

# Human Rights Thematic Review: Policing With Children and Young People

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## *Update on PSNI implementation of recommendations*

An update report on PSNI implementation of 30 recommendations made in the thematic review published by the Policing Board on 26 January 2011

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## BACKGROUND

The Northern Ireland Policing Board, in discharge of its continuing statutory duty to monitor PSNI's performance in complying with the Human Rights Act 1998 and to ensure fair, efficient and effective policing for all of the people of Northern Ireland,<sup>1</sup> carried out a thematic review of policing with children and young people.<sup>2</sup> The review was undertaken for and on behalf of the Policing Board's Human Rights and Professional Standards Committee by the Policing Board's Human Rights Advisor, Alyson Kilpatrick BL. The report was considered, agreed and adopted by the Committee and the Policing Board.

The terms of reference for the thematic review included:

- the policing of anti-social behaviour, including anti-social behaviour orders (ASBOs) and a consideration of 'naming and shaming';<sup>3</sup>
- police practice regarding the dispersal of young people, public order and crowd control, stop and search and other powers to control the activities of children and young people; and
- alternative proposals such as diversionary disposals and community restorative justice.

During the period of review the Committee and the Human Rights Advisor received oral testimony and written submissions from a wide range of stakeholders including those working with the most marginalised young people. Mechanisms were established to ensure that the opinions of young people were listened to, taken into account and referenced. That process culminated in the publication of the thematic review on 26 January 2011. The review made a total of 30 recommendations for PSNI to consider as a means

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<sup>1</sup> The Police (Northern Ireland) Act 2000.

<sup>2</sup> *Human Rights Thematic Review: Policing with Children and Young People*, Northern Ireland Policing Board, January 2011 (available to download through the publications section of the Policing Board's website: [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk)).

<sup>3</sup> The Committee chose to include anti-social behaviour in the terms of reference not because it is perpetrated by children and young people but because society assumes falsely that young people are the main protagonists of anti-social behaviour. The Committee sought to address and challenge that misconception through the thematic review.

of improving the service delivered to young people throughout Northern Ireland.

Despite the fact that the report was critical of *some* police practice, it also highlighted the extent to which the PSNI had been engaging with young people and responding to issues raised by them. It was recognised that some issues had to be addressed by wider society and were not created by the police or capable of remedy by them alone. The PSNI and the Policing Board recognise that effective policing depends upon collaboration between local communities and partner agencies. The PSNI and the Policing Board also recognise that children and young people should be central to an effective policing strategy.

In response to the publication of the review PSNI accepted, in full, 29 of the 30 recommendations.<sup>4</sup> The Policing Board's Human Rights Advisor met with a range of individuals within the PSNI to discuss the way it proposed to implement the accepted recommendations (and also to explore further the recommendation that was rejected) and she has monitored progress since. The Human Rights Advisor provided the Human Rights and Professional Standards Committee with an update on progress in November 2012. An update was also shared with the Board's Youth Advisory Panel and feedback was sought. The Human Rights Advisor is grateful to those stakeholders who sit on the Youth Advisory Panel for their continued input and assistance with this critical aspect of the Policing Board's human rights monitoring work.

This update report sets out action taken by PSNI in respect of the specific recommendations made in the thematic review.<sup>5</sup> The majority of the recommendations were intended to represent, and have been accepted as, an ongoing commitment by the police. By way of example, Recommendation

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<sup>4</sup> Recommendation 5, which required PSNI to provide each police District with a nominated Anti-Social Behaviour Officer, was rejected by PSNI. This is discussed further at page 10 of this report.

<sup>5</sup> It does not cover the full range of emerging issues that have arisen in respect of the policing of children and young people since the thematic was published. Some of these will be covered in more detail in the Policing Board's forthcoming Human Rights Annual Report and a further substantive thematic update report.

1 is intended to create an ongoing obligation to record information. Recommendation 2 is also an example of an ongoing obligation to involve youth advisers in the planning of operations involving children. The Policing Board will therefore continue to monitor the implementation of recommendations and will continue to engage with stakeholders. In particular, the Policing Board will continue to seek the views of stakeholders and young people on their experience of policing; whether the recommendations have been implemented in practice and whether implementation of the recommendations has had a positive (or negative) effect upon police practice. Furthermore, the Committee will consider other emerging policing issues that have an impact on children and young people and will publish a further report in due course.

It should be noted that following restructuring of the Policing Board's Committees, monitoring of PSNI's progress in implementing the thematic review recommendations is now the responsibility of the Performance Committee.<sup>6</sup> Therefore references to 'the Committee' in this update report refer to the Performance Committee.

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<sup>6</sup> The Performance Committee has responsibility to monitor, on behalf of the Policing Board, the performance of the PSNI in complying with the Human Rights Act 1998 (as required by section 3(3)(b)(ii) of the Police (Northern Ireland) Act 2000).

## **UPDATE ON PSNI ACTION TO IMPLEMENT RECOMMENDATIONS**

### **RECOMMENDATION 1 (anti-social behaviour data)**

**The PSNI should record, for every reported incident of anti-social behaviour, the age or approximate age of both victim and perpetrator.**

#### **Recommendation accepted in full.**

The police have a responsibility to respond appropriately to criminal offending; they should not be diverted by responding to subjective estimations of annoyance which are the result of the negative stereotyping of young people. To enable the PSNI to distinguish between the two it must have a clear picture of the nature and scale of anti-social behaviour and a better understanding of whom it is that is committing anti-social acts, and why. The police rely to a great extent on information which is in the custody of other agencies such as Health and Social Services. The Committee considers it essential that all relevant agencies co-operate to identify the true nature and scale of the issue to enable the police to better target its policing response.

In response to Recommendation 1, PSNI has established a mechanism that records details of age in respect of victims *and* perpetrators of anti-social behaviour where those are provided or are otherwise available.<sup>7</sup> There was a perception that the majority of anti-social behaviour was carried out by young people but the reality was very different.

Monthly bulletins are published on the PSNI website. They provide detail of the number of reported incidents of anti-social behaviour in each policing Area across Northern Ireland. The bulletins do not provide the age information that is now captured by PSNI but the Committee is keen that the information is included in the published statistical bulletins.

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<sup>7</sup> The police have no powers to demand that either party provides their date of birth where an anti-social behaviour incident that does not amount to a crime is reported.

## **RECOMMENDATION 2: (operations involving young people)**

**PSNI should involve youth advisers in the planning of operations involving children and young people.**

**Recommendation accepted in full.**

The thematic review highlighted the importance of PSNI involving youth advisers, whether from within the PSNI or from the voluntary sector, in the planning of operations involving children and young people to ensure that the rights, vulnerabilities and issues faced by those children and young people were taken adequately into account. PSNI carries out a Community Impact Assessment (CIA) for all critical incidents (or incidents which have the potential to become critical), serious crime incidents, major planned policing activity and any other incident/activity where the Silver or District Commander deems a CIA necessary. Completion of a CIA is essential in order to ensure the protection of vulnerable individuals and groups and to promote and retain community confidence. PSNI has advised that CIA training depends upon good consultation with local youth groups and youth leaders. The Committee agrees.

Further guidance is incorporated into PSNI policy on Critical Incident Management and Community Impact Assessments,<sup>8</sup> which was reviewed and reissued in July 2012. That policy requires that where a Senior Supervisor is informed of a critical incident, he or she must (amongst other things) take immediate steps to manage or resolve victim, family or community confidence issues. Where relevant a CIA should be completed. The policy states that Supervisors “should always consider gaining a local independent perspective from partner agencies, stakeholders, community representatives or Independent Advisers.”<sup>9</sup> The policy also considers how the PSNI should deal with ‘Community Issues’ and states that “Involving the community in the

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<sup>8</sup> *Critical Incident Management and Community Impact Assessments*, PSNI Service Procedure 10/2012, July 2012.

<sup>9</sup> *Ibid.* section 5(8)(b)(vi).



management of a critical incident can help to reduce the impact of any problems and provide a bridge between the police, and the victim, their family and the wider community. These consultations can take place with or include local community leaders, elected and independent members of the PCSP or members of standing Independent Advisory Groups (IAG). The guiding influences must be around the individual's ability to be representative of the community and the provision of independent advice."<sup>10</sup>

The policy references the fact that Community Safety Branch of PSNI has established and can facilitate access to a number of bespoke IAGs, including IAGs that can provide advice on youth issues. Recommendation 2 is categorised by PSNI as 'actioned' for recording purposes. However the real measure of its implementation will be the application of the policy in practice. The Policing Board will therefore continue to monitor that by engagement with stakeholders who can provide evidence as to the translation of policy into practice.

### **RECOMMENDATION 3: (engaging with communities)**

**To engage effectively with communities, particularly with children and young people, the PSNI should develop an outward facing team of officers with community policing experience in each District.**

**Recommendation accepted in full.**

The Human Rights and Professional Standards (HRPS) Committee was convinced that youth offending would not be solved simply by harsher policing or more punitive sanctions. The thematic review recognised that a large number of children in contact with the police and the criminal justice system were learning disabled, had drug or alcohol dependency, were from deprived neighbourhoods and/or had suffered physical or emotional abuse in their young lives. Young people are more likely to be a victim of a crime than a

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<sup>10</sup> *Ibid.* section 5(12).

perpetrator and the HRPS Committee was of the view that they needed a variety of support and interventions before they needed punishment. The PSNI also recognises that and has been proactive in establishing initiatives aimed at early intervention in collaboration with other agencies. The HRPS Committee wished to encourage long-term constructive solutions building upon community partnership. The Performance Committee agrees.

PSNI has advised that it redeployed Community and Schools officers (as well as deploying an additional 600 operational officers) into Neighbourhood Policing Teams. Those officers must spend at least 80% of their time working with the community and some of that time must include engagement with young people through educational events, such as the Citizenship and Safety Education (CASE) programme in schools, and other District-led programmes such as road safety road shows, drug and alcohol awareness programmes, a get to know your Neighbourhood Police Officer programme ('pizza with a peeler'). Whether however that engagement has continued to the extent necessary to have a real impact is a different matter. The Committee wishes to encourage the PSNI to prioritise such engagement and take steps to ensure that relevant officers are involved meaningfully in the engagement process.

#### **RECOMMENDATION 4 (partnerships to address anti-social behaviour)**

**The PSNI should, through its participation in Anti-Social Behaviour Forums, develop links with local youth workers with the aim of addressing more effectively anti-social behaviour. Those partnerships should be represented on the Anti-Social Behaviour Forums.**

**Recommendation accepted in full.**

Within an Anti-Social Behaviour Forum (ASBF) the PSNI, the Northern Ireland Housing Executive (NIHE), District Councils, and the Youth Justice Agency (YJA) are represented. The purpose of an ASBF is to share information and discuss local issues of anti-social behaviour. The HRPS Committee believed

that ASBFs would benefit from greater community involvement. Recommendation 4 was intended to ensure that if young people were suspected of anti-social behaviour, the police would consult not only with those statutory agencies with which consultation was required by legislation but also with local youth workers before steps were taken to address the problem. ASBFs were considered to be an appropriate and established mechanism through which consultation could take place.

PSNI has developed guidance for police officers on ASBOs, Acceptable Behaviour Contracts and ASBFs. The guidance states that ASBFs “should seek, when appropriate, to engage/consult with their local partners; including, Probation Board of Northern Ireland (PBNI), Social Services Trusts and Education and Library Boards... Where local youth workers or voluntary agencies are working with a young person on a programme of support, consideration should be given to inviting the youth worker or representative from the agency to attend the Forum to discuss and provide feedback in relation only to that young person. Where this relates to non-offence behaviour the Forum members would be required to secure the consent of the young person and their parent/guardian for this sharing of information to take place.” The guidance requires that ASBFs review their community engagement processes and it states that “communities can also provide support and create dialogue within the community itself to support rather than sanction those most vulnerable or marginalised in society.”

A recent inspection report, published by the Criminal Justice Inspection Northern Ireland (CJINI), found that Policing and Community Safety Partnerships (PCSPs), which were introduced across Northern Ireland in April 2012, had an important role to play in addressing anti-social behaviour in local areas: firstly PCSPs have a responsibility to deliver community education about the realities of anti-social behaviour and crime; and secondly, PCSPs have a key role in providing comprehensive community input into decision making processes and provide feedback on the interventions

utilised.<sup>11</sup> CJINI commented that “the Partnerships are ideally placed to share knowledge and communication between political parties, independent community members and statutory agencies. This three-way communication should ensure that solutions are targeted at areas of concern to the community, that consideration is given to all relevant factors and feedback is obtained and acted upon.”<sup>12</sup> CJINI recommended that PCSPs are utilised as a mechanism by which to provide comprehensive community input into decision making processes about tackling anti-social behaviour and feedback on the effectiveness of interventions.<sup>13</sup>

PSNI has also suggested to the Committee that as a result of Reducing Offending in Partnership (ROP) and Reducing Offending Units being established in each police District, a more coordinated approach to tackling anti-social behaviour, which involves local partners, will be ensured.<sup>14</sup>

Whilst individuals will be dealt with through ROP, it is not yet clear whether it will have the capability to consider and develop, for example, strategic initiatives to tackle anti-social behaviour. Furthermore, the extent to which local youth workers, community organisations (e.g. community based restorative justice schemes) and PCSPs will be involved with ROP appears to be limited. It may be that the ASBFs would better serve that purpose as the structure of ROP permits only statutory agencies to be involved in the multi-agency meetings (although the involvement of Neighbourhood Officers and Youth Diversion Officers may provide a channel through which community input can be sought). This will be returned to for consideration by the Committee in due course.

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<sup>11</sup> *Anti-Social Behaviour: an inspection of the criminal justice system’s approach to addressing anti-social behaviour in Northern Ireland*, Criminal Justice Inspection Northern Ireland (CJINI), October 2012.

<sup>12</sup> *Ibid.* page vii.

<sup>13</sup> *Ibid.* para. 2.28.

<sup>14</sup> Reducing Offending in Partnership (ROP) is a multi-agency approach to managing priority offenders (adults and children) and involves the PSNI, Probation Board, Youth Justice Agency and the Prison Service. It is detailed below in relation to Recommendation 28 of the thematic review.

## **RECOMMENDATION 5 (anti-social behaviour officers)**

**The PSNI should provide within each District a nominated Anti-Social Behaviour Officer who has received the bespoke youth training as per Recommendation 24 of this thematic review.**

### **Recommendation rejected.**

At the time of the thematic review, most PSNI Districts had an Anti-Social Behaviour Officer whose core function was to deal with anti-social behaviour. The Criminal Justice Inspection Northern Ireland (CJINI) had previously found that in areas where there was no dedicated Anti-Social Behaviour Officer there was, on occasion, a lack of co-ordination or pro-activity in the setting up and effective running of the ASBFs.<sup>15</sup> CJINI Inspectors were also told by PSNI officers that they “felt that officers on the ground (i.e. response officers) had very limited knowledge of ASBOs which led to problems with identifying and addressing breaches. This was particularly a problem in areas where there was no nominated ASB [Anti-Social Behaviour] officer who could provide information to response and sector/neighbourhood officers and educate them within the District.”<sup>16</sup>

The duties and responsibilities of Anti-Social Behaviour Officers have now been absorbed by Neighbourhood Policing Teams. PSNI rationale for that restructuring was that police officers in Neighbourhood Policing Teams would be “better sighted within the community to deliver on anti-social behaviour, working in partnership with the community ensuring a consistent approach with better informed decision making.” It is not yet clear to the Committee, however, that Neighbourhood Officers will provide a more consistent approach to tackling anti-social behaviour. It may assist with ensuring consistency *within* neighbourhoods, but whether it will ensure consistency of approach *between* neighbourhoods and from District to District is a question

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<sup>15</sup> *Anti-Social Behaviour Orders: an inspection of the operation and effectiveness of ASBOs*, Criminal Justice Inspection Northern Ireland (CJINI), October 2008, see e.g. para. 3.8.

<sup>16</sup> *Ibid.* para. 5.4.

which the Committee has recently raised with the Chief Constable and will continue to ask.

A recent inspection report by CJINI commented that whilst PSNI's rationale "had benefits in terms of developing a more holistic approach and an approach which was more cognisant of the needs of the community as a whole, Inspectors heard that it had also led to a number of difficulties. These included the inconsistency of representation on the Forums as highlighted above, a limited awareness of many Neighbourhood Officers about how to use the tools available to deal with anti-social behaviour (particularly in relation to ASBOs), coupled with a lack of training in this area, and therefore an inconsistent approach across the PSNI." CJINI recommended that "the PSNI should ensure that those Officers tasked with using tools to address anti-social behaviour are sufficiently skilled and have appropriate resources to discharge their duties effectively."<sup>17</sup>

The fact that Youth Diversion Officers must be notified if a child or young person is identified as having being involved in risk taking, anti-social or criminal behaviour has provided some comfort to the Committee. There would appear therefore to be some degree of specialist oversight of Neighbourhood Officers. If notified, the Youth Diversion Officer should ensure any response is proportionate and is in the best interests of the child. It is important that Youth Diversion Officers retain a dedicated, specialised role and that they do not become absorbed into a generic neighbourhood policing role.

#### **RECOMMENDATION 6 (consultation & ASBOs)**

**In advance of any decision to apply for an ASBO the PSNI should consult the statutory agencies required by the Anti-Social Behaviour (Northern Ireland) Order 2004 [i.e. the relevant District Council and the**

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<sup>17</sup> *Anti-Social Behaviour: an inspection of the criminal justice system's approach to addressing anti-social behaviour in Northern Ireland*, Criminal Justice Inspection Northern Ireland (CJINI), October 2012, para. 2.27.

**Northern Ireland Housing Executive] and other statutory or voluntary agencies with which the child or young person has been in contact.**

**Recommendation accepted in full.**

The thematic review set out the good practice that the HRPS Committee believed should be followed in the event that ASBOs continued to be available. The thematic review emphasised that consultation should be more than merely procedural. Consultation should be meaningful and should consider whether an application for an ASBO is the most appropriate and proportionate means of proceeding. The consultation should enable the relevant agencies to consider whether, in fact, the child or young person who is alleged to be committing anti-social behaviour could be better dealt with by co-ordinating the provision of support and other services.

PSNI's recently revised guidance on ASBOs and Acceptable Behaviour Contracts states specifically that before applying for an ASBO, police officers should consult with the District Council in which the person resides or appears to reside, and that the Northern Ireland Housing Executive (NIHE) should also be consulted if the behaviour affects or is occurring on or near premises managed by NIHE or if the behaviour affects any of their tenants. The guidance also states that "consultation and the sharing of relevant information prior to the statutory consultation meeting should be ongoing between the relevant agencies. Problems can be addressed and proportionate steps taken before the stage of formally considering an ASBO is reached."

Whilst the 2004 Order does not require consultation with any additional statutory or voluntary agency, PSNI's guidance states that the authority considering applying for an ASBO "may seek further information from other relevant partners in the area where the anti-social behaviour occurred e.g. Youth Justice Agency, Probation Service, Youth Services, Education or Social Services." The guidance states that Youth Diversion Officers, who must be notified of all proposed applications for ASBOs for children "should also consult with any statutory or voluntary agencies with which the subject of the

proposed application has been in contact.” Furthermore, where a young person has been discussed at an Anti-Social Behaviour Forum, their youth worker may have been invited to attend for part of the Forum meeting (see Recommendation 4 above). The fact that PSNI’s guidance goes further than the legislation in terms of a requirement to consult is welcomed by the Committee.

### **RECOMMENDATION 7 (ASBOs & policing criminal activity)**

**In the event that ASBOs continue to be available to the PSNI as a measure to tackle anti-social behaviour, they should only be used for persistent anti-social behaviour when other alternatives have been tried and failed. ASBOs should not be used as a means of policing criminal activity.**

#### **Recommendation accepted in full.**

PSNI’s anti-social behaviour policy does not (and neither does the legislation) define with any specificity what anti-social behaviour is. At the time of the thematic review PSNI policy incorporated the examples included in Appendix C to the Northern Ireland Office (NIO) guidelines for practitioners.<sup>18</sup> Appendix C recommends applying for an ASBO when there is a persistent pattern of behaviour of a serious nature which cannot be dealt with easily or adequately by other remedies. The guidelines include examples of anti-social behaviour, however, which are not ‘anti-social’ but criminal, for example, hate related incidents; taking and driving away a vehicle; and criminal damage. The majority of submissions made to the HRPS Committee during the course of the thematic review considered ASBOs to be, amongst other things, ineffective. Furthermore, a number of people also submitted that the police service should not deal with criminality by way of an ASBO. Whilst there was no evidence that PSNI was substituting the ASBO procedure for criminal proceedings, the HRPS Committee made clear through Recommendation 7

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<sup>18</sup> *A Guide to Anti-Social Behaviour Orders*, Community Safety Unit, Northern Ireland Office. Note, responsibility for this area has now been devolved to the Department of Justice.



that such an approach to tackling criminality, if adopted, would not depart from the Committee's view.

The police, when responding to anti-social behaviour, adopt a graduated response. That graduate response includes, for example, warning letters and Acceptable Behaviour Contracts, which will be considered before an application is made for an ASBO. PSNI's revised guidance on ASBOs and Acceptable Behaviour Contracts states:

“ASBOs should not be used as a means of policing criminal activity, and are not to be used as a substitute for a weak criminal case. Criminal matters should be fully investigated and full use should be made of both the Adult and Youth Diversion Schemes in an attempt to prevent further anti-social acts that may potentially lead to a criminal conviction.

An ASBO application must only be considered if one or more of the following criteria apply:-

1. ASBO application as a result of a breach of an Acceptable Behaviour Contract
2. ASBO application resulting from conviction for criminal behaviour
3. ASBO application as a result of extreme behaviour which does not meet the threshold of criminal behaviour.

Policing with the Community Branch will dip sample ASBO applications to ensure that they fit within this criteria [sic] and are not being used to police criminal behaviour.”

PSNI has also advised the Committee that the involvement of the Youth Diversion Officer in Reducing Offending Units<sup>19</sup> and the fact that he or she must be involved in the initial decision making process if a child or young person is monitored for anti-social behaviour ought to ensure that there are

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<sup>19</sup> See Recommendation 28 below in relation to Reducing Offending Units.

clear roles and responsibilities for the proportionate delivery of disposals which are in the best interests of the child.

#### **RECOMMENDATION 8 (ASBO statistics)**

**For a period of 12 months the PSNI should collate, and thereafter share with the Human Rights and Professional Standards Committee of the Policing Board, statistics which record the number of applications made, the nature of the application and details of the behaviour which resulted in the application for an ASBO. That information should be broken down according to District. The PSNI should begin recording no later than 1 April 2011.**

#### **Recommendation accepted in full.**

The Department of Justice does not hold information centrally on the exact nature of anti-social behaviour which has led to ASBOs being granted (nor did the Northern Ireland Office before it). Neither does the PSNI. It is therefore difficult to gauge the types of behaviour for which ASBOs are being sought and granted in Northern Ireland. If that information was captured it would lead to a better understanding of the types of behaviour for which ASBOs are being sought and it may dispel (or confirm) concern that they are being applied for in respect of behaviour which should have been progressed as a criminal matter or indeed should not have been progress through the courts at all.

To capture that information the PSNI was required to redesign its internal ASBO monitoring database. This process has taken some time to complete. The redesigned database has now been completed and Policing with the Community Branch will receive monthly returns from Districts. The returns will include information in respect of applications made, details of the officer in charge, the nature of the application and details of the behaviour which resulted in the application for the ASBO. The returns will also include

information on ASBOs already in place. A report is to be provided to the Committee once 12 months of data has been collated.

### **RECOMMENDATION 9 (terms of ASBO: exclusion from the home)**

**The PSNI should not, as part of an ASBO application, consider a term which prohibits a young person from entering his or her home.**

#### **Recommendation accepted in full.**

An ASBO is permitted, under the legislation as interpreted by the courts of England and Wales, to include a prohibition on the defendant entering a designated exclusion zone. That is intended to prevent a defendant from entering the area in which he or she was carrying out the anti-social activity thereby giving relief to a specific family or community. In England and Wales, ASBOs have been made which provide for exclusion zones which have the effect (deliberately) of excluding the defendant from entering his or her home. Clearly, a number of ECHR rights are engaged by the imposition of such an order. If a similar scenario is considered in Northern Ireland (where, unlike in GB, more than 93% of social housing is estimated to be segregated), the impact upon a defendant is considerable. If the defendant is a young person without the capacity or resources to provide an alternative home, his or her safety may be compromised. In those circumstances the HRPS Committee considered that the PSNI should not, as part of an ASBO application, propose a term which will prohibit a young person from entering his or her home. While the HRPS Committee was satisfied that no such term had been applied for by the PSNI, there was no written commitment (at the time of the thematic review) to prevent such a term. The HRPS Committee was therefore keen to see such a commitment addressed; hence Recommendation 9.

PSNI's revised guidance on ASBOs and Acceptable Behaviour Contracts states that prohibitions attached to ASBOs "should reflect the anti-social behaviours and precursors to the behaviour. They should be reasonable, justified, proportionate, realistic and practical. Consideration should be given

to the effects of imposing prohibitions on the defendant. They should be necessary to protect persons within a defined area... However, the need to prohibit a person under 18 years of age from their home address will only be undertaken in exceptional circumstances following advice from PSNI HR [Human Rights] legal advisor on every occasion. Consideration should also be given to the health needs of the subject, in proposing restrictions of movement, such as access to Health Care, doctor's surgery, dentist etc.”

The guidance similarly states that a decision to attach a prohibition to an Acceptable Behaviour Contract which prohibits a person under 18 years of age from their home address will only be undertaken in exceptional circumstances following advice from PSNI Human Rights Legal Advisor. The application of the “exceptional circumstances” limitation will be kept under review by the Committee.

#### **RECOMMENDATION 10 (youth diversion officers)**

**In all cases where an ASBO or Acceptable Behaviour Contract is under consideration for a child the Youth Diversion Officer and Anti-Social Behaviour Officer should be involved in the decision-making process.**

#### **Recommendation accepted in full.**

PSNI policy requires that interventions or methods short of an ASBO should first be considered to prevent anti-social behaviour. It reminds officers, however, that it is not necessary for all other remedies to be exhausted before applying for an ASBO and that they are not necessarily a last resort but that all circumstances should be taken into account before deciding whether seeking an ASBO is the proportionate response to an identified problem. The HRPS Committee considered the involvement of the Youth Diversion Officer (YDO) to be an integral part of that decision making process and recommended that in all cases the YDO should be involved in decision making. The YDO should be advised at the start of the process and throughout when a material step is taken. That should include, for example,

the sending of a warning letter is sent to a young person. That is particularly important when an Acceptable Behaviour Contract or ASBO is under consideration.

PSNI's revised guidance on ASBOs and Acceptable Behaviour Contracts makes clear that Youth Diversion Officers must be involved in the decision making from the start of the process where a child or young person is being monitored for anti-social behaviour. That is a positive revision which is welcomed by the Committee.

### **RECOMMENDATION 11 (support for young people)**

**In every case where a child or young person is implicated in anti-social behaviour the police should consider, in conjunction with relevant agencies, advice and support to include whether there are any projects or initiatives to support the young person and his or her family.**

**Recommendation accepted in full.**

The terms of any ASBO made must be explained by the court to the person against whom the order is made. At the time of publication of the thematic review, PSNI policy also provided that police should consider giving additional advice and support to assist that person to adhere to the order and that consideration should be given to any schemes that may support that person or their family, for example, mentoring schemes. The policy stated that such support should be considered even where the ASBO application was refused. That was an extremely important part of PSNI policy and was likely to provide the most effective route to combating anti-social behaviour while also securing the rights of the child. Recommendation 11 was aimed at ensuring that additional advice and support would be made available in all cases in which a child or young person was implicated in anti-social behaviour, whether or not an ASBO application was made.

PSNI's revised guidance on ASBOs and Acceptable Behaviour Contracts provides that "in every case where a child or young person is implicated in anti-social behaviour the police should consider, in conjunction with relevant agencies, advice and support, to include whether there are any projects or initiatives to support the young person and his/her family."

As outlined above in respect of Recommendation 10, Youth Diversion Officers must be involved in the decision making if a child or young person is monitored for anti-social behaviour. These officers should have knowledge of the child and his or her family and may be able to offer advice as to appropriate avenues of support. PSNI also advises that where a child is being dealt with through a Reducing Offending Unit<sup>20</sup> specific consideration will be given to support or intervention services. That is then discussed with partners at multi-agency meetings convened monthly. Before a referral to support services is made, the decision will be considered by a Youth Diversion Officer. If the child is known to social services, his or her social worker must be contacted. If not, the Youth Diversion Officer may consider direct referral to other support and intervention services, for example, referral may be made to a Family Support Hub.<sup>21</sup>

## **RECOMMENDATION 12 (ASBOs & reporting restrictions)**

**PSNI should amend its policy to provide that the police will not resist an application for reporting restrictions in relation to an ASBO made against a person under the age of 18 years and in the event that there is no application made on the child's behalf the PSNI will not publish the details of the child.**

**Recommendation accepted in full.**

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<sup>20</sup> See Recommendation 28 below in relation to Reducing Offending Units.

<sup>21</sup> Family Support Hubs (FSHs) consist of a network of agencies (statutory, community and voluntary) who work to provide early intervention and support to vulnerable families and children. FSHs aim to improve service delivery across a range of areas including health, social services, education, policing and housing. A Youth Diversion Officer can only make a referral to a FSH with the consent of the young person and their family.

Unless reporting restrictions have been imposed by the court, there is no prohibition on publishing the details of an ASBO. At the time of the thematic review PSNI policy stated that if police decided to publicise an ASBO they should be able to demonstrate a legitimate policing purpose for publishing and must first carry out a risk assessment “due to the potential for retribution by various groups.” In relation to children and young people, PSNI policy stated that “extreme caution should be exercised to ensure the best interests of the child are promoted. It is likely to be hard to show that publication of an ASBO is going to promote the best interests of the child. Legal advice should be sought in any instance where publicising an ASBO in respect of anyone under 18 is contemplated.”

To date, the PSNI has not published the details of any ASBO concerning a child. In this respect, the PSNI should be commended for its approach, which is more respectful of the rights of the child than police services in GB. The HRPS Committee was strongly of the view that the PSNI should not publish an ASBO made against a child (*i.e.* any person under 18 years). PSNI accepted that recommendation. Its recently revised guidance on ASBOs states that “PSNI will not resist such an application for reporting restrictions in relation to an ASBO made against a person under the age of 18. Where no application is made on behalf of the child, PSNI will not publish details of the child, unless in exceptional circumstances. The consideration to publish must be balanced with the safety and rights of the child or young person.”

The Committee is not convinced that policy amendment discharges Recommendation 12, which sought to ensure that under no circumstances would the details of a child be published *in relation to an ASBO*. As discussed below in respect of Recommendation 13, the Committee accepted that there may be exceptional circumstances where the release of an image of a child was required for the purposes of protecting the general public or the child from serious injury or harm and only after other reasonable methods had been tried and failed. In the case of an ASBO (which is not intended to deal with criminality) it is difficult to conceive of a situation which would satisfy that test; not least because the PSNI will already know the identity of the child and his

or her whereabouts. Publication of the mere fact that an ASBO has been made is unlikely ever to be required for the protection of the public or the child.

### **RECOMMENDATION 13 (release of images of young people)**

**PSNI policy should be amended to include the following guidance. Police officers should never release images or other details of any person under the age of 18 years into the public domain save where the release is necessary for the purpose of protecting the general public or the young person from serious injury and only after all reasonable methods have been tried and failed. Each and every decision to release a single image or other detail into the public domain must be justified. In each case before the decision is taken the PSNI should conduct a detailed risk assessment and consult with all relevant individuals and agencies. A record of the risk assessment and consultation must be recorded.**

#### **Recommendation accepted in full.**

The release by the PSNI, in 2010, of images of young people as part of 'Operation Exposure',<sup>22</sup> which included a leaflet drop identifying of persons wanted for questioning in relation to sectarian interface violence, engaged various rights protected by the Human Rights Act 1998. Concern was raised with PSNI in respect of Operation Exposure by stakeholders and by the Policing Board's Human Rights & Professional Standards Committee. Operation Exposure was challenged by judicial review on the ground, inter alia, that it breached Article 8 ECHR (the right to respect for private and family life). That challenge was dismissed on the facts of the case.<sup>23</sup>

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<sup>22</sup> In summer 2010 PSNI produced leaflets containing images of young people whom they wished to speak to in connection with sectarian interface violence. The leaflets were distributed amongst local households and requested that the public assisted with identification. PSNI also released some images to local newspapers. The operation was known as 'Operation Exposure'.

<sup>23</sup> *Re JR 38's Application (In the matter of an application by JR 38 for Judicial Review)*, NIQB 44 [2013].



Article 8 ECHR is clearly engaged by any decision to release a person's details, which includes an image of that person. That right may, however, be interfered with if interference can be justified on the grounds that release was necessary and proportionate in the interests of public safety or for the prevention of crime or disorder. In every case, the police must balance the rights of the individual to privacy against the rights of the community to be protected from harm. Article 6 ECHR (the right to a fair trial) is also engaged where identification of a suspect is in issue. The publication of an image of a suspect may therefore infringe that person's Article 6 rights unless, despite the release of the image, he or she may still be assured a fair trial and the potential breach can be justified, for example, on public protection grounds. Article 6 applies with equal force in respect of a child as an adult.

There is a very real fear in Northern Ireland that images published by the police of suspects or perpetrators will be used for the purposes of identifying either members of the 'other' community or for identifying people who deserve so-called 'summary justice' dispensed by paramilitary groups. Such vigilantism engages very directly the Article 2 ECHR right to life and the Article 3 ECHR prohibition against torture, inhuman or degrading treatment or punishment. The potential for retribution within the community is a factor the police should take into account before taking the unusual and exceptional decision to dispense with the young person's right to anonymity. That is recognised, for example, in the police policy on the publication of ASBOs and the rationale in that policy applies as forcefully to the release of images under an operation such as Operation Exposure.

Police in GB have released images of suspects in cases where there is a clear and serious risk to the public from *not* releasing the image. For example, where a dangerous person is at large who poses a risk to the public. In the absence of such a compelling reason, however, the police should not release images of a suspect. If the suspect is a child, the level of protection afforded should be greater still. The privacy of a child should be very carefully protected and very great weight must be given to the welfare of the child. Dispensing with the child's prima facie right to privacy (for example, for the

purposes of more easily identifying suspects) by the release of images of children wanted for questioning is a decision which is difficult to justify save in exceptional cases where the safety of the general public or the child is at stake.

When a child is brought before a criminal court, whether as an offender or otherwise, the court must have regard to the welfare of the child, for example, by imposing reporting restrictions automatically or on application. Even when a child or young person is convicted of an offence the court will protect his or her identity. To undermine that protection by publishing images in advance is troubling.

Article 8 ECHR extends to the family of the young person whose image has been publicised. While the PSNI may be unable to prevent the media from publicising details of children, the circumstances in which the *PSNI* publish personal information relating to a child should be limited to those exceptional cases where publication is lawful, necessary and proportionate.

PSNI has since updated its Guidance on the Release of Images of Suspects and Defendants to reflect the wording of Recommendation 13. That guidance requires a consideration as to how any release will contribute to the best interests of the child. Furthermore, a risk assessment (considering the child and the child's family) will be carried out, with specific reference to the possibility of the child being targeted for punishment attacks. The guidance provides that in every case where an image of a person known or believed to be a child is contemplated for release, legal advice should be sought. It states that images should not be released unless there is a risk of serious harm to the public or the child. That is welcomed by the Committee and appears to meet the substance of the recommendation but the Committee requires reassurance that it has been translated into binding PSNI policy and thereafter implemented in practice. That will be kept under review.

## **RECOMMENDATION 14 (ASBOs & detention)**

**PSNI policy should be amended to prohibit the detention of any person under the age of 16 years where that person has been arrested in respect of breach of an ASBO alone.**

**Recommendation accepted in part.**

Breach of an ASBO (which is a civil order or injunction) is a criminal offence and may result in a young person being detained in police custody. Article 5 ECHR does not prohibit detention in police custody where a person has breached a court order but Article 37 UNCRC requires that the arrest, detention or imprisonment of a child should be used only as a measure of last resort and for the shortest appropriate period of time. It is difficult to envisage a circumstance when the detention of a child in police custody for breach of an ASBO *alone* would be a measure of last resort or appropriate: if the alleged breach relates to criminality which is sufficiently serious to warrant detention the child may be detained on that basis but not for the fact of breach of a term of the ASBO. In Scotland, ASBO legislation specifically provides that breach of an ASBO by a person under the age of 16 years will not lead to detention where no other offences are involved.<sup>24</sup> The HRPS Committee considered that to be a proportionate response which was sufficiently respectful of the rights of the child.

PSNI advised that it supported the principle that detention should be rare in such circumstances but that there may be occasions when it is deemed necessary to detain the child in order to safeguard the child and that it would therefore be inappropriate for the police to fetter its discretion in this matter.

PSNI has therefore rejected Recommendation 14. For the purposes of clarity, the Committee restates that Recommendation 14 is intended to prohibit the detention of any person under the age of 16 years *where there are no*

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<sup>24</sup> Anti-Social Behaviour etc. (Scotland) Act 2004, section 10.

*grounds for detention other than breach of an ASBO.* If a criminal act constitutes breach of an ASBO, the circumstances of the criminal act may permit a young person to be detained. If child welfare issues come to light following arrest for breach of an ASBO, PSNI may consider the detention of the child on child protection grounds. However, in neither scenario would the fact that the young person has breached an ASBO be the grounds for detention. It is hoped that in light of this further clarification that PSNI will reconsider its response.

### **RECOMMENDATION 15 (young people with a disability)**

**The PSNI should forthwith incorporate within the relevant Policy Directive or Service Procedure guidance which recognises the particular vulnerabilities of young persons with a disability. Thereafter that should be included within relevant training.**

**Recommendation accepted in full.**

ASBOs have been shown to target disproportionately children with a disability. A survey carried out for the BBC by the British Institute of Brain Injured Children (BIBIC) in 2007 revealed that more than a third of children given ASBOs in England and Wales were likely to suffer from underlying brain disorders such as autism, ADHD and a low learning age.<sup>25</sup> At the time of the thematic review PSNI's anti-social behaviour policy did not contain any specific reference to the rights and needs of people with a disability. The thematic review highlighted that as an oversight which needed to be redressed.

PSNI is revising its Youth Diversion Scheme policy. That revised policy will highlight that a high percentage of young people in the criminal justice system suffer from speech and language or learning difficulties such as autism, acquired brain injury and other mental health issues. Whilst recognising that

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<sup>25</sup> <http://news.bbc.co.uk/1/hi/england/somerset/6388865.stm>

police officers are not equipped to diagnose such conditions, the revised policy will require officers to recognise the possibility that individual young people may have disabilities which may make it more likely that they will come to the attention of the police. That revised policy will provide guidance for officers in such situations and signpost officers to appropriate avenues of support.

### **RECOMMENDATION 16 (ASBOs & under 18s)**

**The PSNI should consider limiting applications for ASBOs to people over the age of 18 years old and should instead consider the alternative disposals available in respect of children.**

#### **Recommendation accepted in full.**

The Human Rights and Professional Standards Committee was not persuaded that an ASBO was usually in *the child's* best interests. In 2008, the UN Committee on the Rights of the Child recommended in its Concluding Observations that the United Kingdom should conduct an independent review of ASBOs, with a view to abolishing their application to children.<sup>26</sup> That is clearly a legislative matter for the devolved administrations of the United Kingdom.

The Department of Justice has not, yet, carried out a review of ASBOs with a view to abolishing their application to children, as recommended by the UN Committee. However, that does not detract from the PSNI's responsibility to comply with the Human Rights Act 1998 and the UNCRC. Just because the PSNI is permitted at law to apply for ASBOs against children does not *require* the PSNI to exercise that power. It was the HRPS Committee's view that, given the obvious rights infringements coupled with the fact that ASBOs were

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<sup>26</sup> *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: United Kingdom of Great Britain and Northern Ireland, United Nations Committee on the Rights of the Child, (CRC/C/GBR/CO/4), October 2008.*

considered to be ineffective, the PSNI should not apply for ASBOs in relation to children and young people under the age of 18 years.

PSNI accepted the recommendation to the extent that it considered the issues but, having considered the issues, disagreed with the HRPS Committee's view. It can be noted however that such applications are very rare indeed. The police adopt a graduated response including, for example, warning letters and Acceptable Behaviour Contracts. PSNI's revised guidance on ASBOs and Acceptable Behaviour Contracts requires all available remedies, including diversionary measures, to be considered at an early stage. PSNI's policy on the Youth Diversion Scheme, which is currently undergoing revision, emphasises the need for police officers to divert young people away from the criminal justice system and to consider alternatives that are available to address risk taking, anti-social behaviour and low level offending.

A recent report on the criminal justice system's approach to tackling anti-social behaviour, published by the Criminal Justice Inspection Northern Ireland (CJINI), found that there is an overall proportionate approach to the use of ASBOs in Northern Ireland, with the emphasis very much on intervention and diversion.<sup>27</sup> CJINI recommended that all ASBOs for young people under 18 years of age should incorporate a package of support and should be reviewed every six months.<sup>28</sup> As noted above in respect of Recommendation 11 of the Policing Board's thematic review, PSNI policy does require police officers to consider putting in place support for all young people against whom an ASBO application is made (regardless of whether or not the application is successful). It also provides that "in every case where a child or young person is implicated in anti-social behaviour the police should consider, in conjunction with relevant agencies, advice and support, to include whether there are any projects or initiatives to support the young person and his/her family." It is important that policy is translated into practice.

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<sup>27</sup> *Anti-Social Behaviour: an inspection of the criminal justice system's approach to addressing anti-social behaviour in Northern Ireland*, Criminal Justice Inspection Northern Ireland (CJINI), October 2012.

<sup>28</sup> *Ibid.* paras. 4.23 and 4.24.

## **RECOMMENDATION 17 (acceptable behaviour contracts)**

**In the event that PSNI considers an Acceptable Behaviour Contract (ABC) to be lawful and appropriate for a child under the age of 10 years, which should only ever be an exceptional case, the human rights implications should be fully explored. Thereafter, an assessment should be provided annually to the Human Rights and Professional Standards Committee of those instances where an ABC has been entered into in respect of a child under the age of 10 years.**

### **Recommendation accepted in full.**

An Acceptable Behaviour Contract (ABC) is a voluntary written agreement between a person involved in anti-social behaviour and other relevant local agencies. ABCs list the anti-social behaviour which the person signing up to the contract is alleged to have been involved in and which he or she agrees to discontinue. PSNI's ASBO and ABC guidance states that "the types of behaviour ABCs may be used for are similar to that for an ASBO." ABCs were originally designed for 10 to 17 year olds but have been developed to include adults.

PSNI guidance states that due to the flexible nature of ABCs "there may be circumstances when they could be used for children under 10 years of age." The contract is then signed by the parents or guardians who agree to take responsibility for the child's behaviour. The HRPS Committee was concerned at the application of any sanction to a child below the age of 10 years (the age of criminal responsibility). An ABC for which the parent or guardian takes responsibility may actually introduce the family and the child to the criminal justice process *more* quickly and without any tangible result. The HRPS Committee wished to see the various elements considered before the PSNI adopted the practice and did not endorse the use of ABCs for any child below the age of criminal responsibility i.e. 10 years old.

In response to Recommendation 17 PSNI has indicated that it will continue to consider ABCs for those below the age of 10 years old, however, PSNI has revised its guidance to explicitly refer to the fact that such cases will be exceptional. Monthly ABC returns are kept centrally by PSNI's Policing with the Community Branch and the Committee will be notified on an annual basis of any ABCs entered into in respect of a child below the age of 10.

### **RECOMMENDATION 18 (AEP use)**

**The reason(s) for PSNI use of AEP during public disorder situations should be recorded on the electronic use of force monitoring form and included in the six monthly use of force report provided to the Human Rights and Professional Standards Committee.**

**Recommendation accepted in full.**

Since January 2008, the PSNI has collected its data on use of force by means of an electronic use of force monitoring form. The types of force recorded on the form are Attenuating Energy Projectiles (AEP); batons; CS spray; firearms; police dogs; Tasers and water cannon. Any incident that involves the use of force by an officer, other than those listed on the electronic monitoring form, will still be reported. In such a case, it is reported to the officer's supervisor and recorded in the officer's notebook. That includes, for example, unarmed skills and the use of handcuffs.

The PSNI provides the Policing Board with a six monthly report on uses of force recorded on the electronic use of force monitoring system.<sup>29</sup> For each category of force included in the report the PSNI provides a breakdown of the location of the use (e.g. roadway, dwelling etc.); the District in which the force was used; the incident type (e.g. assault, domestic etc.); the type of police duty (e.g. mobile patrol, foot patrol etc.); and (where a weapon was actually discharged, drawn, used, sprayed), the gender and approximate age of the

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<sup>29</sup> An analysis of the use of force reports is included each year in the Policing Board's Human Rights Annual Report.



member of the person against whom the force was used. PSNI also provides a breakdown of the reason for its use (e.g. to protect public, to protect property etc.) except where an AEP has been used during a public disorder incident. Further to Recommendation 18 of the thematic review, PSNI now includes reasons for use of AEP in the restricted six monthly reports received by the Policing Board. PSNI now publishes an unrestricted version of its use of force reports on the PSNI website. That is extremely positive.

#### **RECOMMENDATION 19 (cessation of term ‘youths causing annoyance’)**

**PSNI should, forthwith, review Policy Documents, Service Procedures and recording forms for the purposes of deleting the term ‘Youths Causing Annoyance.’ PSNI should provide an assurance to the Human Rights and Professional Standards Committee that the term ‘Youths Causing Annoyance’ is no longer used as a classification when recording or reporting on any type of incident.**

**Recommendation accepted in full.**

PSNI had withdrawn the category of ‘Youths Causing Annoyance’ from its crime recording due to its potential to misleading and stereotype young people but it was still, inadvertently, being used on the electronic use of force monitoring form and included in the use of force statistical reports provided to the Policing Board. ‘Youths causing annoyance’ is no longer referred to on the use of force electronic monitoring form or statistical reports. A directive was issued to the organisation regarding the fact that the term should *never* be used and PSNI has provided an assurance that it is no longer a classification in relation to recording or reporting any type of incident.

#### **RECOMMENDATION 20 (stop and search statistics)**

**District Commanders should include in their quarterly spread sheets detailing police use of powers to stop, search and question, the age, or approximate age, of all persons against whom the stop, search and**

**question power have been used. This information should be forwarded to the Central Statistics Branch for inclusion in the quarterly reports that are provided to the Board and that are published on the PSNI's website.**

**Recommendation accepted in full.**

During the course of the thematic review, evidence was submitted that young people were frequently stopped and searched by the police. Other research reports (referred to in the thematic) supported that. Whilst the findings would indicate that powers to stop, search and question are used frequently against young people, surveys provide only a snapshot. It was not possible to quantify the full extent to which the formal powers had been used against children and young people as age information was not routinely included in the stop, search and question statistical reports produced by PSNI.

Since 1 April 2011, in response to Recommendation 11 of the thematic review, PSNI has included age information in restricted quarterly stop and search statistical reports that are provided to the Policing Board. As per the table below, where age was recorded during 2012/2013, more than half of the persons who were stopped, searched and/or questioned during the year were under 26 years (17,261, 57%). A total of 4,827 (16%) were under 18 years. 12,434 (41%) were aged between 18 and 25 years. That is similar to the proportions of young people against whom the powers were used during the previous year. That does not of itself demonstrate that the powers are being used inappropriately but it certainly should alert the PSNI to that possibility.

**Age of persons stopped, searched and/or questioned under PACE, section 43 of the Terrorism Act 2000 and sections 21 and 24 of the Justice and Security (Northern Ireland) Act 2007, across all PSNI Districts, 1 April 2011 – 31 March 2013<sup>30</sup>**

| <u>Age band</u>     | <u>No. of persons</u><br><u>2011/2012</u> | <u>No. of persons</u><br><u>2012/2013</u> |
|---------------------|---|---|
| <b>10 and under</b> | 12  | 14  |
| <b>11 – 14</b>      | 998                                       | 845                                       |
| <b>15 – 17</b>      | 3,996                                     | 3,968                                     |
| <b>18 – 25</b>      | 13,261                                    | 12,434                                    |
| <b>26 – 35</b>      | 7,042                                     | 6,458                                     |
| <b>36 – 45</b>      | 4,489                                     | 3,942                                     |
| <b>46 – 55</b>      | 2,670                                     | 2,041                                     |
| <b>56 – 65</b>      | 845                                       | 576                                       |
| <b>Over 65</b>      | 568                                       | 105                                       |
| <b>unknown</b>      | 1,387                                     | 119                                       |
| <b><u>TOTAL</u></b> | <b><u>35,268</u></b>                      | <b><u>30,502</u></b>                      |

Whilst it is helpful that age information is provided in the restricted statistical reports made available to the Policing Board, Recommendation 20 has only been implemented in part: the detailed information contained within the statistical tables is not made available on the PSNI website and is therefore not available to the public. PSNI statistical branch has said that it will consider publishing headline figures (such as those in the table above) in its year end reports from 2014 onwards. Given the importance of having such information made available to the public, the Committee will keep this under review.

<sup>30</sup> These figures are sourced from restricted versions of the PSNI stop and search statistical reports.

## **RECOMMENDATION 21 (duration of post of neighbourhood officer)**

**The PSNI should review the deployment of officers with a view to securing that officers, in particular Neighbourhood Officers, Youth Diversion Officers and Anti-Social Behaviour Officers, are assigned to duty according to their particular interest, skills and experience and thereafter remain in that position for at least two years.**

### **Recommendation accepted in full.**

Throughout the course of the thematic review, individuals and organisations were very keen to name those Neighbourhood Officers who were doing excellent work in the communities they served. Community representatives and youth workers spoke highly of the relationship between those officers and the young people in their area. Unfortunately, those relationships had often not been sustained for any length of time as officers were routinely transferred. Furthermore, there appeared to be a perception among PSNI officers that for career progression purposes there was no discernible benefit to staying within the field of Neighbourhood Policing. The thematic review noted that if PSNI's Policing with the Community Strategy was to succeed, it would depend upon officers maintaining relationships and being valued for the indispensable service they provide both to the community and to the PSNI.

PSNI accepted Recommendation 21 in principle for Neighbourhood Officers and Youth Diversion Officers but stated that it had to be balanced against organisational demand.<sup>31</sup> PSNI Assistant Chief Constables have relayed that message to all District Commanders. Since publication of the thematic review, the Policing Board's Loyalist/Republican Consortium has also agreed that "continuity of service will help to provide the time necessary to develop and retain strong relationships within the community and ultimately lead to a better neighbourhood police service." The Consortium recommended that

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<sup>31</sup> Note that the duties and responsibilities of Anti-Social Behaviour Officers have now been absorbed by Neighbourhood Policing Teams.

Neighbourhood Police Officers should spend a minimum of three years in the same Neighbourhood.<sup>32</sup>

It is worth noting that an independent review of pay and conditions of service for police officers and staff in England and Wales, published in March 2012, recommended that those working in neighbourhood policing should be rewarded for their skills and paid an Expertise and Professional Accreditation Allowance of £600 per annum.<sup>33</sup> The Committee endorses that approach.

## **RECOMMENDATION 22 (neighbourhood and response policing)**

**The PSNI should make a service wide commitment, using the Dunmurry initiative as a template, to ensuring that officers have completed a six week placement in a Neighbourhood Policing Team in the local area before being deployed to a Response Team or to a Tactical Support Group.**

### **Recommendation accepted in full.**

The thematic review heard evidence that good relationships between Neighbourhood Policing Teams and the local community could be undermined by a Response Team or Tactical Support Group (TSG) behaving inappropriately. At the time of the thematic review there had been some very important work undertaken, but it was considered to be piecemeal and localised. In Dunmurry, for example, all officers due to serve in the Response Team for that area were required to work in the Dunmurry Neighbourhood Team before commencing their response duties. That 'initiation' lasted for approximately six weeks. The Dunmurry initiative grew out of community dialogue between a creative and dedicated team of officers and the local community. All stakeholders who had experience of the 'Dunmurry model'

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<sup>32</sup> *Findings from research carried out on behalf of the Community Engagement Committee by a cross community consortium led by Falls Community Council, Northern Ireland Policing Board, June 2011.*

<sup>33</sup> *Independent Review of Police Officer and Staff remuneration and Conditions, T. Winsor, HM Government, March 2012.*

commented favourably on the police approach and on individual officers. There was clearly mutual empathy and respect demonstrated. The Dunmurry model is one which could be rolled out across the PSNI.

PSNI agrees, in principle that a broader perspective is required for all officers and that officers in TSG should be given more exposure to Neighbourhood Teams. PSNI advises that a number of officers in TSGs have been, and continue to be, seconded into Neighbourhood Teams to increase their awareness of neighbourhood issues. That also helps Neighbourhood Officers to better understand the work of their colleagues in TSGs. That work has been focussed in Woodvale/Ardoyne (North Belfast), Ballymacarret (East Belfast), Derry/Londonderry, Ballymena; Coalisland; and Lurgan.

At meetings held in Derry/Londonderry, Armagh and Belfast during 2012, stakeholders provided the HRPS Committee with numerous examples of the good work of Neighbourhood Officers that had been allegedly disrupted by the actions of Response Teams and TSGs. The Policing Board's Loyalist/Republican Consortium also raised that issue and made a recommendation that Neighbourhood and Response teams within a neighbourhood should be strengthened and that all officers performing operations within a community should be briefed on the culture of policing being delivered in that area.<sup>34</sup> PSNI accepted that should take place and that where it was already taking place that good practice should be rolled out across the PSNI. As particular concern exists in relation to the way in which Response and TSGs interact with children and young people, the Policing Board's Youth Advisory Panel has established a sub-group to take that issue forward with PSNI.

In terms of Recommendation 22, whilst pockets of good practice exist to familiarise Response and TSGs with the dynamics of the neighbourhood

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<sup>34</sup> *Findings from research carried out on behalf of the Community Engagement Committee by a cross community consortium led by Falls Community Council, Northern Ireland Policing Board, June 2011.*

within which they operate, a service wide commitment has not been achieved. The Committee will continue to pursue this issue with PSNI.

### **RECOMMENDATION 23 (youth independent advisory groups)**

**The PSNI should progress the roll-out of Youth Independent Advisory Groups by securing that each District has its own group within six months of the publication of this report.**

#### **Recommendation accepted in full.**

In 2007 PSNI, with support from the Northern Ireland Commissioner for Children and Young People (NICCY), commenced a pilot of Youth Independent Advisory Groups (IAGs) in Armagh, Down, Fermanagh and Foyle. Participation staff from NICCY were involved throughout the pilot project, from inception to recruitment to post-pilot evaluation. NICCY's report *Voices for Change: A Review and Evaluation of PSNI Youth Independent Advisory Groups (IAGs) Pilot Project, February 2007 – February 2008*, made 17 recommendations for the development and improvement of the IAGs, including a recommendation to "expand the current number of four Youth IAGs to eight Youth IAGs reflecting the eight District Command Units."

At the time the Board's thematic review was published in January 2011, PSNI had yet to fully establish Youth IAGs within all Districts. Recommendation 23, which was accepted by PSNI, was intended to lend further support to the roll-out process. Although the recommendation has not yet been fully implemented, PSNI has produced Youth IAG guidelines which take into account the evaluation of the pilot carried out by NICCY. PSNI will work with an external youth organisation in order to support the roll out of IAGs to all Districts. Currently, Youth IAGs are in place only in Bangor and Limavady. The delay in establishing IAGs in each District is due in part to the time taken to procure the services of the partner youth organisation but now that is in place, it is hoped that the roll out of IAGs across all Districts will take place without delay. The Committee will continue to monitor progress.

## **RECOMMENDATION 24 (bespoke youth training)**

**The PSNI should consider developing bespoke youth training which will be delivered at Police College and thereafter by refresher training within Districts. All officers who will be deployed within Neighbourhood Policing Teams, Response Teams and Tactical Support Groups should have received the training before taking up their positions.**

**Recommendation accepted in full.**

PSNI advised that between March 2010 and May 2011 a youth training programme was delivered to a total of 429 student police officers by the youth charity Include Youth. The programme provided officers with the opportunity to consider the relevant legislative framework (including specifically the Human Rights Act 1998 and UNCRC) and it examined the practical ways in which officers could engage and interact with young people. Feedback from that training demonstrated that practical scenarios or case studies based on real life experiences of young people were a particularly effective training tool. Where young people provided input directly into the training, talking about their experiences and answering questions, feedback from student officers was extremely positive. Student officers, however, did not feel enough time had been allocated to the training session; the sessions lasting only one hour.

Recruitment to PSNI was temporarily 'on hold' but has recently been recommenced. The Committee wishes to see training, such as that delivered by Include Youth, included within the course for new student officers. Whilst that will mean that new officers will have received bespoke youth training, further work will also be required in order to ensure that *existing* officers have the requisite knowledge and skills to engage appropriately with children and young people. The external youth organisation appointed to support the roll out of Youth IAGs (as detailed above in response to recommendation 23), may be able to assist the PSNI with developing and delivering youth specific training. Furthermore, the PSNI's Human Rights Training Advisor has devised a half day training course on children and young people and human rights



which has been delivered to a number of police Trainers. That ought to encourage Trainers to include more child specific considerations and scenarios into training. Further to a recommendation in the Policing Board's Human Rights Annual Report 2012, PSNI is in the process of rolling out child protection training across all police Districts.

#### **RECOMMENDATION 25 (public protection units)**

**PSNI should provide for a specialist Youth Diversion Officer to be available to each Public Protection Unit. Each Youth Diversion Officer should liaise with colleagues within each PPU and across the PSNI to ensure a consistent approach.**

#### **Recommendation accepted in full.**

Public Protection Units (PPUs) have been established in each District Command Unit. Each District has a PPU located within one police station. All specialist officers are located at that station. Domestic Abuse Officers are located in PPUs alongside Child Abuse Investigation Teams, a Vulnerable and Missing Persons' Team, and a Sex Offender Management Team, to ensure domestic abuse and child protection issues can be identified at an early a stage (to allow for an intervention to protect victims) PSNI considered including YDOs within each PPU team but determined that YDOs were better utilised as part of their Community Safety Teams. The HRPS Committee considered that YDOs should, at least, liaise with and provide advice to the PPU team and that the YDO should be an integral part of any decision making on child-protection issues and in the planning and operational briefings for operations concerning children and young people.

Since publication of the thematic review, YDOs have been moved from Community Safety Teams to District Reducing Offending Units.<sup>35</sup> PSNI advises that will enable YDOs to liaise better with colleagues across the

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<sup>35</sup> Reducing Offending Units are outlined in footnote 40 above.

service, including PPU personnel, and that it will ultimately provide a more consistent approach. This will be monitored and reported upon in due course.

### **RECOMMENDATION 26 (immediate cautioning)**

**The PSNI should report to the Human Rights and Professional Standards Committee with its review of the immediate cautioning pilot within three months of the publication of this report.**

#### **Recommendation accepted in full.**

'Speedy Justice' is a PSNI initiative which aims to improve PSNI's efficiency and consistency when disposing of low level criminal cases, delivering both meaningful and timely outcomes for victim and offender, potentially limiting the need for a court appearance and criminal conviction. The Speedy Justice disposals that are available to both adults and young people are as follows.

*Discretion* A police officer may exercise his or her discretion to deal informally with the most minor offences. Police officers should try and secure agreement between the victim and the offender as to how the matter should be dealt with, for example, by way of reparation and/or an apology by the offender. Note however that whilst it is desirable that the victim is satisfied with the proposed outcome, the victim cannot veto the process.

*Non-court diversions via telephone* If certain diversionary disposals are considered appropriate, a police officer will telephone the Public Prosecution Service (PPS) to obtain consent over the telephone before proceeding with that disposal. The police officer must follow that up by sending a streamlined case file to the PPS. Previously, all decisions to deliver a diversionary disposal were made by PPS following receipt of a full case file. A streamlined case file requires substantially less documentation. The diversionary disposals to which this relates in respect of young people are Informed Warnings and Restorative Cautions and Youth Conferencing. Youth Diversion

Officers are central to any decision making in respect of this type of Speedy Justice disposal for young people.

*No prosecution' streamlined case file* In cases of low level offending where the evidential test for prosecution has not been met, or where there is not a public interest in pursuing a prosecution, the streamlined case file process enables the police to seek a 'no prosecution' decision from the PPS. The streamlined case file process requires significantly less information to be submitted.

PSNI introduced Speedy Justice disposals in 2010, initially on a pilot basis, with all disposals now available to investigating officers across all Districts. The Speedy Justice initiative whereby police obtain consent from the Public Prosecution Service (PPS) by telephone to deliver a non-court diversion was considered in the thematic review under the heading 'immediate cautioning'. It applies to both adults and children. It was noted in the thematic review that before the PPS may direct that a diversionary disposal was appropriate it must be satisfied that the evidential test had been met.

Whether the PPS can satisfy itself that the evidential burden has been met without examining the files is a matter for the PPS. In respect of police action, the information given to the PPS must be a full and frank summary of the matter, which enables the PPS to reach an informed decision. In response to Recommendation 26, PSNI has provided some additional information to the Committee. PSNI indicated that the arrangements, which were introduced across the PSNI on 1 June 2010, include decisions for cautions, informed warnings and the Northern Ireland Driver Improvement Scheme. The PPS is available by telephone to ask for a decision from 8am to 8pm, 7 days a week.

Between 1 June 2010 and 31 March 2011, the PPS approved by telephone a total of 2,045 cases. Of the 2,045 telephone disposals, 265 related to children (13%). In the same period, PPS directed a total of 1,555 diversionary disposals for children. Therefore, 17% of all children's diversionary case decisions were given by telephone. PSNI has stated that the scheme does not

target specifically young offenders but seeks to ensure that the delivery of child disposals are carried out by trained officers according to best practice and that they are restorative. PSNI advised the Committee that “Both PSNI and PPS are very satisfied the scheme is working well for children with appropriate safeguards, reducing paper bureaucracy for both organisations and results in prompt decision making ensuring connection between the offending behaviour and how it will be dealt with. PSNI would hope to see usage of the scheme continue and develop.”

The full range of Speedy Justice disposals was subject to screening and an Equality Impact Assessment (EQIA) was issued for consultation by PSNI in November 2012. The EQIA focussed only on discretion. PSNI screened the other non-court diversionary disposals but concluded that no adverse impacts were identified and therefore the various diversionary disposals need not be subjected to scrutiny by EQIA. PSNI’s reasoning was that the decision making process for diversionary disposals had not changed because the PPS continues to be the final decision maker. The change is to the way in which the PPS decision is *obtained* (i.e. by telephone). The Policing Board queried that with PSNI and requested PSNI to confirm that its policies for giving effect to each of the various diversionary disposals were screened and, if appropriate, subjected to an EQIA at the time they were drafted. In response PSNI confirmed that policies affecting non-court disposals had been subjected to section 75 screening and were found to have no negative impact.

In responding to the EQIA consultation on discretion, the Policing Board queried why that had not been screened and subjected to an EQIA at an earlier stage (as that aspect of Speedy Justice was implemented across all police Districts in 2010). PSNI advised that “An EQIA requires a certain amount of data to allow meaningful analysis and as discretion was a new process we didn't have the data at the planning stage. However a screening exercise was carried out under s75 (1) of the Northern Ireland Act 1998 prior to implementation and there was no indication this would have an adverse impact on any group. As discretion was a shift in practice from previous years

we also published the policy in draft form to a range of external bodies to seek views as part of a pre-consultation exercise.”

Concern has been expressed by some stakeholders that diversionary disposals, including the use of discretion, may be disclosed to employers through criminal record checks. That, they argue, conflicts with the best interests of the child as per Article 3 of the United Nations Convention on the Rights of the Child (UNCRC), non-discrimination (Article 2 UNCRC), respect for the views of the child (Article 12 UNCRC) and right to life, survival and development to the maximum extent possible.

In responding to the EQIA, the Policing Board raised that with PSNI and referred to the judgment of the European Court of Human Rights, in a case originating from Northern Ireland, which stated that “the obligation on the authorities responsible for retaining and disclosing criminal record data to secure respect for private life is particularly important, given the nature of the data held and the potentially devastating consequences of their disclosure.”<sup>36</sup> In that case the Court found that there were not, and are not, sufficient safeguards in the system in Northern Ireland for retention and disclosure of criminal record data to ensure that data relating to the applicant’s private life was not, and will not be, disclosed in violation of her right to respect for her private life under Article 8 of the European Convention on Human Rights (ECHR).

In January 2013, the Court of Appeal in England and Wales ruled that a blanket disclosure requirement for minor past convictions and cautions breached the right to privacy under Article 8 ECHR.<sup>37</sup> The court accepted that the interference with the Article 8 right had two legitimate aims: (i) the general aim of protecting employees, children and vulnerable adults; and (ii) the particular aim of enabling employers to make an assessment as to whether an

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<sup>36</sup> *MM v The United Kingdom* (Application no. 24029/07) [2012] ECHR.

<sup>37</sup> *T, R (on the application of) v Chief Constable of Greater Manchester, Secretary of State for the Home Department and Secretary of State for Justice; AW, R (on the application of) v Secretary of State for Justice and JB, R (on the application of) v Secretary of State for Justice* [2013] EWCA Civ 25

individual is suitable for a particular kind of work. However, the court found that the blanket requirement went beyond what was necessary and was thus in breach of Article 8 ECHR.

The Policing Board sought clarification from PSNI as to the circumstances in which discretionary and other diversionary disposals may be disclosed. In response PSNI advised that a discretionary disposal, which does not constitute a criminal conviction and is thus not a criminal record, is flagged on the internal police computer system (known as NICHE) for 12 months. Thereafter it is no longer flagged as 'live' but the information is still retained on police systems in order to allow the police to be able to continue to identify the most appropriate disposal outcome and/or recommendation to the PPS should the person go onto re-offend in the future. Discretionary disposals are not routinely disclosed. However, they may therefore be disclosed where the matter is subject to an Enhanced Disclosure Check (EDC) but only if the disclosure is considered by PSNI to be relevant and proportionate to the position applied for.

Other diversionary disposals are recorded on a young person's criminal record for 12 months in the case of an informed warning and for 30 months in all other cases. They may be disclosed where the matter is subject to a standard disclosure check but only if the disclosure is considered by PSNI to be relevant and proportionate to the position applied for. PSNI advises that there is a possibility that the record could be disclosed during a criminal record check even after it expires, for example, in cases where there is subsequent offending that is relevant to the diversionary disposal.

The Department of Justice's Youth Justice Review, published September 2011, recommended that diversionary disposals should not attract a criminal record and should not be subject to employer disclosure. The Department of Justice is considering how to proceed with that recommendation.<sup>38</sup> Given the

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<sup>38</sup> *Youth Justice Review Implementation Plan*, Update No.1 – January 2013.

importance of future employment prospects for young people, this is an issue that the Committee will keep under review.

It was recently reported that the PPS had raised concern that police are using discretion in some cases without enough evidence to prove that an offence had even occurred.<sup>39</sup> The Performance Committee has raised this with the Chief Constable and asked him to outline the action he intends to take to address those concerns. Concern has also been expressed by stakeholders in respect of the training delivered to officers who determine whether a Speedy Justice disposal is appropriate. PSNI has delivered training on Speedy Justice disposals to student and operational officers, but it may be the case that additional child specific training (as per Recommendation 24) is required in order to ensure that officers have the requisite knowledge and skills when dealing with children and young people. This will be considered further and reported upon in due course.

#### **RECOMMENDATION 27 (community based restorative justice)**

**The PSNI should report to the Committee within six months of the publication of this report setting out the structures and formal processes in place for working with community restorative justice schemes.**

**Recommendation accepted in full.**

The Northern Ireland Office's Protocol for Community Based Restorative Justice schemes limits the schemes to dealing with criminal matters following a referral from the Public Prosecution Service (PPS) as opposed to from within the community. It requires that schemes engage, and have a direct relationship, with police on all matters governed by the Protocol. If the scheme becomes aware of an offence or an offender, the PSNI is to be informed promptly of the details. Where a scheme refers a criminal matter to PSNI

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<sup>39</sup> *Prosecutors criticise PSNI's use of 'speedy justice'*, Niall McCracken for the Detail, 14 November 2013.

reports are made by PSNI to the PPS in the usual way. The PPS may then refer the case back to the scheme. If the PPS decides not to refer the case back to the scheme, the scheme can take no further action with regard to the disposal of the case, although it may offer support to the victim or the offender where a relationship with the victim or offender has been established. The Protocol recognises that not every minor incident need be referred to the PSNI and that cases falling below the standard of criminal behaviour can be handled by the schemes informally. A total of 16 schemes have been accredited under the Protocol.

During the course of the thematic review a number of stakeholders involved in restorative justice projects in Northern Ireland submitted that the Protocol was inhibiting progress and was a disincentive to participants. Any change to the Protocol is a matter for the Department of Justice to discuss in conjunction with the schemes, the PPS and the PSNI. The low number of Protocol cases dealt with by community based restorative justice schemes to date does not detract from the fact that the schemes carry out large volumes of other casework and provide services, not just for children and young people, but for the whole community, for example, in providing community health, social and housing advice. Representatives from the schemes are on occasions asked to attend Youth Conferences and in areas where there exists a strong relationship between scheme workers and local police, police officers frequently refer non-criminal cases directly to schemes for informal resolution.

However, during the course of the thematic review some stakeholders expressed dissatisfaction with the ad hoc relationship between police and restorative justice schemes and advocated that inter-agency working needs to be more structured. The HRPS Committee agreed that the processes would benefit from a better structure.

The number of cases progressing through the Protocol process is very low. PSNI therefore proposed, in response to Recommendation 27, that rather than provide a report outlining the formal Protocol process, it would instead provide the Committee with updates on a pilot Community Based Restorative



Justice scheme for young people. The pilot scheme enables youth cases to be disposed of by way of a referral from a Youth Engagement clinic<sup>40</sup> to a Community Based Restorative Justice scheme. The schemes act as early intervention service providers, working with young people and their families. A referral to a Community Based Restorative Justice scheme can only take place with the consent of the young person and their parent or guardian and it will always include the administration of a Restorative Caution by a trained facilitator. Once that is delivered PSNI, the PPS and the relevant Restorative Justice Scheme will agree an action plan in respect of the young person. The Restorative Justice Scheme must advise the PSNI if a young person fails to participate in the restorative process. The Community Based Restorative Justice diversionary disposal is recorded in the same way as a Restorative Caution *i.e.* it goes on to a young person's criminal record for 30 months.

The pilot scheme commenced, in November 2011, in A District (North and West Belfast). A Memorandum of Understanding between PSNI, the PPS and participating Restorative Justice Schemes was drafted and a steering group established consisting of the PSNI, the PPS and the two Restorative Justice Schemes involved (NI Alternatives and Community Restorative Justice Ireland). The steering group is evaluating progress of the pilot and potential for improvement in particular in respect of ensuring that the right level of intervention and support is provided to the right people at the right time. The

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<sup>40</sup> Youth Engagement Clinics were initiated by the Department of Justice in 2012 in conjunction with partner agencies as a means of tackling the causes of delay in youth cases and reducing re-offending by young people. The Clinics are currently being piloted in A and B District and in part of D District (Carrickfergus and Newtownabbey). The pilot scheme requires the PSNI, in conjunction with the PPS and Youth Justice Agency (YJA), to try and ensure that youth cases suitable for a non-court diversionary disposal are identified and progressed as such at an initial stage rather than at the prosecution stage which seems to be happening in a large number of cases at present. The pilot involves young people, whose case has been identified by the police and the PPS as being suitable for a diversionary disposal, attending a Youth Engagement Clinic whereby they will meet with a police Youth Diversion Officer and a YJA practitioner to discuss their options. Whilst a young person may be referred to a Clinic even if they have not admitted guilt (in which case PSNI will insist they have a legal representative present), the diversionary disposal itself can only be delivered once the young person has admitted guilt. Diversionary disposals available following attendance at a Youth Engagement Clinic include an informed warning, restorative caution or a youth conference. If the case is to be contested in court, the case will be listed for an early hearing at the youth court. The aim of the initiative is to further divert young people who have committed low-level offences away from court and into a reparative process, with the option of support or intervention at an earlier stage. It is also hoped the initiative will improve processing times for youth cases that are unsuitable for diversionary action.

ultimate aim is that the pilot will be continued on a permanent basis and extended beyond A District. PSNI will keep the Committee advised of progress. The Committee will consider and report further in due course.

### **RECOMMENDATION 28 (integrated offender management<sup>41</sup>)**

**The PSNI should consider rolling out the Integrated Offender Management model across Northern Ireland.**

**Recommendation accepted in full.**

Integrated Offender Management (IOM) was piloted in the Ballymena area in July 2008. It provided all agencies engaged in local criminal justice partnerships with a single coherent structure for the management of the repeat offending of adults and young offenders. The aim was to intervene at an early stage by addressing the reason for the offending behaviour. Thereafter, steps were taken to prevent *re-offending*. IOM tackled issues such as homelessness, addiction, mental health issues and family breakdown. Instead of simply catching and convicting offenders, it looked to rehabilitate them for the benefit of the offender and also the community within which he or she resides.

Integrated Offender Management is now known as Reducing Offending in Partnership (ROP). ROP is a multi-agency approach to managing priority offenders (adults and children) and involves the PSNI, Probation Board, Youth Justice Agency and the Prison Service. The partnership has three strands:

- **Prevent and Deter** To reduce crime and anti-social behaviour through early identification and intervention.
- **Catch and Control** To monitor closely those who persist in their offending.

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<sup>41</sup> Now called Reducing Offending in Partnership.

- **Rehabilitate and Resettle** To adopt a joint approach providing support and assistance to provide a way out of crime.

ROP also involves criminal justice agencies working in partnership with organisations that can support individuals in accessing accommodation, addiction services and employment support.

ROP was piloted in Ballymena and Coleraine (PSNI H District) with results indicating that 68% of priority offenders reduced their offending behaviour whilst engaged in ROP during 2011/2012.<sup>42</sup> Reducing Offending Units now exist within each police District and PSNI with responsible for operating the 'Catch and Control' strand of ROP. Stakeholders have raised concern that despite PSNI establishing Reducing Offending Units in 2011, there has been very little police consultation with the youth sector in respect of ROP. In particular, that policies and procedures do not appear to have been consulted upon. The Committee will pursue this concern with the PSNI and report in due course.

#### **RECOMMENDATION 29 (young people interacting with police officers)**

**There should be an increased focus on providing opportunities for young people across Northern Ireland to meet with police officers with the aim of building relationships. The opportunities should be available locally but form part of a regional strategy which is delivered consistently in all policing Districts. The model consultation programme currently operating out of Police College should be extended across all Districts.**

**Recommendation accepted in full.**

PSNI's involvement in programmes such as the Prince's Trust Personal Development Programme enables police officers and young people to engage

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<sup>42</sup><http://www.dojni.gov.uk/index/media-centre/reducing-offending-partnerships-to-be-rolled-out-across-northern-ireland.htm>

with each other in a positive and constructive manner, assisting young people to view the police officer as a valued and integral member of society and assisting the police officer to view the young person with the same respect. It brings police officers into contact with a range of other organisations and individuals who work with young people in local areas.

PSNI runs a consultation engagement programme through the PSNI Police College whereby young people get the opportunity to meet with student officers and discuss a wide range of issues. Young people can form relationships with officers and explain, for example, how his or her experience can influence individual reactions to the police. Student officers can learn from the young people and draw from that experience as they progress with their career. The programme is an opportunity to bring together officers at all stages and young people and should focus on bringing neighbourhood police officers together with young people from their local area. Members of Response Teams and Tactical Support Groups would also benefit from the engagement programme.

PSNI advises that opportunities continue to exist within Districts for engagement between police officers and young people. PSNI's consultation engagement programme continues to run and now caters for children and young people from across Northern Ireland. The programme has established a youth steering group, with representation on the group being geographically spread. In May 2011 officers from Tactical Support Groups participated in the programme for the first time. It is certainly a positive development that the consultation engagement programme continues and has extended its reach to Tactical Support Groups and also that local initiatives exist. However the continuation of such work is largely dependent upon the work and commitment of individual officers. This work needs to be embedded and made an organisational commitment.

### **RECOMMENDATION 30 (internal steering group)**

**The PSNI should establish a steering group dedicated to issues concerning children and young people. The strategic lead should be the PSNI Champion for children and young people.**

**Recommendation accepted in full.**

A central theme that emerged from the thematic review was that the policing approach to children and young people needed to be multi-faceted yet cohesive. The experiences shared with the HRPS Committee demonstrated that children and young people have very different experiences depending on their location. That is unacceptable and must be addressed. The HRPS Committee believed that the most appropriate way of ensuring a consistent approach across all Districts and policing areas was for the PSNI to have a strategic steering group dedicated to issues concerning children and young people, which was capable of co-ordinating child protection, neighbourhood policing, youth justice and community engagement. The Youth Champion's Forum, which is led by the PSNI Champion for children and young people (ACC Service Improvement Department) and comprises relevant stakeholders, could be utilised by the strategic steering group for consultation purposes.

Service delivery Superintendents from each of the 8 PSNI Districts meet every month. The monthly forum meetings provide the opportunity for a two way process of information sharing, between Districts and PSNI centrally. In response to Recommendation 30, youth issues have been added as a standing agenda item for the monthly forum meetings.

**ALYSON KILPATRICK BL  
FOR AND ON BEHALF OF THE PERFORMANCE COMMITTEE  
OF THE NORTHERN IRELAND POLICING BOARD  
NOVEMBER 2013**

## **Feedback**

If you would like to provide the Policing Board with feedback on the issues discussed in this update report, or if you wish to raise any other issue in respect of policing with children and young people, please contact us at:

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