

Human Rights on Duty

Principles for Better Policing International Lessons for Northern Ireland

SUMMARY OF RECOMMENDATIONS

Human Rights on Duty is published by the Committee on the Administration of Justice, a cross-community, human rights organisation working to promote a just and peaceful society in Northern Ireland. The 300-page report is based on the findings of an 18-month research project into policing which considered police transition and the management of change in a number of key jurisdictions throughout the world. The research focused particularly on Australia, Belgium, Canada, El Salvador, Netherlands, South Africa, and Spain. It concluded that policing problems in Northern Ireland are similar to those that confront other countries, and differ more in degree than in nature. Rather than becoming stuck in questions of reforming, disbanding or leaving the RUC unchanged in any fundamental way, the report distils internationally-recognised principles against which policing arrangements must be measured. The report makes recommendations in respect of how policing by consent might best be obtained and nurtured in Northern Ireland.

Human Rights on Duty is the first report of its kind and is a timely contribution to the ongoing debate on policing and peace-building in Northern Ireland. It builds not only on academic and philosophical arguments around policing, but also on knowledge gleaned from those with direct experience of policing and of being policed in a range of countries. Interviews conducted with a wide variety of people – including politicians, government advisors, civil servants, police officers, academics, oversight bodies and non-governmental organisations – have led to a broad range of ideas and proposals for discussion and creative thinking.

Human Rights on Duty concludes that although there is no single ideal model for policing, fundamental changes in Northern Ireland are necessary and feasible. It highlights that:

- Political will is a major factor in preventing or facilitating successful change.
- Fear and denial of the need to change have been features in many jurisdictions. However, often those initially opposed to change come to see the process as useful and beneficial.
- Policing problems and therefore solutions are inter-related. Issues have to be addressed in a holistic fashion. Piecemeal, reactive or tokenistic measures can be counter-productive.
- Some aspects of policing change are dependent on reaching a political settlement. However, it will be difficult if not impossible to reach such a settlement where policing remains unaddressed. Progress on policing could pave the way for dealing with questions which might currently seem intractable.

Human Rights on Duty contains much that might be drawn upon to shape future debate and discussion. It highlights the importance of building policing on a foundation of respect for the human rights of all. If used constructively, the report should prove a useful tool in moving the debate beyond polarised positions towards a model of policing that will enhance and help secure future peace.

Human Rights on Duty: *The key recommendations are as follows:*

A representative police service

It is in the interests of society, and of policing, that police membership be as much a mirror-image of society as possible, so that the police is perceived to be and in fact is representative and sensitive to the needs of the whole community. The achievement of such a goal is complex and requires a comprehensive process of change aimed at overhauling the philosophy, policies and practices of policing.

1. There are a large number of recruitment and promotion strategies being used effectively by police in other parts of the world which should all be considered in the Northern Ireland context: outreach measures; bridging schemes; target setting; lateral entry schemes; mentoring schemes; fast-tracking; changes to selection processes; changes to testing processes; tie-break schemes etc.
2. Any working group established to monitor under-representation in the police will only have value if it has a broad membership, has a wide remit, can commission research, and can make recommendations on issues such as employment practices, working environment, accountability etc.
3. The recommendations of the Standing Advisory Commission on Human Rights on fair employment and the security services should be pursued. Monitoring efforts should focus on training, promotion and the working environment.
4. It is particularly important that official targets be set for the representation of Catholics, females and other under-represented groups. The Chief Constable must ensure that these targets are met, or account for his or her failure to do so.
5. Attempting to change the composition of any police service at a time of reduced recruitment is clearly difficult. The report recommends looking at the practices in other countries. One could introduce redundancy packages and/or extend the fair employment legislation; both options should be considered.
6. A basic requirement for the creation of a neutral work setting, is the positive promotion of an environment in which under-represented groups will feel comfortable. Good management practices must deal effectively with sexual, racial and sectarian harassment. Many good-practice models from other jurisdictions feature in the report and require close study.
7. Practical expression of police commitment to recruit widely and serve all the people in Northern Ireland can be expressed in numerous ways e.g. by a willingness to adopt symbols which reflect the culture and aspirations of different communities; by giving recognition to minority language rights, especially Irish; by developing guidelines to regulate situations where there may be a conflict of interest for serving police officers, and establishing a register of outside interests.
8. Selection criteria and training practices should be regularly re-assessed; international experience shows that it is in these areas that, often quite unwittingly, barriers are placed ensuring the continued exclusion of people of different gender, ethnicity, religious denomination, etc.

Training and Organisational Culture

The particular importance of training lies in its potential and actual impact on the organisational culture of policing. Training needs to contribute to the creation of an organisational culture of policing which is outward-looking respectful of human rights, and of cultural diversity. For these reasons training must flow from decisions taken by the broader society as to the kind of police service it requires.

9. International experience suggests that the design and delivery of training to police recruits should involve people other than just other police officers. Consideration needs to be given to ideas like: involving civilian trainers in a police institute; a civilian training institute administered by non-police personnel; training outside any formal institute e.g. community placements; accredited courses run in universities and colleges; mixture of formal police training intermingled with community service and/or work experience; visiting speakers; practical courses offered by specialists etc.
10. Training must be delivered by a variety of people so that the diversity of the community to be served is modelled in the training process itself. There must be male and female trainers, representatives from the ethnic minorities etc.
11. In the formulation of the training programme, in the setting of its objectives, in its delivery, in its evaluation, and in its location, civilianisation of the process is crucially important. Progress in this direction should be actively pursued.
12. As part of this process of civilianisation, active partnerships should be built. Such groups could involve voluntary agencies, the statutory sector, local elected politicians, the youth sector and human rights activists. Consideration also needs to be given as to how best to involve the general public in monitoring and commenting on the training programme.
13. It should be recognised that individual officers have extensive discretion. It is unwise to ignore this by training police in a quasi-military and strictly hierarchical fashion. Instead, training methods should seek to inform and direct this discretion by: encouraging recruits to develop active problem solving approaches; teaching self-reliance; emphasising team problem-solving, negotiation, consensus building and analytical skills; developing certain core-competencies and instilling good mental templates about – for example – the possibility and even desirability on occasion of disengagement.
14. Training must not be restricted to new recruits, but must continue throughout the career of officers. There has to be effective support from senior and middle management for good training practices.
15. Human rights and cultural awareness training must be central to police training and should be integrated across the curriculum. Practical examples of good practice internationally are included in the text, for example: the integration of human rights discussions into firearms training; the screening out of recruits with an anti-rights disposition; the application of international legal principles to practical everyday policing situations; support directed at police managers so that human rights perspectives are supported at a policy, managerial and supervision level, and not merely amongst recruits.

16. Evaluation of training must be routine and must, if it is to be truly effective, involve people outside police institutions. The establishment of special research or policy arms, with civilian input, has proved useful in other societies.

Legal Accountability

In any democracy, it is vital to ensure that the police generally, as well as individual police officers, are accountable for their actions to the whole of society. Police powers need therefore to be clearly and tightly regulated by just and fair legislation, and monitored through independent judicial and civil oversight.

17. Police legislation currently under discussion (and any future proposals which are forthcoming) needs to be informed by international law. Specifically, it is recommended that all domestic legislation relating to the police incorporate explicit reference to the international and domestic human rights standards relevant to policing.
18. Any domestic legislation governing policing should: clearly define the remits of all those involved in providing policing to ensure effective accountability; define controversial concepts and words such as 'operational'; review, redraft and give a statutory basis to the police disciplinary code; and impose a statutory requirement on the police and relevant agencies to consult effectively with the community (providing appropriate guidelines).
19. Police legislation should require officers to report any misconduct by colleagues.
20. It is recommended that the government move urgently to encourage a broad society-wide debate with a view to introducing a Bill of Rights.
21. The government should end its reliance on emergency legislation which is in contravention of international human rights law and makes impartial policing more not less difficult.
22. An effective and credible police complaints/audit system must be introduced without delay. In the legislation now being canvassed with regard to policing, and police complaints, commentators should measure the proposals against the good practice evolved from a study of other jurisdictions. Detailed recommendations are given in the report. Particular care should be taken to ensure an effective transition so that police and public can have confidence in the new complaints system.

Democratic Accountability

Democratic accountability in essence is about society being able to choose the type of police service it wants, and providing the means of redress if this does not occur. Such community involvement ensures that individuals and groups in society become more than simply the 'policed', but have an effective role in designing and supporting the policing function.

23. While there is no single model of how a democratic society might hold its police to account, there are a number of important principles, the most important being the need to define clearly in law and in practice the powers of the police.
24. The role of civic oversight bodies should be strengthened in any forthcoming legislation. In addition to clarifying the meaning of 'operational independence' (which by

restricting police powers, strengthens other elements in the oversight structure), there needs to be a genuinely representative civic oversight body, with clear and effective powers of control. If the members of such bodies are to be appointed rather than elected, then special care should be taken to ensure that the process is as transparent as possible.

25. Local systems of communication, consultation, and decision making should be encouraged with a view to creating stronger relationships between the police and the local community served. There must be an enforceable contract between the police and the community, the issues discussed must be relevant to the community, the composition of the group should be inclusive and representative, sufficient resources must be provided, there must be a legal obligation on the police to listen to and respond to community concerns, and a mechanism whereby local concerns can be pursued at senior levels within policing and police oversight.
26. The intelligence services cannot be excluded from this move to greater democratic accountability. Principles drawn from international experience show that there are ways in which effective democratic control can be exerted without undermining the functioning of such services. These should all be pursued energetically.
27. We have argued for the need for more effective structures of accountability over policing. Until such structures are in place, and possibly even thereafter, we recommend that efforts to secure independent monitoring of police activities be maintained.

Devising new structures and forms of policing

The research project sought no ideal structural model for policing; indeed we believe that no single ideal model exists because policing must be responsive to local needs and realities. However, a number of important principles are cited to provide the framework against which any structural model proposed, now or in the future, should be measured. Any proposal for re-structuring policing must be tested for its ability to:

- put respect for human rights at the heart of the policing process;
- provide accountability;
- provide a police service which is civilian rather than military in philosophy, training and practice;
- ensure that any different forces which are created (e.g. along regional or functional lines) co-operate effectively;
- secure a diverse and representative composition. People from both major traditions (and indeed all traditions) in Northern Ireland must be able to participate both in policing institutions and, just as importantly, in the structures of accountability. The creation of insular and non-representative police forces at local level would contradict the principles enunciated elsewhere in the report;
- provide an effective, responsive and efficient police service, adapted to the needs of the community served;
- undermine rather than reinforce the institutionalisation of existing social divisions and residential segregation patterns;
- implement a legal system which is itself framed according to international human rights standards;
- avoid either excessive centralisation and hierarchisation of authority, or a splintering and fragmenting that can lend itself to narrow "cronyism" or corruption;

- effectively harness the commitment of local people to providing safe, crime-free environments;
- keep decision making as close as possible to those being policed.

Transition & the management of change

The research found that all over the world, policing is undergoing massive change. The issue is not whether or not policing should change, but how change should be managed to ensure that the desired objectives are achieved.

28. There must be a recognition of the current problems with policing (regarding its unrepresentative, highly militarised, and insufficiently accountable nature) so that change is effectively targeted at those problems. Serious consideration should be given to the establishment of mechanisms for dealing with the past (e.g. a truth commission).
29. The authorities should pledge themselves publicly to ensuring fundamental changes in policing to ensure that the police service is accountable, representative and responsive to the whole community.
30. The government should introduce legislation aimed at introducing the necessary structural, legal, and disciplinary changes which will bring about such a police service. A public debate about policing needs to be facilitated so that the legislative changes secure broad popular support, meet internationally-agreed human rights standards, and have an impact on the wider criminal justice system.
31. Community leaders, political representatives, and civil society in general should engage in a society-wide debate about the form of policing they want. Constructive criticism of current policing should be seen as active citizenship, rather than dismissed. To advise effectively, this broader constituency of interest needs to be aware of the international legal and human rights framework within which any police service is expected to act.
32. To facilitate such a broad debate, it would be useful to draw on international support mechanisms. An international Commission on Policing should be established, drawing together relevant international experience. It would canvas views as widely as possible within and outside Northern Ireland. Given the enormity of change that is involved (the Chief Constable has talked of a halving in numbers) such a body would provide the support necessary to bring about effective change.
33. Specific measures of change are cited throughout this report. The government, or ideally the Commission on Policing once established, should examine the numerous recommendations made here with regard to recruitment, training, mechanisms of legal and political accountability, and structures, with a view to developing an overall action-plan for change.

Next Steps

CAJ will be sending **Human Rights on Duty** to the various authorities concerned with policing. At the time of writing (December 1997) a policing Bill is being presented in parliament. CAJ's views on the proposed legislation will reflect the principles distilled from our research project.

Copies of the report will also be sent to all the political parties who clearly have an interest in the topic of policing.

But policing is not just a matter for government, the police and politicians. Policing by consent can only be secured if a broad community consensus about the nature and forms of policing can be established. CAJ intends to disseminate the report (and this short flyer) widely to trade unions, church groups, community organisations, and all those interested in policing. We hope to stimulate a constructive and creative public debate and we will be organising a series of conferences, seminars and events to this end over the coming period.

ACTIONS YOU CAN UNDERTAKE

1. This flyer highlights the key recommendations of the report **Human Rights on Duty**. To study the findings which underlie these recommendations, and to get a better sense of the useful international parallels which exist, copies of the full report can be purchased, and details are given overleaf.
2. Individuals and groups are encouraged to study the findings and recommendations of **Human Rights on Duty** with a view to encouraging a debate about the future of policing in Northern Ireland. Groups in community centres, associated to local churches, and informal discussion fora may find the report a useful focus for studying the issue of policing.
3. In particular, if you share CAJ's concern that there be a broad debate about the future of policing, you may want to lobby for some or all of the recommendations contained in the report, for example a major Commission on Policing. In this connection, letters could be directed to government authorities, political parties, and international bodies. If you would like any further information on CAJ campaigning further to the report, contact the office (address overleaf).
4. For more information on the Committee on the Administration of Justice, its earlier work on policing, a list of publications, or details about how to join, please complete the request form overleaf.

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International lessons for Northern Ireland
(ISBN 1 873285 73 6; 300 pages)
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