



**The Summary**

# Human Rights 2014

**Annual Report**



### **Policy**

- Complaints and Discipline
- Civilian Staff Training
- Board Thematic Reviews



### **Stop and Search**

### **Public Order, National Security and Covert Policing**

### **Introduction**

# Contents



### **Victims**

- Child Sexual Exploitation
- Domestic Abuse
- Non-Molestation and Occupation Orders
- Hate Crime
- Paramilitary Style Attacks
- Legacy Cases

### **Treatment of Suspects**

- Terrorism Detainees
- Custody Healthcare
- Place of Safety



### **Children and Young People**

- Child Victims of Crime
- Mental Capacity Bill
- Training
- Youth Engagement Clinics
- Disclosure of Criminal Records and Police Information



### **Recommendations**

# Introduction

## Monitoring human rights in policing

“  
**There should be no conflict between human rights and policing. Policing means protecting human rights.**”

Report of the Independent Commission on Policing 1999

The Northern Ireland Policing Board has a statutory duty to monitor and report upon the performance of the Police Service of Northern Ireland (PSNI) in complying with the Human Rights Act 1998.

The Board has appointed a Human Rights Advisor to assist with this monitoring work. In accordance with a human rights monitoring framework, all aspects of policing are examined for human rights compliance. The Board reports upon this monitoring work annually and makes recommendations where room for improvement is identified.

Over the past 10 years, the PSNI has implemented over 200 recommendations made by the Board which have improved how the police meet their human rights responsibilities in areas such as public order, engagement with young people and use of force.

The 2014 Report outlines the human rights monitoring work carried out during 2014 and makes 9 new recommendations for the PSNI to consider relating to:

- training;
- policy;
- complaints;
- child sexual exploitation;
- the service of non-molestation; orders and occupation orders;
- disability hate crime;
- terrorism detainees;
- healthcare within custody; and
- Youth Engagement Clinics.



### Board monitoring of human rights in policing – key dates

**2003**

PSNI Code of Ethics published

**2003**

Human Rights Monitoring Framework developed and published

**2005**

First Human Rights Annual Report published

**2009**

First Thematic Review published

**2015**

210 Human Rights Annual Report recommendations implemented by the PSNI

**2015**

10th Human Rights Annual Report published

The Report also records how recommendations from previous years have been implemented during 2014.

This summary document highlights some of the issues arising out of the Human Rights Annual Report 2014 but it does not cover every area or every matter contained in the full Report.

See the full Human Rights Annual Report 2014

See previous Human Rights Annual Reports

**“ Human Rights and accountability are the fundamental building blocks for effective policing and community confidence. ”**

Chief Constable

**“ Human rights in policing is a key element in delivering and building public confidence in the service. ”**

Board Chair



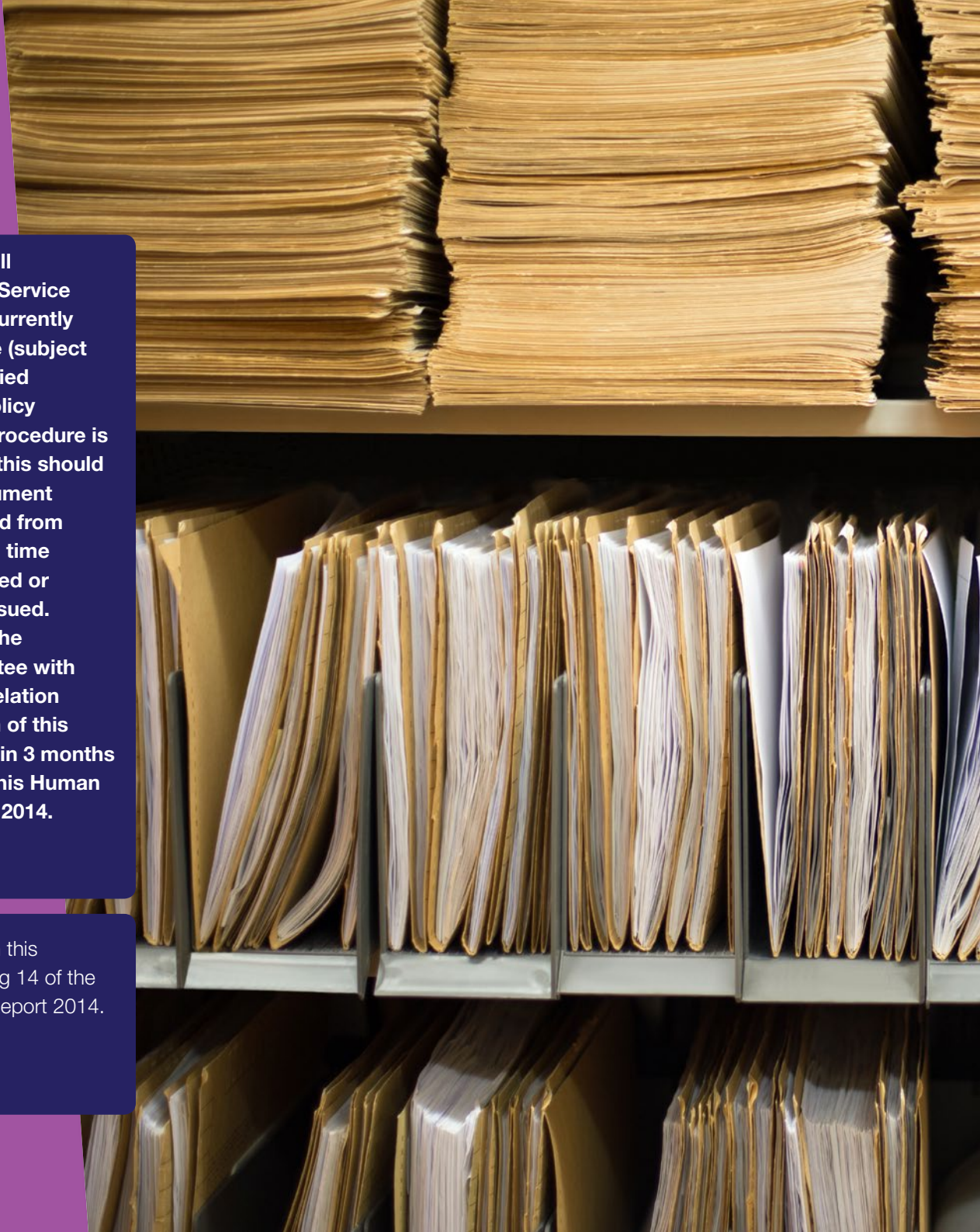
# Policy

All police services across the UK are expected to publish their written policies, protocols and procedures. Some documents do not need to be published if it is likely to impact adversely upon operational activity or if the information is classified. In that case, a summary of the policy with the restricted information taken out can, and should, be published.

As at 5 November 2014, of 110 policy documents available to police officers and staff, only 15 had been published on the PSNI website. The Human Rights Report 2014 recommends that ...

**PSNI should publish all Policy Directives and Service Procedures that are currently in force on its website (subject to redaction of classified information). If any Policy Directive or Service Procedure is undergoing a review, this should be noted but the document should not be removed from the website until such time as it has been cancelled or an updated version issued. PSNI should provide the Performance Committee with a progress report in relation to the implementation of this recommendation within 3 months of the publication of this Human Rights Annual Report 2014.**

For more information on this recommendation, see pg 14 of the Human Rights Annual Report 2014.



## **Board Thematic Reviews**

The Board has published 4 themed reports on:

Domestic abuse; policing with and for children and young people; policing with and for Lesbian, Gay, Bisexual and Transgender individuals; and the use of police powers to stop and search.

These reports are informed through research, legal analysis and engagement with relevant bodies.

They use the community's experience of policing to evaluate police policy in practice. Good practice is highlighted as are areas for improvement, with a total of 73 recommendations made since 2009.

See all Thematic Reports

The PSNI sets out its response to the Board's Human Rights Annual Reports in their Human Rights Programme of Action.

The 2015 Programme of Action is due to be published in May 2015.

## **Complaints and Discipline**

The Board monitors trends and patterns in police complaints, disciplinary proceedings and breaches of the Code of Ethics. The Board regularly meets with the Police Ombudsman's Office and senior PSNI officers to discuss issues arising. Find out more in Chapter 5 of the [Human Rights Annual Report 2014](#).

## **Civilian Staff**

Following a recommendation in the Human Rights Annual Report 2012, the PSNI reviewed civilian staff requiring human rights training and delivered training to 400 civilian staff. The PSNI has also put a system in place to electronically record, monitor and report on all aspects of police staff discipline. Find out more in Chapter 2 of the [Human Rights Annual Report 2014](#).



# Stop and Search Powers

The powers to stop and search and stop and question under the Terrorism Act 2000 (TACT) and the Justice and Security (Northern Ireland) Act 2007 (JSA) are exceptional powers which must be used lawfully and proportionately.

In October 2013 the Board published a human rights thematic review assessing the PSNI's use of these powers.

The report made 11 recommendations and the Board has been briefed on the PSNI's response. An update is contained in Chapter 4 of the [Human Rights Annual Report 2014](#) at page 32.

## Information cards

In 2012, the PSNI developed a stop and search information card to be handed out to young people who are stopped, searched and/or questioned. The card explains the powers, the person's rights and how the stop and search should be carried out.

As the age group most frequently stopped, searched and/or questioned is 18-25, the Board recommended that PSNI use the information card for adults as well as children. PSNI accepted that recommendation and the card has recently been issued for use across Northern Ireland in respect of all persons subject to the powers. The Board will monitor instructions and guidance given to officers on using the cards and whether the cards are in fact being issued.

**The police have access to a range of stop and search powers in support of their work.**

**Between 1 April 2013 and 31 March 2014...**

**41%**

of the 32,950 people stopped and searched by PSNI under all powers (Misuse of Drugs, PACE, JSA and TACT) were aged 18-25

**22%**

were aged 26 – 35

**17%**

were aged 17 and under



# Public Order

PSNI's policing of public order is kept under scrutiny by the Board and has recently been scrutinised by the High Court and Court of Appeal. Read more in Chapter 6 of the [Human Rights Annual Report 2014](#).

## Did you know?

As a result of Board recommendations, the PSNI publishes a **manual of guidance on conflict management** and **statistical reports** on the use of force on the PSNI website and an annual public order de-brief is held to ensure learning is captured and used to make improvements.

# Covert Policing

Covert policing techniques, such as the acquisition of communications data, the interception of communications, covert surveillance, the use of Covert Human Intelligence Sources (CHIS) and encryption raise significant human rights issues. The **Regulation of Investigatory Powers Act 2000 (RIPA)**, which extends to Northern Ireland, provides the legal framework for the authorisation of covert techniques. The Board's Human Rights Advisor reviews the mechanisms in place for ensuring that all PSNI officers comply with the requirements of RIPA and the Human Rights Act. Further to a recommendation in the Human Rights Annual Report, PSNI carried out a review of RIPA training, following which a RIPA training plan has been developed. Read more in Chapter 8 of the [Human Rights Annual Report 2014](#).

# National Security

The Policing Board is required to monitor and hold the Chief Constable to account in respect of all aspects of police work, including national security policing. Read more about this in Chapter 8 of the [Human Rights Annual Report 2014](#).

Further to a recommendation in the Human Rights Annual Report 2012, PSNI has now published on its website a redacted version of the **Memorandum of Understanding** between the PSNI and the Security Service.



# Victims



## Child Sexual Exploitation

A report from the **Independent Inquiry on Child Sexual Exploitation** published in November 2014 made 1 key recommendation and 5 supporting recommendations for the PSNI. The key recommendation encourages PSNI to pursue its commitment to strengthening relationships with communities and with young people as a priority. This has been a focus of the Policing Board in all of its work and the [Human Rights Annual Report 2014](#) recommends...

**The PSNI should within 3 months of the publication of this Human Rights Annual Report provide to the Performance Committee a report on progress made to implement the recommendations directed at the PSNI in the Report of the Independent Inquiry into Child Sexual Exploitation in Northern Ireland. That report should include the lessons learned by the PSNI from its own internal review - Operation Owl.**

## Domestic Abuse

Domestic abuse is a widespread problem in Northern Ireland which has a devastating impact on victims and their families.

During April 2013-March 2014, the PSNI responded to **27,628** domestic abuse incidents and recorded **12,720** domestic abuse crimes, the highest number recorded over the past 10 years.

In 2009, the Board published a thematic review which made 14 recommendations to improve the PSNI's approach to tackling domestic abuse. While some action subsequently taken by PSNI in response has been positive, there remains a lot of work to do to ensure that all victims are receiving the most appropriate response and to ensure that offenders are brought to justice.

The Board has called upon PSNI to routinely use Body Worn Video when responding to domestic incidents in order to capture supporting evidence to assist with prosecutions. PSNI commenced a pilot of this technology in May 2014 and will brief the Performance Committee during 2015 on its decision with regard to future roll out.

Use of Body Worn Video for domestic incidents was also trialled in England by the College of Policing who found that use of the technology resulted in an increase in the number of people charged with an offence.

The Board's Performance Committee prioritised this issue in its Programme of Work last year and will continue to keep it as a priority for 2015. The Committee continues to scrutinise the police response to domestic abuse and an update on recent developments in PSNI's policy and practice in this area can be seen in Chapter 9 of the [Human Rights Annual Report 2014](#).

## Did you know?

**The Policing Plan 2014-2017** requires PSNI to report to the Board twice a year on what they are doing to improve engagement and service delivery to victims of domestic abuse. PSNI are also required to improve the outcome rates for crimes motivated by domestic abuse by 7%.

## Non-Molestation and Occupation Orders

Of approximately 4,000 ex-parte non-molestation orders and occupation orders served by PSNI in 2012, only 1/3 were served within 24 hours, 1/3 within 72 hours and 1/3 served up to three months later.

Although the PSNI advises that the delay is often due to difficulties in locating respondents, the Board believes more should be done to ensure that orders are served promptly. The PSNI has carried out an internal review during 2014 and the Board recommends that...

**PSNI should provide the Performance Committee, within 6 months of the publication of this Human Rights Annual Report, with an evaluation of its internal review on the service of ex-parte non-molestation orders and occupation orders. That evaluation should consider whether there has been any improvement in the length of time taken to serve orders, whether checks and balances put in place to oversee service of orders have been effective, and how the PSNI will ensure that victims are kept informed as to progress or delay in serving the orders.**

### During April 2013-March 2014:

# 27,628

domestic abuse incidents  
- 1 every 19 minutes.

# 12,720

domestic abuse crimes  
the highest number  
recorded in 10 years.

# 18% (394)

of sexual offences, including  
26% (141) of rape offences,  
had a domestic motivation.

# 28%

(8,965) of all violence  
against the person offences  
had a domestic motivation.

# 70

victims of murder or manslaughter have been  
as a consequence of domestic abuse in  
Northern Ireland over the past ten years.

More statistics can be found on the [PSNI website](#).

## The Summary

# Hate Crime

If someone believes they have been the victim of a hate crime, the PSNI must record and respond to it as such.

The number of incidents and crimes with a hate motivation recorded by PSNI increased in 2013-14 across most hate crime categories compared to previous years. Hate crime is known to be under-reported so the fact that more reports are being made does not necessarily mean that more incidents are occurring; it may mean that more victims are reporting incidents to the police.

However, the Board noted that the outcome rate for solving all types of hate motivated crime is much lower than that of overall crime and targets have been set in the **Policing Plan 2014 – 2017** to increase the outcome rates for sectarian hate crime by 3%, homophobic hate crime by 5% and racist hate crime by 1%.

While the number of disability hate crimes recorded by PSNI doubled from 35 in 2012/2013 to 70 in 2013/2014, an outcome was recorded for only 3 of those 70 crimes. The Board believes this requires an urgent review and recommends that.....

**PSNI should review its training, policy and practices for responding to disability hate crime with a particular focus on the outcome rate for disability hate crime. PSNI should report to the Performance Committee on the outcome of that review within 3 months of the publication of this Human Rights Annual Report.**

# Paramilitary Style Attacks

The number of incidences of paramilitary style attacks and the fact that a very small number of perpetrators have been brought to justice is an ongoing concern for the Board. PSNI has recently advised that it is reviewing all paramilitary style attacks since 2009 to ensure that all investigative and forensic opportunities have been taken and the Board continues to review police response to such attacks. Read more about this in Chapter 9 of the [Human Rights Annual Report 2014](#).

## Did you know?

Of the 457 paramilitary style assaults and shootings between 1 April 2009 and 31 August 2014, only 16 cases had charges brought.

Only 7 people have been successfully convicted for paramilitary attacks since 2009.

Discrimination and abuse based on race is a major concern in Northern Ireland which must be addressed with urgency. The Board is due to publish a thematic review of the policing of race hate crime during 2015.

To view the terms of reference for this review.

# Legacy Cases

The PSNI has a key role under Article 2 ECHR to investigate all suspicious deaths. That includes the 3,268 deaths attributable to the security situation in Northern Ireland between 1968 and 1998. An overview of the Policing Board's scrutiny of this area during 2014 is provided in Chapter 9 of the [Human Rights Annual Report 2014](#).



# Treatment of Suspects

## Terrorism Detainees

Section 41 of the **Terrorism Act 2000** (TACT) gives police powers to arrest without warrant a person reasonably suspected of being a terrorist and detain them without charge for up to 48 hours without the intervention of a court. Detention beyond 48 hours up to a total of 14 days must be authorised by a court. This compares to the usual power of arrest used for non-terrorism related matters, found in the **Police and Criminal Evidence (Northern Ireland) Order 1989** (PACE), which only permits detention for up to 4 days.

2013/2014 represented the smallest proportion of persons charged subsequent to a section 41 arrest in the last 10 years. Given this, the Board recommends that...

**PSNI should review its policy and practice in respect of arrests under section 41 of the Terrorism Act 2000 to ensure that police officers have not reverted to using section 41 Terrorism Act 2000 in cases in which it is anticipated that the suspect is more likely to be charged under other legislation. The review should be completed within 6 months of the publication of this Human Rights Annual Report. Within 1 month of the conclusion of the review PSNI should report to the Performance Committee on the findings of the review and if required the steps PSNI proposes to take.**

### During April 2013-March 2014:

**168**

people were arrested and detained by the PSNI under section 41.

**159 (95%)**

people were held for 48 hours or less and **9 (5%)** for more than 48 hours.

**32 (19%)**

people were subsequently charged.

## The Summary

### Custody Healthcare

People held in police custody often have very complex needs. The PSNI recognise that custody healthcare should not focus solely on keeping people safe and that seeking to identify and address complex needs is more likely to protect the detainee and break the cycle of offending. As a result of an ongoing review of custody healthcare, PSNI is trying to secure the greater involvement of a broad range of healthcare professionals, such as psychiatric nurses, within custody. The Board is very supportive of this approach and believes that the complex needs of detainees will not be addressed by the police alone. The Human Rights Annual Report 2014 recommends that...

**PSNI should report to the Performance Committee within 6 months of the publication of this Human Rights Annual Report on the progress or otherwise of its review of healthcare within custody suites including the extent to which it has secured the necessary input of health care professionals.**

### Did you know?

#### Independent Custody Visiting Scheme

The Policing Board's Independent Custody Visiting Scheme helps ensure that the human rights of those held in custody are protected. Find out more about the Scheme [here](#).

### Did you know?

24,648 people were arrested and detained under PACE legislation and processed through the PSNI's custody suites in 2013-2014.

### Place of Safety

The Board is concerned about the lack of suitable places for temporarily detaining people on grounds of mental health. Under section 130 of the Mental Health (Northern Ireland) Order 1986, those who appear to suffer from a mental disorder and are in immediate need of care or control may be removed by a police officer to a 'place of safety', which include hospitals and police stations. The Performance Committee has written to the Department of Justice and the Department of Health, Social Services and Public Safety to raise its concerns and to request further consideration of this issue. Read more at page 120 of the [Human Rights Annual Report 2014](#).

# Children and Young People

## Child victims of Crime

While it's important to consider how the police deal with children who are in conflict with the law, children are actually more likely to be a **victim** of crime than a perpetrator.

### During 2013-14

- ▶ 9% (6,497) of victims of all types of crime recorded by the police
- ▶ 14% (1,793) of victims of violent offences involving injury
- ▶ 61% (1,342) of victims of sexual offences

Were  
under  
**18**

- ▶ 28% (20,171) of victims of all types of crime recorded by the police
- ▶ 43% (5,661) of victims of violent offences involving injury
- ▶ 73% (1,602) of victims of sexual offences

Were  
under  
**25**



## Did you know?

**Youth Engagement Clinics** were initiated by the Department of Justice and partner agencies in 2012 to tackle the causes of delay in youth cases and reduce re-offending by young people. It is anticipated that the Clinics will be operational across all police Districts in 2015.

## Mental Capacity Bill

The Board submitted a response to the Department of Health Social Services and Public Safety (DHSSPS) and Department of Justice (DOJ) consultation on a draft **Mental Capacity Bill** in 2014 and raised concerns that the proposed safeguards within the Bill for those over 16 will not apply to those under 16. The Board raised concerns that this might make the legislative landscape unnecessarily complex for officers working with a range of often competing legislative provisions.

## Disclosure of criminal records and police information

An issue the Board has considered in some detail during 2014 is the disclosure of criminal records and other information relating to offending or alleged offending by a young person. The use of criminal records and other information for employment or volunteering vetting is an important and well established practice particularly for a role working with children and vulnerable adults. However concern has been expressed that young people's futures may be unfairly jeopardised by behaviour while growing up. More information can be found in Chapter 14 of the [Human Rights Annual Report 2014](#).

## Training

Following recommendations in the Human Rights Annual Report 2013, the PSNI reported to the Board during 2014 on the various types of children and young people focussed training it delivers to officers and staff. Read more about this in Chapter 2 of the [Human Rights Annual Report 2014](#).

The Human Rights Annual Report 2014 recommends that...

**PSNI should provide a report to the Performance Committee in September 2015 in which the operation of Youth Engagement Clinics is evaluated. That report should include detail on the number and nature of referrals made in each District. The report should also explain the monitoring mechanisms that are in place to ensure that practice is consistent across all police Districts. It should set out the measures that are in place to ensure that there are sufficient resources to ensure the Youth Engagement scheme is not affected by seasonal priorities.**

# Recommendations

from the 2014 Human Rights Annual Report

1

PSNI should continue to participate in an annual District Training Presentation Day to the Police Learning Advisory Council (PLAC) District Training Sub Group. That presentation day should be attended by senior police personnel with responsibility for setting strategic priorities and for ensuring the delivery of effective training across the PSNI.

2

PSNI should publish all Policy Directives and Service Procedures that are currently in force on its website (subject to redaction of classified information). If any Policy Directive or Service Procedure is undergoing a review, this should be noted but the document should not be removed from the website until such time as it has been cancelled or an updated version issued. PSNI should provide the Performance Committee with a progress report in relation to the implementation of this recommendation within 3 months of the publication of this Human Rights Annual Report.

3

PSNI should amend Service Procedure 4/2013 (Handling Public Complaints and the Role of the Police Ombudsman) to include a policy on counter-allegations. The Service Procedure should remind officers of their duty to report criminality and that if an allegation of criminality is raised for the first time as a counter-allegation it may be treated as a failure of duty. Prior to making any amendment to Service Procedure 4/2013 PSNI should first liaise with the Office of the Police Ombudsman.

4

The PSNI should within 3 months of the publication of this Human Rights Annual Report provide to the Performance Committee a report on progress made to implement the recommendations directed at the PSNI in the Report of the Independent Inquiry into Child Sexual Exploitation in Northern Ireland. That report should include the lessons learned by the PSNI from its own internal review of Operation Owl.

# Recommendations

from the 2014 Human Rights Annual Report

5

PSNI should provide the Performance Committee, within 6 months of the publication of this Human Rights Annual Report, with an evaluation of its internal review on the service of ex-parte non-molestation orders and occupation orders. That evaluation should consider whether there has been any improvement in the length of time taken to serve orders, whether checks and balances put in place to oversee service of orders have been effective, and how the PSNI will ensure that victims are kept informed as to progress or delay in serving the orders.

7

PSNI should review its policy and practice in respect of arrests under section 41 of the Terrorism Act 2000 to ensure that police officers have not reverted to using section 41 Terrorism Act 2000 in cases in which it is anticipated that the suspect is more likely to be charged under other legislation. The review should be completed within 6 months of the publication of this Human Rights Annual Report. Within 1 month of the conclusion of the review PSNI should report to the Performance Committee on the findings of the review and if required the steps PSNI proposes to take.

6

PSNI should review its training, policy and practices for responding to disability hate crime with a particular focus on the outcome rate for disability hate crime. PSNI should report to the Performance Committee on the outcome of that review within 3 months of the publication of this Human Rights Annual Report.

8

PSNI should report to the Performance Committee within 6 months of the publication of this Human Rights Annual Report on the progress or otherwise of its review of healthcare within custody suites including the extent to which it has secured the necessary input of health care professionals.

9

PSNI should provide a report to the Performance Committee in September 2015 in which the operation of Youth Engagement Clinics is evaluated. That report should include detail on the number and nature of referrals made in each District. The report should also explain the monitoring mechanisms that are in place to ensure that practice is consistent across all police Districts. It should set out the measures that are in place to ensure that there are sufficient resources to ensure the Youth Engagement scheme is not affected by seasonal priorities.



**Northern Ireland Policing Board**

Waterside Tower  
31 Clarendon Road  
Clarendon Dock  
Belfast BT1 3BG

**Tel:** 028 9040 8500

**Fax:** 028 9040 8544

**Textphone:** 028 9052 7668

**Email:** [information@nipolicingboard.org.uk](mailto:information@nipolicingboard.org.uk)

**Website:** [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk)

**Facebook:** [www.facebook.com/policingboard](http://www.facebook.com/policingboard)

**Twitter:** @nipolicingboard

© Northern Ireland Policing Board 2015

Publication date: February 2015

**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.

