

RECOMMENDATIONS

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CHAPTER 1: THE PSNI PROGRAMME OF ACTION

1. The PSNI should treat Patten Recommendation 1 as an obligation to put in place and maintain an overall framework for human rights compliance and periodically review that framework to ensure its effectiveness.
2. The PSNI should review the progress of the initiatives set out in its Human Rights Programme of Action against the performance indicators set by the Oversight Commissioner. In particular, the PSNI should:
 - Devise a schedule for achieving the performance indicators set by the Oversight Commissioner where its Human Rights Programme of Action indicates that they have not yet been achieved.
 - Set timelines for the achievements of the initiatives set out in its Human Rights Programme of Action that go beyond Patten Recommendations.
 - The PSNI should draw up a specific programme of action on an annual basis to respond to the Policing Board's recommendations in respect of the PSNI's duty to comply with the Human Rights Act.
 - The PSNI should assign responsibility internally for reviewing the Human Rights Programme of Action and for drawing up its programme responding to the Policing Board's recommendations in respect of the PSNI's duty to comply with the Human Rights Act.

CHAPTER 2: TRAINING

3. The PSNI should closely monitor and evaluate how well human rights training has been integrated into every level of its training to ensure consistency in standards and approach. In particular, the PSNI should:
 - Revise its Student Officer Training Programme materials as a matter of urgency to include proper training on positional asphyxia.
 - Revise the course material on training in the use of force and the use of firearms as a matter of priority, with full reference being made to the requirements of Article 2 of the European Convention on Human Rights, together with an explanation of the relevant legal tests for the use of force.
 - Conclude its training in the use of force and the use of firearms with individual assessments of participating officers' knowledge of the Code of Ethics and relevant human rights provisions, in particular, the relevant legal tests for the use of force and the application of Article 2 of the European Convention. The results of these assessments should inform the development of basic and refresher training courses in the use of force and the use of firearms.
 - Introduce a strict monitoring system to ensure that all officers attend and satisfactorily complete firearms refresher training at appropriate intervals as required by the PSNI Policy on the Use of Firearms.
 - Consider whether there remains a need for some form of human rights specific refresher training.
4. The PSNI should conduct a thorough audit of all PSNI training materials within the next six months and thereafter on a bi-annual basis to ensure that human rights principles are effectively integrated and developments in human rights law and practice incorporated.
5. The PSNI should closely monitor and evaluate the quality and effectiveness of its human rights training for trainers.
6. The PSNI should set timelines for its Human Rights Audit and Observation Project Team to conduct a comprehensive evaluation of human rights training delivery.
7. The PSNI should put in place a scheme for the expert and comprehensive external evaluation of the delivery of PSNI training on human rights. In the event that the PSNI does not put in place such a scheme, the Policing Board should do so.

CHAPTER 3: POLICY

8. The PSNI should review all the material currently constituting 'policy' in the loose sense of the word and classify it as policy, procedure or guidance according to the definition in the General Order on Policy, Procedure and Guidance.
9. All PSNI policy should be reviewed using the General Order on Policy, Procedures and Guidance within twelve months of this report.

10. The PSNI should devise a system for ensuring that all policies available on the PSNI intranet are effectively updated when changes are made to them and review how those policies considered too sensitive to be generally available on the PSNI intranet site are to be indexed, updated and kept.
11. The PSNI should consider whether some or most of its policies can be made available to the public, either on the PSNI website or by some other means.
12. The policy writers' human rights training course should be redesigned, based on the policy template in the General Order on Policy, Procedure and Guidance. The course should be compulsory for all PSNI policy writers.
13. The PSNI should review all policies and protocols on PSNI relations with the military and/or bodies exercising policing powers. In particular, the PSNI should formulate, in collaboration with the military, a policy setting out (i) its relationship with the military and (ii) the agreed liaison procedures in place for joint operations between the PSNI and the military.
14. That the Policing Board commits itself to a further audit of PSNI policies once the review of policies under the General Order on Policy, Procedure and Guidance has been completed by the PSNI.

CHAPTER 4: OPERATIONS

15. Relevant PSNI operational policies, particularly those relating to public order, should give clearer advice to PSNI officers about when they should refer matters to the PSNI legal services department.
16. The PSNI should establish a formal 'on-call' system within the PSNI legal services department and ensure that all officers who require legal advice in the run up to, and during, operations are aware of this system.
17. The Policing Board and the PSNI should make arrangements for the more effective monitoring of the PSNI's performance in complying with the Human Rights Act in relation to the planning and execution of policing operations.
18. The PSNI should supply the Policing Board with data collated by PSNI Central Statistics on stops and searches under Police and Criminal Evidence and terrorism legislation on a six-monthly basis. That data should identify any District Command Unit where there has been a significant increase in stops and searches and provide details of action taken by the PSNI to investigate the reasons for any such increases.
19. The PSNI should develop its policy on integrity testing as a matter of priority and track the effectiveness of its integrity testing procedures through the collation of data on the number, frequency, type and results of its integrity tests. The PSNI should supply the Policing Board with aggregated data regarding its integrity testing procedures on a six-monthly basis.

CHAPTER 5: ADHERENCE TO CODE OF ETHICS

20. The Policing Board should require the PSNI to provide evidence of the effectiveness of the Code of Ethics, and then assess that evidence. In particular, the Policing Board should require the Chief Constable to set out what further steps he intends to take to ensure that all officers have read and understood the Code of Ethics.
21. The PSNI should consider including an assessment of individual officers' knowledge of the Code of Ethics as a specific component of the Annual Performance Review.
22. The results of the part of the human rights questionnaire dealing with discrimination should be carefully studied by the PSNI and consideration given to revision or clarification of this Article of the Code of Ethics.

CHAPTER 6: COMPLAINTS, DISCIPLINE AND CIVIL ACTIONS

23. The Policing Board should request that the Police Ombudsman supply summary details of those cases in which a recommendation for prosecution is made.
24. In addition to considering each Regulation 20 report as it arises, the Policing Board should track all of the issues raised by the Police Ombudsman on a yearly basis and analyse any trends that emerge.
25. The PSNI should provide to the Policing Board, on a quarterly basis, with a schedule setting out the number of Regulation 20 reports received in the previous quarter, a summary of all substantive issues raised in the reports, PSNI action in response to those issues and to any recommendations made and details of any internal research or reviews instigated.
26. The PSNI should in future correlate its statistics on disciplinary matters against specific articles in the

Code of Ethics. The Policing Board should track breaches of the Code of Ethics disclosed in this way and track any discernable trends.

27. The PSNI should supply the Policing Board with the following additional information regarding complaints and disciplinary action:
 - Summary details of all cases that resulted in formal disciplinary hearings on a six-monthly basis.
 - Details of all conduct leading to a Superintendent's written warning, also on a six-monthly basis.
 - Details (anonymised if appropriate) of the number of police officers in respect of whom there have been three or more complaints in a rolling twelve-month period, along with details of the types of complaint made.
 - Details of those cases where disciplinary proceedings are either not commenced or not concluded because the officer in question retires or otherwise leaves the PSNI before that stage is reached.
 - Reports on a quarterly basis in relation to the current investigations of misconduct being conducted by the Internal Investigations Branch and disciplinary action arising as a result of completed investigations.
 - Details of all judicial review cases brought against the PSNI on a six-monthly basis, indicating which cases were won, which were lost and the terms of any agreement under which any of them were settled.
 - Details of any action taken or proposed in response to any judicial review cases brought against the PSNI, which the Policing Board should track and analyse for any discernible trends.
 - Details of any action taken by District Commanders under the PSNI Trending and Tracking Policy.
28. The Policing Board should review how best to collate details of the conduct that led to the giving of advice and guidance in twelve months time when the new PSNI case management system is up and running.
29. The Policing Board should review whether any data on human rights compliance can be obtained from cases which are informally resolved by the Police Ombudsman or closed by her as a result of complainant non-cooperation and, if so, how best to collate that data. Further, the Policing Board should review the Police Ombudsman's new category of 'Substantiated Other' in twelve months.
30. The PSNI should review the arrangements in place regarding severance or retirement of officers and amend these to take into account ongoing disciplinary proceedings against individual officers.
31. The PSNI should review all civil cases, that are either lost or settled with a view to bringing disciplinary proceedings where it is appropriate to do so and should provide the Policing Board with details of this review on a quarterly basis.

CHAPTER 7: PUBLIC ORDER

32. The PSNI should review its arrangements with the Parades Commission and agree protocols for effective communication between itself and the Parades Commission as a matter of priority.
33. The PSNI should review the arrangements in place for joint public order operations between itself and the military and make such amendments as it considers necessary. In particular, the PSNI should formulate, in collaboration with the military, a policy setting out its relationship with the military and the agreed liaison procedures in place for joint operations.
34. The PSNI should review the arrangements in place regarding severance or retirement of officers and consider whether these should be amended to take into account ongoing disciplinary proceedings against individual officers.
35. The PSNI should conduct an internal after-the-event audit of a random selection of public order operations as part of its annual debrief process. In particular, the PSNI should include consideration of community responses and parade organisers' and participants' views on the policing of parades over the marching season as part of its annual debrief process.
36. The PSNI should review and revise its General Orders on public order as follows:
 - Human Rights Policy in relation to Public Events: include (i) a summary of the relevant provisions of the European Convention on Human Rights, (ii) a short commentary on the application of these provisions in the public order context, and (iii) some guidance on factors likely to be relevant in balancing human rights in the public order context.
 - Policy on the Public Processions (Northern Ireland) Act 1998 and the Parades Commission: review in so far as it relates to the arrangements between the PSNI and the Parades Commission, ensuring that all officers know and understand (i) the basis upon which the Parades Commission issues its determinations and (ii) the agreed protocols for communication between the PSNI and the Parades Commission.
 - Public Order Tactical Advisors Policy: include explanations of the key concepts of legality, necessity and proportionality.

CHAPTER 8: USE OF FORCE

- 37.** The PSNI should provide statistics collated on the use of force to the Policing Board on a quarterly basis.
- 38.** The PSNI should review and revise its General Orders on public order as follows:
- Policy on the Use of Force: (i) include reference to Article 2 of the European Convention and set out explicitly both tests on the use of force; (ii) set out the requirement for an effective official on Human Rights investigation when an individual is killed as a result of the use of force and/or when it is arguable that there has been a breach of Article 2 or Article 3 of the European Convention and outline the requirements for such an investigation (cross-referring to the General Order on Post-Incident Procedures); (iii) cross-refer to the PSNI Code of Ethics, particularly Article 4; (iv) insert a review date into the policy.
 - Policy on the Use of Firearms: cross-refer to the Code of Ethics, particularly Article 4, and insert a review date into the policy.
 - PSNI Policy on Firearms Tactical Advisers: set out the relevant human rights obligations in, and cross-refer to, the general policy on public order tactical advisers and insert a review date into the policy.
 - Policy on Use of Forced Entry Techniques: set out the requirements of the European Convention Articles identified as relevant to the policy and cross-refer to the relevant provisions of the PSNI Code of Ethics.
 - Policy on Baton Rounds: (i) set out the requirements of Article 2 of the European Convention for officers to consider before baton guns are deployed and used; (ii) define concepts, such as lawful and proportionate, on the face of the policy; (iii) explain the application of the relevant Articles of the European Convention in the particular context; (iv) review the policy in light of the recent policies on other alternatives to use of lethal force, in particular the water cannon and CS Spray policies issued in 2004, with appropriate cross-referencing.
 - Policy on the Deployment and Use of Vehicle Mounted Water Cannon: (i) revise the policy's recording procedure to include a requirement that officers record the justification for the deployment of the water cannon, the objective to be achieved through deployment and use, the mode of use, the consequences of use and the effectiveness of achieving the stated objective; (ii) include a requirement of a post-event review of each deployment and use of water cannons by the relevant District Command Unit Commander to determine whether the use of water cannons was justified, the objective of deployment was achieved and to identify improvements that could be made in future deployment and use.
 - Policy on CS Incapacitant Spray: (i) underline that CS spray is not intended for large scale public order use but rather is for use in individual incidents of disorder, in line with the ACPO Guidance; (ii) include a requirement that each use of CS spray be reviewed by the relevant District Command Unit Commander.
 - Policy on Discharge of Firearms by Police – Post Incident Procedures: (i) set out explicitly the requirements of investigations into deaths howsoever caused; (ii) refer to victims and victims' families and require police officers to notify relatives/close friends of an injured or affected person at the earliest opportunity (in compliance with the Code of Ethics Article 4.3 (iv)); (iii) set out the rights of police officers who are the subject of investigation following a death.
 - The PSNI should submit PB2s to the Policing Board within 7 days following every incident of serious public disorder.
- 39.** The PSNI should provide reports to the Policing Board on a quarterly basis of all incidents where water cannons have been deployed and used, setting out details of the incident, including the location, time and date, a summary of events, the authority for deployment and use and details of injuries sustained and/or damage to property.
- 40.** The PSNI should assign responsibility internally for reviewing, on a six-monthly basis, all instances where water cannons have been deployed and used and for issuing guidelines on best practice to PSNI senior command further to these internal reviews. Further, that the PSNI provide the Policing Board with a summary of the conclusions of this six-monthly internal review.
- 41.** The PSNI should revise their Training in the Deployment and Use of Water Cannon as follows:
- The legal basis section in the human rights and use of force element should be amended to include reference to Article 2 of the European Convention on Human Rights and the absolute necessity test. Officers should be reminded that water cannons, like all applications on Human Rights of force, have the potential for unintended serious injury or loss of life.
 - The competency form should be amended to include a competency assessing the officer's

knowledge of the law on the use of force and human rights as a core course competency.

- The lesson plans for the commanders' course should be amended to explicitly include human rights and the use of force as core components. The commanders' course should include the human rights knowledge check included within the water cannon cannoneers' course as a tool to assess officers' knowledge on the law relating to the use of force, including the European Convention on Human Rights and the Code of Ethics.
 - The competency form for the water cannon commander's course should be amended to include a competency assessing the officer's knowledge of the law on the use of force and human rights as a core course competency.
42. The PSNI should provide reports to the Policing Board on a quarterly basis of all incidents involving the deployment and discharge of CS spray, setting out details of the incident, including the location, time and date, a summary of events, the authority for deployment and details of injuries sustained and/or damage to property.
43. The PSNI should assign responsibility internally for reviewing on a six-monthly basis all uses of CS spray and for issuing guidelines on best-practice to police officers further to these internal reviews. Further, that the PSNI provide the Policing Board with a summary of the conclusions of this six-monthly internal review.

CHAPTER 9: COVERT POLICING

44. The PSNI and the Policing Board should agree a protocol for the disclosure to the Chairman and Vice-Chairman of the Policing Board of an effective summary of the Surveillance Commissioner's reports, including recommendations made by the Commissioner and the PSNI's response thereto.
45. Consideration should be given by the PSNI and the Policing Board to the possibility of the Surveillance Commissioner meeting the Chairman and Vice-Chairman of the Policing Board on at least an annual basis.
46. The PSNI should continue to make available to the Policing Board's human rights advisors the Surveillance Commissioner's reports and the PSNI responses to those reports.
47. The PSNI should review the effectiveness of its recent policies on covert policing in 12 months from this report.
48. The PSNI policies on covert policing should continue to be made available to the Policing Board's human rights advisors.
49. The Policing Board's human rights advisors should provide a detailed briefing to the Chairman and Vice-Chairman of the Policing Board setting out any specific concerns they have about the PSNI's response to the Chief Surveillance Commissioner's recommendations and/or PSNI policies on covert policing.
50. The PSNI should make available to the Policing Board's human rights advisors unredacted (so far as possible) copies of its covert policing training material.
51. The PSNI should consider how best to evaluate the actual delivery of covert policing training.

CHAPTER 10: VICTIMS RIGHTS

52. The PSNI should formulate a policy on victims providing a standard approach across the PSNI to the treatment of victims. In particular, the policy should:
- Establish clear procedures for communicating with (i) victims and/or their families and (ii) voluntary and statutory agencies working with victims.
 - Provide guidance on the need to treat victims according to their particular needs, both as victims (i.e. identifying vulnerable victims) and as individuals (with particular cultural, racial, sexual identities).
 - Reflect the new role of victims following changes in the youth justice system as regards restorative justice schemes.
53. The PSNI should develop, in conjunction with Victim Support and other relevant agencies, training on the treatment of victims to be integrated as a core component of the Student Officer Training Programme.
54. As part of the development of this area of the Policing Board's monitoring programme in year two, the Policing Board should:
- Review PSNI policies and procedures relating to the investigation of crimes committed against particular victim groups, such as domestic violence, homophobic crime and racist crime.
 - Review the adequacy of the training of officers on the treatment of victims.
 - Investigate the adequacy of the numbers of specialist officers appointed to support victims of specific

crimes and the specialist training they receive.

- Conduct an audit of the work of the Child Abuse and Rape Enquiry Units, Domestic Violence Officers, Minority Liaison Officers, Family Liaison Officers and Youth Diversion Officers.

CHAPTER 11: TREATMENT OF SUSPECTS

55. The Policing Board should ensure that the targets set for each of the custody visiting teams in 2004/2005 are met. In particular, the Policing Board should set targets for a higher number of visits by the custody visiting teams to take place at weekends.

CHAPTER 12: HUMAN RIGHTS AWARENESS IN THE PSNI

56. The results of the human rights questionnaire should be carefully considered by Training, Education and Development. In particular:
- The results of Question 1 should be reviewed by those responsible for the Student Officer Training Programme and amendments made where necessary to remedy the identified gap in knowledge.
 - The results of Question 2 should be carefully studied and consideration given to revision or clarification of Article 6 of the Code of Ethics.
 - The failings identified in Questions 3 and 8 regarding police officers' knowledge on the test for the use of lethal force should be remedied by PSNI Training, Education and Development through a comprehensive audit of training (materials and delivery) on the use of force.
 - The results of Question 9 should be carefully considered by those responsible for the Student Officer Training Programme and for training and policy drafting on the use of informants/covert human intelligence sources. Amendments should be made, where necessary, to ensure that all officers fully comprehend that informants/covert human intelligence sources can be used only if they do not incite criminal offences.
 - The results of Questions 11-14 should be analysed by Training, Education and Development and factored in to its design and development of training programmes and materials in the future.
 - The results of Question 15 should be considered by those responsible for formulating the PSNI's policy on victims.
 - The PSNI should disseminate human rights information to officers using the specified channels identified (whilst being sensitive to the volume of information disseminated to officers). Specifically, officers should be kept up to date on human rights developments and provided with updates on changes in legislation.
 - Training, Education and Development should review how to encourage officers to look at human rights more positively.
57. Training, Education and Development should incorporate the suggestions made by officers regarding the delivery of training. In particular:
- Training should be more interactive and relevant to officers' duties, ranks and roles.
 - More scenario-based case studies should be included in training materials and programmes.
 - The Code of Ethics should be taught by using practical examples.
 - Officers' confusion regarding the right to life should be clarified.
 - Officers should be taught how human rights legislation protects them.
58. The PSNI should carefully review the concerns raised by officers that the general public often do not understand the responsibilities of the police, or that they have to adhere to certain codes and regulations and consider how best to educate the public as to the PSNI's role and responsibilities.
59. The PSNI should indicate how it has incorporated the results of the questionnaire and focus groups in its next programme of action in answer to the criticism that officers felt their voices were not being heard.
60. The human rights element of the PSNI appraisal process should be reviewed and revised to provide a more productive and effective tool to monitor and assess the human rights performance of individual officers.
61. The PSNI should reconsider the behavioural statements within each of the competencies formally assessed in both the appraisal process and promotional competitions and amend each to include a human rights component.