or not. Therefore, the stop and search encounter would not need to be formally recorded by the officer since it was ‘voluntary’ in the first instance – even though the subject may be under the reasonable belief they are being formally stopped and searched because of previous engagement patterns in a locality.’¹²⁵

Exceptional Stop and Search Powers: The Justice and Security (Northern Ireland) Act 2007

The 2007 Act provides the PSNI with additional stop and search powers. The Act also allows the PSNI to stop and search a person (or a vehicle) or to search premises for

¹²⁵ Response to the proposed amendments of the Police and Criminal Evidence (NI) Order 1989, Code of Practice A – Stop and Search, October 2024. Internal references and cross-references have been removed.

any wireless apparatus or munitions without the usual human rights protection – the officer does not need to have reasonable suspicion.

The absence of the protection afforded by other stop and search powers – that officers require reasonable suspicion that the person is carrying something illegal – when relying on the Justice and Security Act powers is problematic. The Police Ombudsman recently investigated the use of the power following a complaint. The officers that used the power could only justify it on the basis of a recent security alert in the area.

JSA authorisations: 2024-2025

The Human Rights Advisor visited PSNI with Dr Jonny Byrne in February 2025 and viewed several authorisations from the last year. The Human Rights Advisor concluded that:

- The MI5 material referred to was mainly old intelligence that was recycled;
- There was no detail any consideration on alternative approaches to the use of this power, including the possible use of 'ordinary' stop and search powers or any proportionate assessment;
- The examples of intelligence given did not obviously demonstrate need for any stop and search power let alone the JSA; and
- Often the intelligence appears to be mainly based on threats to police officers (and other law enforcement officials) and did not include threats to the public at large.

In the recent report from new Independent Reviewer of the JSA he states:

'Further discussions with officers and staff involved in the authorisation process revealed that one of the key evidential bases for the continued need for the power was statistics relating to its use. It was suggested to me that in instances where there was no (or very low) data to highlight its use, that officers in each district were either asked why it was not being employed or encouraged to actively go out and use the powers. This approach runs the risk of instilling a

culture of ‘use it or lose it’ with regards to the powers within the JSA. I am of the view that the PSNI currently still requires the powers.’¹²⁶

‘Upon review of the completed proformas it became apparent that there were a number of inconsistencies in relation to the content under ‘assessment of the threat’. In some instances, the material was limited, or the material was several months out of date. Furthermore, on a small number of proformas it appeared that the same material was being used repeatedly, with just a sentence or phrase being altered each time. This is a concern as it is crucial that those responsible for signing the authorisation are informed by the most current, detailed and relevant intelligence. It also raises some questions around how the ACCs are evaluating the material used to assess the current threats.’

Table 5: Use of JSA powers by ethnicity (August 1 2023-July 31 2024)

	White	Irish Traveller	Other ethnic group	Black	Asian	Mixed	Not Specified	Total
All Powers	94%	2%	2%	1%	1%	<1%	<1%	100%
JSA Section 21	97%	<1%	1%	<1%	2%	0%	0%	100%
JSA Section 24	96%	1%	1%	1%	1%	0%	0%	100%

	White	Irish Traveller	Other ethnic group	Black	Asian	Mixed	Not Specified	Total
All Powers	20,697	355	365	305	241	85	1	22,049
JSA Section 21	486	2	3	2	9	1	0	503
JSA Section 24	2,805	20	36	20	32	4	0	2,917

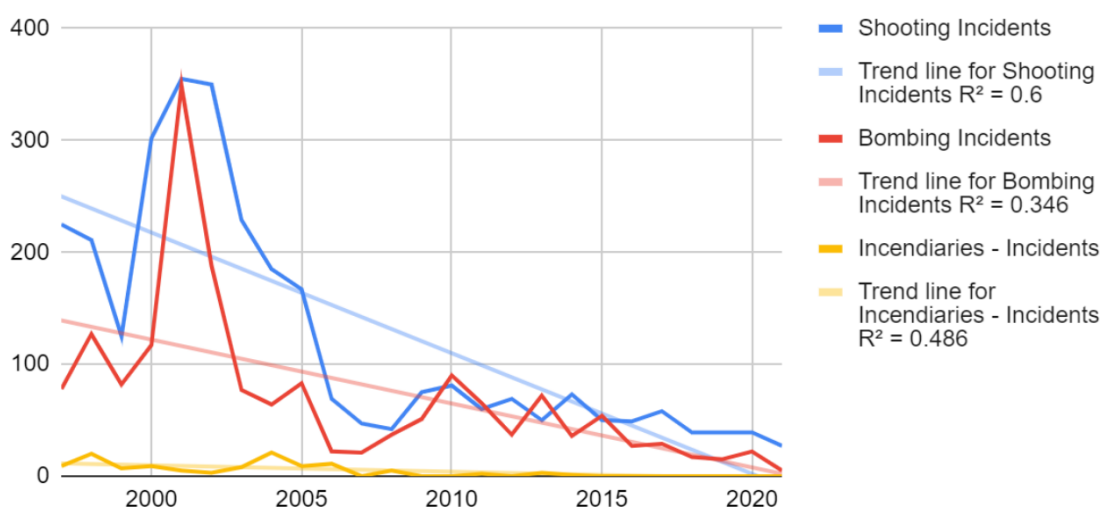
¹²⁶ Report of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007, 17th report for 1 August 2023 – 31 July 2024

As more than one legislative power can be used to stop and search/question a person, the sum of the powers used will be greater.

'In general, I am satisfied that the powers are being applied in a proportionate non-discriminatory manner. However, I am also of the view that among some officers there is both a comfortableness and complacency regarding the use of the JSA powers. In certain circumstances, officers will default to the JSA as they consider it as 'suspicion-less powers' (literally) and the easiest, quickest and most uncomplicated approach to stopping an individual. I am not entirely convinced that all officers are clear as to the importance of the 'basis' of the stop. This view has also been repeated to me in discussions with the office of the PONI. I believe these are isolated incidents, but it is important that they are addressed so as not to become systemic.'

His report also notes a series of positive steps undertaken by PSNI in relation to stop and search. For example, the development and roll out of Body Worn Video has allowed more transparency to stop and search encounters and more scope for supervisors to give feedback. PSNI produced a very helpful 'Guidance for Supervisors' for reviewing and dip-sampling Body Worn Video Footage' in February 2023 following recommendations from HMICFRS.

Shooting Incidents, Bombing Incidents and Incendiaries Incidents



Human Rights Advisor's Assessment

The Board has long been concerned about the PSNI's use of stop and search. It has never been disputed that it is an important power, however when misapplied or overused it can be counterproductive. In seeking to protect the rights of the majority, the police at times must sometimes interfere with an individual's rights. However, they are only permitted to do so if the infringement is provided by law and necessary to achieve a legitimate aim. In circumstances where there is a victim, the police may have positive obligations to use powers to intervene (clearly justifying the necessity of a lawful interference). However, the use of stop and search is not typically directly victim-led and officers have a very wide discretion to apply these intrusive powers.

Stop and search obviously represents one of the most contentious tools available to police in Northern Ireland, which is highlighted by the difference in opinion between the Members of the Policing Board, which also reflects wider debate in Northern Ireland. Progress in relation to community background monitoring has been slow, but work on this has picked up in the past two years, not least due to external pressure. However, progress cannot be implied merely from the fact that the pilot is underway. It remains to be seen whether the current pilot will have any positive outcome in terms of PSNI monitoring stop and search by community background.

The responses to the Board's previous recommendations on this subject are very disappointing. There is however a better and more targeted approach to stop and search:

*'Project Servator is a strategic method of policing designed to deter, detect and disrupt a wide range of criminal activity including terrorism (CPNI, 2018). Building upon safety and security plans already in place, Servator deployments increase security presence visibility with the intent of impacting upon criminal decision-making.'*¹²⁷

¹²⁷ Page 1, A comparison of Project Servator and routine stop and search outcomes in the City of London, Zoe Marchment and Paul Gill, 20 December 2024, Security Journal. See also Nair, V., H. White, H. Gaffney, and D. Jolliffe. 2024. Stop and search. Cambridge: University of Cambridge.

‘Servator is designed to create an adverse operating environment for those involved in criminality and/or intent on conducting attack planning. A central component of Project Servator is an intense communication strategy designed to magnify the effective nature of the tactic, heightening the offender’s perception that they are likely to be disrupted.’¹²⁸

The researchers found a positive outcome was 2.57 times more likely for Servator than for routine stop and search.¹²⁹ This approach also meant that the proportion of visible ethnic minorities subject to stop and search was less than for routine stop and search.

Finally, His Majesty’s Inspectors of Constabulary Fire and Rescue Service (HMICFRS) will be focusing on stop and search in its annual review of PSNI and it’s hoped that this report will help PSNI to move forward.

The Policing Board’s Recommendation

Recommendation 6

- (a) The PSNI should develop a strategy to ensure that fewer people are stopped and searched but a greater proportion of those stops and searches are effective. Good practice should be shared between districts.
- (b) Statistics showing the rates of stop and search for different minority groups, including information on population proportions that are available to the Service Accountability Panel should be published regularly, including the more detailed specific age of the children stopped and searched.
- (c) Over the last decade there has been a gradual, albeit uneven, reduction in the security threats in Northern Ireland that the JSA was designed to combat. Therefore, the PSNI and the Northern Ireland Office (who have to confirm PSNI’s JSA authorisations), with the assistance of the JSA Independent

¹²⁸ Page 3.

¹²⁹ This new approach was first raised with PSNI by the Policing Board in 2020 and triggered a specific recommendation by the Policing Board, see page 54, Human Rights Annual Report 2019/20.

Reviewer (Dr Jonny Byrne) should draft criteria to use to decide when the general and specific threat levels have reduced such that the JSA stop and search powers are no longer necessary and the several other stop and search powers available to officers will be sufficient.

5. Arrest and Custody

Human rights and law

When the police arrest and detain a person, they assume responsibility for the protection of both the detainee's rights and welfare. Detention directly engages Article 5 of the ECHR (the right to liberty and security) and police must follow strict procedures and take every reasonable step to uphold the rights and welfare of all detained persons.¹³⁰ Articles within the PSNI Code of Ethics reflect these provisions and require police officers to ensure that all detained persons are treated in a humane and dignified manner. It stipulates that arrest and detention must be carried out in accordance with the relevant Police and Criminal Evidence Order 1989 (PACE), the Codes of Practice made under PACE and in compliance with the ECHR. Police have a duty to protect the health and safety of detained persons and take immediate action to secure medical assistance where required.¹³¹

A person detained in police custody is entitled to have a friend or relative informed of their detention. Requests to have someone informed must be complied with as soon as it is practicable and in any case within 36 hours (48 hours under TACT). Delay in complying with the request can be authorised only in certain clearly defined circumstances.¹³² A person detained in police custody is also entitled to consult a solicitor privately. Such requests must be permitted as soon as is practicable and in any event within 36 hours (48 hours under TACT). However, a delay in complying with such a request may be authorised, but only in the strict circumstances defined in PACE or TACT. There are also rights to examine the Codes of Practice and to medical care.¹³³

Once a person has been arrested the police also have considerable additional powers, which include the power to use force to ensure that the detained person complies:

¹³⁰ And for ensuring that any use of force is lawful and avoids ill-treatment contrary to Article 3.

¹³¹ More details of the human rights issues in relation to arrest and detention are set out in the Policing Board's Human Rights Monitoring Framework, page 29 onwards.

¹³² Of the 21,474 people arrested only 6,920 of them are reported as requesting a friend or relative be informed.

¹³³ Of the 21,474 people arrested only 14,913 of them are reported as requesting a solicitor.

- Search of the outer clothing of the arrested person, a strip search,¹³⁴ or an intimate search;¹³⁵
- Detaining a person to secure evidence or to question them for up to four days (longer for those arrested under the Terrorism Act 2000);¹³⁶
- Taking samples, like fingerprints and mouth swabs (for creating DNA identity profiles);
- Search the person's home or other property;
- Decide whether the person should continue to be detained or can be released or bailed to return to the police station or to court; or
- To charge the person with an offence.

Detainees under the Terrorism Act 2000 (TACT)

'Terrorism' is defined as the use or threat of action if:

- '(i) The action involves serious violence against a person; serious damage to property; endangers a person's life, other than that of the person committing the action; creates a serious risk to the health or safety of the public or a section of the public; or is designed seriously to interfere with or seriously to disrupt an electronic system;*
- (ii) The use or threat of action is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public; and*
- (iii) The use or threat of use is for the purpose of advancing a political, religious, racial or ideological cause.'*¹³⁷

¹³⁴ Code C of the PACE Order for the Detention, Treatment and Questioning of Persons by Police Officers, Annex A, Part B states: '9. A strip search is a search involving the removal of more than outer clothing. In this Code, outer clothing includes shoes and socks.' '11(e) if necessary to assist the search, the detainee may be required to hold their arms in the air or to stand with their legs apart and bend forward so a visual examination may be made of the genital and anal areas provided no physical contact is made with any body orifice.'

¹³⁵ 'An intimate search consists of the physical examination of a person's body orifices other than the mouth. The intrusive nature of such searches means the actual and potential risks associated with intimate searches must never be underestimated.' PACE Order, Code C, Annex A, para 1. An intimate search may only be carried out by a registered medical practitioner or registered nurse. There was one intimate search recorded during 2022-23, which had a negative result.

¹³⁶ Subject to the detailed custody time limits.

¹³⁷ Section 1, Terrorism Act 2000. All three criteria must be satisfied unless the use or threat of action involves the use of firearms or explosives in which case the second criterion need not be satisfied.

Section 41 of TACT empowers a police officer to arrest without warrant a person whom he or she reasonably suspects to be a terrorist. A 'terrorist' is defined as a person who has committed specified terrorist offences or a person who 'is or has been concerned in the commission, preparation or instigation of acts of terrorism'. Therefore, suspicion of the commission of specific crimes need not be demonstrated at the time of the arrest. A person arrested under section 41, may be detained without charge for up to 48 hours without judicial intervention. If detention is to extend beyond 48 hours, it must be extended by a Judge. The extension may be for up to but no more than a *total* of 14 days.

When any person is arrested the police have a particular duty to ensure that subsequent detention complies with human rights as:

'Detention by the police is the moment when detainees are most at risk of ill-treatment or of suffering other types of abuse'.¹³⁸

Evidence and statistics

Information suggests that the PSNI, in general, look after those in its custody in accordance with the Police and Criminal Evidence Order (PACE). There are, however, occasional lapses. In a recently completed investigation by the Police Ombudsman she found:

'This was a volatile incident, but it was also a serious and unwarranted assault on a man who was intoxicated. Police detainees are often vulnerable and distressed, and this type of behaviour has no place in custody suites.'¹³⁹

The Belfast Telegraph also recently reported that there had been compensation of £1.05 million relating to 207 'unlawful arrests'.¹⁴⁰

¹³⁸ Association for the Prevention of Torture, Police custody: Risks and safeguards, APT website, online at: www.apr.ch/en/police-custody-risks-and-safeguards.

¹³⁹ Regulation 20 report to the Policing Board, 4 January 2024.

¹⁴⁰ 11 March 2025. The figure 207 relates to the period 2019-2024

During a CJINI Inspection looking at the standard of police custody in Northern Ireland and the experience of detainees in 2020, a number of recommendations were made. They called for a further examination of the reasons for arrest and detention in custody of Irish Travellers and people of Black ethnicities, use of force, improvements to the coverage of audio recording in custody cells, the introduction of IT processes to alert within its system children on the Child Protection Register ensuring it applies to custody records, and a review of the provision of health care training.

In response to the recommendations made by CJINI in their inspection report, the PSNI developed a Strategic Action Plan and identified key areas for development and learning. This action plan enabled the PSNI to analyse existing practices and to work towards implementing the recommendations.

CJINI completed its follow up research to its 2020 report in 2024 and the publication of its current assessment is awaited.¹⁴¹

The Office of the Police Ombudsman for Northern Ireland (OPONI) has also made several recommendations regarding the area of custody on completion of their investigations over the years. For instance, a recommendation made in January 2023, which the PSNI are considering is guidance documents in relation to seizure, labelling and storage of drugs be amended to make specific reference to suspected controlled substances to ensure consistency across all custody suites.

During 2014-15, a total of 24,377 arrests were made under the PACE (Northern Ireland) Order 1989. There were 21,474 arrests made under PACE during 2022/23, 82% of which were males. During 2022/23 there were only 49 persons detained in police custody for more than 24 hours and released without charge. During the same period there were 22 applications to Magistrates Courts for warrants of further detention (for more 36 hours), in relation to 17 individuals. Six of these applications were for an additional 24 hours or less, 5 were for between 25 and 35 hours and the other 11 were for a period of 36 hours. Of the 22 applications to Magistrates Courts

¹⁴¹ The Human Rights Advisor and Policing Board officials accompanied CJINI inspectors in this follow up research and have contributed to the final report.

for warrants of further detention, 5 of these were for a second warrant of further detention.

Of the 17 persons subject to a warrant of further detention, 9 spent less than 24 hours under its authority, while 3 spent between 24 hours and 36 hours and the remaining 5 people were detained over 36 hours under the authority of these warrants. A total of only 10 of those people were subsequently charged.¹⁴²

Statistics

Until recently, it was not clear exactly what statistics are collected by PSNI although figures about religious belief are collected and analysed because those have been revealed as a result of freedom of information requests although never provided directly to the Policing Board.¹⁴³ However, there are clearly some statistics that raise questions beyond those which concern religious belief. For instance, in 2020 the Criminal Justice Inspectorate of Northern Ireland found:

‘...the figures for this inspection suggest that members of the Irish Travelling Community are also over-represented in relation to detention in custody. It is unclear from this inspection why Irish Travellers appear to be over-represented in custody and Inspectors found nothing in the file reviews to indicate that Irish Travellers were inappropriately arrested, detained or denied bail. The PSNI custody team was aware of the disproportionate numbers via their monthly monitoring process but work had not yet been undertaken by the organisation to try and examine why this existed. The figures also indicate an over representation of people from black ethnicities (Black African, Black Caribbean and Black Other) who accounted for 1.1% of all those arrested by the PSNI in 2018-19 but only account for around 0.2% of the population.

¹⁴² Police and Criminal Evidence (PACE) Order Statistics, 1 April 2022 to 31 March 2023, PSNI/NISRA.

¹⁴³ Police and Criminal Evidence (PACE) Order Statistics, PSNI, do however publish figures broken down by sex.

*Area for improvement: further examination of the reasons for arrest and detention in custody of Irish Travellers and people of Black ethnicities would be beneficial to see if any improvements in practice can be identified.*¹⁴⁴

PACE v TACT

In 2014, the Independent Reviewer of Terrorism Legislation, David Anderson QC, commented in his annual report:

*‘The low charging rate during 2013/14 is, on the face of it, disappointing. I have previously emphasised the need for reasonable suspicion in relation to each person arrested under section 41 [of TACT]’.*¹⁴⁵

The PSNI’s approach appeared to be out of step with the approach taken in Great Britain and meant that suspects have fewer rights and could face longer periods in custody, (a particular issue for juveniles arrested). In principle, the use of police powers should be proportionate, and the least impactful provisions should apply wherever possible. Jonathan Hall KC, the current Independent Reviewer of Terrorism Legislation, and the Board’s Human Rights Advisor met with the PSNI’s Terrorism Investigation Unit to discuss this issue in June 2023. However, a request for greater clarity concerning the detail of PSNI’s policy on this was sought, and in particular whether the presumption is that section 41 is the appropriate power for all offences under TACT.

In early 2025 the PSNI set up a Terrorism Legislation Working Group to discuss this issue in detail and to draft guidance for officers and the Human Rights Advisor has been asked for comments and it is hoped that this will result in an improved approach. The latest statistics (for the year 2023) confirm that this difference of approach continues without any proper explanation.¹⁴⁶

¹⁴⁴ Para 1.9, The Detention of People in Custody in Northern Ireland, September 2020.

¹⁴⁵ 410 *The Terrorism Acts in 2013. Report of the Independent Reviewer on the operation of the Terrorism Act 2000 and of Part 1 of the Terrorism Act 2006*, David Anderson QC, July 2014, para. 8.12.

¹⁴⁶ Northern Ireland Terrorism Legislation: Annual Statistics 2023, Northern Ireland Office, September 2024.

Port Powers

TACT also allows law enforcement agencies to be stop, examined (questioned for up to an hour) and detained (for up to six hours) people when they are travelling through ports and airports.¹⁴⁷

Table 6: Number of people stopped, examined and detained

2016	2082
2017	1248
2018	717
2019	559
2020	120
2021	139
2022	188
2023	147 ¹⁴⁸

Errors and compensation

The PSNI has paid out more than £1m in compensation relating to 200 unlawful arrests in recent years. It is part of an overall £6m bill for settling complaints over a five-year period. Almost half of the 814 claims closed between 2019/20 and 2023/24 related to personal injury, amounting to payouts totalling £4.7m. Over this period 207 wrongful arrest cases were also closed, with a total of £1.05m being paid out.

In addition to the number of claims closed since 2019/20, the Freedom of Information response also details the number of claims filed in the period. Over the five years, 2,352 claims were filed, including 855 relating to wrongful arrests and 555 linked to personal injury claims.¹⁴⁹

¹⁴⁷ The powers under Schedule 7 to the Terrorism Act 2000 allow a counter-terrorism port and border officer (including authorised police officers) to stop, question, search and detain a person at a UK port or the Northern Ireland border area to determine whether they are or have been involved in terrorism.

¹⁴⁸ Northern Ireland Terrorism Legislation: Annual Statistics 2023, Northern Ireland Office, September 2024.

¹⁴⁹ Taken from the Belfast Telegraph, 11 March 2025.

The Policing Board's Recommendation

Recommendation 7

The PSNI should report to the Board with an analysis of any trends or systemic issues identified in a review of cases of wrongful arrest.

Strip searches of people in custody

In relation to searches in custody, particularly strip searches of children and young people, [the Policing Board report from June 2023](#) found:

'Of the 1,279 of juveniles arrested and brought to custody in 2022, 27 strip searches were conducted (that is 2.1% of the juveniles arrested and in custody in that year). Of these cases, 22 individuals were 17 years old, 3 were 16 years old, 1 was 15 years old and 1 was 14 years old; 4 were females and 23 were males. Of these searches an Appropriate Adult was present on only six occasions...'

With regards to the outcome of the search, there were only prohibited items found as a result of these strip searches, namely drugs and a weapon, on two occasions:

*'In 17 of the 27 strip search cases considered for this Report the young person arrived at the custody suite wearing handcuffs... In six cases a use of force was recorded in the custody suite (e.g., hand restraints to ensure the safety of the young person), and in two the cases a use of force was recorded during the strip search.'*¹⁵⁰

A series of recommendations were made in the Report, including updating guidance and re-evaluating governance frameworks and recommendations regarding the amendment of PACE legislation and Codes and PSNI has adopted all of the recommendations that were within its control.

¹⁵⁰ Page 15 and 17.

One of the particularly interesting recommendations accepted by PSNI was to set up an independent scrutiny panel to review every strip search of a juvenile. The terms of reference for these panels was agreed with the Board and, although they are administered and chaired by a senior PSNI officer working in custody, the membership of the panel is made up of two Independent Custody Visitors selected by the Board and the Northern Ireland Appropriate Adult Scheme (Mindwise). Apart from the original training session there have now been two scrutiny panels held to review strip search decisions. The Human Rights Advisor attended the second of these in December 2024 as an observer. The conclusion of the Scrutiny Panel and accepted by the PSNI that all the cases were justified once the full circumstances were clear but, if the decision to strip search was made on the basis of the actual information recorded on custody record, then the decision was much more problematic. PSNI agreed to take this issue up with the custody staff.

The terms of reference for these panels are set out as follows:

1) Purpose

Scrutiny Panels regarding the Strip Searching of Juveniles in Police Custody have come about following a recommendation within the NIPB report in June 2023 and best practice across Great Britain.

Strip searching of children in custody will continue to be monitored on a monthly basis by a return to PSNI Justice Department and analysis of detained person figures. The findings will be reported to the Policing Board as required. The primary purpose of the scrutiny panel will be;

- To ensure that strip search powers used by PSNI officers within the custody environment are lawfully conducted and in compliance with the young person's human rights;
- To bring about wider consultation for independent advice, guidance and understanding;
- To ensure the rationale for any strip search within the custody environment is documented correctly on the custody record;

- To examine why any 'urgent' strip search is conducted without the presence of an appropriate adult;
- To ensure any use of force is correctly justified and recorded on the custody record; and
- To improve the trust and confidence of the community in the way police conduct strip/searches by being sensitive to the impact of these powers on a young person.

2) Role of the scrutiny panel

- To scrutinise the performance of PSNI in relation to strip searching of under 18's within the custody environment;
- To examine a dip sample of extracted records or an agreed number within that period depending on volume to ensure that all strip searches conducted by PSNI officers are lawful and conducted in accordance PACE [and Authorised Professional Practice \(APP\) on Safer Detention](#);
- To raise for national consideration any issues around APP on Safer Detention if appropriate;
- To provide the opportunity to raise issues regarding Race and Diversity that are broadly associated with Strip Search but may need ongoing management and oversight by the NIPB;
- To recognise any gaps in individual, or organisational learning, around the use of Strip Search paying regard to the rationale around its use and the correct recording of rationale;
- To support and hold to account policy leads in these areas to ensure police powers are being used fairly, impartially and effectively;
- To act as a constructive friend to the Service and provide advice and guidance to improve its performance strip searching.

3) Meetings

- Meetings will be chaired by PSNI Justice Department and held bi-annually;
- Extraordinary meetings may be held at the discretion of the NIPB;
- NIPB will select and manage the Independent Custody Visitors;

- PSNI will select and manage the Appropriate Adult currently through Mindwise;
- PSNI will manage the independent Advisory Group member; and
- Minutes will be recorded and an action log will be retained.

4) Attendees will include

- Chair – Chief Insp or deputy PSNI Justice Department with NIPB staff member;
- Independent Custody Visitor (2 members selected by NIPB);
- NI Appropriate Adult Scheme member; and
- Independent Advisory Group member when available.

Strip searching in custody update

The police service in England and Wales and the Home Office are changing the PACE codes to protect more juveniles following the discovery of an important clarification in the law.

In any case which concerns the removal of all the clothes of a juvenile (even if in stages and one half at a time), and where this is supervised by officers needs to be considered a strip search. As result the strip search protections in Code C need to apply. Police forces had assumed that the 'mere' removal of clothes without a visual inspection of the half-naked detainee did not constitute a strip search.

The clarification resulted from a court judgment in England from 2015 in relation to a girl who sued the police for compensation.¹⁵¹ The numbers of juveniles who have to remove their clothes but are not technically 'strip searched' is much higher than the formal 'strip search' figures provided by PSNI for the Board's previous report. The PSNI reported this issue to the Human Rights Advisor in June 2024 but are having difficulty calculating the new figures and putting in place new arrangements, partly because the protections that apply in 'strip searches', including recording of every 'strip search', have not previously applied to the removal of clothing and will require a significant increase in the frequency of appropriate adults attending police stations.

¹⁵¹ Davies v Chief Constable of Merseyside Police, 19 February 2015, EWCA Civ 114

Those additional cases where detainees have had to remove their clothing since the judgment in 2015 will not have been protected by the additional safeguards required by the specific strip search procedures and protections, will not have been properly recorded and the juveniles concerned are unlikely to have been provided with an appropriate adult to support them.

This issue does not, however, solely concern juveniles but also any detained adults subjected to the removal of clothing. However, all extra procedural protections for juveniles in Code C are not provided to adults more generally (particularly the requirement to ensure an appropriate adult is available). Nevertheless, it is also likely that a significant number of vulnerable adults who have had to remove all their clothes in front of officers should also have had the support of an appropriate adult and the other protections provided by the PACE codes.

The Human Rights Advisor asked the PSNI whether failing to take urgent action to fix this problem was resulting in detainees being unlawfully treated in custody. On 31 July 2024 the PSNI replied as follows:

'In relation to PSNI's legal position on circumstances where a juvenile/vulnerable adult is required to remove and/or change clothing for forensic and/or health and safety reasons the PSNI are currently developing a policy in this area. The PSNI recognises the engagement of Article 8 and that policy is required to be developed to standardise the use of reasonable protections to juveniles/vulnerable adults and that proper records are made and retained of that process to facilitate governance and oversight.'

It is envisaged PSNI may consider seeking the routine assistance of appropriate adults as part of that policy. PSNI are aware of this issue and will continue to balance their obligations to protect the juvenile/vulnerable adult from a health and safety perspective, ensure the integrity of any criminal justice outcome that affects the individual and taking reasonable steps to limit interference with the rights of the juvenile/vulnerable adult.'

Development of the policy will require consultation with stakeholders including the DOJ who holds responsibility for the Appropriate Adult scheme. The PSNI are content they are proceeding lawfully in policy development both in public law terms and in respect of the individual engagement of the rights of juveniles/vulnerable adults.'

Going forward it may be worth considering recording two kinds of strip searches separately. The first, and most significant category, is where the person removes or changes their clothes whilst being supervised by police officers. Secondly, where a change of clothes is provided and the detained person is able change their clothes in private.

Separately the Department of Justice (DoJ) have recently started to consult on different changes to the PACE Codes but have not picked up the England and Wales consultation from April 2024 that deals with the above issue. The Board's response to the DoJ has allowed the Board to raise a few issues from the previous strip search report, some issues to assist the Boards custody visitors, as well as this bigger problem.

Latest numbers of strip searches¹⁵²

The following relates to strip searches of children in custody:

- During the reporting period there were a total of 10 children stripped searched in custody;
- Five males and five females searched, the youngest aged 13;
- Of the 10 strip searches two were positive; and
- Two of the five searches were recorded as strip searches due to the juvenile being given custody clothing to replace their own, reflecting a change in PSNI policy to count these as strip searches.

Searches by transgender officers and searches of trans people

Three years ago the PSNI identified a difficult issue in relation to the law on searches by transgender officers and staff. This issue concerned a conflict between the Police

¹⁵² PSNI Internal Management Figures, April to December 2024, March 2025

and Criminal Evidence Order 1989 and the Sex Discrimination (NI) Order 1976 for officers and staff without a Gender Recognition Certificate. The Department of Justice were alerted to this issue but no resolution has yet been proposed.¹⁵³

The Supreme Court recently considered the meaning of the word 'sex' in the Equality Act 2010 and how this relates to the Gender Recognition Act 2004,¹⁵⁴ particularly in the context of women only spaces which were protected by the 2010 Act.¹⁵⁵ The first of these Acts does not apply directly in Northern Ireland but the second one does.¹⁵⁶ The Supreme Court decided that the word 'sex' in the 2010 Act means biological sex, the sex on a person's birth certificate and a gender recognition certificate granted pursuant to the 2004 is irrelevant for these purposes.¹⁵⁷

There are a number of issues for the PSNI. The first is what role can trans officers and staff play in intimate or strip searches. The Supreme Court's judgment would imply that they can only carry out these kinds of searches of people of the same sex as their own biological sex, despite the fact that they may be living and have lived in the new identity (and they have a Gender Recognition Certificate (GRC). This is likely to lead to potential conflicts with those that they are searching. The conclusion is likely to result in such officers not being asked to carry out these tasks and this, in turn, raises questions about the PSNI's possible unlawful discrimination of these officers. A trans person (with a GRC) who is to be subject to a strip search is entitled to be searched by someone of their 'acquired' sex.¹⁵⁸ The ruling by the Supreme Court does not change this. However, a person is not under any obligation to disclose to the PSNI

¹⁵³ Obviously, the PSNI need code of practice or legislative support to deal with this issue.

¹⁵⁴ The Gender Recognition Act was enacted as a result of a case taken by a trans woman to the European Court of Human Rights which found violations of the right to privacy (article 8) and the right to marry (article 12), *Goodwin v UK*, 11 July 2002. See also the declaration of incompatibility by the House of Lords in the case of *Bellinger v Bellinger* [2003] UKHL, 21.

¹⁵⁵ *For Women Scotland v The Scottish Ministers*, 16 April 2025.

¹⁵⁶ Although the Sex Discrimination Order 1976 and the Equality Act 2010 contain similar wording to define the word 'sex'.

¹⁵⁷ This was despite the position set out in the Gender Recognition Act, the United Kingdom government's explanatory notes to the 2004 Act states 'the fundamental proposition that once a full gender recognition certificate is issued to an applicant, the person's gender becomes for all purposes the acquired gender, so that an applicant who was born a male would, in law, become a woman for all purposes. She would, for example, be entitled to protection as a woman under the Sex Discrimination Act 1975...'

¹⁵⁸ PACE Code C, Annex L, para 3: 'In law, the gender (and accordingly the sex) of an individual is their gender as registered at birth unless they have been issued with a Gender Recognition Certificate (GRC) under the Gender Recognition Act 2004 (GRA), in which case the person's gender is their acquired gender. This means that if the acquired gender is the male gender, the person's sex becomes that of a man and, if it is the female gender, the person's sex becomes that of a woman and they must be treated as their acquired gender.'

whether their transition to a different sex has been confirmed by a Gender Recognition Certificate.¹⁵⁹

Annex L to Code C of the Police and Criminal Evidence Order states that people

‘Must not be asked whether they have a GRC...

If there is no doubt as to whether the person concerned should be treated as being male or female, they should be dealt with as being of that sex. If at any time (including during the search or carrying out the procedure) there is doubt as to whether the person should be treated, or continue to be treated, as being male or female...

- (i) the person should be asked what gender they consider themselves to be. If they express a preference to be dealt with as a particular gender, they should be asked to indicate and confirm their preference by signing the custody record or, if a custody record has not been opened, the search record or the officer’s notebook. Subject to (ii) below, the person should be treated according to their preference;*
- (ii) if there are grounds to doubt that the preference in (i) accurately reflects the person’s predominant lifestyle, for example, if they ask to be treated as a woman but documents and other information make it clear that they live predominantly as a man, or vice versa, they should be treated according to what appears to be their predominant lifestyle and not their stated preference;*
- (iii) If the person is unwilling to express a preference as in (i) above, efforts should be made to determine their predominant lifestyle and they should be treated as such. For example, if they appear to live predominantly as a woman, they should be treated as being female;’*

¹⁵⁹ Gender Recognition Act 2004, section 22 and it is an offence for a person to disclose information he has acquired in an official capacity about a person’s application for a gender recognition certificate or about the gender history of a successful applicant.

However, very soon after the Supreme Court judgment was made public a spokesperson for the British Transport Police said:

‘Under previous policy, we had advised that someone with a gender recognition certificate may be searched in accordance with their acquired sex. However, as an interim position while we digest yesterday’s judgment, we have advised our officers that any same-sex searches in custody are to be undertaken in accordance with the biological birth sex of the detainee.’¹⁶⁰

In May 2025 the National Police Chiefs’ Council produced new interim guidance for the police service. Police searches, such as those which expose intimate body parts, should be carried out by police officers and staff of the same biological sex as the detained person. But, there ‘may be very limited exceptions considered where someone requests to be searched by an officer of their gender. The guidance is explicit that any such search not conducted in line with biological sex must have the written consent of the detainee, the officer carrying out the search as well as the authorising officer.’¹⁶¹

Independent Custody Visitors (ICVs)

The United Nations’ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is an international human rights treaty designed to strengthen protection against ill-treatment of people who are detained. Inspections on the efficiency, effectiveness and treatment of detained persons in custody in Northern Ireland are conducted by the Criminal Justice Inspection Northern Ireland (CJINI) and the Regulation Quality and Improvement Authority (RQIA), and the Policing Board’s Independent Custody Visiting Scheme (ICVs) which are all part of the system of protections included within the UK Government’s system for compliance.

¹⁶⁰ The Guardian, 17 April 2025.

¹⁶¹ 22 May 2025. See also ‘Trans women to be searched by male police officers after UK court ruling’ Pink News, 23 May 2025.

The Policing Board administers the Independent Custody Visiting arrangement in Northern Ireland, trained volunteers visiting police stations all over Northern Ireland to check that those detained by PSNI are being treated properly. Currently, there are 23 ICVs, a reduction from 29 in 2023 with a mixed composition of gender, age and community backgrounds based in three Custody Visiting Teams regionally across Northern Ireland. The Board keeps under review the arrangements for the ICV Scheme and where issues are raised in respect of PSNI's compliance with the Human Rights Act 1998, these are discussed with the Board's Human Rights Advisor to assess the adequacy of the PSNI response.

Of the 23 active custody visitors 65.2% stated their community background as Protestant, 30.4% Catholic and 1 identified as neither religious group. There are currently 3 Custody Visiting Teams covering the North West, South East including Musgrave & Antrim Serious Crime Suite (SCS) and Tyrone/Fermanagh.

PSNI advised that 22,069 detained persons (both PACE and TACT) were processed through custody during the period April 2023 to March 2024 with a total of 1,048 detainees selected for interview at the time of the ICVs' visits. There was a total of 470 visits made by ICVs across Northern Ireland between April 2023 and March 2024. During this time 460 visits were conducted, of which ICVs saw 480 detainees. The length of visits ranged from 7 minutes to 2 hours 6 minutes, with the median length of time spent on a visit being 32 minutes. The overall refusal rate for April 2023 - March 2024 was 1.4%, which is a 0.2% decrease of that recorded in the previous year's Annual Report.¹⁶²

There were 50 visits made to detainees held under the Terrorism Act 2000 (TACT). 50 detainees were held during these visits (compared to 48 in the previous year). ICVs saw 24 of the 50 detainees (48%), which is a 13% increase from the previous year. 1 out of 50 detainees refused an interview with ICVs (2%) in 2023/24 compared to 10.6% in the previous reporting year.

¹⁶² [Independent Custody Visitors Annual Report 2022-2023 | Northern Ireland Policing Board](#)

ICVs are also trained to check and inspect the custody record of any detainee who has consented to the inspection. In 2023/24 ICVs checked the custody records for 918 of the 1,048 detainees selected for interview (both PACE and TACT) representing 87.6%. In TACT specifically, custody records for 41 of the 50 detainees were checked representing some 82%.

Jonathan Hall KC's (the Independent Reviewer of Terrorism Legislation) Annual Report for 2022 was published in November 2024 and in it he stated:

'I have continued to receive reports from the Independent Custody Visitors scheme for individuals detained under section 41, and as before I have discussed the take-up of the scheme, and possible improvements, with John Wadham, Human Rights Advisor to the Northern Ireland Policing Board. Even allowing for the obvious suspicion by many terrorist suspects in Northern Ireland towards anyone connected to the police service, in my view there remains a persistent shortfall in trust from detainees towards visitors.'

'It was something of a surprise to discover that responsibility for the ICV scheme for TACT detainees does not fall more squarely within the remit of the Human Rights Advisor to the Policing Board and the officials who work with him. Instead, the Board keeps arrangements for the ICV scheme under review, and where issues are raised in respect of PSNI's compliance with the Human Rights Act 1998, these are discussed with the Advisor.'

'The existence of the ICV scheme is directed towards protecting the human rights of the individual subject, in the case of terrorism suspects, to the special rigours of terrorism arrest and detention at Musgrave Police Station. The ICV scheme is not, for example, an adjunct to the PSNI or a form of police capability. It is important that the scheme receives attention which is sufficiently focussed on safeguarding the rights of detainees, which the Human Rights Advisor is well placed to give.'

In 2023/24 only one out of the 50 TACT detainees selected refused an interview with ICVs (2%), compared to (10.6%) in 2022/23. It should be noted that the refusal rate

referenced in Jonathan Hall KC's Annual Report (extract above) refers to data from the 2022 (calendar year) at which point the refusal rate was 11.4%. The refusal rate for 2023/24 reflects a notable trend of annual decrease in the number of TACT detainees refusing an interview with ICVs.

Viewing TACT Detainee Interviews

The primary objective of the visiting system is to prevent ill-treatment and this requires visitors to have access to all relevant information. Custody visitors need to be able to watch interviews and view recordings of interviews, including hearing what is said during those interviews. This allow visitors to check that there is no evidence of ill-treatment in those interviews.

However, for practical reasons, visitors can only access the interview if a person is being interviewed at the time of the visit. Often for people who are ill-treated on arrest or in custody, the interview is the first time they feel able to complain about treatment. Previously, there was a provision in place that permitted ICV's the ability to observe live Terrorism Act interviews with the consent of the detained person.¹⁶³

In the past consent was sought in advance from TACT detainees to view their interviews by PSNI staff or officers as part of the 'booking in' process (when they first arrive at the police station). That process inevitably raised questions in the mind of detainees about independence of the custody visitors. As a result the Policing Board changed the policy and relied on ICVs introducing themselves to detainees when they visited. However, in light of this change, the requirement for consent to observe live interviews could not easily obtained in advance and pausing an interview to seek consent was problematic. These amendments meant that if any concerns were raised by the detainee with a visitor, the visitor instead requested access to audio or video recordings of the interview(s). The position now is that ICVs can request access to the whole or part of the audio or video recordings of any TACT interview:

- a) at the request of the detainee; or
- b) if the visitor has any particular concerns about the conduct of an interview and the detainee gives consent.

¹⁶³ Patton Report, recommendation 64.

Viewing Custody Records

A vital part of the role of custody visiting is the ability to review custody records of all individuals being held in police custody at the time of the visit. First, this function enables ICVs to check the information detailed on the custody record against what they have been told by the detainee. Secondly, for those who, at the time of the visit, are not able to give their consent, reviewing the custody record allows ICVs to verify that the detainee has been afforded their rights and entitlements under the Police and Criminal Evidence Order and the Codes may identify other issues relevant to their treatment.

The Northern Ireland ICV Scheme forms part of the system of obligations agreed by the United Kingdom Government when in 2003 it ratified the United Nations' Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Article 20(a) of this convention states that ICVs are required to have:

'Access to all information concerning the number of persons deprived of their liberty in places of detention...

Access to all information referring to the treatment of those persons as well as their conditions of detention.'

Section 4.2 of the 'Monitoring Police Custody: A practical guide, Association for the Prevention of Torture, 2013' states:

'Making a thorough examination of custody records is one of the most important aspects of monitoring visits to police stations. The information collected should be carefully cross-checked with data gathered during interviews with detainees, staff and the station commander.'

During the last year, the ICV Scheme has noted that several ICVs were not permitted by PSNI to review the custody records of those detainees who are unavailable and/or

unable to give consent. This was a surprise to the Policing Board as the PSNI had been allowing this access for at least the last ten years. There are generally at least three scenarios where ICVs are unable to obtain consent directly from the detained person:

- detainees who are asleep (and waking them would not be justified and might infringe their right to eight hours of rest);
- detainees affected by drink or drugs or who are particularly vulnerable (perhaps suffering from mental health or learning difficulties); or
- detainees who are being interviewed, with their solicitor or with a health care professional.

PSNI officers were, justifiably, concerned about data protection issues and the rights of detainees. Unfortunately the Policing Board only learned about these concerns indirectly from its Custody Visitors and this caused some confusion for a few months, particularly the operational remit of ICVs and the legislative provisions in place to allow this oversight role to be completed effectively.

The PSNI had spotted the difficulty with section 73 of the Police (Northern Ireland) Act 2000 which gave the power to the Board to set up and run the custody visiting scheme. Of specific note are subsections 4(b) and 5 (below) restricts access to custody records without the specific consent of the detained person.

‘(4) The arrangements may confer on lay visitors such powers as the Board considers necessary to enable the report required as a result of subsection (2) to be made and may, in particular, confer on them a power to—

- *Require access to be given to each designated place of detention;*
- *Examine records relating to the holding of persons there;*
- *Interview persons who are being held there; and*
- *inspect the facilities there including, in particular, washing and toilet facilities and the facilities for the provision of food.*

(5) A power conferred as a result of subsection (4)(b) or (c) may be exercised only with the consent of the person concerned.’

By way of comparison the Police Reform Act 2002 which sets out the powers to run similar systems in England and Wales does not have this restriction. In fact, the Home Office's Code of Practice on Independent Custody Visiting', March 2013, Paragraph 65 states:

'If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the ICVs to examine it.'

A similar approach is also adopted in Scotland.

The Board's Human Rights Advisor and ICV Scheme Manager discussed this issue with PSNI in order to try and ascertain a solution but it could not be resolved and in September 2024, PSNI informed the Board that custody visitors could not, from now on, be given access to custody records of those detainees who are unavailable and/or unable to provide consent.¹⁶⁴ As a result, the Chair of the Board has written to the Minister of Justice alerting her to the risk of violating the provisions of international human rights law¹⁶⁵ and asking her to promote an amendment to section 73 to bring the position in line with that of England, Scotland and Wales. Discussions with the Department of Justice officials were held in April 2025 and it is hoped that the important amendment can be made in the Justice Bill currently being considered by the Northern Ireland Assembly.

Human Rights Advisor's Assessment

The numbers of successful claims for unlawful arrest against the PSNI is of concern and it would be useful to know whether there are any strategic, procedural or policy issues that need to be considered as a result.

¹⁶⁴ The Board sought its own legal advice from senior counsel who confirmed that the previous approach to access to custody records was flawed.

¹⁶⁵ United Nations' Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), Article 20(a) (see text above).

The reduction in the excessive numbers of strip searches of children and young people is very welcome and the reassurance that appropriate adults will be available to support those subject to such searches is important. However, this history raises questions about the PACE codes are always being followed more generally and whether strip searches of vulnerable adults are always justified and appropriate adults are always available to support them. It is important that the Codes of Practice are amended to ensure that the controls are appropriate and reduce any unnecessary strip searches of children and young people.

It is essential that custody training, whether aimed at custody sergeants performing the role in a substantive or backfill capacity, custody constables and Civilian Detention Officers, equips staff to recognise their legal and human rights obligations in relation to the management and care of detained persons, and, to appropriately assess and mitigate the risks posed by vulnerable persons detained in police custody.

6. Use of Force

Human rights and the law

The use of force by police officers engages the European Convention on Human Rights (ECHR) Article 2, Article 3 and Article 14. Police officers have the authority to use force in order to defend themselves or another person, to effect an arrest, to secure and preserve evidence or to uphold the peace. Each use must be justified, proportionate and reasonable in the circumstance. The officer must give consideration as to whether there is an alternative to the use of force and the emphasis within the PSNI needs to continue to be on the use of de-escalation techniques.

Consideration must always be given to whether there is a viable alternative to use of force. Article 4 of the PSNI Code of Ethics, which draws upon the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 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.’¹⁶⁶

[The Human Rights Review of Use of Force](#) published in January 2023 gives a comprehensive overview of the types of force used by the PSNI, including a series of recommendations and those details are not repeated here.¹⁶⁷ The Policing Board and Human Rights Advisor have also made several other recommendations in relation to use of force by PSNI in the Human Rights 5 Year Review and the recently published report into [Policing and Children and Young People](#).

The report into [Policing and Children and Young People](#) made one particularly important recommendation in relation to the use of TASER:

¹⁶⁶ PSNI Code of Ethics 2008.

¹⁶⁷ <https://www.nipolicingboard.org.uk/files/nipolicingboard/2023-01/human-rights-review-of-psnis-use-of-force.pdf>

The PSNI should review all of its policies and practices in order to minimise the use of force, particularly the use of weapons against children under the age of 14. In the meantime, the PSNI should amend its policy to ensure that as far as possible, spit and bite guards are never used on any child younger than 14 years of age.

The Children's Commissioner in Scotland has recently launched an investigation into Police Scotland's Use of Force against children. This highlights the growing concern from Statutory bodies across the UK of police use on force on children and the Policing Board are not alone in calling for greater accountability.

'Data from the Scottish Police Authority highlights that children in Scotland are more than twice as likely to experience use of force by the police than adults'.¹⁶⁸

The legal bases for use of force are found in;

- Common Law;
- Section 3 Criminal Law Act (NI) 1967;
- Article 88 Police and Criminal Evidence (NI) Order 1989 (PACE);
- The Public Order (Northern Ireland) Order 1987; and
- The Human Rights Act 1998.

There are many types of use of force that an officer can utilise. These include: taser, firearms, hand-held batons and Attenuating Energy Projectiles (AEP or baton rounds) and unarmed physical tactics including using handcuffs and limb restraints. Each officer is responsible for their own decision to use force. Any incident must be properly recorded and their supervisor must be informed.

Any incident can be investigated by the Police Ombudsman either as a result of a complaint or by PSNI referring the matter for an independent investigation. The Ombudsman will always initiate an investigation if a death occurs following any police contact. If a firearm, taser or AEP is discharged a preliminary enquiry also takes place.

¹⁶⁸ [Police use of force on children investigated by Children's Commissioner - The Children and Young People's Commissioner Scotland](#)

Once a 'non-complaint' Ombudsman investigation is complete a copy of this report known as a Regulation 20 is forwarded to the Board¹⁶⁹.

Assaults on Officers

Figures from the PSNI suggest as many as eight officers per day are subject to assaults.¹⁷⁰ Assistant Chief Constable Melanie Jones says the rising use of force comes as a result of increasing attacks on its officers.

Firearms

In Northern Ireland, the Chief Constable has given standing authority for all officers, subject to successful training, to be issued with a personal issue handgun which may be carried when officers are on or off duty. In the rest of the UK, only specially trained Authorised Firearms Officers (AFO) are permitted to carry firearms.

In November 2024, ACC Jones wrote to the Board on behalf of the Chief Constable in her role as NPCC Firearms lead for the PSNI. ACC Jones stated that due to the real and substantial threat against police officers and the current security assessment the conditions for moving to an unarmed police service were not met. This regular and formal review was a recommendation made by the Patten Report.¹⁷¹

Firearm use (removing the weapon from the holster or pointing at a person) fell in the last year from 529 to 408, a decrease of 23%.¹⁷²

TASER

A TASER is an electric shock weapon designed to incapacitate. A decrease of 21% was seen in the last year in the use of CEDs from 297 to 235 times¹⁷³.

¹⁶⁹ Regulation 20 requires the Police Ombudsman to provide particular reports to the Policing Board, Chief Constable and Secretary of State; these include: • any matter referred to the Ombudsman by the Board or Secretary of State on the basis that it appears that an officer has committed a criminal offence or disciplinary breach not subject to a complaint. • any death that may have resulted from the conduct of an officer • any own motion investigation by the Ombudsman.

¹⁷⁰ [Senior PSNI officer defends increased use of plastic bullets and tasers branded 'deeply disturbing' by human rights organisation - Belfast Live](#)

¹⁷¹ Letter from ACC Jones to Ms Simpson CEO Policing Board dated 11 November 2024.

¹⁷² Statistics refer to 1 October 2023 to 30 September 2024. PSNI Use of force figures

¹⁷³ Statistics refer to 1 October 2023 to 30 September 2024. PSNI Use of force figures

One recommendation made in [the 5 Year Review](#) regarding use of TASER is particularly important. That is, the PSNI should provide a detailed paper setting out the advantages and risks associated with the new Taser10 and include the results of any independent assessments before any commitment to purchase. The PSNI confirmed they are awaiting the independent assessments and will forward a report when the information is available.

Analysis by researchers from Keele University, University College London, the University of Exeter and Staffordshire University suggests that the increased likelihood of TASER in England and Wales being deployed against people from black and ethnic minority communities is driven primarily by a combination of structural and institutional racism.¹⁷⁴

Spit and Bite Guards

Spit and Bite Guards were deployed 22 times more recently in the last year than in the previous year, an increase of 14%. PSNI officers recorded that in 94% of incidents its use was designed to protect other officers and in 88% of occasions to help the officer to protect the user themselves. Out of the 182 times a Spit and Bite Guard were used, on 174 occasions this was by the neighbourhood or local policing team.¹⁷⁵ Impact factors assessed by officers relating to the use of Spit and Bite Guards included the use of alcohol or drugs and/or mental health of the person subjected to a Spit or Bite Guard.

Recent developments

In February 2022, the Policing Board produced a report entitled [‘A Review of the PSNI’s use of Spit and Bite Guards by the NI Policing Board’s Human Rights Advisor’](#). PSNI have now reported back to the Board following their agreement to implement 17 of the Report’s 21 recommendations and partially accept two others. This has resulted in changes in how PSNI apply and use Spit and Bite Guards.

¹⁷⁴ <https://news.exeter.ac.uk/faculty-of-humanities-arts-and-social-sciences/disproportionate-use-of-taser-in-some-communities-stems-from-complex-interactions-between-factors-within-and-external-to-policing/#:~:text=Analysis%20by%20researchers%20from%20Keele,of%20structural%20and%20institutional%20racism.>

¹⁷⁵ Statistics refer to 1 October 2023 to 30 September 2024. PSNI Use of force figures

The Board has noted PSNI's changes and proposed changes to how officers will consider and apply any use of a Spit and Bite Guard and welcomes the additional considerations officers need to make prior to any use of the Guards. Additional levels of scrutiny have also been introduced if any Spit and Bite Guard is used on individuals aged under 18. Improvements have been made to officer training in this area particularly when dealing with medical and other factors including autism, sensory disabilities, the effects of alcohol and drugs and the risks of self-harm.

The report set out the arguments for and against their use and evidence was provided about their potential unlawful use. The Report set out twenty-one detailed recommendations and PSNI have now reported to the Policing Board as follows:

- Accepts that the stated reason for introduction – the COVID pandemic – was not justified *'The Spit and Bite Guard is not PPE, it is a piece of work equipment.'*
- Accepts that there are issues of differential use between Catholics and Protestants, *'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.'*
- Use on children: *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.*
- *'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...'*
- *The PSNI should report on options for safe travel – 'Accepted'*
- *Automatic independent review of every use on a child – 'Accepted'*
- The Guidance
 - should be strengthened to deter any officer from using a Guard if they have not been recently trained to do so – *'Accepted'*.

- should be strengthened to recognise the dangers of their use – *‘Accepted’*.
 - 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’*.
 - should have more detail on how to reassess the continuing need for the Guard being deployed– *‘Accepted’*
 - should give officers practical training to move away from the threat and encourage the use of PPE – *‘Accepted’*
 - should be subject to consultation with children – *‘Accepted’*
 - should be strengthened to deal with medical factors including autism, sensory disabilities, the effects of alcohol and drugs and the risks of self harm – *‘Accepted’*
- Training needs
 - to be more realistic, more comprehensive and repeated annually – *‘Accepted’*
 - to focus on communication and de-escalation – *‘Accepted’*
 - to focus on children’s rights, child development, and heightened risks to children– *‘Accepted’*

Hand held batons

The largest decrease in the use of force recently was seen in the use of hand held batons which fell from 279 to 208. This is a decrease of some 25%.¹⁷⁶

Other Physical Tactics

There was an increase in the use of handcuffs and limb restraints from 5,455 to 6,670 over the last year. The use of unarmed physical tactics fell from 12,140 to 10,951.¹⁷⁷ However, the new use of force recording system ‘origin’ introduced in April 2023 has increased the reporting of lower-level uses of force.

¹⁷⁶ Statistics refer to 1 October 2023 to 30 September 2024. PSNI Use of force figures

Unarmed physical tactics (UPT) were used in Belfast City 4027 times followed by Armagh and Banbridge District with 1346. The district with the lowest use was Causeway Coast and Glens with unarmed physical tactics being used on 278 occasions. UPT were used on 37% of those aged between 25-34, 17% of those aged between 18-24, 8% of 13-17 year olds and 1% on under 12. UPT were used mainly by neighbourhood police and custody officers in relation to incidents of crime or in custody suites.¹⁷⁸

The Policing Board in considering the use of force in its recent human rights reports has highlighted the importance of officers using de-escalation techniques especially in relation to incidents where mental health, alcohol and drugs are involved. This can often reduce the need for any force to be used and reduces the chances of the officer being injured.

Chief Superintendent Amanda Ford recently stated;

*'It should also be noted that in the vast majority of cases where force is used, unarmed physical tactics are more regularly used when faced with a risk to life of the officer or a member of the public. Equipping officers with a range of techniques, including spit-and-bite guards and irritant spray, gives us the ability to effectively disrupt aggressors in challenging circumstances, using the least amount of force possible. We also use deployment of specialist officers such as armed response unit or dog call signs to minimise the recourse to use of force through appropriately trained tactics.'*¹⁷⁹

The PSNI has also outlined the positive impact that the approach of 'Right Care Right Person' should have when police officers are asked to attend incidents and where there is concern for the safety of a vulnerable person. This should ensure that the correct response is provided which will often be by health professionals rather than by the PSNI, potentially reducing the frequency of the use of force.

¹⁷⁸ This is of concern because it would be expected that once a person has been detained the need for any additional use of force would be considerably reduced.

¹⁷⁹ [PSNI use force against children aged 12 and under 56 times in one year - Belfast Live](#)

Overall Statistics

From 1 October 2023 to 30 September 2024 the PSNI reported 18,148 uses of force. This is a decrease of 11% (20,484) on the same time period a year ago. 1,078 of these were a use of force against children.¹⁸⁰

Table 7:

	12 and under	13-17
Total	56	1,022
Other/Unknown	0	19
Female	23	321
Male	33	682

Most types of use of force decreased during this reporting period. The exceptions were the use of Spit and Bite Guards and the use of Attenuating Energy Projectiles (AEP or baton rounds). Unarmed physical tactics accounted for 60% of all uses of force. The most common reason for using force given by officers was to protect themselves (81%) and to protect other officers (79%). 83% of persons where force was used were male, 38% between 25 and 34 years old and 94% were assessed as being white.¹⁸¹

AEPs were discharged 15 times in the period 1 October 2023 to 30 September 2024. This is a 150% increase on the previous reporting period. AEPs pointed but not fired showed an increase of 8% with 6 more incidents being recorded.¹⁸²

PSNI have stated that the increase in use in AEPs could be attributed to the high number of incidents they are called to in where mental health was a factor. This is reflected in the statistics where AEPs were used in 84%¹⁸³ of cases to prevent harm to the subject. In many cases mental health calls will involve someone potentially armed and either offering violence to the responding officers or members of the public or, in many cases, in the act of, or threatening, self-harm.

¹⁸⁰ ¹⁸⁰ [use-of-force-external-performance-report-q4-2023-24.docx](#)

¹⁸¹ [use-of-force-external-performance-report-q4-2023-24.docx](#)

¹⁸² Obviously, at least some of the increases are attributable to the disorder in Northern in the summer of 2024.

¹⁸³ As above

The PSNI collects statistics for the age, gender and ethnicity of the member of the public subject to the use of force and these figures are published quarterly.

Amnesty International UK has recently commented on the use of force by PSNI:

‘There is much to be concerned about in this latest report on use of force by the PSNI. The use of plastic bullets by the PSNI is at its highest rate of any time in the last decade, despite everything we know about their potentially lethal impact. The rapidly increasing use of spit hoods, including on children under the age of 13 and despite clear guidance that they should not be used on children, is deeply disturbing. Shockingly 6% of incidents or use of force were used on people from minoritised communities despite them making up just 3.4% of the population. The figures are even more stark on the use of force on Irish Travellers, with 8% of use of batons and 5% of use of police dogs on Irish Travellers, despite them making up just 0.14% of the population. No information has been given regarding community background of those on whom force has been used.’¹⁸⁴

Human Rights Advisor’s Assessment

The Policing Board [produced a detailed review of the use of force in 2023](#) and the PSNI’s response to the recommendations was disappointing. There should be a further report produced by the Human Rights Advisor in the next year to track any progress and to consider any more recent developments.

A similar research initiative to that described above by Keele University and others but extended to include the use of all weapons by PSNI officers and to include community background, should be explored in Northern Ireland.

¹⁸⁴ [Northern Ireland: Increase in use of force by PSNI ‘deeply disturbing’](#), 14 June 2024.

7. Training and Policy

Importance of training in embedding human rights

In order to protect the public it is important to ensure that human rights standards are embedded into all aspects of police training. For this report the Policing Board has re-engaged with the Human Rights Training Advisor who is based in the Police College. In the 5 Year Review of Human Rights, the Human Rights Advisor highlighted the progress made by the 2020 PSNI training review and with a new training advisor now in place it is hoped that there will be further development in this area. The training advisor has indicated he would like to introduce a more targeted audit process looking at all aspects of human rights training and provide the Board with more regular updates.

The role of the College

The role of the advisor within the college is to provide assurance that police officer training has human rights approach embedded within training policies and procedures. The College Advisor ensures adherence to PSNI's human rights obligations by emphasising that the training environment should be in line with the following criteria:

- The specific legislative requirements under which the training topic is regulated (legal compliance);
- The guidance contained within any relevant Code of Practice attached to the use of force/ command decisions, etc. (policy compliance);
- The fundamental rights of the individual (human rights compliance); and
- That every use of policing powers are capable of justification, are objective, fair and non-discriminatory, and, that staff secure their objective by the least intrusive methods possible (legal/ethical compliance).

The Advisor to the College ensures that course documentation is in line with the required standards governed by national human rights law, the human rights treaties and the mechanisms of the Council of Europe, in particular the European Convention on Human Rights (ECHR) and its protocols, the European Convention on the

Prevention of Torture and Degrading Treatment, and other applicable international instruments.

Service instructions and policy

PSNI confirmed that ‘all new service instructions and directives undergo human rights screening at the outset to ensure that they comply with our statutory obligations under S6 of the HRA. Similarly, all aspects of training are subject to human rights screening, audit and review to ensure that human rights remains at the front and centre of everything we do in the organisation.’¹⁸⁵

Training to Support Victims of Crime

In October 2023 Criminal Justice Inspectorate of Northern Ireland (CJINI) completed a follow up review into their previous report, Care and Treatment of Victims and Witnesses.¹⁸⁶ One recommendation made by CJINI was that the PSNI should review Victim Support NI’s input to Student Officer and District Training. The follow up report highlighted that the police college and Victim Support developed a course which provides greater insight into victims’ rights and entitlements under the Victims Charter. This course is now delivered by police trainers. Training for student officers ensures they understand the need for accurate record keeping and the expectations that victims deserve.

Student officers and first line managers are trained by PSNI college tutors. From June 2021 to April 2023 463 student officers have completed training relating to victims, witnesses and suspects within the criminal justice system. Nearly a hundred Sergeants have had further training in assisting victim and witnesses arena and more classes have been scheduled for the future.

¹⁸⁵ PSNI Human Rights Training Advisor

¹⁸⁶ [Victims and Witnesses: The care and treatment of victims and witnesses by the criminal justice system in Northern Ireland. A Follow-Up Review of recommendation implementation.](#)

Use of Force Training

Each PSNI district has a local training officer who monitors the training needs of their district. The Campus system holds all the training information of each officer and highlights those courses which have been completed and those still to be taken.

In regard to public order training, Personal, Safety and Protection training and first aid are mandatory each year. Officers take part in public order training every 3 years.

Other training includes;

- Method of entry to property;
- Communication;
- Evidence gathering;
- CBRN – Chemical, Biological, Radioactive and Nuclear risks;
- Obstructive Protesters;
- Water Cannon; and
- Spit and Bite Guards.

A lack of trainers and low general officer numbers is having a significant impact on the training schedule. Some courses require six trainers to be present, and this requirement cannot always be met. This can lead to other scheduled training not being able to proceed on the same day. This impacts both the trainers and the officers who have been asked to attend. Low officer numbers overall mean that it is not uncommon for officers not to be released to attend training to ensure the delivery of policing services. The effects of this are trainers are offering fewer courses this year than in previous years and officers are not receiving the training they should have to keep themselves and the public safe.

In April 2025 Board Officials observed public order training to try to gain insight into how training is conducted. This included Obstructive Protestor training, dealing with petrol bombs, the use of tactical vehicles, policing large crowds, and riot situations. Human rights principles were at the forefront of all the training that was observed. Officers were knowledgeable with the relevant articles of human rights conventions that covered the situation they were being faced with and understood the importance of them.

Tactical Support Group officers received this one-day training on a yearly basis while all other officers only received it once every three years.¹⁸⁷ Officers are regularly called in to cover important events and on key annual dates i.e. July parades. The current system can result in some officers receiving the training but then not required to use it until two or three years after the training. Trainers were concerned that, perhaps, a one-day session on how to police a riot safely is inadequate. There is also no possibility at present for refresher training or an additional day at the training centre to practice the skills that have been learned. The lack of training not only puts the officers themselves and any colleagues in danger but can impact on the public if the police are not ready to deal with difficult situations.

As with all departments in PSNI, at present, there are fewer officers in the Tactical Support Group than in the past. They are the specialists in public order situations and have the necessary experience and understanding of what tactics work best and ensures their safety and the safety of the public. This underlines the importance of the need for robust Personal, Safety and Protection (PSP) training for all officers as they are likely, in future, to be asked to attend more incidents.

Board officials also watched an Obstructive Protester scenario where officers had to remove seated protestors. This training was specifically requested by Operational Support Department in response to the increasing protests in England. Although these do not occur often in Northern Ireland it is important to ensure that officers are ready to deal with protests safely and in accordance with the rights in the ECHR.

Human rights awareness within the PSNI

In March 2023, the PSNI, in response to a recommendation made in the Policing Board's 2021 Human Rights Report, completed a Human Rights Awareness Survey. The survey was designed to assess the Human Rights knowledge and culture within the organisation and measure any changes in attitudes. The majority of respondents understand that they have a duty to respect and protect the human rights of everyone.

¹⁸⁷ The 'level 1' officers also have mandatory training during the year in addition to this one day training.

An online survey was sent to 9,407 police officers. There was a 13% response rate and 73% of those who responded were police officers and 27% police staff. Only 30% of respondents said their knowledge of Human Rights is good with 48% stating that it was only adequate.

Eighty-six per cent of respondents agreed that the prohibition against inhumane and degrading treatment is an absolute right (the correct answer). In response to the question

‘in the course of their duties, police officers should treat people differently on grounds such as race, colour, gender, religion, political or other opinion’

Although eighty-three per cent responded correctly and ticking ‘never’, 16% responded to the same question that it was reasonable to treat people differently if it could be reasonably and objectively justified – this result obviously raises some questions about the depth of knowledge of a significant number of officers.

It is clear that further, ‘on the job’ training is urgently required for all officers to ensure that human rights are considered in all aspects of their work.

Policy and human rights compliance

Extract from [5 Year Review](#) published in July 2024:

‘PSNI policy governs the conduct of police officers and police staff and sets out the framework within which decisions may be made. PSNI policy is primarily contained within Service Policy documents, which PSNI describes as being ‘principles to govern the organisation’, and Service Instruction documents which are defined as ‘practical instructions for service delivery to inform decision making in line with Service Policy.’ Combined, these policy documents should inform every officer or staff member what principles they must embrace, what procedure they must follow and what standards are expected of them. Crucially for the Board, they provide a measure by which police practice can be monitored and assessed. As part of the human rights monitoring framework,

the Board has evaluated the extent to which particular police policies ensure operational compliance with human rights standards.

All police services across the United Kingdom are expected to publish their written policies, protocols and procedures.¹⁸⁸ It is accepted that some documents should not be published, for example, if publication is likely to impact adversely upon operational activity or if the information is classified. However, even if a policy document contains classified information which cannot be published, a summary of the policy with the restricted information redacted from it can, and should, be published. These documents should be published in formats that enable persons with disabilities equal access to the information.¹⁸⁹

By 2022 the Human Rights Advisor learned that PSNI policy was contained within five sets of documents which vary in the level of detailed guidance that they provide to officers.¹⁹⁰ At the highest level is ‘Corporate Policy’ which lists PSNI’s services and high-level corporate decisions and secondly, there is the ‘Service Policy’ described as being ‘principles to govern the organisation’. Thirdly, there are over fifty ‘Service Instructions’, which are defined as ‘practical instructions for service delivery to inform decision making in line with Service Policy.’ Fourthly, there are three ‘Service Procedures’ on sick pay, alcohol misuse and policing with children and young people. Finally, there is the detailed Conflict Management Model, which sets out guidance on the use of force by police officers.

PSNI has produced ‘Guidance relating to Human Rights for use in creating Service Policies/Service Instructions within the PSNI’ and required authors of new policies to complete a standard template ‘Police Service of Northern Ireland Human Rights Assessment – Screening Checklist’. Whilst many of these Service Instructions in the past have not been as detailed as they need to be, in other cases they have been excellent. One of the best new Service Instructions (SI) that has benefitted from this

¹⁸⁸ The Information Commissioner’s Office has produced guidance for police services on the types of information that they should publish: https://ico.org.uk/media/for-organisations/documents/1280/definition_document_for_police_forces.pdf

¹⁸⁹ As required by for example the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD), articles 2, 9 and 21.

¹⁹⁰ https://www.psni.police.uk/advice_information/our-publications/corporate-policy/

new procedure being the Missing Persons Investigations service instruction.¹⁹¹ In other cases new SI's have not picked up on the obvious human rights issues that would assist officers to carry out their important roles and duties in compliance with human rights.¹⁹²

Recommendation 18 of the [5 Year Review of Human Rights](#) stated:

The PSNI need to provide the resources to deliver human rights content for policy materials and it is suggested that responsibility for delivering this should be given to the PSNI's Human Rights Legal Advisor who should be provided with the necessary additional resources to ensure that this happens.

The above guidance should also be updated to include more information linking policing practices and human rights principles and more up to date sources of information. In the event of any delay in producing a new version the current version should be published by July 2024.

The PSNI responded as follows:

The PSNI HRLA [Human Rights Legal Advisor] leads on the provision of expert legal advice on human rights issues across the PSNI. This role is critical within the statutory provisions that were informed by framework of the post-Good Friday Agreement (GFA) policing settlement, which places human rights at the heart of PSNI's operational and strategic approach. The advisor ensures that PSNI operates in compliance with domestic and international human rights obligations, balancing the requirements of effective policing with the duty to uphold and protect fundamental rights. The role should:

- Provide authoritative legal advice to senior PSNI officers on human rights issues across all areas of policing, including the European Convention on Human Rights (ECHR), Human Rights Act 1998, the Windsor Framework INI Protocol and international human rights frameworks.*

¹⁹¹ SI 0423, July 2023.

¹⁹² Including the Policing Board's Human Rights Monitoring Framework.

- *Ensure that PSNI's operations, policies, and procedures are fully compliant with its human rights obligations with particular emphasis on transparent, accountable, and rights-respecting policing.*
- *Advise on human rights considerations in sensitive and high- profile operations, including public order management, counter-terrorism, overt and covert surveillance, RIPA and the use of force, ensuring that policing methods are proportionate, necessary, and legally sound.*
- *Engage with key stakeholders, including the Policing Board, Oversight Commissioner, and external human rights organisations, to maintain and strengthen PSNI's commitment to human rights-based policing as envisioned in the GFA. Service policies and in particular service instructions are an important tool for officers to ensure Human Rights compliance. It is vital therefore that the HRLA is properly resourced to ensure policies are in place, up-to-date and subject to review.'*

In January 2025 PSNI produced an excellent document, 'Human Rights Guidance: Guidance relating to Human Rights for use in creating Service Policies/Service Instructions within the PSNI'.

Human Rights Advisor's Assessment

Whilst PSNI is justifiably proud of its overall compliance with human rights the level of understanding by officers of what human rights compliance means in practice is not as high as it should be. Secondly, it has been more difficult to assess the extent of the detailed knowledge of human rights of more senior officers and how that is put into practice.

The Policing Board's Recommendation

Recommendation 8

- (a) PSNI should investigate, by engaging an outside expert, whether the current use of force training regime for officers is adequate. There is concern that without proper training officers may become more reluctant to use force as well as less confident in de-escalating the situation. Members of public and officers may, as a result, be more at risk of injury.

- (b) The PSNI should consider the results of the police officers human rights survey and report to the Policing Board with a strategy to improve officer understanding of human rights and re-test officers in the next 12 months.

8. Complaints and Discipline

Introduction

This annual human rights report includes a short chapter on complaints and discipline because, unfortunately, violations of the human rights-based Code of Ethics, can often result in violations of the human rights of members of the public.

There is a dual structure for dealing with police officers who are accused of being involved in misconduct in Northern Ireland. The Police Ombudsman investigates reports of complaints and allegations made by members of the public. The PSNI itself investigates misconduct that does not involve members of the public but PSNI can also refer any incident or allegation to the Ombudsman for independent investigation.

Statistics

In 2023/24 OPONI received 3353 complaints.¹⁹³ This figure is up 5% on last year. Criminal investigations into officers following complaints resulted in the largest category of complaints overall - 1185 (or 35%). This is a yearly increase of 16%. Complaints relating to arrests increased to 481 (or 4%). Domestic incident complaints rose by 16% to 260. Of the 3353 complaints made 43% were subject to a full investigation.

Table 8: Allegations made against PSNI

Total Allegations Against PSNI 2023/24	5848
Failure of Duty Allegations	2933
Oppressive Behaviour	1151
(Sexual Assault)	15
Incivility	350

On 13 occasions the Public Prosecution Service (PPS) decided that a police officer or staff member should be prosecuted.

¹⁹³ [Annual Statistical Bulletin 2023-24](#)

In 2023/24, 208 recommendations for discipline were referred to the Professional Standards Department relating to a police officer or staff member. The Ombudsman recommended 92 officers or staff members to be disciplined or be subject to performance action, 112 for misconduct meetings and 4 recommendations for a misconduct hearing (with the possibility of dismissal).

OPONI also made 32 policy recommendations to the PSNI. 6 were strategic, 24 operational and 2 for minor improvements. The PSNI accepted 11 of these including those relating to social media use and record management.

Angiolini recommendations

The Angiolini inquiry was set up in light of the murder of Sarah Everard by an off-duty Metropolitan Police Service police officer. Findings from that inquiry¹⁹⁴ have led to all police officers coming under greater scrutiny to ensure that all their officers have been correctly vetted. The PSNI carry out their own internal disciplinary investigations where there is no complaint made to the Police Ombudsman. The closing remarks of one of the Ombudsman's investigation stated:

'This case reflects the ongoing resolve of Police Ombudsman's staff to address any corrupt and harmful behaviours that facilitate police officers abusing their position for sexual purposes'.¹⁹⁵

Police Ombudsman investigations have led to six convictions or dismissals in cases like this since 2020, with work ongoing on a significant number of others'.

People's interaction with police can often happen when they are experiencing difficulties in their lives and are at their most vulnerable. If, in such circumstances, an officer acts in their own interest, to exploit rather than protect, that has no place in policing'¹⁹⁶.

¹⁹⁴ [Reports – The Angiolini Inquiry](#)

¹⁹⁵ Police Ombudsman Internal Reg 20 report

¹⁹⁶ Police Ombudsman internal Reg 20 report

Criminal Justice Inspectorate (CJINI)

In March 2025 CJINI published an Inspection of the Office of the Police Ombudsman's investigation of 'abuse of position' concerns and complaints.¹⁹⁷ OPONI has seen an increase in the number of complaints received and the report is timely with the cases of misconduct being properly highlighted in the media. Although this report was about OPONI's internal investigation processes, it also made some recommendations for the PSNI. The recommendations are summarised below:

'Strategic Recommendation 4:

- *Review service instruction 3217, Maintaining a Professional boundary between police and members of the public.' This should be amended to align with the UK position that abuse of position for sexual purposes should always be referred directly to OPONI;*
- *Review cases of abuse of position for sexual purpose cases identified by OPONI to ascertain any necessary training needs; and*
- *Monitor the recording and referral of cases to the Public Prosecution Service.*

Strategic Recommendation 5:

- *PSNI should develop and implement a system of monitoring performance following policy recommendations and periodically report this to the NIPB performance committee.*

Operational Recommendation 6:

- *PSNI Professional Standards Department should develop and submit a business case for the resource required to address the current delays in discipline proceedings.'*

Vetting

In the recent case of R (Lino Di Maria) v Commissioner of Police Metropolis¹⁹⁸ a police officer working for the Metropolitan Police was sacked after losing his vetting but the court decided that this was unlawful. In late April 2025 the Home Secretary produced

¹⁹⁷ [An inspection of the Office of the Police Ombudsman for Northern Ireland's investigation of Abuse of Position Concerns and Complaints.](#)

¹⁹⁸ 11 February 2025.

changes to the conduct regulations for England and Wales creating new procedures. These require an officer to be dismissed if they lose their security clearance but also created a process giving officers a right to test any allegations made against them and an appeal to the Police Appeal Tribunal.

At the time of writing no progress appears to have been made to replicate these changes in Northern Ireland, despite the fact that the problem dealt with by the court in England is also a feature of the system of police vetting in Northern Ireland.

Code of Ethics

The original Code of Ethics was published in 2003 with the last major review carried out in 2008. There have been several attempts since 2008 to amend the Code. The Board has been working closely with PSNI over the past six months, to review and amend the Code of Ethics. There have been significant issues identified within policing that have come to light since 2008 including inappropriate officer behaviour and it is hoped that the code will be strengthened to ensure that officers are clear about the standards that are expected.

Human Rights Advisor's Assessment

The Human Rights Advisor welcomes the recommendations from CJINI hopes that they are implemented quickly to strengthen policies around misconduct and abuse and help to restore public confidence and demonstrate that PSNI are doing all they can to ensure that victims and colleagues are not subject to any abuse of power.

The new draft Code of Ethics will further protect members of the public from misbehaviour by police officers and it is hoped that it can be agreed and implemented quickly.

The Metropolitan Police was recently prevented by the High Court in England from dismissing an officer on the basis that his security clearance was withdrawn (see above). New regulations have been put in place for England and Wales which provide a route for dismissal in such circumstances but also provide officers with protections,

including allowing the officer to challenge the basis of the removal of that clearance. The issue raised by the High Court would also be a barrier for similar security clearance dismissals in Northern Ireland and new regulations need to be urgently considered in Northern Ireland.

Finally, the Conduct Regulations in Northern Ireland need to be updated and the changes made in the rules in England and Wales need to be assessed for inclusion in Northern Ireland, alongside the recommendations made by the Policing Board in its report 'Review of PSNI Profession Standards'¹⁹⁹ need to be reviewed and implemented urgently.

¹⁹⁹ 30 November 2022, <https://www.nipolicingboard.org.uk/files/nipolicingboard/2022-11/review-of-psni-professional-standards-recommendations-for-improvement.pdf>

9. Biometric Retention

Introduction

The Board's [Human Rights Review of Privacy and Policing Report](#)²⁰⁰ set out in detail the issues for Northern Ireland and although the PSNI was initially reluctant to take forward the Board's concerns in partnership with the Board there is now a more positive approach. However, given the delay, what follows is a largely a summary of that earlier report and the statistics and figures in this report have not been updated.

Data extracted on arrest

If a person is arrested for a recordable offence and taken to a PSNI custody suite their identity is checked using their fingerprints (or they are taken for the first time if they are not already on the database). Their fingerprints are taken electronically using a 'Live Scan Unit'.²⁰¹ These are sent automatically to the national fingerprint collection held within IDENT1 and the result search is returned to the custody suite within minutes.

*'The IDENT1 and Missing Persons' ORD [object-relational database] are the UK databases for the storage, searching, matching and match reporting of fingerprints generated for the UK. To provide Metropolitan Police Service - Forensic Services Department with DNA profiles from unsolved crime stains, unidentified body/part(s) and convicted subjects.'*²⁰²

The fingerprints are then sent to the PSNI's own Fingerprint Bureau and searched against all unidentified crime scene marks retained on the national database. Finally, if the fingerprints are not already included they will be added to the local and national databases and will then be available for searches by law enforcement agencies across the UK and beyond.

²⁰⁰2023, <https://www.nipolicingboard.org.uk/files/nipolicingboard/2023-07/Human%20Rights%20Review%20of%20Privacy%20and%20Policing%20-%20Tagged.pdf>

²⁰¹ If a person does not consent to have their fingerprints taken then Article 61 of the Police and Criminal Evidence Order 1989 allows force to be used.

²⁰² <https://www.gov.uk/government/publications/international-dna-and-fingerprint-exchange-policy-for-the-uk/forensic-information-database-service-finds-international-dna-and-fingerprint-exchange-policy-for-the-united-kingdom-accessible-version>

DNA samples are also taken at this point. A mouth swab sample using a cotton bud is taken from a prisoner and sent to Forensic Science Northern Ireland. A chemical process is then used to provide a DNA profile which then searched against the Northern Ireland DNA database (NIDNAD) to ascertain whether matching DNA has been recovered from a crime scene. Finally, the profile is added to the national DNA database.²⁰³

All biometrics recovered by the PSNI from suspects in the course of an investigation are stored and *speculatively* searched on the following databases:

Fingerprints

- National IDENT1 Fingerprint system;
- Paper sets held locally in the PSNI Fingerprint Bureau; and
- National Counter Terrorist Fingerprint Database (NCT FPDB).

DNA

- Local Northern Ireland DNA Database (NIDNADB);
- National DNA Database (NDNADB);
- National Counter Terrorist DNA Database (NCT DNADB)²⁰⁴.

In the last annual report by the Biometrics and Surveillance Commissioner for England and Wales, the Commissioner commented on the fact that police in England and Wales routinely search against the Immigration and Asylum Biometric System (IABS) database when someone is fingerprinted solely on the basis that they are technically

²⁰³ 'DNA profiles relating to crimes in England and Wales are held on the National DNA Database (NDNAD), managed by the National DNA Database Delivery Unit (NDU) at the Home Office. Each profile records the variation at a defined set of locations (loci) in a person's DNA. The loci that are profiled have been selected because of their suitability for forensic applications and high level of variation between individuals. This variation is due to the difference in the number of times a short sequence of DNA is being repeated over and over again, end to end. The loci are known as short tandem repeat (STR) loci.'

The majority of each person's DNA is normally organised into 23 chromosome pairs. It is expected that a person will inherit one chromosome within a pair from each of their parents, in other words, they will inherit half of their chromosomal DNA from each parent. This means that for each locus there will be a copy of DNA that has originated from each parent, i.e. the loci is normally made up of two DNA components. Statistical methods have been developed to calculate the probability of one DNA profile matching another DNA profile by chance, based on the DNA samples coming from people belonging to a large mixed population rather than from people in closer relationships, such as close relatives, siblings or ethnic groups.' DNA-17 Profiling, Crown Prosecution Service.

²⁰⁴ PSNI Interim Service Instruction Biometric Retention, <https://www.psni.police.uk/sites/default/files/2022-09/Biometric%20Retention%20and%20Disposal%2016%20September%202022.pdf>

able to do so, even if there is no link between the person and immigration matters. The IABS database records are much broader than IDENT1 and are held for 10 years.²⁰⁵

Disclosure of immigration status

In Northern Ireland a number of NGOs working with victims or witnesses of crime who are not citizens of the UK or the Republic of Ireland were concerned about the lack of clarity on the PSNI's policy on reporting to the immigration authorities. In April 2023 the Policing Board, the Victims Commissioner, the PSNI and several concerned NGOs started to work together to try to develop a more transparent policy and this has resulted in a development of processes to ensure operational practice aligns with organisational policy which should reassure witness and victims of crime. Details of a witness or victim of crime will not automatically be passed onto the Home Office.

Facial images

Facial images (digital photographs) are also taken of the suspect in custody.

'Like fingerprints, custody images are taken in the custody suite and can be added to a database; fingerprints are recovered from crime scenes just as images can be recovered from CCTV and photographs and fingerprints are added to a searchable database and crime scene marks searched against this database; similarly custody photographs can be loaded to a searchable database and images recovered from crime scenes can be searched against this database. Both fingerprints and facial images are subjected to computer generated filters to transform these images into numerical expressions that can be compared to determine their similarity...

Once the image has been captured it is loaded into a facial matching system. This system will take the image and transform the image into a series of numerical expressions.

²⁰⁵ Biometrics and Surveillance Camera Annual Report – 2021/2022, Office of the Biometrics and Surveillance Camera Commissioner
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1135384/Biometrics__Surveillance_Camera_Commissioner_Annual_Report_21-22.pdf

This is done by measuring the distances between fixed points on a face and comparing the measurements between the various points. This then becomes the facial image reference for the person concerned. The quality of lighting, the angle of the face and the quality of the camera used are all of great importance in ensuring that the best possible image is obtained for processing...

The image and the information attached to it will be added to the database and it is then ready to be searched against other facial images held. In a police environment these may be other custody images or they may be images obtained from potential crime scenes. The comparison of two custody images should be relatively straightforward as both images have been taken in controlled environments where image quality will have been a priority.²⁰⁶

Quality standards for ‘facial matching’ are less rigorous than for fingerprints and DNA profiles and a definitive match for evidential purposes is more difficult. The planned centralised Home Office Biometrics Strategic Facial Matcher Project will require changes in PSNI processes, particular for dealing with people taken into custody.

In a recent report, the Scottish Police Authority and the Scottish Biometrics Commissioner have highlighted the fact that the low age of criminal responsibility results in children’s biometric data being captured upon arrest.²⁰⁷ Northern Ireland’s age of criminal responsibility at 10 years old is even lower than that of Scotland (12 years).

Under the Prüm Agreement, a Europe-wide agreement on the searching and exchange of biometrics PSNI can search the DNA databases of 15 European states and direct access to the fingerprint databases of Germany, Belgium and Austria and will soon have access to Czech databases.²⁰⁸

²⁰⁶ PSNI Strategic Facial Matcher Project, Project Initiation Document, 6 November 2022.

²⁰⁷ Scottish Police Authority & Scottish Biometrics Commissioner, Joint Assurance Review of the acquisition of biometric data from children arrested in Scotland, 2023, https://www.biometricscommissioner.scot/media/fqkeklo5/final_children_jointassurancereport.pdf

²⁰⁸ PSNI Strategic Facial Matcher Project, Project Initiation Document, 6 November 2022, see also <https://www.lawsociety.org.uk/topics/brexit/law-enforcement-and-judicial-cooperation-in-criminal-matters-after-brexit>

Biometric retention

DNA profiles: there are 247,895 individual profiles on the NI DNA Database but with the caveat that an unknown minority of these will be duplicate profiles of those already held on the database.

Fingerprints

There are approximately 323,067 persons' fingerprints that are currently held in the database but with the caveat that an unknown minority of these will be duplicates. In addition, there are approximately 14,067 historic anti-terrorist prints held and an unknown number of these will be duplicates of those already held in the larger collection.

Photographs

The PSNI currently hold images in relation to 182,253 unique individuals against a PSNI record on their NICHE record management system. The main source of these photographs is captured during processing in PSNI Custody suites alongside fingerprints and DNA under PACE. Photographs are captured every time an individual is processed through a PSNI Custody suite. There will therefore be multiple photographs for each individual record.²⁰⁹

It is likely, therefore, that many thousands of these records may be currently, unlawfully held.

In May 2013, the Northern Ireland Assembly passed the Criminal Justice Act (Northern Ireland) 2013 (CJA). Schedule 2 of the Act made provision for a new regime which sets out a series of rules for the retention of DNA and fingerprints taken by police based on the seriousness of the offence, the age of the person from which the material was obtained, whether the person was convicted or not convicted and the person's criminal history.²¹⁰ The CJA was not implemented.

²⁰⁹ The response provided above treats all custody images taken of a single unique individual as one unique record. This information is based on data extracted from a live crime recording system and may be subject to change. It is dependent on the information having been input into the system in such a way as to identify those records that are relevant. PSNI answer to a question from Board Member, Les Allamby, 5 December 2024.

²¹⁰ In the meantime, individuals can apply to PSNI to have their fingerprints and DNA taken under PACE removed if there are grounds to do so, see <https://www.psni.police.uk/biometric-deletion-requests>

In February 2019 the ECtHR gave its judgment in a case challenging the retention policies of the PSNI (and of police services across the UK).²¹¹ The Department of Justice held a consultation intending to change the current legal framework, however that did not happen. However, in 2024, a new Justice Bill was published which:

*‘...will make changes to domestic law which contain the component parts necessary to comply with the findings of the *Gaughran v UK* judgment by:*

- replacing indefinite retention with maximum retention periods for biometric data in Northern Ireland, based on age, severity of offence, and disposal/sentence;*
- the introduction of a requirement for a review of long term retained material;*
- the introduction of a provision for convictions outside the United Kingdom to be treated in the same way as Northern Ireland convictions; and*
- the introduction of a provision to extend the role of the Northern Ireland Commissioner for the Retention of Biometric Material.’²¹²*

At the time of writing, it was being suggested that this Bill might not become law for at least eighteen months. For a helpful analysis of the provisions see, Northern Ireland Human Rights Commission: Briefing for Committee of Justice on the proposed Justice Bill.²¹³

Currently the PSNI are having to operate a system that is unlawful with all the risks of litigation that this involves, the only permanent solution is for the Assembly to make amendments quickly to bring it in line with the current law.

Biometrics Commissioner

The Scottish Biometrics Commissioner took up office in 2021 and is an example of how the office of Biometrics Commissioner might be established in Northern Ireland. The Commissioner’s general function is to support and promote the adoption of lawful, effective, and ethical practices in relation to the acquisition, retention, use and

²¹¹ See paras. 94 to 96.

²¹² Assembly website, <https://www.niassembly.gov.uk/assembly-business/legislation/2022-2027-mandate/primary-legislation-bills-22-27-mandate/justice-bill/efm---as-introduced/>

²¹³ 27 November 2024.

destruction of biometric data for criminal justice and police purposes by Police Scotland, the Scottish Police Authority, and the Police Investigations and Review Commissioner.²¹⁴

Human Rights Advisor's Assessment

The overall and key recommendation in the Human Rights Review [of Privacy and Policing](#)²¹⁵ was:

'There should be an open and public debate about data driven technology in policing including developments in and use of Artificial Intelligence and Algorithms, Biometrics, Digital Forensics, Surveillance, and Investigatory Powers. PSNI should aim to become an organisation driven by effective and efficient use of data in an ethical way. The ethical use of data is about responsible and trustworthy use of data to ensure public trust and confidence rather than constraining its potential.'

In the coming year the Board will engage with the PSNI to agree the progress of the recommendations made in [the Human Rights Review of Privacy and Policing](#).²¹⁶

²¹⁴ <https://www.biometricscommissioner.scot/>

²¹⁵ 2023, <https://www.nipolicingboard.org.uk/files/nipolicingboard/2023-07/Human%20Rights%20Review%20of%20Privacy%20and%20Policing%20-%20Tagged.pdf>

²¹⁶ 2023, <https://www.nipolicingboard.org.uk/files/nipolicingboard/2023-07/Human%20Rights%20Review%20of%20Privacy%20and%20Policing%20-%20Tagged.pdf>

10. National Security

Introduction

The Board has a statutory duty under the Police (Northern Ireland) Act 2000 to maintain and secure an efficient and effective police service. Amongst other things, the Board must monitor the performance of the police in carrying out their general duties (to protect life and property, to prevent the commission of offences etc.) and in doing so must monitor police compliance with the Human Rights Act 1998. The Board must also monitor the performance of the police in carrying out their functions with the aim of (a) securing the support of the local community; and (b) acting in co-operation with the local community. The Board must make arrangements for obtaining the co-operation of the public with the police in the prevention of crime. In discharging those duties, the Board has retained oversight of and held the Chief Constable to account in respect of all aspects of police work, including that which relates to National Security.

Where national security is an issue, MI5 will often lead on covert surveillance and intelligence gathering but it is always PSNI which mounts and is responsible for the 'executive' policing operations – stop and search, use of force, arrest and charge. Therefore, although oversight by the Board is important, it is inevitably partial.

St. Andrews Agreement

To clarify the oversight arrangements, Annex E to the St. Andrews Agreement was intended to provide a clear line of oversight and accountability in such circumstances. It includes a commitment by the UK Government in relation to future national security arrangements in Northern Ireland and the UK Government confirmed that it accepted five key principles. Adherence to those principles is crucial for the effective operation of national security arrangements. Those principles are:

1. All Security Service intelligence relating to terrorism in Northern Ireland will be visible to the PSNI;
2. PSNI will be informed of all Security Service counter-terrorist investigations and operations relating to Northern Ireland;

3. Security Service intelligence will be disseminated within PSNI according to the current PSNI dissemination policy, and using police procedures;
4. The great majority of national security CHIS in Northern Ireland will continue to be run by PSNI officers under existing police handling protocols; and
5. There will be no diminution of the PSNI's ability to comply with the Human Rights Act 1998 or the Policing Board's ability to monitor that compliance,

Annex E to the St. Andrews Agreement states:

'There will be no diminution in police accountability. The role and responsibilities of the Policing Board and the Police Ombudsman vis-a-vis the Police will not change... The Policing Board will, as now, have the power to require the Chief Constable to report on any issue pertaining to his functions or those of the police service. All aspects of policing will continue to be subject to the same scrutiny as now. To ensure the Chief Constable can be fully accountable for the PSNI's policing operations, the Security Service will participate in briefings to closed sessions of the Policing Board to provide appropriate intelligence background about national security related policing operations. On policing that touches on national security the Chief Constable's main accountability will be to the Secretary of State, as it is now.'

The Security Service (MI5)

Neither the Policing Board nor the Human Rights Advisor has oversight over MI5 (nor does any other Northern Ireland based institution have such a role). Rather, MI5 is accountable to Westminster politicians – directly to the Home Secretary²¹⁷ but also to the Security and Intelligence Committee of the Westminster Parliament.²¹⁸ Additionally, as with other intelligence agencies, its use of covert surveillance is subject to the oversight of the Investigatory Powers Commissioner and complaints about its

²¹⁷ The Security Service Act 1989.

²¹⁸ <https://isc.independent.gov.uk>. See its report on Northern Ireland-related terrorism which appears to be based on evidence from 2019, https://isc.independent.gov.uk/wp-content/uploads/2021/01/20201005_CCS207_CCS0920226370-001_Northern_Ireland-related_terrorism_final.pdf

activities and claims for breaches of human rights can be made to the Investigatory Powers Tribunal. MI5 objectives are:

'The function of the Service shall be the protection of national security and, in particular, its protection against threats from espionage, terrorism and sabotage, from the activities of agents of foreign powers and from actions intended to overthrow or undermine parliamentary democracy by political, industrial or violent means.

It shall also be the function of the Service to safeguard the economic well-being of the United Kingdom against threats posed by the actions or intentions of persons outside the British Islands.

*It shall also be the function of the Service to act in support of the activities of police forces, the National Crime Agency and other law enforcement agencies in the prevention and detection of serious crime.'*²¹⁹

MI5 in Northern Ireland

The Assessment of the need for MI5 to continue its work in Northern Ireland was set out by the United Kingdom's Intelligence and Security Committee as follows:

'In 2009, MI5 had planned to reduce resources allocated to Northern Ireland work, but a sudden spike in activity by Dissident Republican (DR) groups meant they had to reverse the decision, saying they had 'had to reinforce in Northern Ireland in order to keep ourselves in a position where we had a reasonable prospect of being able to stop planned attacks.' This re-prioritisation had a 'disruptive effect' on MI5's overall plans. In the Committee's 2016–2017 Annual Report, we noted that, even with sustained and significant pressure from MI5 and the police, the threat from DRs remained resilient.

*As of 31 March 2018, allocation of effort on NIRT accounted for approximately 20% of MI5's operational and investigative resources. ***. *** ***. We were told*

²¹⁹ Section 1, the Security Service Act 1989, as amended.

*that, as HMG reviews its strategic approach to NIRT, there is likely to be greater focus on preventing individuals turning to terrorist activity in order to diminish the flow of new recruits to dissident organisations, which should ***. MI5's overarching strategy also reflects this strategic focus on diverting individuals away from becoming involved with terrorist groups, alongside steady suppression of the existing threat by degrading the capabilities of DR groups and disrupting their activities. However, MI5 does not view total suppression as realistic: they 'do not proceed with an assumption that we can continue to drive [NIRT attacks] down to zero. That looks to us to be an undeliverable goal, albeit one we should always strive towards.'*²²⁰

Partnership

Annex E states that the Board's Human Rights Advisor should have a role in human rights proofing the relevant protocols that underpin the principles within which the PSNI must operate and also in confirming that satisfactory arrangements are in place to implement the principles. Despite the fact that MI5 are not accountable to the Policing Board, in the course of the Human Rights Advisor's engagement over the previous years he was able to meet several times with MI5 and PSNI together to discuss partnership and how PSNI works with MI5 to conduct collaborative counter terrorism investigations in NI and confirms the following observations:

'Whilst primarily related to Northern Ireland Related Terrorism (NIRT), the scope of joint terrorism work covers the full range of threats including International Counter Terrorism and Extreme Left/Right Wing Terrorism;'

While the NIRT threat primarily comes from violent dissident republicans, joint work recognises the persistent threat to communities posed by loyalist paramilitaries and continued tension around European Union (EU) exit outcomes:

²²⁰ Intelligence and Security Committee, para 41 to 43, footnotes in original text have been removed. The * in the text indicates that words in the original ISC report to Parliament have been removed before the report was published.

Ways of working, developed over many years, are founded on the Principles of the St Andrews Agreement and are aligned to wider GB practice wherever possible (recognising NI policing structures, terminology, specific threat and operating environment differ and that the St Andrew's Agreement demands closer joint working than might be the case in GB).'

The partnership approach aims to facilitate both organisations (and wider partners) to bring their capabilities and expertise to bear against shared challenges whilst respecting operational independence, legal frameworks and oversight arrangements. Critically it recognises that:

- '- The Chief Constable is responsible for the policing of NI and nothing in the joint ways of working affects this responsibility;*
- MI5 has a statutory responsibility to ensure the protection of national security from a number of threats, including terrorism, under the Security Service Act 1989;*
- That success in tackling NIRT requires PSNI and MI5 to work in partnership throughout the investigative process;*
- That both organisations have a statutory duty to protect life (Police Act (Northern Ireland) 2000 and Human Rights Act 1998);²²¹*

There appears to be a joint commitment to criminal justice outcomes and disruption as a means to achieving long term successful outcomes against threats. It is recognised the need for MI5 to operate with regard to PSNI's interests (for instance gathering of evidence to support criminal justice outcomes) and PSNI's regard to MI5's requirements (for instance protecting national security):

- Human rights appear to be properly recognised and a persistent thread to the partnership and the ways of working adopted;
- Partnership working extends to all levels across both organisations via regular joint meetings and staff working alongside one another; and

²²¹ Extracts from the Human Rights Annual Report for 2021/22, page 69.

- shared ways of working appear to emphasise a culture of continuous learning and improvement.²²²

Human Rights Advisor's role

The Human Rights Advisor met with the Director of the Security Service for Northern Ireland and the ACC Crime in March 2025. This meeting followed previous discussions where the Human Rights Advisor was shown material setting out the roles and working together arrangements (see the [Human Rights Annual Report for 2021/22](#)).

Although, MI5 has other objectives and does not have a duty to investigate crime or to ensure suspects are taken through the criminal justice process, it would be a mistake to exaggerate this difference. MI5 has stated that criminal justice outcomes are its

*'preferred course of action whenever achievable'.*²²³

Disruption and the use of procedures to seize assets are increasingly used and those involved or supporting proscribed or illegal organisations and gangs are encouraged to cease such activity.

PSNI officers are content that they have visibility of MI5 operations in NI (including the use of CHIS)²²⁴ and emphasise the importance of the weekly joint tasking meetings chaired by ACC Crime. These meetings include discussions about current threats and all of the joint operations. Human Rights Legal Advisors from PSNI attend the strategic coordination meetings where operational decisions are made. The joint working arrangements are also assisted by the jointly produced 'Counter Terrorism Manual'. In addition, joint operations are also discussed in detail with officers from both organisation in a number of smaller sub-groups.

²²² Text agreed with MI5 and PSNI.

²²³ Para 21, Northern Ireland-related terrorism, Intelligence and Security Committee, October 2020.

²²⁴ The majority of CHIS in Northern Ireland are managed by PSNI itself.

Finally, in 2025 the Human Rights Advisor discussed the use and procedures for authorising CHIS with the Security Service and PSNI, collaboration in relation to right wing extremism and race hate.

Human Rights Advisor's Assessment

There continues to be close liaison between MI5 staff and PSNI officers and MI5 continues to provide substantial intelligence to PSNI, helping to identify criminal activities, and which PSNI acknowledges is vital for its work. The Human rights Advisor believes that over the last two or three years this partnership has got even closer and more productive.

Although this assessment of the joint work of PSNI and MI5 is very positive, the Human Rights Advisor cannot assess the compliance of MI5 with human rights law.

11. Covert Surveillance

Introduction

Covert surveillance powers are governed by the Police Act 1997 (PA), the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 (IPA) and the many other formal and statutory codes.²²⁵ All these provisions apply directly in Northern Ireland, to the PSNI and the other law enforcement bodies working in Northern Ireland.

These provisions include the following powers and procedures for the police service:

- the interception of communications (in the course of its transmission by means of a public postal service or public or private telecommunication system) (including 'telephone tapping' – listening in to a person's telephone calls);
- intrusive surveillance on residential premises and in private vehicles (use of listening devices);
- covert access to homes and properties (searching homes or installing cameras or surveillance devices);
- covert (directed against a particular person) surveillance;
- the use of Covert Human Intelligence Sources (CHIS - commonly referred to as police informants, agents or undercover officers²²⁶);
- the authorisation of criminal conduct by those informants, agents or undercover officers (Criminal Conduct Authorisations);
- the acquisition of communications data (for example itemised telephone billing, telephone subscriber details and internet visiting data);
- equipment interference (obtaining information from computers and other devices); and
- the investigation of electronic data protected by encryption (requiring a person to disclose their passwords).

²²⁵ Including, for instance, the Covert Surveillance and Property Interference, Revised Code of Practice, August 2018.

²²⁶ 'What does anonymity ruling mean for undercover police?', the Detail, 7 November 2012.

Social media

A lot of information of people's lives can be gleaned from social media posts. Those posting online do so with the knowledge that it is public. Therefore, the Covert Surveillance and Property Interference Code of Practice states:

'3.10... Much of it can be accessed without the need for RIPA authorisation; use of the internet prior to an investigation should not normally engage privacy considerations. But if the study of an individual's online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered. The following guidance is intended to assist public authorities in identifying when such authorisations may be appropriate.'

3.11 The internet may be used for intelligence gathering and/or as a surveillance tool. Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation and is likely to result in the obtaining of private information about a person or group, an authorisation for directed surveillance should be considered, as set out elsewhere in this code. Where a person acting on behalf of a public authority is intending to engage with others online without disclosing his or her identity, a CHIS authorisation may be needed (paragraphs 4.10 to 4.16 of the Covert Human Intelligence Sources code of practice provide detail on where a CHIS authorisation may be available for online activity).'

Recent issues and cases

Concerns about covert surveillance and compliance with human rights existed throughout the Troubles in Northern Ireland but the creation of the Police Service of Northern Ireland (PSNI) combined with UK wider protections [the Human Rights Act itself, the Regulation of Investigatory Powers Act, the Investigatory Powers Act and the Covert Human Intelligence (Criminal Conduct) Act 2021 have made very significant improvements in the legal and, more general, human rights protections. The chapter

sets out the brief recent history of protections (or lack of protections) for journalists and others and the current issues of concern about the covert surveillance of journalists in Northern Ireland.

The case that triggered new media interest in Northern Ireland in the summer of 2023 concerned the use of the PSNI's surveillance powers to seek the details of a source following a telephone call from a reputable journalist seeking details of an internal corruption inquiry. Barry McCaffrey and Trevor Birney produced the documentary 'No Stone Unturned' concerning the murder of six people on 18 June 1994 in a public house in Loughinisland and the subsequent investigation by the then Police Ombudsman of Northern Ireland. The film was released in September 2017.²²⁷ The Ombudsman determined that 'collusion is a significant feature of the Loughinisland murders.'²²⁸ When they were making the film, the journalists met with the staff of the Office of the Police Ombudsman for Northern Ireland (OPONI) which was carrying out an investigation into the Royal Ulster Constabulary's investigation into the Loughinisland murders.

Members of the staff of OPONI subsequently watched the film and noticed that the film included two OPONI documents that had not been officially disclosed by OPONI. The Chief Constable of PSNI commissioned Durham Constabulary to investigate what appeared to be the leaking of those two documents (Operation Yurta).

A year after the release of the film the journalists were arrested by the PSNI (with the assistance of officers from an external force - Durham Constabulary) and a warrant to search their properties was executed on 31 August 2018. This action by those forces was subsequently severely criticised by the then Lord Chief Justice²²⁹ and led, in turn,

²²⁷ For a more detailed account see *Shooting Crows: Mass murder, state collusion and press freedom*, Trevor Birney, 2024, Merrion Press.

²²⁸ This finding has subsequently led to its own litigation involving challenges to the power of the Ombudsman to make such findings, in the matter of an application by Thomas Ronald Hawthorne and Raymond White for judicial review and the Police Ombudsman for Northern Ireland, 18 June 2020 [2020] NICA 33. More recently the judgment of the High Court on the lawfulness of 'conclusions' by the Police Ombudsman of collusive behaviour, [2025] NIKB 7, 6 February 2025. The media reported that the Police Ombudsman intended to seek leave to appeal this judgment to the Court of Appeal.

²²⁹ [2020] NICA 35, 31 May 2019, para 55, 'For the reasons given we concluded that the conduct of this hearing fell woefully short of the standard required to ensure that the hearing was fair. That was sufficient for our decision to quash the warrant. We wish to make it clear, however, that on the basis of the material that has been provided to us we see no overriding requirement in the public interest which could have justified an interference with the protection of journalistic sources in this case.'

to payments of compensation, legal costs and a review of PSNI's actions by a senior QC (unpublished). A report was produced following this review and a letter from the Deputy Chief Constable was sent to the Northern Ireland Policing Board (the Board) setting out the recommendations and the PSNI's response to those.²³⁰

Policing Board concerns

The Board made a request in September 2023 for a formal report from the Chief Constable with the following terms of reference:

- Any information held by PSNI concerning any applications or authorisations for communications data or any other surveillance power under Regulation of Investigatory Powers Act or the Investigatory Powers Act 2016 of any person known or suspected to be a journalist or a lawyer or, any person who has sought to obtain journalistic material from the PSNI, during the years 2011 to 2015;
- The names, or any other details that could lead to the identification of any person, should be redacted but an unredacted report and/or the material that formed the basis of the report should be available to be reviewed by the Chair and Chief Executive and the Human Rights Advisor;
- The report should set out any gaps or omissions in the data or information that PSNI has discovered, and finally;
- The report should also set out an account of the different procedures and safeguards that were in place in PSNI during this period.²³¹

An eight-page report was provided by PSNI to the Board²³² but in April 2024 the Board concluded that the report did not provide the clarity or assurance needed and

²³⁰ See page 43, of the Human Rights Annual Report, which sets out those recommendations, https://www.nipolicingboard.org.uk/files/nipolicingboard/2023-01/human-rights-annual-report-21-22_0.pdf

²³¹ Section 59, the Police (Northern Ireland) Act 2000.

²³² Briefing note for Northern Ireland Policing Board Members related to the covert surveillance of journalists and lawyers regarding the use of Communications Data and other Surveillance powers, January 2024.

requested a second report. The PSNI provided a second report in June 2024 and this was published by the PSNI immediately after the Board meeting.²³³ However, the Board also concluded that this second report was not a sufficient response to its original request.

McCullough Review

However, on 3 June the Chief Constable announced:

‘To add further reassurance, and in line with my statutory duties to report to the Board, I have also appointed Angus McCullough KC to conduct an independent review of any PSNI use of surveillance against journalists, lawyers and Non-Governmental Organisations or any groups that have special status. His role will not extend to anything that is currently within the scope of the IPT proceedings.’²³⁴

The terms of reference of Chief Constable’s review are particularly wide ranging:

‘Purpose and background

- 1. Concerns have been raised by persons and groups which attract ‘special status’ under surveillance legislation arising from material disclosed in ongoing Investigatory Powers Tribunal (IPT) proceedings. These concerns, which engage principles of press freedom and legal professional privilege, have been picked up in media comment and reporting, as well as by elected representatives across the political spectrum in Northern Ireland.*
- 2. In the light of these concerns the Chief Constable of the PSNI (CC) considers it is in the public interest, including for the purpose of enhancing public confidence in policing in Northern Ireland, that a special review of the use of PSNI conduct in this area is conducted by senior independent Counsel, as an independent special reviewer (‘the Reviewer’).*

²³³ <https://www.psnipolice.uk/about-us/our-publications/covert-powers-report>.

²³⁴ The ‘experts and stakeholders’ are: John Wadham (observer for the Policing Board), Baroness Nuala O’Loan, Martha Spurrier, barrister, Amnesty International (Patrick Corrigan), the Committee on the Administration of Justice (Daniel Holder), Northern Ireland Human Rights Commission (Alyson Kilpatrick), Law Society of Northern Ireland (David Lavery), and the National Union of Journalists (Seamus Dooley).

3. *This review is pursuant to the CC's duties and accountability to the Northern Ireland Policing Board under the Police (Northern Ireland) Act 2000, as amended, including under sections 33A (Provision of Information to Board), 58 (Annual report by Chief Constable to Board), 59 (General duty of Chief Constable to report to Board), and 76A (Disclosure information and holding of inquiries).*

4. *For the purposes of this review, those of 'special status' are journalists, lawyers and non-governmental organisations (NGOs), the Police Ombudsman for Northern Ireland (PONI) and the Northern Ireland Policing Board (NIPB). The scope of the review may be extended to any other professions or groups with the agreement of the PSNI CC...*

10. *Subject to paragraph 5 (pending IPT proceedings) the remit of the review is to investigate, evaluate and assess the propriety and legality of any surveillance by PSNI of individuals or groups of special status (as defined at paragraph 4 above) during the period from 1 January 2011 to the present day. The starting date of the period may be reconsidered during the course of the review, which may lead to amendment pursuant to paragraph 6 above. The Reviewer shall make any recommendations as appear appropriate in the light of the findings of the review.*

12. *The Reviewer, as a senior barrister with current security clearances at the highest level, shall have unrestricted access to PSNI records, material, and personnel for the purposes of his reviewing function. All PSNI personnel shall afford the Reviewer full cooperation in providing information and access for the purposes of his reviewing function. Any former PSNI personnel identified by the Reviewer will be formally authorised and requested by the CC to provide full cooperation to the review...*

15. *The Reviewer, in conducting his review, shall inform the PSNI of any matter which in his opinion should be referred to the Investigatory Powers Commissioner's Office (IPCO)...'*²³⁵

²³⁵ For the full terms of reference including the membership of the stakeholder group and their role see <https://www.mcculloughreview.org>

The report from this Review is likely to be delivered to the Chief Constable in June 2025. However, an interim progress report has been published.²³⁶

Final section 59 request

The Board subsequently decided to exercise its power under section 59 of the Police (Northern Ireland) Act 2000 to require the Chief Constable to produce a further report on this same subject and adopted the McCullough Review's the terms of reference.²³⁷

Surveillance and accessing communication data from journalists: the history

In 2012 (when these journalists were subjected to covert surveillance), the rules governing the process of PSNI seeking communications data from telecoms providers were set out in the original version of Regulation of Investigatory Powers Act (RIPA) 2000, were pretty simple and contained very few safeguards. A request could be made to the telecoms company, authorised by a middle ranking police officer, on the basis of a number of grounds, including the ground most likely to be relevant to PSNI requests:

*'for the purpose of preventing or detecting crime or preventing disorder'*²³⁸

However, some element of the key human rights principles relevant to this interference with privacy (Article 8) were set out in the legislation and, in particular, a request should only be made if it is:

'proportionate to what is sought to be achieved by so obtaining the data.'

At that time there were no additional protections in the domestic legislation or in the codes of practice to protect journalists communications data despite their key freedom of expression role in society (Article 10).

²³⁶ The McCullough Review - Progress Report, 28 January 2025.

²³⁷ Section 59, General duty of Chief Constable to report to Board, '(1) The Chief Constable shall, whenever so required by the Board, submit to the Board a report on any such matter connected with the policing of Northern Ireland as may be specified in the requirement...'

²³⁸ Section 22 RIPA (as in 2013).

The relevant RIPA code at the time, the Acquisition and Disclosure of Communications Data, Code of Practice of 2007, had no reference to any particular issues in law enforcement agencies seeking access to journalists' data. There were three bodies in 2013 dealing with covert surveillance. The Interception of Communications Commissioner (ICC) dealt with communication interception and communication data requests. In his 80-page report on the activities of law enforcement agencies in 2013 there is no reference to journalists or journalistic material.²³⁹

Increased protection for journalists

Litigation, including judgments of the IPT in 2015 drove changes to the RIPA legislation and resulted in a new code of practice in 2015.²⁴⁰ In one of the leading IPT case taken by Times Newspapers against the Metropolitan Police the Tribunal set out the facts as follows:

*'The communications data was sought and obtained by the police in the course of an investigation into allegations arising out of an incident which took place on 19th September 2012 when Mr Andrew Mitchell MP, then the Government Chief Whip, was prevented by police officers of the Diplomatic Protection Group ('DPG') from leaving Downing Street on his bicycle through the main gate.'*²⁴¹

In the final judgment the IPT in that case stated:

'...we concluded that applications by the RIPA route, rather than by the route of seeking judicial pre- authorisation pursuant to s.9 of the Police and Criminal Evidence Act 1994 ('PACE'), paid insufficient regard to the protection of journalist sources, and was thus an infringement of those journalists' Article

²³⁹ <https://www.gov.uk/government/publications/interception-of-communications-commissioner-annual-report-2013>

²⁴⁰ However, a proper legal analysis of the regime that existed in 2012 by PSNI should, nevertheless, have concluded: '... the legal regime under s 22 of RIPA in place in 2013 when the four authorisations were made did not contain effective safeguards to protect Article 10 rights in a case in which the authorisations had the purpose of obtaining disclosure of the identity of a journalist's source.' The police, at least in England and Wales, should have realised this given the advice provided by the Crown Prosecution Service (CPS) and set out later in a special Interception of Communications Commissioner's Office (IOCCO) report. Although this IOCCO report was only published in 2015 the CPS guidance referred to was published in 2009.

²⁴¹ Para 1, Times v Metropolitan Police, 17 December 2015.

8/10 rights. For the future there is now in place a new 2015 Code, not in existence at the time, which prescribes the taking of such latter course, save in exceptional circumstances.’²⁴²

The new 2015 Code stated:

‘3.76. Issues surrounding the infringement of the right to freedom of expression may arise where a request is made for the communications data of a journalist. There is a strong public interest in protecting a free press and freedom of expression in a democratic society, including the willingness of sources to provide information to journalists anonymously...

3.78. In the specific case of an application for communications data, which is made in order to identify a journalist’s source, and until such time as there is specific legislation to provide judicial authorisation for such applications, those law enforcement agencies, including the police, National Crime Agency and Her Majesty’s Revenue and Customs, in England and Wales with powers under the Police and Criminal Evidence Act 1984 (PACE) must use the procedures of PACE to apply to a court for a production order to obtain this data. Relevant law enforcement agencies in Northern Ireland must apply for a production order under the PACE (Northern Ireland Order) 1989.’²⁴³

There were also changes to the RIPA regime and further changes made by the Investigatory Powers Act 2016. This Act provided much greater protections for journalists, requiring a judicial commissioner’s approval of an authorisation for communications data where intention is to seek sources.²⁴⁴

One of the key roles of the latest oversight body, which deals with every type of surveillance activity by law enforcement agencies, the Investigatory Powers

²⁴² Para 3, *Times v Metropolitan Police*, 4 February 2016.

²⁴³ Acquisition of Communication Data Code of Practice, March 2015, https://assets.publishing.service.gov.uk/media/5a8080a540f0b62305b8b86e/Acquisition_and_Disclosure_of_Communications_Data_Code_of_Practice_March_2015.pdf

²⁴⁴ Section 77. The procedure is slightly more complicated but the detail is not relevant for the purposes of this report.

Commissioner's Office (IPCO), is to inspect the procedures and processes of all the institutions that authorise and use surveillance powers.

Each year IPCO inspects the activities of PSNI over a four-day period, often involving five or six inspectors and one of the IPCO Commissioners and, subsequently, provides the PSNI with a detailed written report.²⁴⁵ This report provides information about mistakes and failures to follow the proper procedures and, recommendations, which must be complied with, and suggestions for improvement which are not obligatory. These are all followed up at the next annual inspection by IPCO (see below for extracts from the 2024 inspection).

The judgment of the IPT, 17 December 2024

There were six allegations that the IPT's judgment dealt with:²⁴⁶

1. In 2012, the Metropolitan Police Service (MPS) were asked by PSNI to investigate alleged leaks of confidential information by staff of Police Ombudsman of Northern Ireland (OPONI) in June 2012. This concerned a draft of a report by the Criminal Justice Inspectorate of Northern Ireland report into the independence of OPONI.²⁴⁷ During this investigation, the MPS made applications for communications data relating to eight telephone numbers, one of which belonged to Mr McCaffrey (and another to the then BBC Journalist, Vincent Kearney). The MPS conceded to the IPT that this application did not contain effective safeguards in relation to Article 10 (freedom of expression) in that it did not provide effective safeguards given that the surveillance it was intended a journalist's source. No damages were awarded but the Tribunal stated:

'there is no dispute in relation to the concessions just mentioned [by MPS and PSNI] that the conduct was unlawful so as to entitle the Tribunal to grant remedies in respect of that unlawfulness.' (para 94).'

²⁴⁵ There are also three other inspections but the Human Rights Advisor has not attended those.

²⁴⁶ Case No: IPT/19/84/CH and IPT/22/122/CH, 17 December 2024.

²⁴⁷ Published report: An inspection into the independence of the Office of the Police Ombudsman for Northern Ireland, 5 September 2011.

2. In September 2013, Mr McCaffrey received information that PSNI was investigating allegations that a senior official in the force had received what appeared to be illegal payments from a recruitment agency. Having contacted the PSNI press office for comment, Mr McCaffrey was asked to delay any reporting of the allegation since PSNI had a covert operation in place against the official which was due to be completed within three days. A PSNI detective constable lodged an application for communication data with the purpose of *'identify[ing] a PSNI employee who has passed police information to a journalist'*. The police obtained access to ten pages of Mr McCaffrey's outgoing call data. The PSNI conceded in the IPT that this was unlawful. No damages were awarded and the IPT found that the officers acted in good faith however the Tribunal also stated:

'there is no dispute in relation to the concessions just mentioned [by MPS and PSNI] that the conduct was unlawful so as to entitle the Tribunal to grant remedies in respect of that unlawfulness.' (para 94).'

3. In June 2018, officers of Durham Constabulary working on Operation Yurta contacted the MPS. The MPS provided a report from their (unlawful) 2012 surveillance.
4. On 31 August 2018, an application for Directed Surveillance Authorisation was made by a detective sergeant of PSNI and granted by the then Chief Constable. The application stated that an individual was suspected of supplying material to journalists. The Senior Investigating Officer requested surveillance for one week from 31 August 2018 with the objective of the surveillance being to establish whether or not the suspect meets with either of Mr McCaffrey or Mr Birney. The Tribunal ruled that this was unlawful and that it required the PSNI to pay compensation (£4,000 to each applicant).
5. On 1 September 2018, PSNI submitted a preservation request to Apple Inc in respect of data for the account linked to Mr Birney's Fine Point Films email

address. PSNI did not acquire any data from Apple. The Tribunal ruled that this was not unlawful.

6. The last allegation was described in the media by the name given to it by a police memo – a ‘defensive operation’.

This ‘operation’ was revealed to the applicants as a result of disclosure in the case and to the public during the hearings. The Senior Investigating Officer from Durham Constabulary, Darren Ellis wrote a memo dated 29 November 2017 as a result of a meeting he had with PSNI officers a couple of weeks before. This memo appeared to suggest that the PSNI cross referenced journalists telephone numbers against the numbers of the telephones provided by PSNI to its officers and staff, and that, the operation was, at least in part, to identify those journalists’ sources in PSNI. The IPT, whilst setting out the facts dismissed the claim as follows:

‘... a routine anti-corruption procedure carried out by the PSNI’s anti-corruption unit (‘ACU’). ACU checked outgoing calls from PSNI extensions and PSNI-issued mobile phones for inappropriate or unexplained calls. Those could include calls to subjects of interest or premium rate numbers. The numbers were checked against the numbers held for journalists. The journalists’ numbers were either ones that were publicly available or that the journalists had themselves supplied to PSNI as contact numbers. There was nothing covert about the procedure staff were aware that all transactions on police systems were recorded centrally and monitored and were the subject of continuous auditing to comply with PSNI policies. If an unexplained call were discovered, ACU would send an email to the user of the extension to ask for an explanation, before starting further inquiries.

There was a dispute both as to whether this conduct fell within the jurisdiction of the Tribunal, and as to whether it was unlawful. The claimants submitted that no attempt was made to apply to a court for a production order, and that there were no systems in place to protect the integrity of journalistic sources.’²⁴⁸

²⁴⁸ Para 31 & 32.

Recent inspection by the Investigatory Powers Commissioner's Office

Every year, usually in Spring, the Investigatory Powers Commissioner's Office inspects the covert surveillance arrangements of PSNI. This usually takes a few days and the IPCO inspection team provides an oral report on the last day to the Chief Constable and senior officers involved in this work. The Human Rights Advisor attended this meeting by arrangement in 2024 and again in 2025. This is followed up with a written report and in the Annex to this report are some extracts of that report which represent a fair account of the inspection in 2024.²⁴⁹

In the report on covert surveillance produced in June 2024 by PSNI it was argued:

*'More widely there are robust, regular and probing inspection arrangements with IPCO to ensure all the powers available to the Chief Constable are used lawfully and appropriately now. They specifically consider the areas of journalistic and legally privileged material in every inspection and the Chief Constable has sought specific assurance on this.'*²⁵⁰

Correspondence with IPCO

In January 2025 the Human Rights Advisor wrote to the Investigatory Powers Commissioner (Sir Brian Leveson) and the key extracts are followed by extracts from his reply:

'I wondered whether, given the publicity around the arrest and search of Trevor Birney and Barry McCaffrey in 2018 and the interim decision of High Court by the then Lord Chief Justice on 31st August 2018, your inspection team in 2019 picked up this DSA?

In relation to the next annual inspection of PSNI by your team I wondered whether there could be a particular focus on the surveillance of journalists, lawyers and the other professions and roles.'

²⁴⁹ At the time of writing the written report from the 2025 inspection was not available.

²⁵⁰ Section 6.4, Chief Constable's Report to the Northern Ireland Policing Board. Covert Powers in Relation to Journalists and Lawyers, June 2024.

Sir Brian Leveson replied as follows:

'In addressing your first query, as to whether my inspectors in 2019 reviewed the DSA later considered by the IPT, it may assist to outline my inspectors' methodology. Where authorisations have been granted which are intended or likely to result in the obtaining of confidential material, it is expected that this will be flagged on the record of surveillance authorisations maintained by each law enforcement agency. This list is used by my inspectors to select authorisations to review on inspection. Public authorities are also typically asked whether they have conducted any covert activity involving members of protected professions, such as lawyers and journalists. Where such activity is flagged or notified to inspectors, the relevant authorisations are frequently selected for review. Authorisations may also be deliberately selected for other reasons, such as operational complexity or a higher risk profile. Dip sampling is then carried out to review a selection of authorisations not otherwise flagged or notified to the inspection team. This ensures that operations which are not specifically identified are still subject to oversight.

There is no indication in the 2019 inspection report for PSNI that my inspectors were notified of any covert activity conducted against journalists, or with the intention of identifying a journalistic source. Based on the reference number and operation name supplied by PSNI, the DSA considered by the IPT does not appear to have been selected (whether deliberately or as a result of dip sampling) by my inspectors for review. Their inspection report records PSNI's assertion that no confidential material had been collected during the inspection period.

I note that the urgent judicial review brought by Mr Birney and Mr McCaffrey in 2018 concerned overt police activity, namely the execution of search warrants, and that contemporaneous media reporting focused on their arrest and the searches carried out. I understand that the existence of the DSA did not become public knowledge until significantly later. Accordingly, I consider it unlikely that the fact of overt police activity being subject to legal challenge would, in itself,

have alerted my inspectors to the existence of a DSA in the same case where this was not brought to their attention by PSNI.

The question remains why the DSA was not specifically brought to my inspectors' attention in 2019, given its stated objective of identifying a journalistic source. I understand that you are also aware of a similar case which has recently come to light of surveillance against a journalist in 2023; again, this authorisation was not brought to my inspectors' attention, despite their specific enquiry regarding any operations involving confidential journalistic or legally privileged material. This is a matter which my inspectors intend to explore further in their upcoming inspection of PSNI.

In respect of future inspections of PSNI, I am satisfied that a sufficient focus on covert activity involving members of protected professions or confidential material already exists. Inspectors make specific enquiries, scrutinise authorisations, and the acquisition and handling of confidential material is a standalone section in each inspection report. I do not consider that any change to my inspectors' approach is required in this regard.'

The Chief Constable, in his response to a letter from the Board about this failure to disclose stated:

'I am writing in response to your letter from 19 May 2025 and your request for an explanation as to how there was a failure to disclose two Directed Surveillance Authorisations in 2019 and 2023 involving the surveillance of journalists.

2023 Directed Surveillance Authority

The material sought from this authority was limited to public 'tweets' and did not involve private communications. The authorisation was limited to publicly available online material, the application did not indicate that journalistic material would be collected nor did the cancellation indicate that journalistic material had been collected. As this application had not been highlighted

correctly in conjunction with journalistic material, it was not identified when preparing for the 2024 inspection and not highlighted to the IPCO inspectors. This authority was subsequently reviewed and as a result PSNI informed Sir Brian Leveson at IPCO on 26 March 2025. IPCO have been updated as to the process now taken to ensure all authorities which make reference to those handling confidential material are recorded. This authority was made available for the recent inspection and IPCO have made comment in their 2025 report of their reassurance on the actions taken.

2019 Directed Surveillance Authority.

This refers to a Directed Surveillance Authority authorised in 2018. At the time of authorisation the potential for obtaining confidential information around journalists was highlighted. During the authority no such material was obtained. The then Chief Constable, Sir George Hamilton made specific reference in his cancellation of this authority that due to the potential of obtaining journalistic material during the operation and in line with the RIPA Codes of Practice and IPCO Guidance, that this operation would be brought to their attention during the next inspection. No reason or record can be located to explain why this was not highlighted to IPCO as intended. Following an Investigatory Powers Tribunal (IPT) in 2024, this omission was identified and the matter was raised with IPCO during the recent inspection in May 2025. The central record of surveillance authorisations has been enhanced to prevent this occurring again and the operation of this new system will be reviewed in the 2026 IPCO inspection. Following recommendations from the 2025 IPCO inspection a training plan will be implemented to improve knowledge on the acquisition and management of Confidential Material and in particular around protected professions.²⁵¹

Future IPT cases and PSNI

Following the recent media coverage of the surveillance of journalists by PSNI, other journalists in Northern Ireland have raised concerns with the IPT. Vincent Kearney,

²⁵¹ Letter to Gerry Kelly, Chair of the Performance Committee, dated 2 July 2025.

previously a BBC journalist, has a case pending and a number of other BBC journalists expressed concerns – possibly up to 16 journalists (including by some raising concerns about surveillance by the Security Service). Initially those cases were being dealt with alongside the McCaffrey and Birney case but in the summer of 2024 lawyers from the Security Service asked for more time to search its databases and those cases are still pending.

At the end of February 2025, the Belfast Telegraph reported that an investigative journalist who had been examining how the PSNI handled the death of 14 year old Noah Donohoe whose naked body was found in a storm drain in 2020 was subject to surveillance by PSNI.²⁵²

In the answer to a written question from a Northern Ireland Policing Board member the PSNI produced the following information about cases involving PSNI in the IPT:²⁵³

	2022	2023	2024
Cases where PSNI is a respondent	9	16	33
Cases where PSNI has received a direction to disclose	3	6	19
Cases where PSNI received a notification of determination	1	2	1

This would suggest that the media coverage has driven more people to contact the IPT. Secondly that the numbers of ‘directions to disclose’ might indicate that not all of these are hopeless cases. Thirdly, it is surprising that, since the IPT was established by the Regulation of Investigatory Powers Act 2000, there have been no other reported cases involving the PSNI.

Surveillance of police officers

In [the 5 Year Review of Human Rights](#), the Policing Board made the following recommendation:

²⁵² 28 February 2025.

²⁵³ 5 December 2024 <https://www.nipolicingboard.org.uk/questions/angus-mccullough-review>

1. The PSNI should provide a report to the Policing Board on the rules and procedure on how the covert surveillance of officers and staff is used when individuals are being investigated for misconduct (rather than crime).

The PSNI responded as follows:

'A report for consideration of the NIPB is in progress. For assurance, PSNI do not conduct covert surveillance of officers and staff for matters of misconduct. Covert Surveillance can only be conducted when criminal offences are suspected, and in these circumstances (i.e. criminality suspected) the authorisations can only be granted when the thresholds and appropriate safeguards under RIPA and IPA legislation are satisfied to the usual standards of any criminal investigation, which includes an application process to PSNI Central Authorities Bureau (CAB) within C5.'

*PSNI ACU do conduct Lawful Business Monitoring (LBM), Lawful business monitoring means the obtaining of 'historic' data and information to enable and audit activity within the Police Service of Northern Ireland's (PSNI) communication/computer systems; and the 'Live Time' monitoring and/or recording of conversations, communications, and data system use. Both can extend to off duty use of the PSNI's communications and data systems. Monitoring at work is a recognised component of the employment relationship, across all sectors of employment, the police service being no different. Monitoring electronic communications at work is a lawful activity in accordance with the 'Employment Practices Data Protection Code'. The code stipulates that any monitoring on individuals must be justified by the benefits to the employer and others, which can include the investigation of misconduct matters as well as criminal investigation.'*²⁵⁴

²⁵⁴ Correspondence from the Deputy Chief Constable, 20 February 2025.

Privacy protections and aircraft and the work of the Air Support Unit

The PSNI now have the use of several drones (Unmanned Aerial Systems or UAS) in addition to two helicopters and two fixed wing aircraft all equipped with high specification cameras and recording equipment. New fixed wing aircraft are likely to be purchased in the next three years.

The Human Rights Advisor visited the PSNI Air Support Unit in March 2025 to speak to the team, to view the aircraft and to review the systems for protecting privacy.²⁵⁵

The aircraft are available to be used to record imagery in the following circumstances: covert surveillance, public order or public assemblies, protests, marches, demonstrations, occasionally funerals, to search for missing persons, for terrorist type incidents (including searches for suspect devices), and selected vehicle pursuits. The cameras on the newly acquired drones now are not activated on launch but have to be turned on by the operator when required, reducing the recording of unnecessary material (collateral intrusion).

The police officer observers in the aircraft and those that operate the drones are selected from those police officers that volunteer for this role and the selection process is rigorous and, once selected, involves an additional 16 weeks training.

Student police officers during initial training are also taught about the rights to privacy, human rights and the importance of the relevant part of the PSNI's Code of Ethics.

The product recorded by these cameras is edited after the event to select only the material that is necessary for evidential or intelligence purposes with any collateral recording blanked out. However, the editing out of collateral material etc. is carried out by those in the PSNI who originally requested the recording.

Where a specific person or persons are targeted for covert aerial surveillance²⁵⁶ the application will be made by the operational officers or investigators to the Central Authorisation Bureau of the PSNI and only passed on to the surveillance team once it

²⁵⁵ He also reviewed training material – 'Air Support Unit Appendix C4 SOB SOP – Product Identification, Marking and Packaging', and the slides 'PSNI Aerial Surveillance'.

²⁵⁶ This is surveillance, which is carried out in a manner that is calculated to ensure that the persons who are subject to the surveillance are unaware that it is or may be taking place.

has been authorised. The ASU will only deploy where aerial surveillance has been specifically authorised. However, covert surveillance that is carried out as an immediate response to events or in circumstances which proper planning would not be practical does not require authorisation.

Aerial imaging should not be used to record intimate searches. Surveillance should not be conducted inside a private dwelling unless an additional authorisation has been given for 'intrusive surveillance'.

General guidance in relation to overt surveillance is provided by the Biometrics and Surveillance Camera Commissioner, Amended Surveillance Camera Code of Practice. The use of these systems for covert surveillance requires an authorisation as set out the Regulation of Investigatory Powers Act 2000 (as amended) and the various Codes of Practice (for more details see above).

Collecting surveillance data is defined by PSNI to include:

- Monitoring, Observing or, Listening to persons, their movements, their conversations, or other activities or communications.
- Recording such material.
- Using surveillance devices to assist.

National Crime Agency

The Policing Board's role in relation to the National Crime Agency (NCA) is different than its role in relation to PSNI. For the PSNI it includes monitoring the performance of the police including its compliance with the Human Rights Act 1998.²⁵⁷ Whereas for the NCA it is –

'monitor the exercise of the functions of the National Crime Agency in Northern Ireland'

²⁵⁷ Section 3(3)(b), Police (Northern Ireland) Act 2000.

and does not include any role in relation to compliance with the Human Rights Act.²⁵⁸ Nevertheless, the NCA has been open about its work and permitted the Human Rights Advisor to review the annual inspection reports by the Investigatory Powers Commissioner's Office of its covert operations. Those reports demonstrated a high level of compliance by the NCA with the relevant legal provisions and codes.

Human Rights Advisor's Assessment

The conclusion by the recent IPT in relation to 'defensive operation' appears problematic. The 'routine anti-corruption procedure' was surely designed to identify police officers who were in touch with journalists and who were likely to be the source of stories for those journalists. The idea that this operation was not 'covert' is also problematic. Journalists who, as part of their daily business, rang the communications department of PSNI would, presumably, have been surprised if they were informed that their telephone numbers were being harvested and retained to run against the numbers of every police officer or staff member who was provided with a telephone by PSNI.

This case also raised wider questions concerning covert surveillance beyond that by PSNI and the two other police forces involved. Three United Kingdom government departments were also respondents in the case - the Security Service (MI5), the Government Communication Headquarters (GCHQ), and the Secret Intelligence Service (MI6). There is no information in the open judgment about any surveillance of the journalists by these bodies although the IPT stated that:

*'it makes no determination in favour of the claimants' and 'CLOSED consideration of non-core Respondents [redacted]'*²⁵⁹

It is assumed that either means that the claimants were under surveillance by one or more of those bodies but it was lawful or no surveillance was admitted of the claimants – an example of the Neither Confirm Nor Deny (NCND) principle that applies in cases

²⁵⁸ Section 3(A)(a), Police (Northern Ireland) Act 2000.

²⁵⁹ Para 144.

involving national security. There was also no mention in the judgment of any interception of any telephone calls of the journalists.

The PSNI violated the law and the principles of human rights in its surveillance of journalists over the last fifteen years. This is of particular concern because the obvious need for secrecy in the use of such measures means that the subject of this unlawful action will, usually, never know about it.

This unlawful action continued until at least 2018 when the then Chief Constable, presumably advised by other senior staff and PSNI lawyers, authorised surveillance which was found recently to be unlawful by the Investigatory Powers Tribunal.

Unfortunately, the body that inspects the system of covert surveillance run by PSNI every year (the Investigatory Powers Commissioner's Office) was not even informed about this 2018 case at the time or even about a new authorisation of surveillance of a journalist in 2023.

The number of times covert surveillance is authorised and used by PSNI every year makes it impossible for the Human Rights Advisor to check every one of these. In the future, perhaps the Advisor should, at least, dip sample some of these every year.²⁶⁰ Separately, in the opinion of the Advisor there are unjustifiable restrictions imposed in the law²⁶¹ on anyone except the Investigatory Powers Commissioner from reviewing telephone interceptions (telephone interceptions involve actually listening into calls or accessing the content of communications). This means that even with high level security clearance (Developed Vetting) the Human Rights Advisor has no way of reviewing the lawfulness of these authorisations and the telephone interceptions that occur as a result.²⁶²

²⁶⁰ 'The Police Service make around 8,500 communication data requests annually for a range of criminal offences. The most frequently investigated crimes using these powers are drugs related and since 2011 there have been in excess of 110,000 such requests.' Chief Constable's Report to the Northern Ireland Policing Board. Covert Powers in Relation to Journalists and Lawyers, June 2024.

²⁶¹ The Investigatory Powers Act 2016 continued with restrictions originally imposed by the Interception of Communications Act 1985.

²⁶² Such surveillance does, however, need to be authorised both by the Secretary of State and a IPCO Commissioner.

The Policing Board's Recommendation

Recommendation 9

- (a) The PSNI should provide a report to the Policing Board every year on its use of covert surveillance powers including:
- the numbers of each type of surveillance, including the numbers of CHIS Criminal Conduct Authorisations (unless the publication is unlawful or the numbers are so small and would reveal PSNI's specific tactics in particular cases);
 - the numbers of journalists, lawyers and other members of similarly sensitive professions subject to covert surveillance; and
 - the numbers of its cases that are pending before the Investigatory Powers Tribunal;
- (b) The Policing Board's Human Rights Advisor should be provided with a summary of each of these IPT cases.
- (c) The Policing Board should be provided with the procedure that PSNI use to supervise the use by police officers and PSNI staff of the telephones provided by PSNI. This should include what information is provided about this procedure to the members of public and journalists who, in the usual course of business, supply their telephone numbers to the PSNI.

12. External Forces

Introduction

The PSNI, like many forces in the United Kingdom, will occasionally need to undertake investigations where an element of independence is required or will need an independent review of its operations following problems or criticism. In those situations the PSNI will usually make a request for another police from United Kingdom to provide assistance or for a person, not directly connected with PSNI, to provide an independent review.²⁶³ Although there are likely to be other reasons for an independent investigation or an independent review many of these situations will have an important human rights element.

Although the Chief Constable has operational responsibility for policing, it is the role of the Policing Board to hold the Chief Constable to account for how he or she discharges that responsibility. The Board is therefore under a general duty to take an interest in these 'outsourced independent investigations or reviews' undertaken on behalf of the PSNI, and to be informed about how such services are sourced, the terms of reference the investigations, the governance arrangements and issues of transparency.

The Policing Board also has a specific duty to ensure the PSNI's compliance with the Human Rights Act and, therefore, needs to have a role in these processes.

Examples

Examples of recent external investigations commissioned or reviews by PSNI:

- Independent investigations of legacy cases [Operation Kenova];
- Independent investigations of contemporary cases [Op Myologic led by West Midlands police into the case involving the Police Ombudsman];
- Independent review by Deputy Chief Constable Mark Webster of Cumbria Constabulary to oversee and direct the Police Service of Northern Ireland investigation of the potential breaches of the Health Protection (Coronavirus

²⁶³ Often the review is by a senior independent lawyer.

Regulations) (Northern Ireland) Regulations 2020 in relation to a funeral on 30 June 2020;

- Independent investigation by Durham Constabulary of the allegations of offences that may have committed in the making of the film ‘No Stone Unturned’;
- Independent review by a KC of PSNI’s handling of part of Operation Yurta – the unlawful arrest and search of the two journalists, Trevor Birney and Barry Mc Caffrey;
- Independent review of Data Breach by City of London police (Pete O’Doherty review); and
- Independent review mechanism for surveillance of journalists and others led by Angus McCullough KC.

Human Rights Advisor’s Assessment

The examples referred to above either concern the need for an independent investigation (directly or indirectly engaging article 2, 3, 8, 10, 11, or 14 of the European Convention of Human Rights) or involved other possible conflicts of interest.

The Policing Board’s Recommendation

Recommendation 10

The Policing Board fully appreciates the necessity at times for investigations to be undertaken by a service independent of PSNI and should be advised at the earliest possible opportunity of such, including how the other services has been selected, the terms of reference for the investigation, anticipated costs, and the governance arrangements PSNI have in place for the investigation.

With regard to independent reviews of PSNI work areas, such as data breach, the Board must have a greater role to include the selection of reviewers and development of terms of reference before commissioning, and sight of the final report.

Annex A: Extracts from the Investigatory Powers Commissioner's Office Annual Inspection Report

1. Inspection methodology

1.1 The Inspection team met with the SRO and key individuals at the commencement of the inspection, before following a previously agreed itinerary. The inspection consisted of the examination of relevant documentation, supported by a number of professional discussions. With the exception of the visit to the undercover unit, the inspection team spent the majority of their time at PSNI headquarters.

1.3 Instant feedback was provided to practitioners throughout the inspection and as matters arose. More formal feedback sessions were held with Authorising Officers (AOs), the Covert Authorities Bureau (CAB) and at the conclusion of the inspection, with the Chief Constable, SRO, ACC Crime and key operational leads. This final session was also attended by Mr John Wadham, the Human Rights Advisor to the Northern Ireland Policing Board, whose presence as an observer had been agreed previously by the IPC.

1.4 IPCO inspections only ever dip-sample records, so this report offers a snapshot in time of PSNI's compliance based on what has been reviewed. In order to streamline the content of this report, the focus will be on those matters that attract particular comment. Similarly, whilst several parts of the organisation and its officers may have been spoken to, there is unlikely to be specific mention unless issues have attracted comment; this may be for compliance reasons or to commend good practices identified.

Paragraph Relating to Grading Areas of Non-Compliance

5.10.9 Records and Product Management

Critical: The current oversight regime for the management of the records and product of covert activity is not working, and compliance level remain well behind where they should be. The SRO should ensure this is addressed at the earliest opportunity.

5.6.6 CHIS 'Circle of Knowledge'

The 'circle of knowledge' (who else knows the information) must be clearly recorded on the contact sheets to inform the risks of taking executive action.

5.6.7 CHIS Meeting Requests

A process for recording any authorisations to meet a CHIS physically must be adopted, which is capable of withstanding scrutiny and providing a clear audit trail.

5.6.9 CHIS Generic Risk Assessment

The 2022 draft generic risk assessment should be updated and utilised as soon as practicable.

5.8.1 CHIS Urgent CCA

In cases of urgency, the authorising officer or person entitled to act, is required to describe why an oral and not a written authorisation was granted.

5.8.3 CHIS CCA Wording

Authorisations for Criminal Conduct, permitting activity within proscribed organisations, should articulate the role and expectations of the subject within the group, or should reflect their position in the group to minimise the risk of '*agent provocateur*'.

1.1 Errors

1.1.1 Three Errors were reported during the relevant period and reviewed during the inspection. Each had been fully investigated and reported appropriately. All individual and organisational learning had been identified and, where necessary, policies were amended and training delivered, in an effort to ensure the errors were not repeated.

1.2 Confidential Information

5.3.1 No compliance issues have been raised or identified during this inspection in relation to the acquisition or management of confidential or privileged material. Confidential or privileged material is further defined at paragraph 9.23 of the Covert Surveillance and Property Interference Code of Practice and includes: where the material contains information that is legally privileged, confidential journalistic material or when material identifies a journalist's source, where material contains confidential personal information, or communications between a Member of Parliament and another person on constituency business.

1.3 Property interference and intrusive surveillance

Applications

1.3.1 The overall standard of applications remains high, albeit with strong guidance and quality assurance by the CAB.

1.4 Authorisations

1.4.1 Property Interference authorisations were clearly considered and contained sufficient constraint in relation to geographical areas and inclusion of other vehicles where necessary. Good governance was evident in relation to the cancellation of intrusive surveillance authorisations by the SAO.

1.5 Directed surveillance

Applications

1.5.1 The overall standard of the applications was good, with clearly and succinctly articulated intelligence cases to support the covert activity requested.

Authorisations

1.5.2 In common with the applications, authorisations were generally completed to a high standard.

1.5.3 Continuing with the theme of the parameters of the authorisation, the Inspectors were concerned that they were being drawn too broadly in connection with two specific scenarios.

1.6 CHIS

1.6.1 The governance and audit of CHIS continues to be strong within PSNI. CAB managers conduct comprehensive audits of CHIS records at least twice a year and report their findings directly to senior management and CHIS Management teams.

Applications

1.6.2 In general, the standard of compliance has improved since 2023.

Authorisations

1.6.3 The overwhelming majority of authorisations were completed to a high standard. Whilst there was some unnecessary repetition of the intelligence cases, the AOs have commendably removed the 'extraneous matters' referred to in the 2023 inspection report. Accordingly, the streamlined authorisations focused on the key statutory grounds, and the practice adopted by one of the AOs, of aligning his comments specifically to the five elements of proportionality cited in paragraph 3.6 of the CHIS Code of Practice, is highlighted as good practice.

Risk Assessments

1.6.4 In general, the risk assessments (RAs) captured the relevant risks, with appropriate mitigating measures.

1.7 Juvenile CHIS

1.7.1 No authorisations for juvenile CHIS have been granted or considered during this inspection period.

1.8 Participation in crime (CHIS Criminal Conduct Act 2021)

1.8.1 Criminal conduct authorisations relevant to several CHIS were examined. Four CCAs were granted under the urgency provisions, and whilst the case for urgency was made out from examination of circumstances, the AO failed to record any an oral instead of written authorisation was granted, as is required within the Code of Practice.

1.8.2 There was very good use of policy logs to describe the enactment of a CCA and associated matters in the records, however, this was not consistent.'

Conclusion

2.1 The Chief Constable of PSNI outlined to the inspection team many of the challenges facing his organisation going forward. The obvious financial restrictions, added to what remains a unique policing environment, will clearly make progress in many areas of policing difficult. Despite these challenges, there remains some outstanding work being carried out by officers and staff across the organisation, particularly in some of the high-risk areas of covert policing. The management of CHIS is outstanding, with strong processes, clear oversight, and high standards of delivery by dedicated professionals.'

Glossary

ACC: Assistant Chief Constable
AFO: Authorised Firearms Officer
AOs: Authorising Officers
AEP: Attenuating Energy Projectiles
APP: Authorised Professional Practice
CAB: Covert Authorities Bureau
CBM: Community Background Monitoring
CED: Continuous Energy Device
CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women
/ Committee on the Elimination of Discrimination Against Women
CERD: Convention on the Elimination of All Forms of Racial Discrimination
CHIS: Covert Human Intelligence Sources
CJINI: Criminal Justice Inspectorate Northern Ireland
DCC: Deputy Chief Constable
DoJ: Department of Justice
DSA: Directed Surveillance Authority
ECHR: European Convention on Human Rights
ECRI: European Commission against Racism and Intolerance
GCHQ: Government Communications Headquarters
GRC: Gender Recognition Certificate
HMICFRS: His Majesty's Inspectorate of Constabulary and Fire and Rescue Services
IABS: Immigration and Asylum Biometrics System
ICC: Interception of Communications Commissioner
ICV: Independent Custody Visitor
ICCPR: International Covenant on Civil and Political Rights
IDENT1: the UK national biometrics database
IPCO: Investigatory Powers Commissioner's Office
IPT: Investigatory Powers Tribunal
JSA: Justice and Security Act
NCA: National Crime Agency
NCND: Neither Confirm Nor Deny
NGO: Non-Governmental Organisation

NIAAS: Northern Ireland Appropriate Adult Scheme

NIPB: Northern Ireland Policing Board

NIRT: Northern Ireland Related Terrorism

NPCC: National Police Chiefs Council

OPCAT: Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

OPONI: Office of the Police Ombudsman Northern Ireland

PACE: Police and Criminal Evidence Order 1989

PCSP: Policing & Community Safety Partnerships

PPANI: Public Protection Arrangements NI

PPDU: Police Powers Development Unit

PPR: Participation and the Practice of Human Rights

PPS: Public Prosecution Service

PSNI: Police Service of Northern Ireland

PSP: Personal, Safety and Protection

REaL: Reference, Engagement and Listening

RIPA: Regulation of Investigatory Powers Act 2000

RQIA: Regulation Quality and Improvement Authority

RUC: Royal Ulster Constabulary

SI: Service Instruction

TACT: Terrorism Act 2000

UAS: Unmanned Aerial System

UPT: Unarmed Physical Tactics

VAWG: Violence Against Women and Girls



Northern Ireland Policing Board

James House
Block D, 2 – 4 Cromac Avenue
The Gasworks
Belfast, BT7 2JA



028 9040 8500



information@nipolicingboard.org.uk



www.nipolicingboard.org.uk



policingboard



@nipolicingboard



nipolicingboard



Northernirelandpolicingboard

DOCUMENT TITLE

The Northern Ireland Policing Board
Human Rights Annual Report 2024/25

ONLINE FORMAT

This document is available in PDF format from our website.

PUBLISHED SEPTEMBER 2025

This document may also be made available upon request in alternative formats or languages. Requests should be made to the Northern Ireland Policing Board.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information contained in this document, the Northern Ireland Policing Board will not be held liable for any inaccuracies that may be contained within.