

**REPORT OF THE INDEPENDENT REVIEWER
JUSTICE AND SECURITY (NORTHERN IRELAND) ACT 2007**

**Eighteenth Report
1 August 2024 – 31 July
2025**

Dr. Jonny Byrne

**Report of the Independent Reviewer
Justice and Security (Northern Ireland) Act 2007**

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1 August 2024 – 31 July 2025

Presented to the Parliament pursuant to Section 40 of the Justice and Security
(Northern Ireland) Act 2007



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ISBN 978-1-5286-6467-7

E03600261 06/26

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

FOREWORD

In his letter of 1 February 2024 the Secretary of State for Northern Ireland, appointed me for the three-year period from 1 February 2024 - 31 January 2027 under Section 40 as the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007.

That letter set out my terms of reference as follows: “the functions of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007 are to:

- review the operation of sections 21 to 32 of the Act and those who use or are affected by those sections; to review the procedures adopted by the military in Northern Ireland for receiving, investigating and responding to complaints; and
- report annually to the Secretary of State.

In carrying out your duties, you must act in accordance with any request by the Secretary of State to include matters over and above those outlined in sections 21 to 32 of the Act”.

Previous reports are available on the GOV.UK website:

<https://www.gov.uk/government/publications/annual-reports-of-the-independent-reviewer-of-justice-and-security-northern-ireland-act-2007>.

I now have pleasure in submitting my second report, which is the 18th annual report, covering the period 1 August 2024 - 31 July 2025.

Dr. Jonny Byrne

February 2026

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1. Introduction

- 1.1 The following report sets out my findings from a review of the powers exercised under the Justice and Security (Northern Ireland) Act 2007 (JSA) which are available to police and HM Forces and are additional to those available to the police and prosecution services elsewhere in the UK. These additional powers were designed to address the specific security situation in Northern Ireland when the Act was passed in 2007. At that time, it was considered that additional powers were necessary for the preservation of peace or the maintenance of order. In this report, I once again consider whether this remains the case and the operation of those powers and those affected by them.
- 1.2 The authority for the role of the Independent Reviewer derives from section 40 of the Justice and Security Act (JSA) which has been extensively discussed in previous reports.¹
- 1.3 In this role, I review the operation of those provisions of the Act which contain powers to stop and question, stop and search and to enter premises to search for munitions, to stop and search vehicles, to take possession of land and to close roads. My review also covers the use of the provisions for non-jury trials (NJT). My review also considers how they affect those subject to all of these powers. I also review the procedures adopted by the military in Northern Ireland for receiving, investigating and responding to complaints. My report containing the findings is made annually to the Secretary of State and is then laid before Parliament.
- 1.4 This and previous reports are available to download on the GOV.UK website, at <https://www.gov.uk/government/publications/annual-reports-of-the-independent-reviewer-of-justice-and-security-northern-ireland-act-2007>.
- 1.5 All three previous reviewers have noted that ‘The Reviewer is expected to be independent; to have access to secret and sensitive national security information; be able to engage with a cross section of the community; and to produce a prompt report, which informs public and political debate.’
- 1.6 In reviewing NJT determinations by the Public Prosecution Service (PPS) the authorisations of powers and cases of stop and search under the JSA, I must review secret material. This requires the reviewer to undergo security clearance at Developed Vetting (DV) level.

¹ https://assets.publishing.service.gov.uk/media/63170c188fa8f5021841c4ca/E02756398_IRJSA_Report_Web_Accessible.pdf

- 1.7 Since the JSA provides a legislative bridge between the emergency laws of the ‘Troubles’ years and the powers available to the authorities in England and Wales, the continuing need for such a bridge must be kept under review in the context of the condition of the security situation in Northern Ireland. The broad extent of JSA powers and indeed the wider counter-terrorism powers, points to the need for regular review and oversight of such powers. Thus, the Independent Reviewer of Terrorism Legislation (IRTL) Jonathan Hall KC reviews terrorism legislation throughout the UK and the reports of the Human Rights Advisor to the Northern Ireland Policing Board, John Wadham, examine *inter alia* the JSA powers in the broader context of all the powers available to the PSNI.
- 1.8 My report to Parliament contains a small number of recommendations for those involved in the implementation of the JSA. This report is divided into a series of chapters which includes an analysis of the operating environment; a review of Sections 21-28: Stop and Search Related Powers; Road Closures and Land Requisitions; complaints against the Army, and the process around non-Jury Trial certificates.
- 1.9 I would like to take this opportunity to thank everyone who met with me in relation to the role and provided me with their insights and experiences into the often challenging and sensitive area of policing and security in Northern Ireland. A special thanks to the team in the NIO for assisting me in the preparation of the final report.

Methodology

- 1.10 Forty days were allocated to the role of Independent Reviewer. This time enabled engagement with a wide range of stakeholders, including government departments, the justice system, the police, the armed forces, and the security and intelligence services, as well as political representatives, academics, and communities across Northern Ireland. A full list of these engagements is provided in Appendix 1. The remaining time was devoted to reviewing relevant literature and documentation, attending several public order events, and preparing this report.

2. Operating Environment

- 2.1 The following section sets out the operating environment in which the powers have been used.
- 2.2 On 6 March 2024, the Northern Ireland-related Terrorism (NIRT) threat level in Northern Ireland was lowered from SEVERE (an attack is highly likely) to SUBSTANTIAL (an attack is likely) and has remained there for the remainder of the reporting period.
- 2.3 There were no national security-related attacks during this reporting period. However, the primary threat to national security continues to stem from dissident Republican activity, principally from two groups: the New IRA and the Continuity IRA (CIRA). The terrorist threat in Northern Ireland is consistently constrained by the actions of the PSNI, MI5, and their security partners on both sides of the Irish border.
- 2.4 There were other attacks involving munitions by both Loyalist and Republican paramilitary groups often associated with community intimidation, feuds with organised crime gangs, and criminal enterprise (see Table 1). It is important to note that the JSA is concerned with preventing any risk arising from the use of munitions and not just risks arising from national security attacks.
- 2.5 Table 1 overleaf sets out the security statistics over the last two reporting periods, **August 2023-July 2024 and August 2024 -July 2025.**

Table 1: Security statistics August 2023-July 2024 and August 2024 -July 2025

	August 2023 - July 2024				August 2024 - July 2025			
	Loyalist	Republican	Unknown	Total	Loyalist	Republican	Unknown	Total
Security related deaths	0	1	0	1	0	0	0	0
Shooting incidents	6	14	0	20	9	4	1	14
Bombing incidents	2	3	1	6	2	7	0	9
Casualties of paramilitary style assaults	22	3	0	25	15	5	0	20
Casualties of paramilitary style shootings	4	6	0	10	5	1	0	6
Firearms found	3	9	6	18	2	3	1	6
Explosives found (kg)	0.00	3.12	0.00	3.12	0.00	0.00	0.01	0.01
Rounds of ammunition found	93	235	492	820	129	14	92	235
Arrests under S41 TACT	13	70	0	83	1	26	0	27
Arrests under S41 TACT & subsequently charged	0	13	0	13	0	3	0	3

1) Attribution is as perceived by PSNI based on the information available at the time of the incident and does not necessarily indicate the involvement of a paramilitary organisation.
2) Figures for the period August 2024 – July 2025 are provisional and subject to minor amendment.

2.6 In this reporting period there were no security related deaths, whereas there was one in the previous period. There was also a decrease in shooting incidents from 20 to 14, yet an increase in bombing incidents from 6 to 9. Moreover, there was a decrease in both casualties of paramilitary style assaults (25 to 20) and shootings (10 to 6). There was also a reduction from the previous year in the number of firearms found from 18 to 6. Finally, arrests under S41 TACT decreased from 83 in 2023/24 to 27 in 2024/25.

2.7 It is important to acknowledge the increasingly complex and evolving security environment. In addition to the ongoing threat posed by terrorist organisations and the continued presence and activity of paramilitary groups, there has also been a growth in organised crime gangs. In August 2025, Minister Long noted² that the PSNI was investigating 61 organised crime groups, some of which have links to paramilitary and terrorist organisations. This combination of overlapping threats makes it difficult to obtain a clear security picture and to accurately provide a robust risk assessment.

2.8 Aside from the somewhat unique security issues, it is also worth noting that crime in general is falling. In response to the publication of the annual recorded crime statistics in July 2025,³ the PSNI Deputy Chief Constable Singleton stated, ‘these significant reductions demonstrate once again that not only is Northern Ireland

² <https://www.justice-ni.gov.uk/news/organised-crime-task-force-results-welcomed>

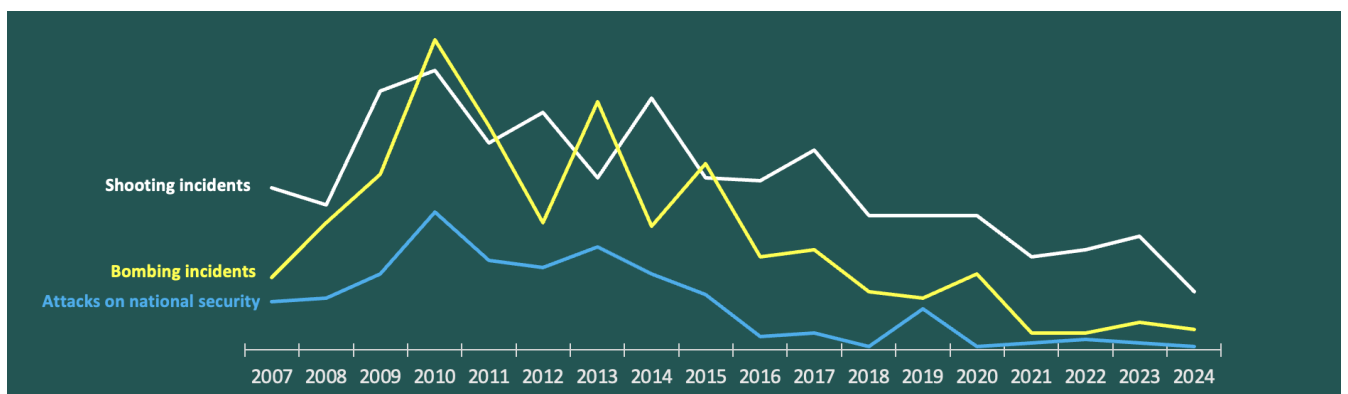
³ <https://www.psni.police.uk/latest-news/latest-statistics-show-crime-down-across-all-areas-northern-ireland>

one of the safest places to live, work and raise a family but also that the PSNI is a service that everyone here can be proud of.’

2.9 Nearly three decades after the Belfast (Good Friday) Agreement (1998), the presence of competing security narratives continues to obscure what normalisation in Northern Ireland should entail. Despite notable reductions in ‘ordinary’ crime and a diminished—though not eradicated—threat from terrorist and paramilitary groups, these residual risks complicate efforts to justify the continued reliance on emergency legislation.

2.10 Furthermore, if we consider trends in security data, they suggest a somewhat optimistic outlook for the future operating environment. Table 2 provides an overview of the number of shooting and bombing incidents along with national security attacks, which shows an overall decrease in all incidents since the JSA was introduced in 2007.

Table 2: 18-year trends (since inception of JSA) in the number of shooting and bombing incidents and attacks on national security



2.11 A review of the previous seventeen reports indicates a consistent conclusion that these powers remain necessary in light of the operating environment. I concur with this assessment. However, the present trajectory of the security statistics will, over time, likely weaken the justification for their continued application.

3. Sections 21-28: Stop and Search Related Powers

- 3.1 The following section focuses on the use of the powers by the PSNI and considers the authorisation process, the statistics from their application in practice, alongside issues relating to supervision, training and complaints.

The Authorisation Process

- 3.2 Previous reports have extensively covered the purpose and rationale around the authorisation process. As a reminder, the authorisation document provides a full intelligence overview and justification for the use of the powers in order to support the case for the continued use of the powers. An application form is completed (up to every two weeks), and supporting material is compiled by the PSNI, first at District level, then passed to PSNI headquarters and scrutinised by their senior staff and lawyers and signed by an Assistant Chief Constable (ACC). From there, it is passed to the NIO for further scrutiny by staff and lawyers who provide a covering note for the Secretary of State/Minister of State to whom it is passed for consideration and signature, which is required in order to confirm the powers.
- 3.3 As noted in the 17th report, each authorisation document must contain all the requisite information on the previous use of the powers by districts, the supporting **fresh intelligence** material as well as assessments of the impact of the powers on the community. In total, the documents must satisfy the Secretary of State that the powers are **necessary** and **effective** to address the threat level and that any **impact on the community due to the broad nature of the powers is justified** in terms of their effectiveness in mitigating that threat.
- 3.4 Between 1 August 2024 and 31 July 2025 there were 32 JSA authorisations with no issues arising in terms of the application process.
- 3.5 I had the opportunity to review all of the authorisation application processes and would like to briefly comment on the following: the two-week time period; intelligence; community impact; and the evolving security environment.

3.6 I recommended in the 17th report for an extension to the authorisation process from 14 days to at least four to six weeks (this was also put forward by the previous two reviewers). Unfortunately, the NIO have been unable to action this recommendation, as noted in the following response:

‘The Northern Ireland Office accepts the recommendation to extend the maximum authorisation period for stop and search under Section 24 of the Justice and Security (Northern Ireland) Act 2007. Implementing this change requires an amendment to Schedule 3, paragraph 4C of the 2007 Act via primary legislation. While this minor amendment does not warrant a standalone Bill, it can be achieved by using another suitable Bill as a legislative vehicle. Although it has not yet been possible to identify a suitable Bill to carry this amendment, the Northern Ireland Office remains committed to finding an appropriate legislative vehicle for this change.’ (NIO representative)

3.7 Once more, I am stating that the authorisation process needs to be extended beyond its current 14 days. In its current format it is counterproductive in terms of facilitating a process towards normalisation. Furthermore, it requires significant resources and creates an environment which limits opportunities for deep analysis and reflection on the security environment. There is no doubt the landscape which informed the design and implementation of the powers in 2007 has fundamentally changed (for the good), however the mechanisms required to authorise those powers has remained static.

3.8 I am pleased to note that the NIO have accepted my recommendation from the previous report to allow the authorisation process to include ‘all of Northern Ireland’ and cease with the approach which involves eleven separate policing districts. It is hoped that this might in some way address a view that officers are encouraged to use the powers, to generate statistics, which can then be interpreted as justifying the need for the legislation. In my next report I will be exploring in more detail the impact (if any) of this change in the authorisation process. Once more, I echo what has been stated previously, that the use of the powers by the PSNI should be justified by need rather than by a desire to demonstrate activity.

3.9 The central element of the authorisation process is the gathering and presentation of information and intelligence under the heading ‘assessment of the threat.’ In the previous report I was critical of MI5, suggesting that they must ensure their intelligence is robust, timely and very relevant. In response the Security Service noted:

'The Security Service has no formal role or responsibility in legislation or otherwise in the justification of the continued use by the PSNI of the powers conveyed to it under the JSA. However, the Service recognises that the PSNI's use of these powers has been effective in the continued attrition of the activities and capabilities of dissident Republican groups. Annex E of the St Andrews Agreement requires that all Security Service intelligence is visible to the PSNI. The Service provides the PSNI with a variety of assessed intelligence documents at various levels of protective marking. We understand that PSNI draws on all these documents to inform their threat response and decision-making processes, including the renewal of the JSA powers' (Security Service representative).

- 3.10 What is clear is that responsibility for completing the proforma rests solely with the PSNI, who are expected to draw on all relevant sources, intelligence, and available information. However, I am not yet fully satisfied that the material used to complete the 'assessment of the threat' section in some cases, has been sufficiently robust to clearly justify the rationale for the use of these powers. **Furthermore, I am of the view that more focus could be placed on ensuring the material is linked to the rationale for the use of the powers. Put simply, it is not enough to record a series of intelligence reports without an analysis of why the powers are still required.** I recognise that this is a complex and challenging issue, and I acknowledge that the PSNI continue to require access to these powers. That said, my concern is that Northern Ireland in 2026 differs significantly from 2007 in terms of terrorist intent, capability, and activity. The authorisation process, however, has remained largely unchanged, making it increasingly difficult to clearly articulate and evidence the ongoing necessity for stop and search powers. One further observation - when senior officers sign off an authorisation, they are required to provide an overview setting out their justification. It is clearly challenging to produce fresh analysis and narrative every 14 days, particularly when the operating environment remains largely unchanged. It may therefore be appropriate for PSNI to adopt a standardised form of wording, allowing officers to add any information they consider specifically relevant to the individual authorisation.
- 3.11 I also met with legal representatives from both the PSNI and NIO to discuss the quality and value of the material used to complete the section 'assessment of the threat.' This was a constructive meeting, given that the processes to consider the relevance of the material and its overall contribution to the authorisation process was discussed at length.
- 3.12 The authorisation process also requires the PSNI to document procedures around community engagement and accountability, specifically in relation to communities

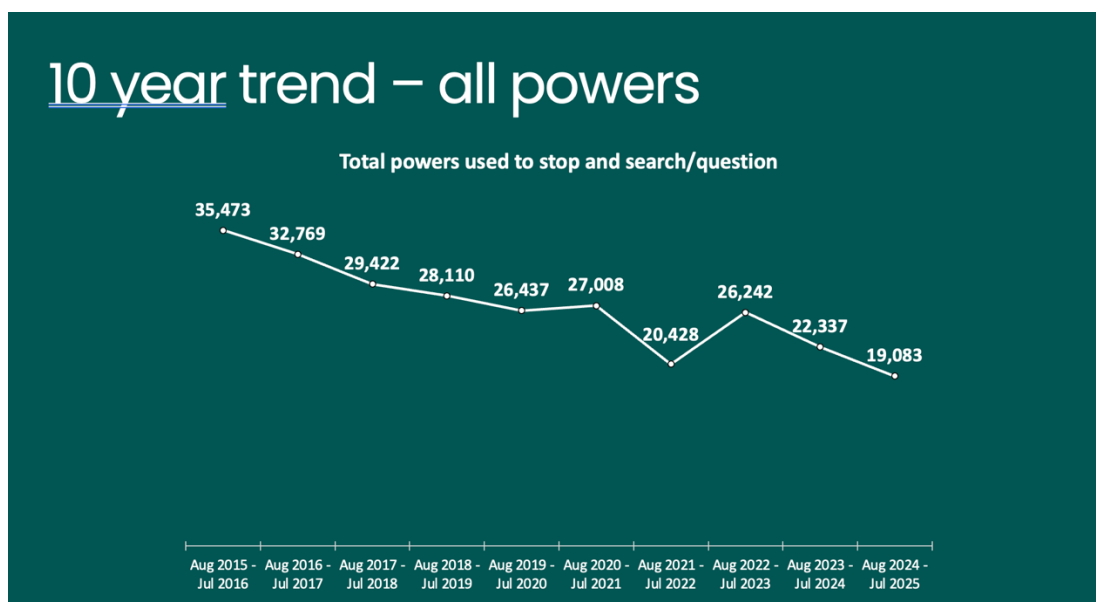
affected by the JSA powers. The intention was to explore this topic in more depth during this reporting period; however, time constraints did not permit this. As such, it will be explored fully in the next report. Indeed, it is my intention to focus on the two areas where the powers have been most used, that is, Belfast and Derry/Strabane. The emphasis will be on what actions the PSNI have taken to engage with multiple constituencies in these areas under the theme of JSA powers.

Using the JSA Powers

3.13 This part of the report has been guided by the approach taken by previous reviewers who maintained that the powers should be exercised appropriately, effectively, and in a proportionate way and for the intended purpose. Below is a series of statistical tables and graphs which provide a detailed overview of the use of the powers alongside relevant analysis relating to trends and/or emerging issues.

3.14 In terms of the overall use of all stop and search powers by the PSNI (Table 3) it is apparent that since 2015 there has been a significant decrease in their use from 29,008 in 2014/15 to 19,083 in 2024/25.

Table 3: Ten-year trend for all stop and search powers



3.15 With regards to the PSNI’s use of JSA stop and search powers (S24 and S21), the data in Tables 4 and 5 indicate that they were used 2,305 times compared to 3,419 in the previous reporting period. Since then, there has been a 33% decrease in the use of

S24 and a 30% decrease in the use of S21. This overall decrease follows a general trend in the use of the powers since a ten-year high of 10,651 in 2015/2016. This also suggests that the spike in figures for the reporting period (2022/23) was an isolated period and not a change in the overall downward trajectory of the use of the powers.

Table 4: Ten-year trend for the use of JSA powers

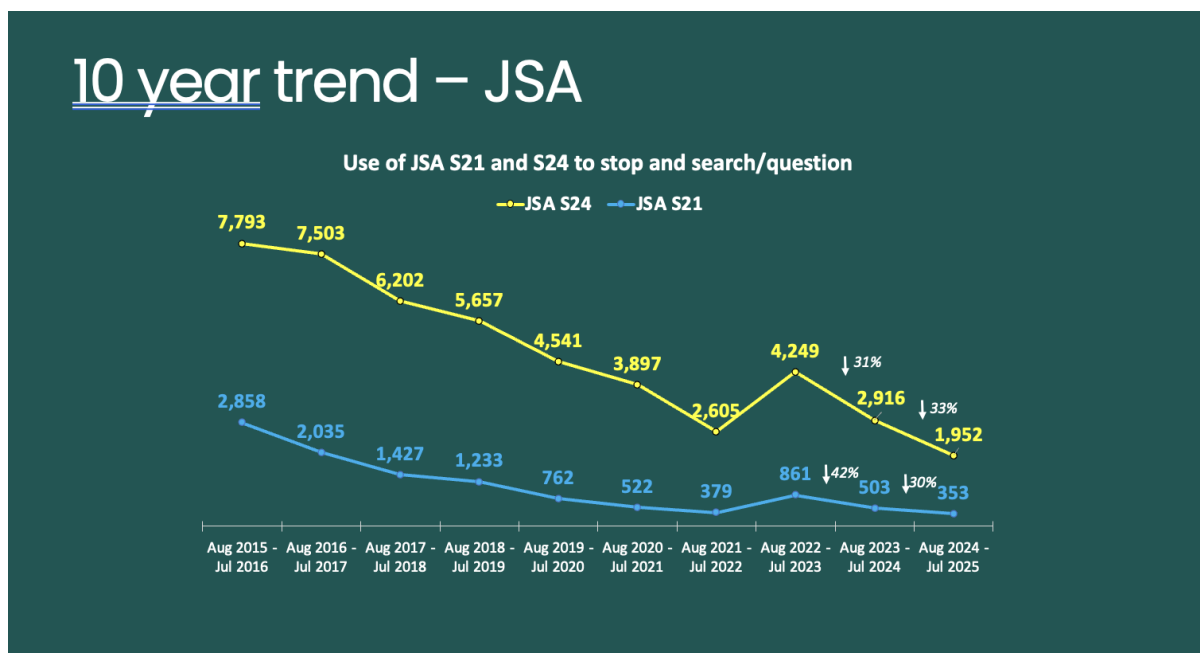


Table 5: Summary of JSA powers (August 1st 2024-July 31st 2025)

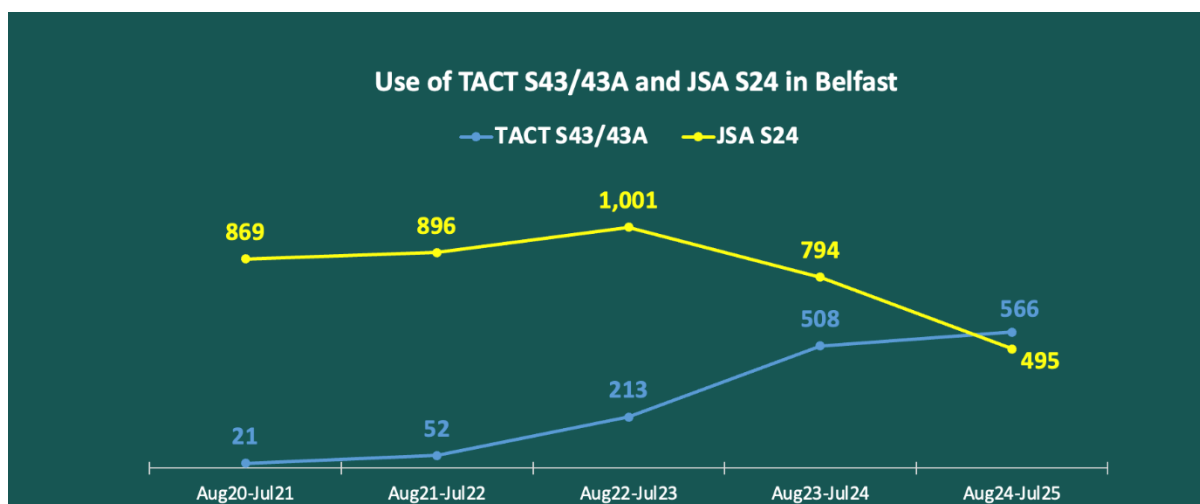
Persons stopped & searched/questioned				
	Aug 2023 - Jul 2024	Aug 2024 - Jul 2025	Change (count)	Change (%)
JSA Section 21	503	353	-150	-30%
JSA Section 24	2,916	1,952	-964	-33%

Vehicles stopped & searched				
	Aug 2023 - Jul 2024	Aug 2024 - Jul 2025	Change (count)	Change (%)
JSA Section 26	3,301	1,902	-1,399	-42%

(1) Vehicle searches include vehicle-only searches as well as those in which a vehicle was searched together with any persons in it. Therefore the JSA Section 24 and JSA Section 26 figures in the tables above should not be added together to get the total number of stop and searches as this would result in the double counting of an occupant of a vehicle searched.

3.16 In relation to the use of TACT and JSA, the data reveals that over the last five years there has been an increase in the use of TACT and a decrease in the use of JSA in Belfast as illustrated in Table 6 below.

Table 6: Five-year trend of the use of TACT and JSA in Belfast (August 2020-2025)

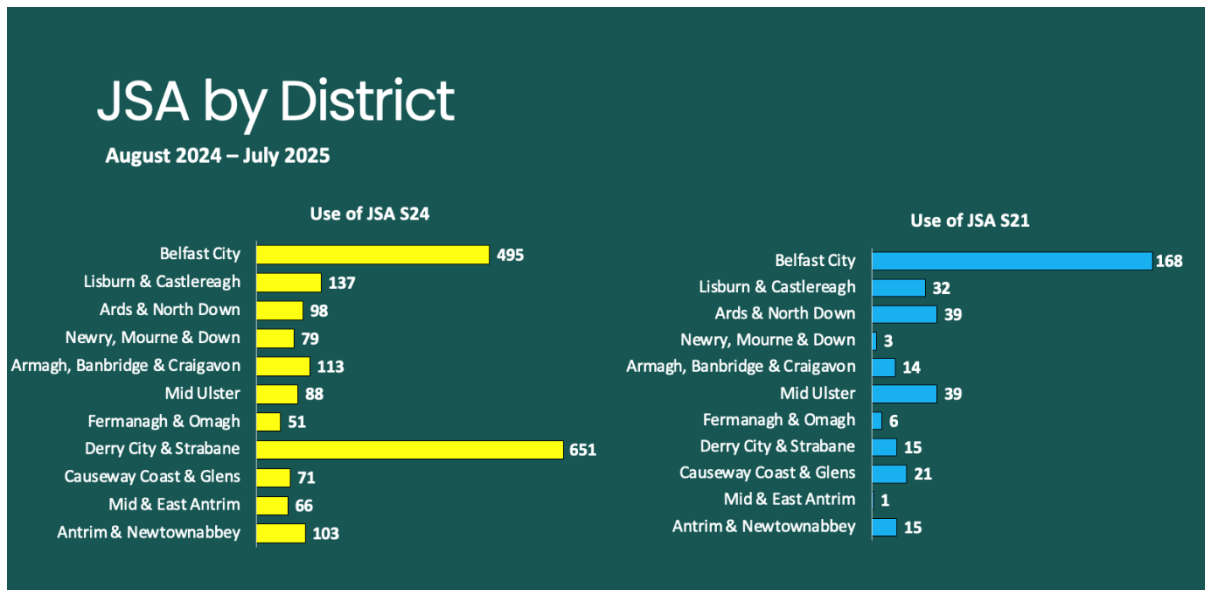


3.17 The PSNI were asked to comment on increase in the use of TACT. According to a senior PSNI officer:

“Officers from C2 Terrorism Investigation Branch in parallel with C3 intelligence branch have delivered a number of focused briefings to colleagues in district policing. This briefing has included a section on powers and policy available to officers when mitigating the terrorist threat. This included powers available and necessity thresholds. These briefings focused on individuals involved in proscribed organisations. Stop and search is one overt tactic available to police to mitigate terrorist risk. Officer briefings provide sufficient justification to stop individuals under TACT. These briefings are delivered both online and in person. The contents are continuously subject to review and necessitate the addition or removal of suspects as is appropriate.”

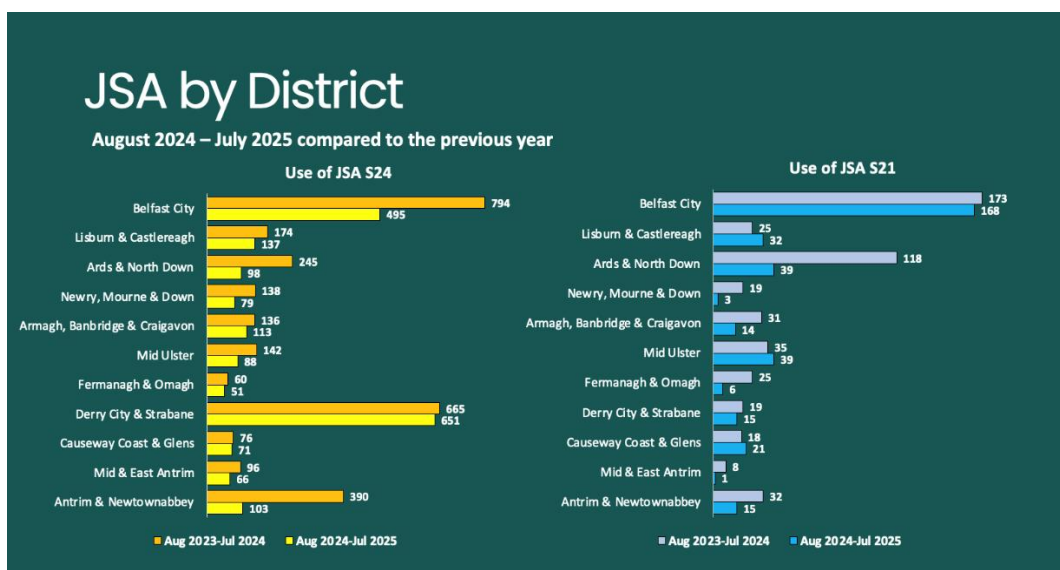
3.18 Regarding this reporting period, it is also imperative to consider the geographical spread around the use of the powers. Table 7 below details the use of JSA powers by district. In doing so, it highlights that these powers were utilised more by the policing districts of Derry City and Strabane (651), followed by Belfast City (495) and Lisburn and Castlereagh (137) used S24 the most. In terms of the use of S21 this was Belfast City (168), Ards & North Down (39) and Mid Ulster (39) respectively.

Table 7: Use of JSA powers by district (August 1st 2024-July 31st 2025)



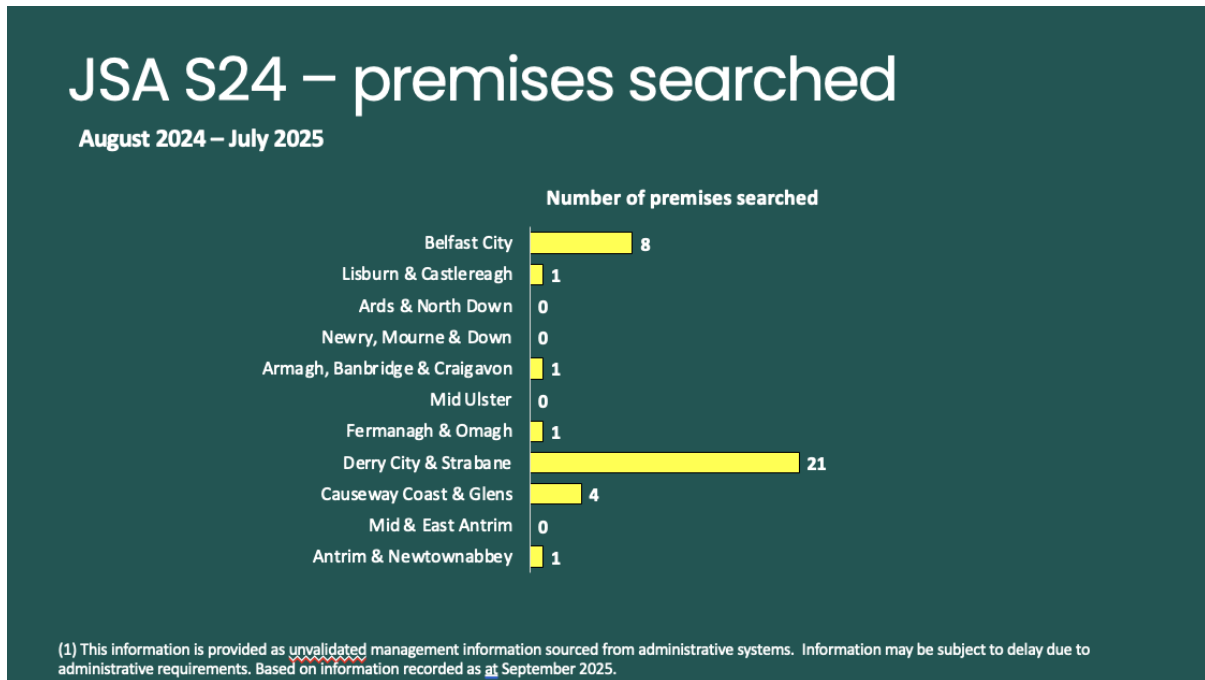
3.19 A closer examination of the previous two years (table 8) reveals that there has been a significant decrease in the use of S24 across some of the policing districts, namely Belfast, from 784 to 495 in 2024/25. Table 8 also shows that in Antrim and Newtownabbey S24 was used 390 times in 2023/24 and 103 times in 2024/25. In regard to S21, Lisburn and Castlereagh used it 32 times in 2024/25 and on 25 occasions in 2023/24, Belfast used it 173 times in 2023/24 and 168 times in 2024/25.

Table 8: Use of JSA powers by district for previous two years (August 2023-2025)



3.20 In relation to the use of S24 of the JSA (Table 9) the data revealed that 21 premises were searched in Derry City & Strabane, followed by 8 in Belfast city. In total 37 premises were searched in this reporting period. This compares to a figure of 94 for the previous reporting period.

Table 9: JSA Section 24 – premises searched (August 1st 2024-July 31st 2025)



3.21 In terms of the age of the individuals impacted by the JSA powers, Table 10 indicates that in this reporting period S21 and S24 powers were used a total of 46 times on under 18s, compared to 2,256 times on those 18 and over. In the previous reporting period these powers (21&24) were used 110 times on under 18s.

Table 10: Use of JSA powers by age (August 1st 2024-July 31st 2025)

Stops by age (%)				
	Under 18	18 and over	Not specified	Total
All powers	9%	91%	<1%	100%
JSA Section 21	3%	97%	0%	100%
JSA Section 24	2%	98%	<1%	100%

Stops by age (count)				
	Under 18	18 and over	Not specified	Total
All powers	1,614	17,235	11	18,860
JSA Section 21	9	344	0	353
JSA Section 24	37	1,912	3	1,952

(1) As more than one legislative power can be used to stop and search/question a person, the sum of the powers used will be greater than the total number of persons stopped and searched/questioned.
 (2) Age may be officer perceived.
 (3) Percentages are rounded to the nearest whole number.

3.22 In terms of gender, Table 11 shows that the overwhelming use of both S21 and S24 was on males (85% and 93% respectively) within this reporting period. Females accounted for 15% under S21, and 7% under S24.

Table 11: Use of JSA powers by gender (August 1st 2024-July 31st 2025)

Stops by gender (%)				
	Male	Female	Unknown/ other	Total
All powers	85%	15%	<1%	100%
JSA Section 21	85%	15%	0%	100%
JSA Section 24	93%	7%	<1%	100%

Stops by gender (count)				
	Male	Female	Unknown/ other	Total
All powers	16,008	2,833	19	18,860
JSA Section 21	300	53	0	353
JSA Section 24	1,813	138	1	1,952

- (1) As more than one legislative power can be used to stop and search/question a person, the sum of the powers used will be greater than the total number of persons stopped and searched/questioned.
- (2) Age may be officer perceived.
- (3) Percentages are rounded to the nearest whole number.

3.23 In relation to ethnicity, the data presented in Table 12 shows that those from a white ethnic background were most likely to be stopped under S21 (97%) and S24 (96%) in this reporting period. These figures have remained consistent since records were collected.

Table 12: Use of JSA powers by ethnicity (August 1st 2024-July 31st 2025)

Stops by ethnicity (%)								
	White	Irish Traveller	Other ethnic group	Black	Asian	Mixed	Not specified	Total
All powers	93%	1%	2%	2%	1%	<1%	<1%	100%
JSA Section 21	97%	1%	1%	1%	1%	0%	0%	100%
JSA Section 24	96%	1%	1%	1%	1%	1%	<1%	100%

Stops by ethnicity (count)								
	White	Irish Traveller	Other ethnic group	Black	Asian	Mixed	Not specified	Total
All powers	17,592	282	396	335	173	78	4	18,860
JSA Section 21	342	3	3	3	2	0	0	353
JSA Section 24	1,873	14	21	11	19	13	1	1,952

- (1) As more than one legislative power can be used to stop and search/question a person, the sum of the powers used will be greater than the total number of persons stopped and searched/questioned.
- (2) Age may be officer perceived.
- (3) Percentages are rounded to the nearest whole number.

3.24 As part of the analysis I requested data on the number of officers using the JSA powers over the reporting period. Table 13 shows that 653 officers used the JSA powers, with 32 officers using the powers on at least 11 or more occasions. The data also revealed that 5 officers used them over 51 times.

Table 13: Number of JSA stops carried out by PSNI officers (August 1st, 2024-July 31st, 2025)

Number of stops carried out	Number of officers	%
1	323	49.5
2	128	19.6
3	65	10.0
4	29	4.4
5	25	3.8
6-10	51	7.8
11-20	19	2.9
21-30	6	0.9
31-40	1	0.2
41-50	1	0.2
51 or more	5	0.8
Total	653	100%

(1) Persons may have been stopped under JSA S21 and/or S24 in conjunction with other non-JSA powers

3.25 Further analysis revealed that of the nine officers that used the powers most frequently, seven of them were attached to Crime Teams. Five of those seven were based in Derry City and Strabane and two in Belfast. The remaining two officers were attached to Local Policing Teams from Derry City and Strabane and Belfast. Supervisors for those LPT officers were asked for comment. Although neither had spent time on secondment to any Crime/Search Teams, both were described as ‘proactive and highly self-motivated officers.’ Both supervisors were satisfied with the conduct of their officers. One supervisor cited a wide knowledge of the nominals involved and confidence to carry out stop and search as reason in part for the use of the powers.

3.26 I also reviewed data relating to multiple stops under sections 21 and 24 of the JSA (see Table 14). Between 1 August 2024 and 31 July 2025 there were 2,265 stop and searches/questions under the Justice and Security Act (Sections 21 and 24), of which 2,107 (93%) had a unique personal identification number recorded on the stop and search record. **These 2,107 stop and search/question encounters involved 1,065 unique persons.** Table 14 shows the distribution of the number of times these 1,065 persons were stopped. There were 2,076 stop and searches/questions of males under the Justice and Security Act (Sections 21 and 24), of which 1,956 (94%) had a unique personal identification number recorded on the stop and search record. **These 1,956 stop and search/question encounters involved 950 unique males.** There were 188

stop and searches/questions of females under the Justice and Security Act (Sections 21 and 24), of which 151 (80%) had a unique personal identification number recorded on the stop and search record. **These 151 stop and search/question encounters involved 115 unique females.**

Table 14: Multiple stops of persons under sections 21 and 24 of the Justice and Security Act (August 1st, 2024-July 31st, 2025)

Number of times stopped	Number of unique persons	%
Once	857	80.5
Twice	96	9.0
3 times	40	3.8
4 times	12	1.1
5 times	6	0.6
6-10 times	24	2.3
11-20 times	17	1.6
21-30 times	9	0.8
31-40 times	1	0.1
41-50 times	0	0
More than 50 times	3	0.3
Total	1,065	100%

- (1) Figures were produced using a unique identification number that has not been validated. The unique identification number was recorded on 93% of all JSA stop and search records, meaning 7% (158) of JSA stops have been excluded from the above table
- (2) Persons may have been stopped under JSA S21 and/or S24 in conjunction with other non-JSA powers.
- (3) Figures are provisional and subject to minor amendment.

Summary

3.27 In terms of who is being stopped and how often the powers are being used, it is imperative to highlight the following observations:

- In this reporting period the use of the JSA powers has decreased. In general, the overall use of the powers has followed a downward trajectory since 2015.
- The powers were initially designed to address the unique security situation in Northern Ireland, therefore, unsurprisingly the powers are used most frequently in the policing districts of Belfast, along with Derry & Strabane where the intelligence indicates the greatest threat from Dissident Republican armed groups.
- S21 and S24 powers were used in total 46 times on under 18s, compared to 110 in the previous reporting period.

- Across Northern Ireland in the last five years there has been a slight increase in the use of TACT powers, particularly in Belfast.

Outcomes

3.28 As the reviewer, I am regularly asked about the outcomes associated with the use of the powers. Table 15 shows the measurable outcomes for all stop and search powers and indicates that the overall arrest rate for S21 was 2% and S24 was 1%. When compared to other stop and search powers these figures are particularly low. The JSA Code of Practice states that ‘an authorisation should not be given on the basis that the use of the powers provides public reassurance or that the powers are a useful deterrent or intelligence gathering tool.’ This remains a difficult issue in terms of the balance between using the powers appropriately and ensuring there is no abuse of power. Underpinning this, is the need for officers to properly employ the correct basis when executing a stop and search under JSA.

Table 15: All powers by outcome (August 1st, 2024-July 31st, 2025)

	Number of stops	Overall outcome rate ^(1,2,3)	Arrest rate ^(1,2,3)
PACE	2,388	35%	23%
Misuse of Drugs	13,628	27%	6%
Firearms	40	20%	15%
TACT S43	517	2%	1%
TACT S43A	143	2%	0%
JSA Section 21	353	3%	2%
JSA Section 24	1,952	5%	1%
Other legislative powers ⁽⁴⁾	62	10%	5%
Rates for all stops		24%	8%

- (1) Arrests are incorporated in the overall outcome rate. Other outcomes may include community resolutions, report to the PPS and penalty notice for disorder.
- (2) The outcome may not be linked to the initial reason of the stop and search. For example, if an individual is stopped under JSA S24 and during that search an officer finds illegal drugs, the individual may get a community resolution for possession of drugs. On the stop and search record that outcome will be recorded against a stop under JSA S24.
- (3) Outcome rates are rounded to the nearest whole number.
- (4) Other powers may include Section 139B of the Criminal Justice Act 1988, Article 6 Crossbows (Northern Ireland) Order 1988, Article 25 Wildlife (Northern Ireland) Order 1985, Article 23B of The Public Order (Northern Ireland) Order 1987 and the Psychoactive Substances Act 2016.

3.29 It is also worth noting the types and amounts of material found by the PSNI during the stopping of vehicles and/or people over the last reporting period, see Table 16 below.

Table 16: Finds of wireless apparatus or munitions (August 1st 2024-July 31st 2025)

Following persons and/or vehicles stopped and searched under JSA Section 24 or Section 26:	
•	On one occasion a number of suspected firearms were found.
•	On two occasions ammunition was found.
•	On two occasions wireless apparatus were found.
•	On one occasion imitation firearms were found.
•	On three occasions a (legally held) firearm and ammunition were found.

Based on information recorded on the PSNI’s stop and search database. Data is provisional and should be treated as management information.

Basis

3.30 As a legal requirement the PSNI must record the basis of any stop and search under the JSA. Essentially, officers cannot use the JSA powers simply because an ACC has signed the fortnightly authorisation form, there must be a basis for the stop. When conducting a stop the officer must select from a drop down menu on their Origin App ‘a basis’ from four options – briefing, subjects location, subjects behaviour and incident. Furthermore, there is a free text box which requires the officer to provide additional information in relation to the basis of the stop. Table 17 indicates that under S24 the most frequent basis was ‘briefing’ (64%) with the least frequent being ‘incident’ (6%).

Table 17: JSA Section 24 Basis for search (August 1st 2024-July 31st 2025)

Basis for stop/search	Number of times this basis was recorded	Percentage of times this basis was recorded
Briefing	1,258	64%
Subject’s location	571	29%
Subject’s behaviour	561	29%
Incident	114	6%

(1) Basis is a drop-down list from which an officer can choose one or more reason. As a result of this, the percent figures sum to more than 100%. (2) Figures exclude vehicle-only searches

3.31 Over this reporting period I focused a significant amount of time on how officers were interpreting the issue of basis when they used the powers. I asked the statisticians to provide an overview of the content officers included in the text box around the basis of the stop. Of a random sample of 100 stop and searches, a large number appeared to repeat the words from the drop-down menu or simply assumed that an ACCs signature gave them authority to exercise the powers. Table 18 provides an overview of a selected sample of officer's comments. I do not believe these comments adequately address the issue of basis.

Table 18: Highlighting the basis recorded on stop and search records following stops under Section 24 JSA

Confidential briefing
Information known to myself
Justice and security search authorised due to current threat in province.
As per briefing.
Due to current threat across the province and interest of public safety. Authorised by ACC in PSNI.
Confidential intelligence briefing
Preauthorised grounds/ location
To protect public safety; Substantial threat in the area; Information received on Police systems
Heightened threat within NI
In car that was stopped
Vehicle check point searches
Subjects' location at the time
JSA authorisation and briefing

3.32 On closer examination, and after discussions with officers, it appeared that 'confidential briefing' was a common response to the basis of a stop and search. However, I do not believe this is a robust rationale, which raises concerns about whether officers are fully aware of how and when to use the power; and secondly, if officers understand the necessity of documenting appropriately on their system the basis which led to the powers being exercised.

3.33 It is important to draw attention to some good practice in relation to work the PSNI is undertaking in relation to basis. This relates to the district support team within Derry City & Strabane. I had several conversations with officers and was particularly impressed with how they were responding to challenges around using JSA powers within the district. According to senior officers from the district, there is a prevailing

consensus that more effort is required to ensure the powers are used appropriately. According to an officer:

“The district support team within Derry City & Strabane have been directed to tailor the appropriate legislation to the circumstances encountered by them in each individual stop & search rather than considering justice and security authorisation as carte-blanche permission to stop individuals identified from specific intelligence. Thus, treating these stops with the same consideration, justification and accountability as a stop and search conducted on a member of the public for other legislation such as Misuse of Drugs Act or PACE. As we know the Justice and Security Act does not require reasonable suspicion to justify search, however since the 2020 Ramsy judgement there needs to be a basis to use the power, and the purpose is to search for munitions or wireless apparatus”.

“Examples of the considerations we are promoting in District are: Using 43 TACT to search an individual identified by a confidential briefing, should there be an unknown person in the vehicle with them who is not identified through intelligence, searching that individual under 21/24 JSA. Rationale behind this is there is not sufficient suspicion this second individual is a terrorist to use TACT based on the circumstances, they have not been identified as such in our confidential briefing and it would be inappropriate to use this legislation, instead given the circumstances of the stop being they are travelling with a suspected terrorist – 21 JSA & 24 JSA would be more appropriate for this individual, considering factors such as their location, who they are associating with, their behaviour and actions to justify basis of search”.

“A daily briefing on commencement of shift by the sergeant and/or Inspector takes place relaying intelligence, organisational/local decisions and directions, focus on what we are trying to achieve, and information best placed to keep officers and the community safe. Given the invaluable experiences and information constables within the team get from their daily work, an environment is encouraged in such meetings for all officers to share and input in an open discussion rather than a ‘one person speaks’ leadership type briefing. An example of officer input is: persons we have stopped in the previous days, intelligence surrounding them, their attitude/did they react in an unusual way, were they aggressive?, did they try and encourage the stop to be conducted in a certain location for example in front of a large group which may jeopardise officers security, or a primary school so that police appear oppressive to the public or for the purpose of a social media videos”.

“We are cognisant that given the nature of their involvement in proscribed groupings some of the individuals stopped under J&S/TACT legislation have been stopped before, some are very familiar with the legislation and will attempt to utilise it to frustrate police officers conducting the search, video them with a view to portray their own narrative about policing or a political viewpoint, embarrass them, the video of which is usually subsequently placed on social media. Our goal is to ensure said powers are used lawfully, the officers are acting professionally, confidently portraying the police service in a good manner, and acting with the best interests of the public at the forefront”.

“DST are also supporting other local policing teams within Derry City & Strabane in relation to security who are not conducting such stops on a regular basis by having regular informal chats with teams during their briefings, conducted by the DST Inspector & Sergeants, this has been ongoing now for several months with the primary aim of ensuring officers are educated to ensure the appropriate counter terrorism legislation is used, and in line following the Ramsey judgement”.

“Discussing the above regarding appropriate legislation and topics such as ensuring body worn video captures all aspects of the search, ensuring the community background question is posed and answering any queries they have. Encouraging supervisors to perform regular audits of stop and search – minimum 10% of each officer’s searches quality assured with a check every month and feeding back to officers any refinements or improvements as appropriate. This has been breaking down barriers between teams and provides support in an aspect of policing that can be difficult, intimidating and intrusive for both police and the member of the public. The goal is to improve the quality of our stop and search district wide and that officers & the public feel confident it is being conducted fairly, with professionalism & compassion”.

Community Monitoring

3.34 In 2020 the Court of Appeal in Ramsey stated that the PSNI was under a legal obligation to implement the community monitoring of stop and search powers. Since then, the organisation has been considering a number of approaches to this issue. On the 30 April 2024 the PSNI commenced a service wide pilot to monitor the community background of individuals stopped and searched.

3.35 In terms of the process, data is collected through the Origin App in relation to either a person searched or a person responsible for vehicle searched. The officer has a script to aid them in explaining why the data is being asked for and collected. The officer states “to help us monitor the necessity and proportionality of this use of stop and search powers, I will now ask you a question. You are not required to answer this question. What is your community background, is it:

- Catholic/Nationalist/Republican (these are not separate categories)
- Protestant/Unionist/Loyalist (these are not separate categories)
- Other (this requires officer to input a meaningful free text entry)
- Declined to say/refused

3.36 Table 19 shows the community background breakdown for the reporting period, with 72% recorded as refusing to answer. This raises a broader concern about the validity of the data collection practices, as it is unclear whether officers consistently ask the question or whether individuals are marked as having refused in cases where the question may not have been asked.

Table 19: Community background composition of those persons stopped and searched under JSA and/or TACT during the period 1 August 2024 to 31 July 2025

Community Background	Count	Percent
Catholic / Nationalist / Republican	508	18%
Protestant / Unionist / Loyalist	139	5%
Other	112	4%
Refused	2,029	72%
Not recorded ⁽¹⁾	11	<1%
Total	2,799	100%

(1) Due to a suspected technical issue with the Origin App, the community background question was not asked during 11 stops and so no community background was recorded.

(2) Figures exclude any persons searched under warrant.

(3) Figures are provisional and subject to minor amendment. Percentages may not sum to 100% due to rounding.

3.37 Over the duration of the reporting period there have been several roundtables and meetings with the PSNI in relation to the community background monitoring pilot. It is important to set out what has occurred.

3.38 By August 2024, an internal three-month review indicated that Officer compliance and inability to declare scenarios where the question was not asked was resulting in data inaccuracies. Additionally, it was determined (with my support), that the pilot should be extended for further data collation and analysis. This additional time would serve

for review and implementation of possible architectural changes to the monitoring on Origin with a view to improving data quality and officer compliance. According to the PSNI, at the end of September 2024 the Northern Ireland Statistics and Research Agency confirmed they could assist with an anonymised service user survey to obtain feedback and to improve knowledge on the pilot. The survey would gather information to inform the design of an improved version of community background monitoring.

- 3.39 Simultaneously, officers continued to engage with the Police College to ensure new officers were aware of the process and the rationale for its implementation. In November 2024 a 'Supervisor Briefing Document,' designed to improve officer compliance with the pilot, was released to District Commanders/Heads of branches. Additionally, the all-service survey was launched to ascertain feedback from those officers tasked with implementing the pilot. Some of that feedback is reported below:

"I don't think it's necessary that we as a Police Service are still defining persons here based on some perceived notion that someone still automatically identifies as belonging to a particular religion. It's an outdated and largely irrelevant definition."

"On a number of occasions thus far, particularly during J&S stops, asking the CBM questions has proven to be extremely provocative and posed immediate & unnecessary risk to myself and colleagues. I have therefore (on a small number of occasions) elected to avoid inviting unnecessary risk where I anticipate the questions will likely be refused and further aggravate the person in question. I imagine it would be more appropriate to ask these questions via alternate means on occasion, e.g. via email follow up for example, rather than placing officers in direct danger when unable to use professional judgement on when which questions are entirely appropriate and necessary."

- 3.40 Officers also had the opportunity to provide feedback on the types of challenges and difficulties they faced when asking the question. Responses included:

"Accused of stopping them because of their religion/ background after."

"Asking the question just makes police appear as if they are discriminating."

"Made the subjects upset and abusive."

"Majority of individuals have taken offense when asked the question. They can become irate when asked."

“Most people who I have searched under relevant legislation to which CBM applies were offended or annoyed at the question. You must remember that the person being detained and stopped and searched is already aggrieved and annoyed in most cases and to then be asked their community background further annoys them.”

“This is poorly received. The persons being searched simply want the procedure to be over as quickly as possible and see this as an additional invasion of privacy.”

3.41 Further feedback from officers on the overall process included:

“As a frontline officer, I understand the importance of transparency, but the additional recording requirements for community background monitoring create significant challenges. The gathering of sensitive data can heighten tensions during interactions, particularly in areas with a history of mistrust towards policing. There’s also concern that the data could be misinterpreted, fuelling divisions and making officers hesitant to use stop and search powers, even when necessary. While accountability is vital, we need support and clear guidance to balance these demands with effective policing”

“PSNI should be making strong representations that requesting this information negatively impacts community policing. Further community background is complex and no amount of explaining the rationale for asking helps. Introducing it as an issue makes it become an issue. This policy is ill thought through and does nothing to assist society from maturing in regard to this issue. In effect this practice is picking a scab and damages police community relations.”

3.42 The PSNI’s internal review found that officers often felt uncomfortable asking about community background, given the ongoing societal sensitivities surrounding religion and identity. Despite this, the question remains mandatory. The organisation must therefore put in place strong training, support, and oversight measures to ensure officers can raise the issue confidently, sensitively, and appropriately.

3.43 In early 2025 the PSNI held a series of meetings to consider options that could ensure officers were asking the community monitoring background question. Legal Opinion was then sought in regard to disclosures relating to the addition of a ‘Question Not Asked’ (QNA) option. This confirmed that PSNI has a legal basis, and indeed obligation,

to gather data on reasons for QNA (in order to gather a complete data set without gaps and unexplained inconsistencies). Comment was also made on the phrasing of the question (the aspect lifted from NISRA) involving only a slight turn of phrase which would create a more neutral dialogue. According to the PSNI, this slight distinction puts the emphasis back on what a person considers themselves to be, rather than what they might be 'seen' to be by someone else. In many respects this clearly illustrates the ambiguity around this issue.

3.41 Following the assessment of Legal and NISRA advice, the community background question and response options were finalised in April 2025. The final version is cited below.

"To help monitor the necessity and proportionality of this use of stop and search power(s) PSNI collects Community Background data. Your participation is voluntary. Regardless of whether you practice religion, we understand that people in Northern Ireland often consider themselves to be a member of either the Protestant or Roman Catholic community. We are therefore asking you, 'What is your community background? Is it:'"

- "A member of the Protestant community"
- "A member of the Roman Catholic community"
- "Neither"
- "Declined to answer" [DTA]
- "Question Not Asked [QNA] (Exceptional circumstances only. Rationale entry required)."

The officer may declare, in exceptional scenarios, that the community background question was not asked - QNA. Their declarations are categorised using the following subheadings:

- 'Subject Left Scene'
- 'Officer Omission'
- 'Device / App Error'
- 'Subject Behaviour.'

3.44 By the end of April 2025, the PSNI had agreed a way forward in terms of altering the initial question and addressing the issues of compliance (making sure officers asked the question). However, this will require time and resources to ensure all of the technical aspects of the changes to the software could be done correctly. This will also entail internal communications and a briefing plan to address officers' questions

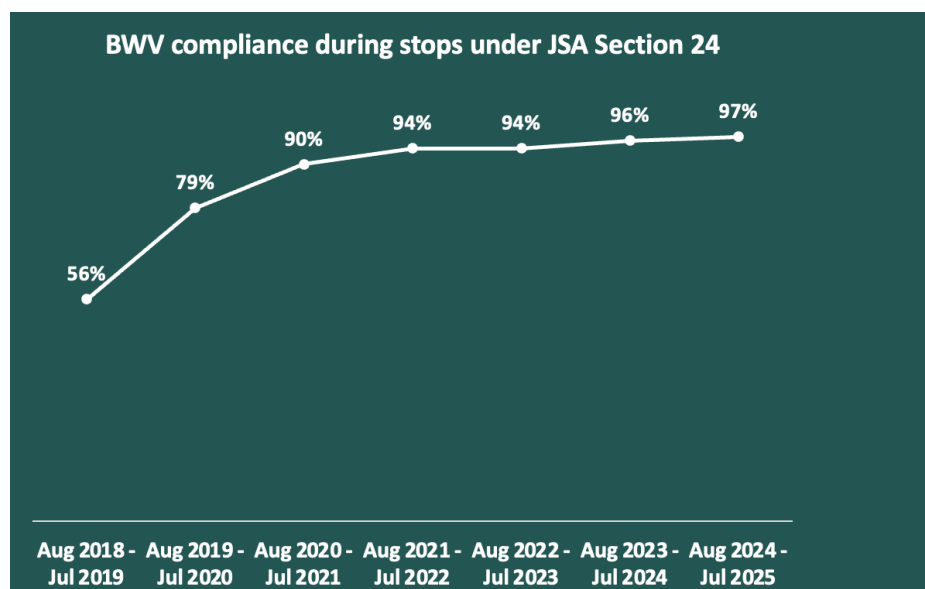
around the changes to the process and the move away from a pilot to an official PSNI policy.

3.45 There is no doubt the community background monitoring process to date has been challenging and resource intensive. However, I believe the PSNI have made significant progress on the issue and are putting in place a series of measures to ensure appropriate safeguarding and compliance which in-turn, will deliver a more robust process moving forward.

Supervision, Complaints and Training

3.46 As a matter of policy, PSNI officers are instructed that “All stop and search encounters must be recorded on body worn video when such a device is worn by the searching officer. Any reason for not recording will be captured on the PACE1/TA and in the officers Police issue notebook.” In the previous review the usage of BWV on JSA stops was 96% and for the current review period, the rate has increased to 97%. Table 20 shows the significant improvement in BWV compliance over the last seven years with the figure increasing from 56% in 2018/19 to 97% in 2024/25.

Table 20 Use of body-worn video during JSA s24 stops (August 1st 2024-July 31st 2025)



3.47 As part of my role I watched a dip sample of BWV involving officers using the JSA powers. This afforded me the opportunity to review the officers conduct and consider

whether the officers employed an appropriate basis for the stop. I watched ten encounters, of which nine raised significant concerns. In each of these I was not satisfied with the basis in which the officer initiated the use of the powers i.e. this ranged from incidents where no basis was given, to others where the basis was either inappropriate or clearly wrong. The officers that were present answered my questions and provided supplementary information to the stops. For the most part they agreed with my analysis and took the decision to engage with the supervisors of the officers from the footage to ascertain more details and also pass on my thoughts.

3.48 This incident has raised two questions in terms of how the JSA powers were being employed in relation to safeguarding and the knowledge and responsibility of officers tasked with using the powers. More specifically:

1. Are officers being trained appropriately in relation to the basis in which the powers can be executed?
2. Is there appropriate supervision in place and what is being missed in terms of the dip-sampling of stop and searches?

3.49 In 90% of the BWVs reviewed, specific concerns were identified regarding the basis on which officers were exercising their powers. However, in cases that had been dip-sampled by supervisors, none of these issues had been identified or addressed. This raises questions about supervisors' understanding of what constitutes good practice, the frequency and effectiveness of refresher training on the appropriate use of JSA powers, how supervisory performance is monitored, and the prevailing team culture surrounding the use of these powers.

3.50 In response, the PSNI were asked to provide data around the number of stop records dip sampled and the outcomes during the reporting period. The data presented in Table 21 reveals that in 92% of cases no further action was taken, with 6% provided with advice.

Table 21: Dip Sampling Stops Record 30 April 2024 to 31 July 2024

Dip sample carried out	All powers		JSA powers ⁽²⁾	
	Count	Percent	Count	Percent
Yes	3,248	16%	467	17%
No	16,891	84%	2,320	83%
Total	20,139	100%	2,787	100%

Outcome of dip sample:	All powers		JSA powers ⁽²⁾	
	Count	Percent	Count	Percent
No further action	3,044	94%	431	92%
Advice given	148	5%	30	6%
Other	56	2%	6	1%
Total	3,248	100%	467	100%

(1) Includes vehicle-only searches.

(2) In relation to stops under JSA S21 and S24.

(3) Figures refer to records quality assured as at 20 October 2025. As supervisors may quality assure records after this date, the compliance rate may increase if figures are re-examined at a later date.

3.51 Overall, supervision and the review of officers' stop and search activity under JSA powers have given rise to a number of concerns and will be examined again in the next report. It is essential that dip-sampling processes, including review and feedback mechanisms, are carried out effectively, as these set the standards officers follow when conducting stop and searches. This in turn, helps shape organisational culture and ensures that good practice is recognised, reinforced, and treated as the norm.

3.52 The Police Ombudsman for Northern Ireland (PONI) reported on complaints in relation to the operation of JSA powers in this review period. There were 31 complaints relating to searches under JSA, in comparison to 22 in the previous reporting period. Nine of the complaints appear to be linked when looking at incident date and incident title. Of the 31 complaints, 3 complainants made multiple complaints – all 3 complainants made 2 complaints

3.53 Sixty officers have been identified in relation to 23 of the complaints. Of these, 6 officers have been identified in relation to multiple complaints.

3.54 Eight of the complaints relate to District A - Belfast City, 7 to District B – Lisburn and Castlereagh, 3 to District H – Derry City and Strabane, 2 each to District D – Newry Mourne and Town, District G – Fermanagh and Omagh, District J – Causeway Coast

and Glens and District K – Mid and East Antrim, and 1 each to District E – Armagh City, Banbridge and Craigavon and District F – Mid Ulster.

3.55 Two of the complaints have been identified as being from juveniles.

3.56 Twenty-seven of the complaints have been closed, and four remain open. Of the twenty-seven that were closed in two of those the office identified an issue of concern. Both of these related to the officers failing to complete the PACE 1TA (a document used by the Police Service of Northern Ireland (PSNI) to record the stop and search of a person or vehicle in a public place) appropriately, regarding the details about the basis for the stop.

3.57 As part of the review, I engaged with those responsible for delivering training on the JSA powers and also attended a training and learning session with student officers. During this process, I provided feedback on the importance of establishing a clear basis for the use of these powers, which the trainers have since incorporated into their teaching plans. The sessions in which this material was covered were marked by a constructive learning environment, enabling students to ask questions, observe good practice, and take part in discussions about the potential impact of inappropriate use of the powers on community confidence.

Final thoughts

3.58 The remainder of this chapter evaluates the data and qualitative feedback around the use of the powers through four questions.

3.59 **Are the powers in the JSA used in a way that is intelligence led?** This has consistently been a central concern for the reviewer and lies at the heart of the debate regarding how and when these powers are exercised. In the majority of cases, PSNI officers appear to use the powers in an informed and proportionate way, supported by relevant information and intelligence relating to individuals assessed as posing a threat. District Support Teams, in particular, demonstrate a higher level of awareness and tend to apply the powers more appropriately, with this being especially evident in the Northwest region. However, there remain instances where officers deploy the powers in the absence of intelligence and with little or no evidential basis. This is concerning, as such use risks undermining community confidence and reinforcing criticism of the continued operation of the JSA.

3.60 **Are the powers used in a disproportionate or discriminatory manner?** Overall, the review has identified no evidence to indicate that officers are exercising the powers in a disproportionate or discriminatory way. The areas of Northern Ireland

experiencing the highest levels of armed violence, and where intelligence points to the greatest levels of paramilitary and terrorist-related activity, are also the areas in which JSA powers are most frequently applied. In addition, the introduction of the community background monitoring question will generate more robust data on those subject to the powers. This will strengthen oversight arrangements and provide further assurance that the organisation remains accountable.

- 3.61 **Is there a general understanding around the outcomes attributed to the JSA?** Among officers, there remains a degree of inconsistency around understanding the purpose of the JSA in the context of stop and search. While there is a recognition that the recovery of munitions or wireless devices during stops is rare, officers generally view the primary value of the powers for their preventative effect. In this regard, the perceived success of the JSA lies in its ability to unsettle and constrain the capacity of individuals and organisations to engage in illegal activity that could pose a risk to public safety or the Security Services. However, this is in contrast to the code of ethics which states that ‘authorisation should not be given on the basis that the use of the powers provides public reassurance or that the powers are a useful deterrent or intelligence-gathering tool’.
- 3.62 **Is there appropriate oversight and accountability?** This is an area where further development would be beneficial, particularly in relation to the role of supervisors. Strengthening the scrutiny applied to dip-sampling of stops would provide greater assurance that the powers are being used consistently and in line with the code of practice. Supervisors are central to this process, as they set standards for good practice, challenge underperformance, and support officers to apply the powers appropriately. In addition, establishing a more structured and consistent feedback format would enable officers to share operational experiences, reflect on emerging challenges, and evaluate differing approaches to the use of the powers across districts, thereby promoting learning and continuous improvement.

4. Road Closures and Land Requisitions

- 4.1 Under Sections 29 to 32 of the JSA the Secretary of State may requisition land (s29) and close roads (s30 and 32) for “the preservation of the peace or the maintenance of order” (s29). In line with Agency Agreements agreed between the Department of Justice (DoJ) and the Secretary of State (see paragraph 238 onward of the fourth report) the requisition power in section 29 and the road closure power in section 32, can be exercised by the DOJ in respect of devolved matters.
- 4.2 From August 2024 to July 2025, the PSNI made (what have become) annual requests for land owned by Invest NI at Forthriver Business Park (the former Mackies factory site), Springfield Road, Belfast, to be requisitioned under the Justice and Security (Northern Ireland) Act 2007. The PSNI required the land to be held to ensure an effective policing operation for the purpose of enforcing Parades Commission determinations in respect of two parades.
- 4.3 Agency arrangements were agreed with the Secretary of State to allow these powers to be exercised by the Department of Justice in respect of transferred matters.
- 4.4 Police believed that requisition of the site was essential as a forward operation base to deploy officers, if required, but also to assist in reducing the visible police footprint and presence on the Springfield Road close to the actual parades. The PSNI sought the requisition from 0001hrs until 2359hrs on Saturday 28th June 2024 and from 0001hrs until 2359hrs on Saturday 12th July 2025. The orders were time bound; de-requisition orders were not therefore necessary.
- 4.5 There was no public disorder related to either parade.

5. The Army

5.1 Section 40(1)(b) of the JSA requires me to review the procedures adopted by the General Officer Commanding Northern Ireland (GOC) for receiving, investigating, and responding to complaints.

5.2 As such, I review two aspects of Army operations:

- Explosive Ordnance Disposal (EOD activity) where the Army support the PSNI in dealing with explosive material; and
- the operation of the Army complaints procedure.

5.3 In terms of EOD activity there were a total of 110 incidents compared to 157 in the previous reporting period. Table 22 summarises the types of incidents dealt with by the army.

Table 22: Explosive Ordnance Disposal (E.O.D) Activity in Support of the Police (August 1st, 2024-July 31st, 2025)

DATE	IED	EXPLOSION	HOAX	FALSE	CMD	FIND	FIND X-Ray	INCENDIARY	TOTAL
Aug-24	1	0	3	0	4	0	0	0	8
Sep-24	0	1	3	1	5	1	1	0	12
Oct-24	0	0	1	1	5	0	0	0	7
Nov-24	0	2	1	0	6	1	2	0	12
Dec-24	0	0	0	4	2	1	0	0	7
Jan-25	0	0	1	0	2	1	0	0	4
Feb-25	0	2	0	2	2	0	0	0	6
Mar-25	0	0	0	1	5	1	1	0	8
Apr-25	4	0	0	1	0	1	0	0	6
May-25	1	0	2	0	6	1	0	0	10
Jun-25	4	1	2	0	4	4	0	0	15
Jul-25	4	0	3	1	6	1	0	0	15
TOTAL	14	6	16	11	47	12	4	0	110

IED – A confirmed Improvised Explosive Device, e.g. a pipe bomb;

Explosion – A confirmed explosion

Hoax – A suspicious object, which has been accredited to a codeword or similar warning, cleared, and declared not to be an IED

False – A suspicious object which is found by a member of the public, examined and declared to be nothing of concern

Incendiary – A device designed to create a fire rather than explosion

Finds – Objects recovered, usually during a search

Find X-Ray – An object x-rayed by EOD at the request of the PSNI and declared safe before being entered into police evidence

CMD or "Common Munitions Disposal" i.e. grenades or legacy munitions washed up on the shores

- 5.3 In terms of complaints, there were 5 over the reporting period relating to the low-level flying of a A400M, which included two relating to animal injury or escape. In June 2025 there were three enquiries over low flying aircraft: one was in relation to a P8 conducting a flypast in Co. Fermanagh to commemorate the final Coastal Command Patrol and another was pertaining to a low flying A400M. The final complaint on the 30 June 2025 was investigated, but no military aircraft were in the area at the time stated. All were passed to the Air Command Policy Secretariat for handling as they hold the lead for low flying complaints. It is also important to note that working in conjunction with the Royal Air Force (RAF), the local RAF social media channels are used to alert the public to periods of planned low flying, this appears to have reduced the number of queries made.
- 5.4 As with previous reports, all the issues raised with the military based in Northern Ireland have related to low flying with under 5 complaints or enquiries raised over the year. With the withdrawal of the Gazelle helicopter from Flying Station Aldergrove, these complaints, or in many cases enquires, have related to GB-based aircraft training or displaying, in Northern Ireland's airspace. As part of the ongoing normalisation of military activity, these enquiries are dealt with by the same team from the RAF that deals with other low flying complaints.
- 5.5 The local team has proactively informed the public of periods of planned low flying, and this appears to have reduced the number of enquiry-only contacts and increased the awareness of the RAF and how it trains. In future, I plan to no longer record low flying complaints as they are handled in the same manner as the rest of the UK.
- 5.6 In all of the cases reviewed, the documentation was thorough and comprehensive. Individuals who contacted the Army were treated with professionalism, courtesy, and respect. Their concerns were given due consideration, and responses were both timely and appropriate. Where the Army was not responsible, staff still took care to direct individuals to organisations better placed to provide further assistance. Overall, I am satisfied that the complaints examined were managed in a robust, professional, and timely manner.

6. Non-Jury Trials

6.1 In Northern Ireland from 1972 to 2007 jury trials were dispensed with for politically motivated scheduled offences which were heard in Diplock courts before a single judge. In 2007 the JSA introduced the current system whereby criteria are applied to each case prior to arraignment by the Director of Public Prosecutions (DPP) who may then issue a certificate whereby the trial can proceed without a jury.

6.2 Provisions for non-jury trials under the JSA expire every two years and are renewable subject to the approval of both Houses of Parliament. There are no limits on the number of times NJT provisions may be extended. Although they were designed to be a temporary measure, they have been extended by successive orders since 2007. At each renewal, the Northern Ireland Office (NIO) launches a public consultation on whether to renew these legislative provisions. The most recent consultation⁴ was completed in May 2025 and the SoS took the decision to renew the legislation for a further two years in July 2025. In making the decision the consultation final report noted the following:

it is his view (SoS) that there has not been sufficient change in the security situation in Northern Ireland over the last two years to allow for these provisions to expire...The Secretary of State for Northern Ireland agrees that the continued need for the provisions is regrettable. However, the concerns raised during the consultation of the potential risk to the administration of justice and to individuals if the non-jury trial provisions were to expire imminently, are compelling factors which in his view cannot be adequately mitigated against (NIO, 2025).

6.3 The process of determining whether a NJT certificate is to be granted is set out in detail in Arthurs [2010] NIQB 75 and at paragraphs 19.1-19.5 of the tenth report and again at paragraph 9.64 of the 15th report. In brief:

- PSNI compile a case file including summary of case, details of offence and circumstances of the accused and whether any of the 4 conditions are met
- File is sent to PPS
- PPS writes to PSNI asking whether conditions are met
- Intelligence material is reviewed
- Application for NJT certificate compiled by Prosecutor and referred up the lines management chain
- File sent to DPP who makes the decision.

⁴ https://assets.publishing.service.gov.uk/media/681a280d80efd795d6b8e0d5/HMG_Response_to_NJT_Consultation_2025.pdf

6.4 Under the JSA, each case must meet one or more of four conditions in order for a NJT to be established:

- **Condition 1** – the defendant is, or is an associate of, a person who is a member of a proscribed organisation, or has at any time been a member of an organisation that was, at that time, a proscribed organisation.
- **Condition 2** – the offence or any of the offences was committed on behalf of the proscribed organisation, or a proscribed organisation was otherwise involved with, or assisted in, the carrying out of the offence or any of the offences.
- **Condition 3** – an attempt has been made to prejudice the investigation or prosecution of the offence or any of the offences and the attempt was made on behalf of a proscribed organisation or a proscribed organisation was otherwise involved with, or assisted in, the attempt.
- **Condition 4** – the offence or any of the offences was committed to any extent (whether directly or indirectly) as a result of, in connection with or in response to religious or political hostility of one group of persons towards another person or group of persons.

6.5 Should one or more of four conditions be met, the Director applies the second test: whether there is a risk to the administration of justice. Where a case meets these two tests a certificate is to be issued.

6.6 The most frequently cited conditions were conditions 1, 2 and 4. It is imperative to highlight that condition 3 (an attempt has been made to prejudice the investigation or prosecution of the offence or any of the offences and the attempt was made on behalf of a proscribed organisation or a proscribed organisation was otherwise involved with, or assisted in, the attempt) was used only once (see Table 23).

Table 23: Total number of certificates issued by condition(s) (August 1st, 2023-July 31st, 2024)

Condition(s)	Number of certificates
1	14
2	12
3	1
4	9

6.7 For this reporting period, 18 certificates issued for NJTs with 1 refusal as outlined in Table 24 below. In comparison to previous years, it is evident that there has been a significant reduction in the number of certificates issued since a high of 28 in 2011.

Table 24: Certificates issued and refused for Non-Jury Trial by the DPP (2007-2024)

Year	Certificates issued	Certificates refused
2007	12*	2
2008	25	2
2009	11	0
2010	14	0
2011	28	0
2012	25	3
2013	23	3
2014	14	1
2015	15	0
2016	19	1
2017	22	1
2018	17	1
2019	13	1
2020	11	2
2021	16	1
2022	21	3
2023	20	4
2024	16	4
2025	18	1

* Provisions under the 2007 Act were brought into effect on 1 August 2007

6.8 Data was also provided around the different conditions that were met to issue certificates since 2007. Table 25 indicates that conditions 1 and 2 were the most frequently adopted with conditions 3 and 4 used much less frequently. This pattern is consistent over the past eighteen years.

Table 25: Conditions met in non-Jury Trial cases 2007-2024

Year	Number of Cases in which Condition Met				Certificates Issued
	Condition 1	Condition 2	Condition 3	Condition 4	
2007	12	6	3	4	12
2008	24	16	3	4	25
2009	11	7	0	2	11
2010	13	9	2	3	14
2011	27	23	4	8	28
2012	21	16	1	10	25
2013	22	16	3	21	23
2014	18	12	0	16	18
2015	14	13	0	7	15
2016	10	11	0	7	11
2017	9	6	0	8	9
2018	16	12	0	14	17
2019	10	9	0	8	13
2020	10	7	2	4	11
2021	15	10	1	12	16
2022	11	10	0	3	21
2023	19	16	2	5	20
2024	16	14	0	10	16
2025	16	13	1	10	18
Total	294	226	22	150	(total grounds)
%age	42%	33%	3%	22%	% of all conditions used

Source: Northern Ireland Director of Public Prosecution's Office

6.9 I reviewed all of the applications for NJT certificates in the period 1 August 2024 to 31 July 2025. Overall, it was clear that the PPS carefully examined the details of each case, including how the relevant conditions were met and any potential risk to the administration of justice. In a number of instances, clarification and additional

information were sought from the PSNI. The scrutiny applied by the PPS in assessing what constituted membership of a paramilitary group or organised crime gang was also particularly noteworthy.

- 6.10 Both the PSNI and the PPS invest substantial resources in this process. Decisions are not taken lightly; information is consistently examined, challenged, and assessed in detail before any determination is made. The process is comprehensive, robust, and transparent, with clear justifications documented at each stage.

The Future

- 6.11 In the response to the public consultation on non-jury trials⁵ (NIO, 2025) it states,

‘it is his view {SoS} that there has not been sufficient change in the security situation in Northern Ireland over the last two years to allow for these provisions to expire’.

However, the absence of any clarity around what constitutes ‘sufficient change’ means that the emphasis is always on providing evidence as to why they (NJT) are no longer required. Instead of placing the focus on ‘gathering evidence and need’ for why they are still required in a society approaching thirty years since the Belfast/Good Friday Agreement.

- 6.12 There is no doubt that the non-jury trial provisions have been necessary in a society that has struggled from conflict to peace. However, if we continue to adopt the same tests, collate the usual statistics using old methodologies, we will further embed these exceptional powers, and normalisation will become an unachievable goal.
- 6.13 If the non-jury trial provisions in the JSA are not renewed in 2027, then the Criminal Justice Act (2003) should be considered as its replacement. Although there are significant differences between the current NJT scheme in the JSA and the scheme in the CJA 2003 s.44, I believe that the former presents the most appropriate alternative to the status quo. While recognising it may need to be adapted, the underpinning sentiment of shifting the focus from a ‘perceived risk’ to an ‘actual risk’ will increase our collective attempts to move towards normalisation.

⁵ https://assets.publishing.service.gov.uk/media/681a280d80efd795d6b8e0d5/HMG_Response_to_NJT_Consultation_2025.pdf

6.14 For the period under review, I am satisfied that each case was subject to procedures and scrutiny appropriate to the seriousness of the decision to deny the right to trial by jury.

7. Conclusion and Recommendations

- 7.1 The following sections set out my conclusions and recommendations. This eighteenth report builds on the work of previous reviewers, whose contributions have strengthened safeguarding, accountability, oversight and operational practice, ensuring the JSA powers remain fit for purpose and evidence based. I add further observations on the current reporting period and the future of the powers.
- 7.2 Throughout the reporting period, I engaged with several stakeholders on policing, security, and justice issues at both operational and strategic levels, giving rise to several key observations.
- 7.3 Without a shared security vocabulary around security and normalisation, coherence in the processes, goals and monitoring of the operating environment is weakened. Our terminology often carries conflicting meanings and reflects conflict-era assumptions rather than the lawful, post-conflict context of today's Northern Ireland. Quite simply, we are still using a dictionary written for the past.
- 7.4 Security language is contested and frequently interpreted in different ways by politicians, professionals, and the public. In Northern Ireland, multiple generations with distinct experiences of violence and disorder shape differing attitudes to risk and what is considered normal. Unlike 1998, there is no shared roadmap towards normalisation.
- 7.5 What does the Northern Ireland–related Terrorism (NIRT) threat level actually signify? Despite shifting between SEVERE and SUBSTANTIAL over the past fifteen years, the public has seen little visible change in policing, security, or community safety. Yet the threat level is central to informing security policy, tactics, and operations. If it continues on its current path and is reduced to MODERATE, important questions arise about the security implications and whether this will lead to tangible changes in how the PSNI and other agencies operate across Northern Ireland.
- 7.6 Although statistics show a sharp decline in terrorist and paramilitary activity since 1998, they only partially describe today's security environment. They overlook ongoing threats, coercion, and intimidation, as well as the wider impacts on communities that have benefited least from peace. Without agreed indicators to track change over the past twenty-five years, it is difficult to measure success, understand risk, or judge what interventions are effective.

- 7.7 For this review, the majority of my focus has been on how the PSNI have exercised their powers, particularly regarding stop and search. In recent years, issues related to the DOJ (land requisitions) and the Army (complaints) have diminished considerably, now representing only a minor part of the overall process. The review of non-jury trials required slightly more attention, with analysis centred on the certificates through both engagement and documentation review.
- 7.8 I am of the view that significant issues remain around the officer's knowledge and understanding of the basis in which they can use the powers. This appears to be compounded by the fact that supervisors in some cases are not applying a robust and standardised approach to assessing practice through dip sampling. Given the evolving security environment there is an opportunity for an internal reset around ensuring officers are interpreting the use of the JSA powers appropriately.
- 7.9 The authorisation process establishes the legitimacy and legal basis for exercising the JSA powers. A key element of this process is the assessment of threats, which I believe may become increasingly difficult to evidence in the future if the level of identifiable threats declines. Consideration should therefore be given to how information is presented, evaluated, and contextualised to ensure it clearly supports and justifies the continued provision of these powers to the police.
- 7.10 With respect to non-jury trials, it is evident that decisions to grant certificates are grounded in credible and robust intelligence. However, over the forthcoming eighteen months, there exists an opportunity to consider allowing the emergency legislation to expire and to restore standard procedural operations.

Recommendations

7.11 The recommendations made across the previous seventeen reports have significantly improved the delivery and oversight of the JSA in Northern Ireland. Accordingly, this review makes only a limited number of additional recommendations.

NIO

7.12 The Northern Ireland Office need to seek out a legislative vehicle to allow for the extension of the current 14 days authorisation period. This should be extended to a minimum of 42 days.

7.13 It is clear that the evolving security environment is moving in a positive direction. This presents an opportunity for the NIO to engage with both security and civilian stakeholders to explore what normalisation could entail and consequently, the implications for emergency legislation.

7.14 Since the legislation renewing non-jury trials does not come into effect until July 2027, there is an opportunity to establish a new process that better reflects the context of Northern Ireland which is not reliant on emergency legislation.

PSNI

7.15 The PSNI should evaluate its procedures for dip-sampling stop and searches. This review should concentrate on the criteria used to assess stops, the mechanisms for providing feedback to officers, the sharing of best practices, and the strategies in place to address and improve underperformance.

7.16 So far, there has been little planning for the eventual loss of powers under the JSA. It is therefore essential for the organisation to start a process of scenario planning, anticipating potential challenges, and developing solutions for a situation in which these powers are no longer available.

7.17 For the next reporting cycle the PSNI should scope out a range of options (with support from the Independent Reviewer) around new approaches to community consultation and engagement on the impact of JSA powers in districts – Belfast / Derry City and Strabane.

Appendix

Organisations and individuals consulted

Julie Harrison Permanent Secretary, Northern Ireland Office

James Crawford, Security and Protection Group Director, Northern Ireland Office

Officials from the Political Affairs and Security and Protection Group, Northern Ireland Office

Adele Brown, Director of the Northern Ireland Executive's Programme on Paramilitarism and Organised Crime

Jon Boutcher Chief Constable, Police Service of Northern Ireland and members of the senior management team.

Officers from C3 Intelligence Branch, Operational Support Department and Statistics Branch, PSNI

Headquarters 38 (Irish) Brigade & Joint Military Command Northern Ireland

Minister, Department of Justice

Senior Staff, MI5

John Wadham, Human Rights Advisor, Northern Ireland Policing Board

Adrian McNamee, Director of Performance, Northern Ireland Policing Board

Performance Committee, Northern Ireland Policing Board

Police Ombudsman's Office

Criminal Justice Inspectorate NI

Katie Taylor, Department of Justice

Michael McAvoy, Department of Justice

Stephen Herron, Director of Public Prosecutions, Public Prosecution Service for Northern Ireland

Michael Agnew, Deputy Director, The Public Prosecution Service for Northern Ireland

Tom Murphy, Principal Private Secretary to the Director of Public Prosecutions for Northern Ireland

Attorney General, Brenda King DCB

Jonathan Hall KC, Independent Reviewer of Terrorism Legislation

Representatives from Sinn Féin, Alliance Party, SDLP and the Democratic Unionist Party

Northern Ireland Commission for Children and Young People

Committee on the Administration of Justice Northern Ireland

Dr John Topping, The Queen's University of Belfast

Professor Duncan Morrow, Ulster University

E03600261
978-1-5286-6467-7