

# HUMAN RIGHTS ANNUAL REPORT

## 2012

Monitoring the compliance of the  
Police Service of Northern Ireland  
with the Human Rights Act 1998

## OVERVIEW



# **NORTHERN IRELAND POLICING BOARD**

## **OVERVIEW OF THE HUMAN RIGHTS ANNUAL REPORT 2012<sup>1</sup>**

The Northern Ireland Policing Board (the Policing Board) has an obligation, under section 3(3)(b)(ii) of the Police (Northern Ireland) Act 2000, to monitor the performance of the Police Service of Northern Ireland (PSNI) in complying with the Human Rights Act 1998. In 2003, the Policing Board appointed Human Rights Advisors who devised a human rights monitoring framework, which was agreed with PSNI. That framework is kept under review. It sets out in detail the standards against which the performance of the police in complying with the Human Rights Act 1998 is monitored by the Policing Board and identifies key areas to be examined. The Policing Board's Human Rights and Professional Standards Committee (the Committee) is responsible for implementing the human rights monitoring framework. The Committee is assisted in this task by the Policing Board's Human Rights Advisor. Every year since 2005, the Human Rights Advisor has presented the Committee with a Human Rights Annual Report. The Human Rights Annual Report contains an overview of the human rights monitoring work carried out during the year by

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<sup>1</sup> The full version of the Human Rights Annual Report 2012 can be accessed through the Policing Board website: [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk)

the Committee and the Human Rights Advisor, highlighting both good police practice and areas in which practice could be improved. Formal recommendations are made where it is believed that PSNI action is necessary. Since 2005, the PSNI has implemented 192 recommendations contained within Human Rights Annual Reports. That is testament to PSNI's commitment to ensuring that a human rights culture exists within the organisation. The promotion of a positive human rights culture and awareness within the Police Service is vital to securing the on-going compliance with the Human Rights Act 1998.

Another way in which the Committee and the Human Rights Advisor monitor the performance of the PSNI in complying with the Human Rights Act 1998 is by way of thematic review. This mechanism enables a more in-depth examination of specific areas of policing from a human rights perspective. The reviews enable issues of concern to the community to be identified and have resulted in closer working between the Committee, the local community and the PSNI to improve service delivery. To date, the Committee has undertaken four human rights thematic reviews, three of which have been published:

- The first, examining the policing of domestic abuse, was published in March 2009 and made 14 recommendations for PSNI to implement. A further report recording the progress of the PSNI in

implementing the 14 recommendations was published in May 2011.

- The second review, examining policing with children and young people, was published in January 2011 and made 30 recommendations for PSNI to implement. An update report on PSNI progress in implementing the 30 recommendations has been completed and will be published during 2013.
- The third thematic review considered the way in which PSNI engages with lesbian, gay, bisexual and transgender individuals across a range of circumstances. It was published in March 2012 and made 18 recommendations for PSNI to implement. An update report on PSNI progress in implementing the 18 recommendations will be published in due course.
- The fourth thematic review, examining the use of police powers to stop, search and question individuals under the Terrorism Act 2000 and the Justice and Security (Northern Ireland) Act 2007, is due to be published during 2013.

Publication of a thematic review signals the beginning of a process of monitoring and review. The Committee and the Human Rights Advisor continue to engage with PSNI on the issues and monitor the implementation of recommendations. They continue to meet with stakeholders to discuss how the review has affected their experience of policing on the ground.

Given this in-depth thematic work, the Human Rights Annual Report represents an overview of the human rights monitoring work carried out by the Policing Board during 2012. The key areas of police work discussed in the Report are: (1) The PSNI Programme of Action; (2) Training; (3) Policy; (4) Operations; (5) Complaints, Discipline and the Code of Ethics; (6) Public Order; (7) Use of Force; (8) Covert Policing; (9) Victims; (10) Treatment of Suspects; (11) Policing with the Community; (12) Human Rights Awareness in the PSNI; (13) Privacy, Data Protection and Freedom of Information; and (14) Children and Young People.

The Human Rights Annual Report 2012 records that 15 recommendations from last year have been implemented. It makes 11 new recommendations for the PSNI and it records that 1 recommendation from last year remains outstanding. The Committee, with the assistance of the Policing Board's Human Rights Advisor, will oversee PSNI implementation of these recommendations.

## **Human Rights Annual Report 2012: Recommendations**

### **Training**

1. The PSNI should provide the Human Rights and Professional Standards Committee with a written review of the training plan for police staff, with a particular focus on

identifying the human rights training needs of police staff and how PSNI proposes to meet those needs and within what time frame. That review should be provided to the Human Rights and Professional Standards Committee within 6 months of the publication of the Human Rights Annual Report 2012.

2. The PSNI should deliver the child protection training as developed by 'A' District trainers to all front line police officers.

### **Policy**

3. The PSNI should forthwith publish, on its publicly accessible website, those policies that have been finalised.

### **Operations**

4. The PSNI should forthwith collect statistics on the use of the powers contained at section 43A of the Terrorism Act 2000 and amend its quarterly statistical reports to include the statistics collected.

5. The PSNI should forthwith collect and disaggregate its statistics on the use of all powers contained within section 24 of and Schedule 3 to the Justice and Security (Northern Ireland) Act 2007. In particular, the statistics should identify the powers used according to whether the stop and search was pursuant to an authorisation, was undertaken with reasonable

suspicion or without and whether it was exercised in relation to a person, vehicle or premises.

6. The PSNI should consider whether the same, or a similar card, to that developed for young people should be handed out to all persons who are the subject of a stop, search and/or question under PACE, TACT or JSA.

### **Complaints, Discipline and the Code of Ethics**

7. The PSNI should consider the findings of the OPONI report on allegations of oppressive behaviour and present to the Human Rights and Professional Standards Committee the PSNI analysis of the findings together with its proposed means of reducing allegations of oppressive behaviour. That presentation should be made to the Human Rights and Professional Standards Committee within 6 months of the publication of the Human Rights Annual Report 2012.

### **Covert policing**

8. On completion of its review of the Memorandum of Understanding, the relevant protocols and service level agreements between the PSNI and the Security Service, the PSNI will subject them to human rights proofing by the Policing Board's Human Rights Advisor and thereafter publish those documents to the greatest extent possible. In the event that PSNI decides not to publish any document or to publish all or



any in a redacted form it should provide to the Human Rights and Professional Standards Committee the written reasons for so deciding.

**9.** The PSNI should forthwith put in place a formal training plan to ensure that all officers who are or may be involved in the application of the Regulation of Investigatory Powers Act 2000 receive all necessary training as and when required. The provision of training should be kept under review and provided as and when required.

### **Treatment of suspects**

**10.** The PSNI should provide to the Human Rights and Professional Standards Committee, within 6 months of the publication of the Human Rights Annual Report 2012, a report on its review of healthcare provision in police custody suites. That report should include any specific consideration given to ensuring that all healthcare professionals are sufficiently experienced and independent from the police, particularly in respect of terrorism detainees.

**11.** The PSNI should provide an explanation to the Human Rights and Professional Standards Committee within one month of the publication of the Human Rights Annual Report 2012 for the continued detention of immigration detainees in police custody. That report should address specifically the

reason for those detainees not being transferred to Larne House.

## **Human Rights Annual Report 2011: Outstanding Recommendation**

### **Treatment of Suspects**

**15.** The PSNI should review its policy and practice in respect of arrests under section 41 of the Terrorism Act 2000 to ensure that police officers do not revert to section 41 in cases where it is anticipated that the suspect is more likely to be charged under non-terrorism legislation. The PSNI should thereafter provide reassurance to the Human Rights and Professional Standards Committee that relevant safeguards have been put in place.<sup>2</sup>

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<sup>2</sup> Recommendation 15 of the Human Rights Annual Report 2011 was accepted by PSNI however it has only recently (January 2013) provided the Committee with a summary of the findings of its review. The Committee has not yet had the opportunity to consider whether this summary is sufficient to discharge Recommendation 15. It has therefore been recorded as outstanding for the purposes of the Human Rights Annual Report 2012 but the Committee will consider the findings and report further next year.



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## **Document Title**

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Human Rights Annual Report 2012 Overview

## **Online Format**

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