

APPENDIX 3: PSNI HUMAN RIGHTS PROGRAMME OF ACTION

THE POLICE SERVICE OF NORTHERN IRELAND HUMAN RIGHTS PROGRAMME OF ACTION

*There should be a comprehensive programme of action
to focus policing in Northern Ireland on a
human rights-based approach.*

Patten Recommendation One



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

*Human Rights Programme of Action***Contents**

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Foreword from the Chief Constable

Human Rights are fundamental to effective police work. They must underpin everything we do. This document provides tangible evidence of the commitment of the Police Service of Northern Ireland to achieve this aim. It demonstrates our intention to embrace human rights not only as a core value in all our processes but also to guide our behaviour.

We are publishing this document in accordance with our commitment to openness and transparency and I believe that it shows the intention of the Police Service of Northern Ireland to be at the forefront of policing and human rights. The processes that we have introduced, such as the attestation, the Code of Ethics, the Human Rights Legal Adviser and initiatives such as annual Human Rights conferences, are all innovations in policing. They have attracted interest and praise, domestically and internationally, within the policing fraternity and outside of it.

The Programme of Action is a continuing process. Having commenced a positive dialogue with the Northern Ireland Policing Board about our compliance with the Human Rights Act 1998, we will produce an annual report, which will reflect this dialogue and illustrate our desire to attain the highest ethical standards and respect for human rights. Police Officers are uniquely placed to protect the human rights of individuals and groups within society, whether they are victims, witnesses, offenders or indeed police officers themselves.

I am confident that our position in this field will continue to develop and attract interest. We cannot afford to become complacent, but must strive to continue to make progress and be innovative. This is a tremendous challenge, but I have no doubt that we have the people and the will we need to ensure that such aspirations and plans become reality.

I commend this report to you.



Introduction

This report is designed to demonstrate the progress that the Police Service of Northern Ireland has made towards focusing on 'a human rights-based approach' and an indication of future projects intended to further that aim.

This report not only encompasses the various human rights recommendations that Patten described as the core of his report¹, but also those Patten recommendations and other projects which seek to set the ethical standards of the Police Service. This report demonstrates that a framework has been set in place that ensures the Police Service has human rights at its core. The attestation, Code of Ethics, human rights in all training, respect for human rights in staff appraisals, and the appointment of a Human Rights Legal Adviser, have established the structures, which ensure that the policing focus will remain on human rights. The other projects mentioned in this report show how this structure has been used in order to fully integrate human rights into all aspects of policing.

This report should not be seen as an isolated initiative. Whilst addressing the requirements of Patten Recommendation One, it is also the baseline for further interaction with the Northern Ireland Policing Board.

The Policing Board has a responsibility by virtue of Section 3 of the Police (NI) Act 2000 to monitor the compliance of the Police Service with the Human Rights Act 1998. Their Human Rights Advisers have based their process on a principle of positive dialogue². In this spirit, future reports concerning human rights from the Police Service will seek to respond to the Board's comments as well as illustrating the Service's own initiatives. In so doing, these reports will show the continuing commitment of the Police Service of Northern Ireland to focus policing on a human rights-based approach.

The model that has been used in this report is based upon the Council of Europe guide, 'Policing in a Democratic Society – Is your Police Service a Human Rights Champion'³? This guide enables police officers, and interested parties, to assess the extent to which police practices adhere to and promote the standards and broader democratic values underlying the European Convention on Human Rights.⁴

¹ The Patten Report page 20 para 4.6.

² 'Monitoring PSNI Compliance with the Human Rights Act 1998', page 1.

³ Published by the Austrian Ministry of the Interior for the Council of Europe, 2000. See www.epphr.dk

⁴ *Id* at page 4.

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The document breaks police work into seven components. 'No single component should be considered in isolation. They are not mutually exclusive but rather are intended to overlap'⁵.

They are:

- Basic Values
- Staff
- Training
- Management Practice
- Operational Policing
- Structure
- Accountability

The following chapters give an outline of the various projects undertaken by the Police Service that have or will assist in developing a human rights-based approach to policing. They are not an in-depth review of each project. Each may be seen to contribute to the whole that makes up the Programme of Action.

⁵ Id at page 6.

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Chapter One

Basic Values

- 1.1 Much work has been done over recent times that has promoted human rights as a basic value of the Police Service in Northern Ireland. This has been as a result of the preparatory work for the introduction of the Human Rights Act 1998, both locally and through the Association of Chief Police Officers national response, and as a result of the Patten recommendations.
- 1.2 The Legislative context:
- The primary authority for police functions is the Police (Northern Ireland) Act 2000, as amended by the Police (Northern Ireland) Act 2003. This contains specific provision for the Chief Constable to be monitored with regard to human rights performance and also highlights respect for human rights in the duty of any constable through the oath/attestation and Code of Ethics.
 - Since the enactment of the Human Rights Act 1998 all new legislation must state whether or not it is deemed to be compatible with Convention rights. Therefore, all police powers must be legislated for with human rights in mind.
 - Section 6 of the Human Rights Act 1998 makes it 'unlawful for a public authority to act in a way which is incompatible with a Convention (ECHR) right', save where they are acting in accordance with primary legislation.
 - Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions to have due regard to the need to promote equality of opportunity between specified groups and have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The PSNI was designated under this legislation on 4th November 2001.
- 1.3 As a result the PSNI has undertaken projects that demonstrate a service ethic which respects and promotes human rights and the rule of law as the basic values of the organisation:

Project	Outcome
<p>Patten Recommendation 2 – the new attestation – as contained in Section 38(1) of the Police Act (NI) 2000 - <i>'I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all individuals and their traditions and beliefs; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof according to law.'</i></p>	<p>This attestation has been adopted and implemented for all officers joining the PSNI. Existing officers have received training on the new attestation, received a copy of it, and signed that they understand their obligation to carry out their duty in accordance with it. This has been reinforced in the 'Course for All', which has been delivered to all officers and civilian staff. The attestation is reflected in the Code of Ethics.</p>

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Project	Outcome
<p>Patten Recommendation 3 – the Code of Ethics as contained in Section 52 of the Police Act (NI) 2000 – ‘A new Code of Ethics should replace the existing, largely procedural code, integrating the European Convention on Human Rights into police practice.’</p>	<p>The Policing Board launched the new Code of Ethics on 13th February 2003. It was drafted by the PSNI following widespread consultation. It is believed to be unique in the world by providing a code of ethical standards for police officers, which is also a disciplinary Code. From 14th March 2003, any officer who fails to meet the standards set by the Code may face disciplinary proceedings. All officers and civilian staff have received training for the new Code and individual copies of it.</p>
<p>Patten Recommendation 4 – human rights training</p>	<p>See Chapter 3.</p>
<p>Patten Recommendation 5 – performance appraisal – ‘Awareness of human rights issues and respect for human rights in the performance of duty should be an important element in the appraisal of individuals in the police service.’</p>	<p>See page 9 below.</p>
<p>Patten Recommendation 6 – human rights lawyer – ‘A lawyer with specific expertise in the field of human rights should be appointed to the staff of the police legal services.’</p>	<p>The PSNI Human Rights Legal Adviser was appointed on 1st October 2001. This was the first such appointment in the UK.</p>
<p>Patten Recommendation 37 – transparency – ‘The Police Service should take steps to improve its transparency. The presumption should be that everything should be available for public scrutiny unless it is in the public interest – not the police interest – to hold it back.’</p>	<p>The transparency policy was introduced in General Order on 18th June 2003.</p>
<p>Patten Recommendation 156 – neutral working environment – ‘The maintenance of a neutral working environment should become an assessed management responsibility at all levels of management.’</p>	<p>The neutral working environment policy was introduced in General Order on 3rd April 2003.</p>
<p>Auditing of policies, procedures and practices for human rights compliance.</p>	<p>All policies and General Orders have been audited for human rights compliance. This was done initially, by the Human Rights Branch, which has also provided audit training for policy writers throughout the service. Now greater expertise is available through the Human Rights Legal Adviser. A specific training course is held annually for policy writers.</p>
<p>Introduction of the Internal Investigation Branch.</p>	<p>This complements the role and function of the Police Ombudsman for NI. IIB will investigate disciplinary and criminal allegations against police officers that do not fall within the PONI remit.</p>

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1.4 The following are the ongoing projects, which will promote human rights as a basic value of the PSNI.

Project	Outcome
PSNI Mission Statement.	A mission statement has been developed which states that the values of the PSNI include 'respect for the rights of all'.
Human Rights in all Policies.	Building on the work that has already been achieved, a new template for the development of all policy is being designed. This will introduce a new and systematic approach that will further ensure human rights are integrated into all policy writing.
Human Rights Conferences.	Conferences to date have included: Policing and Human Rights Conference in October 2001. Policing and Ethnic Minorities, took place in October 2002. 'Young People and the Police' - March 2003. Human Rights of Victims of Crime - March 2004.
Victims' Policy.	The development of a new policy to demonstrate respect for the human rights of the victims of crime. It will provide consolidated guidance and required standards for officers.
Information and knowledge available on Internet and Intranet.	Update of projects and activities relating to human rights and a human rights case law and materials resource.
The development of a human rights questionnaire to assess the impact and adoption of human rights values within the police culture.	This is being organised in partnership with the Policing Board's human rights advisers as part of their monitoring process required by Section 3 of the Police (NI) Act 2000. The survey was conducted in March/April 2004.
Course for Policy Writers.	See page 11 below.
The Integrity and Professional Standards Strategy, which embraces many facets of ethical policing.	The objective of this strategy is to implement a comprehensive policy on Professional Standards to engender trust in the community and pride in the organisation. It is also intended to draw up appropriate protocols and procedures to ensure that management information in respect of complaints, internal misconduct and civil claims are used effectively. Additionally, it keeps under review the policies and procedures within Internal Investigation Branch from the perspective of the Human Rights Act and Section 75.

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Project	Outcome
<p>Use of the monitoring of trend information on complaints against the police. Patten Recommendations 79 and 80.</p>	<p>The PSNI in conjunction with PONI has developed a trending and tracking policy. (Tracking deals with individual officers, whereas trending deals with complaints in a geographical area.) Work is ongoing to provide such information on a regular basis.</p> <p>A second draft policy on trending and tracking has been disseminated to all DCU Commanders and IIB has visited all commanders explaining how the system should operate. The policy is still under development.</p>
<p>Integrity testing. Patten Recommendation 81.</p>	<p>The introduction of checks of officers will provide a method to monitor their behaviour in dealings with the public and their integrity. These checks are intelligence led integrity tests relating to potential criminal behaviour and are conducted under Regulation of Investigatory Powers Act 2000.</p>
<p>Equality monitoring – Section 75.</p>	<p>The development of the Equality Scheme as required by the Act and the related impact assessments of policies will ensure that the concept of equality is central to the plans and practice of the Police Service.</p>

*Human Rights Programme of Action***Chapter Two****2 : Staff**

- 2.1 The most significant legislative change to impact on staffing issues was the introduction, by virtue of Sections 43 and 46 of the Police (Northern Ireland) Act 2000, following Recommendation 121 of Patten, of '50/50 recruitment'⁶. The particular circumstances of Northern Ireland required special treatment in the recruiting mechanisms for the new Police Service in order that the most efficient remedy may be sought for redressing the imbalance in community representation.
- 2.2 The following projects have had a direct human rights influence on staff and the PSNI:

Project	Outcome
Patten Recommendation 2 – the new attestation.	See page 5 above.
Patten Recommendation 3 – the Code of Ethics.	See page 6 above.
Patten Recommendation 5 – the new staff appraisal.	From 1st April 2003 the new staff appraisal requires an awareness of, and respect for human rights in the performance of duty. This work has expended on the National Competence Framework. It will make such respect a requirement of a successful police career.
Patten Recommendation 156 – maintenance of the neutral working environment.	The Neutral Working Environment Policy identifies the general principles that it is believed will enable staff and managers to identify inappropriate aspects of the working environment, or behaviour that may be unacceptable. The policy covers two main areas – behaviours/comments and the physical environment.
Section 75 monitoring.	See page 8 above.
Publicity on the reasons for dismissal and discipline convictions.	Weekly Orders disclose the nature of punishments for discipline offences without naming the officer. This highlights the standards required by the Code of Ethics.

⁶ In the appointment of police trainees the Chief Constable shall appoint from the pool of qualified applicants an even number of persons of whom one half shall be persons who are treated as Roman Catholic and one half shall be persons who are not so treated.

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2.3 The following are ongoing projects which will impact on staff issues in the PSNI:

Project	Outcome
Cultural Audit.	This will be designed to assess the culture of the organisation to see if it is fit for purpose to deliver the model of policing as envisaged by Patten.
Patten Recommendation 126 – notifiable memberships.	Section 51 of the Police (NI) Act 2000 reflects Patten 126. The Chief Constable has produced a list of organisations after consultation with Statutory and Human Rights groups, membership of which should be notified. This process commenced on 19th April 2004.
Service Confidence Procedures.	<p>Service Confidence is a new procedure which was introduced to the PSNI on 1st March 2004. The system provides a process whereby officers whom the organisation has lost confidence in performing their current role, (based on source sensitive information), can be moved to a less vulnerable post.</p> <p>The system is designed to protect the integrity of the organisation and the individuals within in it. An officer subject to this system is not subject to a disciplinary sanction.</p>

*Human Rights Programme of Action***Chapter Three****3: Training**

- 3.1 Training is perhaps the key area in developing the philosophy of policing towards a human rights-based approach. As such the Training, Education and Development Strategy must be seen to effectively address the organisation's requirement to promote human rights and ethical standards in all aspects of police training.
- 3.2 The TED strategy places human rights as a core theme throughout all training delivery. As a result, the outcome is continuous learning opportunities for the police and support staff in the promotion and protection of human rights of both the public and police officers.
- 3.3 Training initiatives already undertaken by PSNI to promote human rights:

Project	Outcome
Initial Awareness Training.	Awareness training provided to officers and civilian staff in relation to the introduction of the Human Rights Act 1998.
Aide-mémoire.	An Aide-mémoire on the Human Rights Act 1998 was provided to all police officers. This was a pocket-sized booklet that contained the ECHR Articles and brief notes.
Police Prosecutor's Course.	CPS in England provided a specific course for police prosecutors to inform them of the impact of the Human Rights Act 1998.
Policy Auditing Course.	This ensures all policies writers are aware of the human rights principles and standards to be applied to all policy. This is an annual event delivered by an expert from outside the Service.
Course for All.	Provided reinforcement and awareness of the constitutional structures in NI, the impact of the Code of Ethics and reinforced the attestation.

- 3.4 There are a number of projects ongoing to further the human rights dimension into police training:

Project	Outcome
Human Rights as a Core Theme.	The TED strategy identifies human rights as a core theme for training. All lesson plans have been or are being audited to incorporate human rights standards and principles where appropriate. This is progressing in consultation with the Human Rights Legal Adviser.

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Project	Outcome
Human Rights Course included within Training for Training Development Officers.	This is designed for trainers whose role is the personal development of all trainers; the assessment of delivery of training; and the assessment of qualifying new trainers.
The Learning Advisory Council (a community focused effort at openness and transparency).	A subcommittee of LAC is charged with the review and assessment, through audit and observation of the human rights component of all programmes. It is a combined team of experts who intend to examine human rights throughout the delivery process of TED.
Human Rights Training for existing trainers.	Human Rights Training is provided to officers' identified needs.
Human Rights Course to be included in training for new trainers.	Human Rights Training is provided to all new trainers to ensure sufficient knowledge and awareness to conduct future classes.
Human Rights Legal Adviser and other resources.	The Human Rights Legal Adviser actively participates in training and is available to any trainer for advice and guidance. The HRLA also provides valuable resources on the intranet that are available to all officers and staff. This is in addition to human rights resources that are available from TED.

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Chapter Four**4 : Management Practice**

- 4.1 There are a number of initiatives that may be highlighted at this juncture to demonstrate the transition that the Police Service is undergoing in light of Patten and other influences. These all have a direct impact on the management practice adopted by the PSNI.
- 4.2 These have to be set in the legislative context. They are provisions that directly impact on how police go about their business. The Police (Northern Ireland) Act 2000 (as amended by the Police (Northern Ireland) Act 2003) provides as follows:
- Section 3 requires the Policing Board to monitor the performance of the police in complying with the Human Rights Act 1998. Additionally, it must assess the effectiveness of the Code of Ethics.
 - Section 3 also requires the Board to assess the effectiveness of District Policing Partnerships and, in particular, obtaining the views of the public about matters concerning policing and the co-operation of the public with the police in preventing crime, (i.e. the effectiveness of real partnership between the police and community).
 - Section 16 (1) provides 'The function of a District Policing Partnership shall be:
 - To provide views to the District Commander for any police district which is, or is included in, the district and to the Board on any matter concerning the policing of the district;
 - To monitor the performance of the police in carrying out –
 - ▲ The policing plan in relation to the district; and
 - ▲ The local policing plan applying to the district or any part of the district;
 - To make arrangements for obtaining –
 - ▲ The views of the public about matters concerning the policing of the district; and
 - ▲ The co-operation of the public with the police in preventing crime;
 - To act as a general forum for discussion and consultation on matters affecting the policing of the district; and
 - Such other functions as are conferred on it by any other statutory provision.'
 - Section 17 requires the District Policing Partnership to report to the Board details of arrangements made under Section 16. Therefore, not only is there an obligation to address the local need, there is also a mechanism to monitor such work.
 - Section 22 (3) requires the local District Commander, before issuing or revising a local policing plan, to consult the District Policing Partnership whose district is, or includes, the police district and take account of any views expressed.
 - Section 23 permits the District Policing Partnership to facilitate consultation by the police with any local community within the district, thus enabling the police greater scope to contact the difficult to reach communities.

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- This is complemented by the Community Safety Branch 'Working in Partnership' policy. The net result of the above is that management practice cannot occur within the districts without consultation with the community.
- Sections 24 – 26 provide for the Secretary of State and the Policing Board to determine policing objectives for the Service. These would be formulated in consultation with the Chief Constable and will be set out in a publicly available 'policing plan'.

4.3 Additionally, the following projects will directly impact on the management practice of the PSNI:

Project	Outcome
Patten Recommendation 44 – Community Policing.	The Community Policing project resulting from Patten Recommendation 44 and now contained in Section 32(5) Police (NI) Act 2000, will produce considerable change in management practice such as problem solving approaches and new directions on community partnerships.
Patten Recommendation 37 – the Transparency Project.	Following extensive consultation both inside and outside the Service, a Transparency Policy drawn up around the Freedom of Information Legislation was introduced in June 2003.
Section 75 Monitoring.	Section 75 Northern Ireland Act 1998 requires monitoring of the exercise of police powers. It requires public authorities in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity with regard to the specified groups. Without prejudice to these obligations, a public authority is also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. Such an approach to equality cannot but influence management practice.
The NI Policing Board's 'Monitoring PSNI Compliance with the Human Rights Act 1998.'	The Policing Board is required by Section 3 Police (NI) Act 2000 to monitor the performance of the Police Service in complying with the Human Rights Act 1998. The Board has appointed two Human Rights Advisers to carry out the task of scrutinising all aspects of policing. They will report annually on compliance or otherwise.

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Chapter Five

5 : Operational Policing

- 5.1 There has been a revision of operational documents to ensure compliance with human rights standards and principles. The aim has been to provide guidance to operational officers to ensure decision-making addresses the key elements of legality, necessity and proportionality.
- 5.2 This task has been aided by the existing and emerging legislation, which sets out clear standards of procedures that permit scrutiny and accountability. Some examples include the most intrusive of police powers –
- Police and Criminal Evidence (NI) Order 1989 and accompanying Codes of Practice. This sets out the clear parameters of police powers in dealing with persons in police detention.
 - Terrorism Act 2000 and accompanying Codes of Practice. This sets out the clear parameters of police powers in dealing with persons arrested for terrorist-type offences.
 - Police Act 1997, Regulation of Investigatory Powers Act 2000 and their respective Codes of Practice provide a regime for the exercise of covert surveillance and the handling of covert human intelligence sources.
- 5.3 These statutes and Codes are within the public domain. Also there are a number of initiatives, which will affect operational policing, such as the following:

Project	Outcome
The Code of Ethics.	See page 6 above.
Auditing of Service Directions.	All new service policy and direction must be audited to ensure compliance with human rights standards.
The Community Policing Project.	The Community Policing project has been rolled out to develop a system of local policing responsive to the needs of the local community, while Community Safety Branch maintains and encourages contact with all community representatives including those from ethnic and minority backgrounds.
Neighbourhood Policing Teams.	The introduction of dedicated Neighbourhood Policing Teams along the lines of the model recommended by Patten Recommendation 45 has helped ensure that police activities are proportional and relevant to the needs of the local community.

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Outcome	Outcome
<p>Patten Recommendation 61 – Emergency Powers.</p>	<p>The PSNI has introduced a monitoring system in line with the recommendation in Patten 61, to ensure that records are kept and analysed on the use of emergency powers. The Terrorism Act Section 104 places a statutory duty on the Chief Constable in this regard. This system has been audited for compliance by the Change Management Team.</p>
<p>Patten Recommendation 63 – Video Recording in Custody Suites.</p>	<p>Video recording facilities have been introduced into a number of Custody Suites and a business case has been prepared in respect of the remainder.</p>
<p>Patten Recommendation 37 – the Transparency Policy.</p>	<p>The underlying aim of the policy has been to change the culture of the police from one that is closed and defensive to one that is confidently open about its activities within the restrictions of legislation. This openness will lead to greater levels of accountability, which will have a positive impact on the way we do our business. 'The presumption should be that everything should be available for public scrutiny, unless it is in the public interest – not the police interest – to hold it back.'</p>

*Human Rights Programme of Action***Chapter Six****6 : Structure**

- 6.1 The Police Service has undergone major structural review since April 2001 in line with the recommendation in the programme of change. The new District Command Units were introduced which aligned police boundaries with the District Council areas throughout the Province. In Belfast, due to its size, the policing area was split into North, South, East and West.
- 6.2 The changes reflect the recommendations in the Patten Report based around better local accountability and has policing with the community as the core of our business⁷. It also allows us to work with the District Policing Partnerships (DPPs), established in accordance with the Police (Northern Ireland) Act 2000. The DPPs were set up in March 2003 and have already forged strong links with police District Commanders and their staff. This is reflected in a collaborative partnership approach.
- 6.3 The structural changes introduced are supported by the Chief Constable's vision of an empowered devolved Service in which local commanders are responsive to local needs and deliver the service accordingly. In turn they are closely monitored by DPPs and are required to be open and transparent about their actions and performance.
- 6.4 By September 2002 the Service had decided on its approach to introducing policing with the community as its service delivery model. A policy document and an implementation plan were drawn up. Implementation largely rested with local commanders to roll out at a pace suitable to their area. Training and support were provided from the centre. Much progress has been made and in his final report in December 2003 Tom Constantine, the first Oversight Commissioner for the Patten report, states: '...the Police Service has made significant gains in its transition from a police operation with an intense focus on security, to a policing with the community style...'. He goes on to outline the progress that has been made.
- 6.5 To support one of the key principles of policing with the community, partnership working, the Community Safety Branch have produced a policy called, 'Working in Partnership – To Make Northern Ireland Safer'. This policy also seeks to promote partnerships with the community under the auspices of 'Community Safety'.

⁷Patten Recommendation 44 - 'Policing with the community should be the core function of the Police Service and the core function of every police station'.

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- 6.6 The new structures of policing envisaged by legislation and Patten permits accountability for all aspects of policing. There is a crucial monitoring role for the Policing Board and an investigatory role for the Police Ombudsman, not only for complaints against police but also for police practices and policies that the ombudsman believes there is a public interest in investigating⁸. (The next component outlines the full range of accountability mechanisms.)
- 6.7 The underlying aim of the transparency policy has been to change the culture of the police from one that was perceived as closed and defensive to one that is confidently open about its activities within the restrictions of legislation. This openness will lead to greater levels of accountability that will have a positive impact on the way we do our business.
- 6.8 Additionally, there have been structural changes which will ensure that human rights remain as a basic value of the Police Service. These are outlined below.

Project	Outcome
Human Rights Champion.	The Police Service has appointed an officer of ACPO rank as the accountable officer for the development and integration of human rights.
Human Rights Legal Adviser.	See page 6 above.
Human Rights Team.	Representatives from all departments and regions meet under the direction of the Human Rights Champion to co-ordinate initiatives and responses to the various requirements of human rights scrutiny.
Regulation 20 Committee.	A committee that meets to consider and co-ordinate the response to recommendations made in reports from the Police Ombudsman. It ensures that appropriate changes are made to training, policy or procedures where necessary.

⁸ Section 60a Police (Northern Ireland) Act 1998 as amended by Section 13 Police (Northern Ireland) Act 2003.

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Chapter Seven

7 : Accountability

7.1 Below is a brief outline of the accountability mechanisms available to scrutinise the Police Service.

The Oversight Commission	The Office of the Oversight Commission is responsible for overseeing the implementation of the changes in policing arrangements and structures resulting from the Patten Report. www.oversightcommissioner.org
The Northern Ireland Office	Under the Secretary of State for Northern Ireland, the NIO forms the third element of a tripartite relationship with the Police Service and the Policing Board. The NIO is under a duty to exercise its functions to provide for the efficiency of the Police Service and must have regard to the principle that policing is to be conducted in an impartial way. www.nio.gov.uk
The Northern Ireland Policing Board	The Policing Board's duty to monitor the performance of the Chief Constable in complying with the Human Rights Act 1998 is contained in Section 3 of the police (Northern Ireland) Act 2000. www.nipolicingboard.org.uk
The District Policing Partnership	The DPPs have authority to monitor the performance of local police in relation to the Police Service policing plans. www.nipolicingboard.org.uk
The Police Ombudsman for Northern Ireland	PONI has authority to investigate all complaints against the police. Additionally, the ombudsman may investigate any policy or procedure of the Chief Constable, in the public interest. Furthermore, when there is any discharge of firearm or baton gun, the office of the ombudsman is notified and has authority to investigate. This regime offers what is believed to be the world's first totally independent complaint and investigation organisation. www.policeombudsman.org

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The Surveillance Commissioner	The Surveillance Commissioner has responsibility for ensuring the proper discharge of duty in relation to covert surveillance and use of covert human intelligence sources within the Police Act 1997, the Regulation of Investigatory Powers Act 2000 and respective Codes of Practice. This independent office scrutinises perhaps the most sensitive of policing tactics to ensure proper standards are maintained. www.surveillancecommissioners.org.uk
The Criminal Justice Oversight Commissioner	The Criminal Justice Oversight Commissioner provides independent scrutiny of the implementation of the changes in the criminal justice arrangements and structures flowing from the Criminal Justice Review and the provisions of the Justice (NI) Act 2002.
The Chief Inspector of Criminal Justice	The Criminal Justice Inspectorate is an independent watchdog designed to scrutinise the work of Northern Ireland's criminal justice system. The CJI will bring the inspection of police, public prosecution, probation, prisons and youth justice services together for the first time anywhere in the world. www.cjsni.gov.uk/chiefinspector
The Independent Custody Visiting Scheme	The Policing Board administer a scheme of independent custody visitors who visit places of detention to inspect the conditions under which persons are held; the welfare and treatment of detained persons; and, the adequacy of facilities of the places of detention. www.nipolicingboard.org.uk
The Independent Commissioner for Detained Terrorist Suspects	The Office of the Commissioner for Detained Terrorist Suspects oversees the detention process for terrorist suspects and has authority to observe police interviews, subject to certain conditions, as well as an overview of the detention process.

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The Office of the Information Commissioner

The Information Commissioner oversees Data Protection and Freedom of Information legislation. The Freedom of Information legislation will result in increased access for all individuals to understand police policies, practices and procedures.

www.informationcommissioner.gov.uk

The Northern Ireland Human Rights Commission

The Northern Ireland Human Rights Commission may by virtue of Section 69 of the Northern Ireland Act 1998, 'keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights.' Although some may argue this does not provide sufficient powers to the Commission, it provides an authority to assess and comment upon police policies and practices.

www.nihrc.org

The Equality Commission

The Equality Commission is able to assess the Police Service's regard to the promotion of equality of opportunity and good relations by virtue of Section 75 of the Northern Ireland Act 1998.

www.equalityni.org

Northern Ireland Affairs Committee

Policing is currently a 'reserved power' (i.e. a government function not as yet devolved to the local administration). Therefore, parliamentary scrutiny in relation to the police in Northern Ireland remains within the Parliamentary Standing Committee at Westminster. Similarly, questions may be asked of the Secretary of State and his ministers at Westminster.

www.parliament.uk

Northern Ireland Criminal Justice System

The Criminal Justice system, either the Courts or Coroner or Director of Public Prosecutions (and the new Public Prosecution Service) will judge police action as being human rights compliant or otherwise. The new PPS introduces an independent decision making body for all criminal prosecutions.

www.cjsni.gov.uk

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| The Internal Investigation Branch | The Internal Investigation Branch proactively seeks to ensure adherence to ethical standards and internal discipline by all officers. IIB are leading on the Integrity and Professional Standards Strategy.
www.psnipolice.uk |
| The Code of Ethics for the Police Service of Northern Ireland | The Code of Ethics has introduced new standards for supervisors. Not only does this provide guidance for supervisors, should they fail to meet those standards they will face the prospect of disciplinary proceedings. This is an innovation to policing in the UK.
www.psnipolice.uk |
| Her Majesty's Inspector of Constabulary | HMIC is responsible for examining the efficiency and effectiveness of the police in England, Wales and Northern Ireland. The Police Service of Northern Ireland is examined annually, as all other services. Reports are made to the Secretary of State for Northern Ireland as required by the Police (NI) Act 1998. |
- 7.2 In addition to the above, any individual, non-governmental organisations or community groups are free to write or seek to speak to senior police officers. The individual citizen is also free to challenge the actions or policies of the police in judicial proceedings, for example: judicial review, habeas corpus etc.