

# APPENDIX 5: MORI IRELAND SUMMARY REPORT



**Northern Ireland Policing Board/Police  
Service of Northern Ireland Summary Report  
of Focus Group Consultation on Human Rights'  
Awareness amongst Police Officers  
21 July 2004**

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## **APPENDIX**

# 1 INTRODUCTION

## 1.1 Executive Summary

Human Rights is now fully part of the PSNI culture and seen as worthwhile by all Officers. In a sense, it is giving a name to practices and ethics that are already in place, now structured under legislation. The main advantage of Human Rights is that Officers are more accountable and are thus protected by the Law and things are more 'black and white'.

Generally, Officers believe they have an adequate knowledge base of Human Rights, but acknowledge it is a large, constantly changing field. Officers understand Human Rights in the sense of the different Rights available to individuals e.g. the Right to Life, Freedom of Assembly etc. Initially when they are asked about the principle of *'they should never treat people differently on grounds of race, colour, gender, religion, political or other opinion'*, Officers think in terms of equality. However, when probed, they can relate a number of circumstances under which the principle does not hold (positive discrimination, criminals, war etc.).

Absolute and Qualified Rights are understood by definition. The Right not to be tortured is unanimously seen as an Absolute Right. However, there is some confusion regarding the Right to life because it is seen as Absolute, but is allowed in life threatening circumstances which calls into question their whole definition of Human Rights. Qualified Rights are well understood and include all other Rights.

The main impact of Human Rights on Officers' jobs is in the increased paperwork and documentation, whether it is notebook entries for Constables or detailed application to the Parades Commission or surveillance procedures for Sergeants and Inspectors. This group also has to weigh up all the Rights of the different stakeholders which are doing this. For many, there is a tension between Human Rights and fighting crime, although higher ranking Officers are more likely to see this as a 'constructive tension' than Constables. Most Officers still think in relation to PACE (as it is seen to cover Human Rights), although some higher-ranking Officers would incorporate both PACE and Human Rights.

In terms of protection by Human Rights, there is general consensus that criminals are protected most, specifically because they are calling into question their Human Rights through their actions. Most feel that victims should be awarded more protection. Police Officers themselves are not seen to be protected in the same way as other groups are. Constables, particularly those out 'on the beat', feel their Human Rights are constantly being breached and they are uncertain about when they can act.

Lethal force, and appropriate approaches towards it, are well understood. 'Absolutely necessary' is seen as related only to lethal force, while 'necessary and appropriate' would not apply to the same 'life-threatening' situation.

The Code of Ethics is viewed as a set of 'common sense' rules but few can say what the exact contents are. Higher-ranking Officers are more familiar with the content. All are aware that breaches result in disciplinary action.

The main source of information for Officers is the Intranet, except for Constables 'on the ground'. Written documentation is still seen as necessary, in particular those who do not use the Intranet. The Aide Memoire does not spring to mind immediately as a Human Rights information source, most remember having received it, some have thrown it in the drawer, and a few have actually used it. Higher-ranking officers would be more prone to accessing Human Rights information from a variety of sources (e.g. press) and they get more direct information (e.g. from Headquarters) than Constables, largely because they have more time. Suggested ways of disseminating Human Rights information include the Intranet, booklets, supervisor briefing sessions, information packs and posters around the stations.

General training in Human Rights is largely seen as adequate. Some are sceptical that a motivation for training is so that managers or the organisation can 'cover their backs' if an Officer is found to be breaching Human Rights. Officers would like training to be approached differently and call for a move away from the old classroom style of teaching Human Rights to a more interactive style with less jargon. This new style would involve situational construction using case studies, scenario based training, guest speakers etc. There is a

sense that rather than providing refreshers, Human Rights should be incorporated into all other training courses and be 'part and parcel' of the training, rather than an appendix as it has been likened to in the past. It should also be specific to the Officer's role and rank. Another aspect which Officers mention is the extent of Human Rights training administered to new recruits, sometimes at the expense of other aspects of training. All these things need to be balanced against the financial side of training.

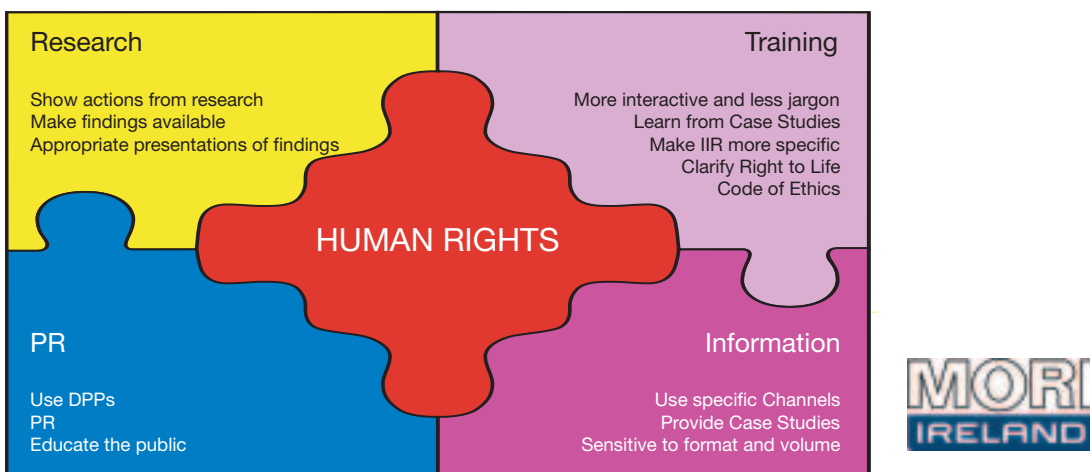
Compliance with Human Rights is seen as easiest to monitor by looking at the level of complaints, although other suggestions are made such as continuing with audits and spot checks, as well as introducing mystery shopping, public surveys etc.

The Human Rights questionnaire was not filled in for reasons such as frustration with receiving too many questionnaires, perceived difficulty, lack of time since they already have too much paperwork. The main reason it was filled in was to help the organisation and to give their viewpoint. Most of those who filled in the questionnaire, thought it was easy although it contained some ambiguous questions.

Those who participated in the focus groups feel that, in the future, the PSNI needs to address training, its perception in the public at large and it needs to keep Human Rights fresh in the PSNI culture and promote the positive side of Human Rights more.

## 1.2 MORI Ireland Recommendations

These recommendations are based on observations and the interpretation of the moderators.



### Training

MORI Ireland recommends that training is a vital way forward. This training should incorporate the elements discussed in this report and areas, which the NIPB/PSNI could focus on a number of areas. Training could:

- clarify the confusion regarding the Right to life
- make Human Rights more specific in the way that PACE currently is
- ensure that the Code of Ethics could be taught by using practical examples which would be particularly useful for Constables
- be implemented in an interactive style, which would liven up training rather than Officers 'switching off' during Human Rights training
- allow Officers to be trained on the positive side of Human Rights, they need to be shown how it protects Officers as well. The fear factor should also be addressed
- enable Constables in particular need to understand where the 'cut off' point is when their own Human Rights are being breached.

In addition, the NIPB/PSNI could examine the weighting of all aspects of training for New Recruits and examine financial budgets for training since this is a concern for those in a managerial position.

## Information

Information should be disseminated by the PSNI to Officers using the specified channels. here is a call for greater availability of case studies. However, the NIPB/PSNI, at the same time, needs to be sensitive to the volume of information coming through to Officers.

## Research

One of the reasons the questionnaire was not filled in was because Officers felt their voice would not be heard. Taking this into consideration, the NIPB/PSNI should show how they have incorporated the research and make the report available. Again, this information should be provided in a format that would allow maximum optimisation by Officers (short and 'snappy').

## PR

As the research states, the PSNI could have promoted itself better in the past and this is something that could improve things in the future.

MORI Ireland, in its extensive work with the District Policing Partnerships would advise that self-promotion is a clear area for improvement. Having extensively researched both sides, that of the public and that of Officers, we are now in the position to see mutual perceptions. In the general public, there is an inherent lack of knowledge as to what police officers are doing. They see inaction or lack of interference as not caring rather than being constrained by Human Rights. The PSNI now has a channel through which it can communicate with the public at large and it should utilise this. Another recommendation would be for future research to bring together the two sides to understand how they could reach a mutual understanding. One methodology which could be used, are Two-way groups. This would involve the public for example observing a group of PSNI Officers and then the Officers observing the members of the public. The research would then culminate in a joint group to discuss the perspectives and attitudes of each and enable them to formulate the best way forward.

## 1.3 Background and Objectives

The Northern Ireland Policing Board is tasked with securing the maintenance, efficiency and effectiveness of the Police Service in Northern Ireland (PSNI). An important area of concern for the Policing Board is to monitor how the PSNI complies with the Human Rights Act 1998. In order to carry out this duty, two Human Rights experts were appointed to draw up a framework document "*Monitoring PSNI Compliance with the Human Rights Act 1998*". This framework includes plans for assessing Human Rights awareness among PSNI Officers by carrying out firstly a quantitative survey and this has already taken place. The Police Service of Northern Ireland (PSNI) and the Northern Ireland Policing Board (NIPB) commissioned this research project to follow up on the quantitative stage.

Awareness training in the Human Rights Act 1998 was given to PSNI Officers in 2000-2001 in the form of a one-day training course. Officers were also given a workbook for private study and a personal Aide Memoire on the Act. Since November 2002, a new 'Course for all' was delivered which explains the fundamental principles and standards of Human Rights and practical implications for policing and has been administered to both Police and civilians. The PSNI has also introduced a new appraisal system to take into account Human Rights' Awareness and Compliance.

The Framework document specified that 4 focus groups should be carried out in:

- Belfast
- Derry/Londonderry (or Foyle)
- Fermanagh
- Newry

The main aim of this research is to:

*“assess the strength of the Human Rights culture within the PSNI”.*

It also aims to:

“expand on issues raised by the results of the PSNI Human Rights Survey and general issues related to the compliance of the PSNI with the Human Rights Act 1998”

More specifically, these issues include:

1. Is Human Rights part of the PSNI Culture?
2. Knowledge and understanding of Human Rights and specifically understanding of the principle *‘they should never treat people differently on grounds of race, colour, gender, religion, political or other opinion’*
3. Understanding and awareness of the difference between Absolute and Qualified Rights
4. Impact of Human Rights on their jobs including compliance with PACE and Human Rights
5. Perceptions regarding who is protected under Human Rights (the criminal, the victim, the Police officer)
6. Understanding of ‘Absolutely necessary’ and ‘necessary and appropriate’ with regard to the use of lethal force
7. Familiarity with the Code of Ethics
8. Information sources (Intranet, Aide Memoire)
9. Training issues (most useful types of training and need for refreshers)
10. Monitoring Compliance with Human Rights
11. Questionnaire (Reasons for filling it in or not and ease of completion)
12. Future of Human Rights (How knowledge of Human Rights can be improved among Officers)

The rest of this document outlines the methodology used and the findings of the research.

## 2 RESEARCH METHODOLOGY

### 2.1 Recruitment

This research involved a selection of Officers in Belfast, Derry/Londonderry, Fermanagh and Newry from a range of ranks. Recruitment was carried out by the PSNI, supervised by Phil Shepherd. No cash incentives were offered to participants since the research took place during work hours (during the day). No quotas were placed in relation to age, gender and year of service but as good as spread as possible was recommended.

### 2.2 Research Design

Rather than four traditional focus groups as was specified in the Framework document, MORI Ireland recommended breaking down each area into different ranking Officers and conducting mini groups. This allowed more insight, particularly because mixing ranks in a full focus group would have potentially hindered the group dynamic. A mini group is made up of 4-5 participants and normally lasts 45 minutes to one hour.

Eleven mini groups were conducted across the four locations with differing ranks of Officers as shown in the table below:

	Foyle	Newry/Lurgan	Belfast	Fermanagh
Chief Inspectors and above	1	1	1	*
Sergeants and Inspectors	1	1	1	1
Constables	1	1	1	1

\*A Chief Inspectors and above group was not possible in Fermanagh because there were not enough Officers of that rank in the area.

## Venue and Fieldwork

All the mini groups took place in Police establishments and were conducted in June 2004.

## 2.3 Moderation and Design of the Topic Guide

The moderators used a topic guide as an “aide memoire” to stimulate, but not lead, the discussion. This ensured that important areas were not left uncovered, but allowed the moderator to depart from the outline as necessary to follow up promising leads, with special care taken to ensure that new ideas not previously considered had full opportunity to emerge. MORI Ireland worked closely with the NIPB/PSNI in developing the relevant topic guide (see Appendix).

## 2.4 Analysis

All discussions were taped and fully transcribed and anonymised copies of transcriptions were made available to the NITB/PSNI. Care was taken not to identify individuals so an ‘x’ was placed against their name or taken out altogether. Place names were also taken out. In discussions with the NIPB/PSNI as well as from the moderators’ observations, the anonymity of the research is seen as extremely important.

These transcripts were used as the ‘raw data’ for analysis, along with notes taken by moderators during and immediately after the groups. A matrix was drawn up from detailed immersion in the raw data specific to each group so that comparisons could be made across groups. The project team ‘brainstormed key findings and developed the main themes for analysis. A database of all verbatim comments was also provided.

# COMMENTARY

## 3. OVERALL HUMAN RIGHTS COMMENTARY

### 3.1 Is Human Rights part of the PSNI Culture and seen as worthwhile?

Human Rights is regarded by Officers as part of the PSNI culture, and it is the theme that they have always treated people with respect, but that this has been brought to the fore with European law regarding Human Rights.

*‘We have practised Human Rights forever. I mean there were always good policing practices you know, way back. (Constables)*

*‘It [Human Rights] is not alien to us. We have been doing it for as long as there has been a Police Service here.’(Constables)*

*‘We always had it and always complied with it. It just wasn’t framed in it’s present format.’ (Sergeants and Inspectors)*

*‘It all seems to be all common sense, I mean people are just speaking to you about stuff that you would really do without thinking.’ (Constables)*

*‘I cannot see how Human Rights, an introduction to Human Rights would have superseded anything that I was already doing as an Officer.’ (Sergeants and Inspectors)*

*‘It puts in context the things that we would have been doing anyway.’ (Chief Inspectors and above)*

Domestic legislation is also seen as compliant with the Human Rights Act:

*‘I can see in that we did most of these things before we just didn’t write it down and keep records.’ (Chief Inspectors and above)*

*‘There’s nothing particularly new at all, it is just that before it was procedure and now it is law’.*



(Constables)

*'There is nothing contained in this legislation certainly that us Police in Northern Ireland do not adhere to. Apart from very minor breaches over the years, we have always been seen as upholders of the Human Rights.'* (Constables)

Some Officers admit that, nevertheless, there is a sense of having to be 'seen' to be embracing Human Rights as well.

*'Well I think we always did it anyway but because of the Human Rights you actually have to be seen to do it properly.'* (Constables)

*'We have to be whiter than white, and have to be seen to be whiter than white.'* (Constables)

Very few speak of the Police not adhering to Human Rights. One Officer however, admitted that he had witnessed discrimination against the Republican community in Belfast:

*'I have worked with people in Belfast who have a major problem with religious discrimination and that is one of the main reasons I left Belfast because it is so polarised.'* (Constables)

Human Rights is ultimately seen as worthwhile with all Officers agreeing that guidelines are needed. Issues relating to Human Rights impact all aspects of policing. In a sense, it is seen as 'Covering their tails', as a safety net. Many officers are unconsciously incorporating Human Rights.

*'Human Rights is fundamental' We have always upheld Human Rights' this European convention sets it down in law and the only difference now is that we are documenting it and the only phrase that we didn't use was 'covering our tail'.* (Chief Inspectors and above)

*'It makes us a lot more considerate in what we do and it provides that measure of protection to us when we are planning. Then we have to be considerate or we lay ourselves on a slaughter altar then in court'.* (Sergeants and Inspectors)

*'Most Police Officers are able to turn around and unconsciously think of Human Rights.'* (Sergeants and Inspectors)

However, Officers mention other things that are equally important as Human Rights such as training of basic policing. Human Rights can also be abused by some and Officers cite many cases where members of the public have accused the Police of breaches of Human Rights. In some groups Officers feel there is a need to consider Police's Human Rights as well.

Human Rights has been seen to be embraced more recently and 'pushed up on the agenda'.

*'Human Rights' are coming further up the agenda of procedure.'* (Sergeants and Inspectors)

Now, under Human Rights, Officers acknowledge that, its strength is that things are 'black & white', there is more accountability and they think of the repercussions more.

*'It's not a bad thing when you think about the amount of times that we haven't obviously dotted i's and crossed t's in the past. And now we are being held accountable for not doing that'. Well at least it is now black and white.'* (Constables)

*'I think that everybody has the right to live their life how they see. As Police Officers unfortunately we are in the position where we take away Human Rights. And I think there have to be guidelines and instructions and an understanding about both.'* (Sergeants and Inspectors)

*'I think it makes us a lot more conscious nowadays talking about proportionality and how we Police anything...It makes you change the tactics that you would use.'* (Sergeants and Inspectors)

There is also some sense that it's been 'hammered into them' because Human Rights are talked about so much and there has been quite a lot of training.

Some feel a bit indignant that the introduction of Human Rights is suggesting that this is something new to the PSNI.

*'It is like it is saying, 'we are bringing this in because you didn't do it in the past'. And as I have always said 99% of Policemen on this service, or force that it was, for thirty and forty years and a hundred years have treated people exactly the same.'* (Constables)

## 3.2 Knowledge and Understanding of Human Rights

### 3.2.1 Rating of Knowledge

Officers' self-rating of their knowledge of Human Rights averages across all groups at three (on a five point scale where 1 is very good and 5 is not good at all). Higher-ranking Officers tend to score themselves slightly lower. Officers feel their knowledge is adequate because they have had training in Human Rights, but they acknowledge that it could be better because it is seen as such a big area which is continually changing.

*'I have a reasonable working knowledge but I think it is so vast and you can approach it in so many different ways.'* (Constables)

*'There is an awareness of Human Rights and the basics of it but the in depth knowledge is probably lacking.'* (Sergeants and Inspectors)

*'Certainly we have a working knowledge of Human Rights from the training courses and all that, but you certainly wouldn't know all the intricacies of Human Rights.'* (Sergeants and Inspectors)

*'I have a working knowledge that comes of Human Rights' actions that comes through being through all the lectures and seminars within the service.'* (Chief Inspectors and above)

*'I know enough probably to get by in my own role here. If I was on the group in operational policing then I probably would need a bit more.'* (Sergeants and Inspectors)

*'It continually changes, it's not a static subject. It keeps moving on. But we are not strangers to it.'* (Sergeants and Inspectors)

*'I would say that compared to the average person in the street I would have a huge amount more [knowledge]. But compared to the author of the book [Human Rights Legislation] certainly I wouldn't know that much.'* (Chief Inspectors and above)

### 3.2.2 What is Human Rights? – Spontaneous

Differences in the type of spontaneous explanation given arise when moving up the ranks of Officers. The more senior the Officer, the more detailed the descriptions are and the more they use 'legal speak'.

Across all groups, Officers see Human Rights as basic Rights for the protection of the individual. These include specifically equality, fairness and treating others as you would like to be treated.

*'The protection of the human being, their freedom, their thought, their liberty.'* (Constables)

For Constables, although Human Rights are seen as guidelines for government, there is less talk of legislation than in higher-ranking groups of Officers.

*'Legislation to import basic standards for everyone.'* (Constables)

Sergeants and Inspectors see Human Rights as guidelines for public bodies, legislation and linked to the European Union.

*'Agreed Rights for all European citizens.'* (Sergeants and Inspectors)

*'Rights of the individual protected by public statutory bodies, including law enforcement.'* (Sergeants and Inspectors)

*'Human Rights is a guideline or standards or rules. What is expected by all bodies – government and public bodies.'* (Sergeants and Inspectors)

The Chief Inspectors group also feel that Human Rights, are basic Rights which outline how to treat people. They are also seen as a way of knowing how an organisation or government can treat people.

*'This is about saying under what circumstances you can breach this person's Rights or under what circumstances you are not allowed.'* (Chief Inspectors and above)

*'In the context of policing there is the potential to infringe people's Human Rights all the time. And sometimes it will be a case of 'whose will I infringe less?'.'* (Chief Inspectors and above)

*'A series of statements that lay down how human beings should treat each other and how organisations should treat people.'* (Chief Inspectors and above)

Human Rights also involves a balancing act, which can be seen by some as a frustration because they can't do 'everything for everyone'.

*'I don't think you can ever be exactly right because you are going to hurt someone's Rights in order to achieve the other one.'* (Constables)

### **3.2.3 Key Principles of Human Rights**

There are some key recurring elements when Officers talk about Human Rights. They mention the right to life, freedom from torture or degradation, the right to marry, privacy, a fair trial, family life, freedom of assembly (march) and freedom of speech (protest).

Officers do not spontaneously describe Human Rights' principles in terms of equality of gender, race, colour, religion, politics and so on. However, as previously described, they do initially mention equality when describing or defining Human Rights.

*'You are getting more into Section 75 there in terms of discrimination I wouldn't automatically associate that with the Human Rights category.'* (Chief Inspectors and above)

When probed for what they think about the principle that they 'should never treat people differently on grounds of race, colour, gender, religion, political or other opinion', equality is understood initially.

*'A very basic and simple thing to 'live and let live'.'* (Sergeants and Inspectors)

*'That persons cannot be treated differently on the basis of their inherited situation.'* (Sergeants and Inspectors)

### **3.2.4 Circumstances when the principle does not hold**

Many groups, however, mention that there are certain situations where this principle does not hold.

*'I think that it is too simple to say that we are to treat everybody the same because we can't.'*

(Sergeants and Inspectors)

*'Certainly 'live and let live' is ideal, Absolutely ideal but that is not the world that we live in.'*  
(Sergeants and Inspectors)

### **Positive Discrimination**

Firstly, positive discrimination (in the sense of a different approach) is seen as necessary at times.

*'I think when you say treat somebody differently we automatically assume that it is in a negative sense. I am thinking about treating someone differently in putting in more effort and working harder to overcome the particular difficulties that there are in that grouping. So I wouldn't want differently to mean less service or less quality.'* (Sergeants and Inspectors)

Examples include religious or dietary needs for those who are held in jail.

*'There are certain ethnic minorities... who come into Police custody where their religious beliefs require for us to treat them differently.'* (Sergeants and Inspectors)

Positive discrimination would also be used for those with disabilities.

*'For example, disabled people, we might have to make specific provisions for access to a building.'*  
(Chief Inspectors and above)

Some cultures require different approaches as well when faced with situations such as sudden death. For other cultures, the fact that English is not their first language means that language considerations have to be made as well.

*'In this situation, because of their culture and beliefs, we may have to change the way that we deal with that situation.'* (Sergeants and Inspectors)

Officers also mention that they are now speaking to parties that they would historically not have spoken to (like Sinn Fein) and have to consider their approach carefully.

### **Criminals are treated differently**

A second circumstance where people have to be treated differently is if they have broken law.

*'Some people claim that it is a breach of their Human Rights... but you are doing it because they have to be arrested.'* (Constables)

*'Because we are custodians of the law. The law is what we do. We uphold the laws of the land but sometimes the laws of the land may infringe upon someone's Human Rights as long as they are proportionate and necessary.'* (Constables)

### **War**

A third circumstance where people are treated differently is in times of war where laws change. Iraq was cited as an example.

*'During war times... it could effect for example the right to a fair trial, certain aspects of the law could be amended.'* (Chief Inspectors and above)

### **Monitoring of Communication**

A few Officers also mentioned the monitoring of Officers' communication, which they see is an infringement on their Human Rights. Some recognise that it is necessary for the 'greater good' of the organisation.

*'Well, I think basically that the bottom line is as long as we don't take it personally. As officers we are*

*members of a public authority.'* (Constables)

### 3.3 Absolute Vs Qualified Human Rights

#### 3.3.1 Absolute Rights

Absolute Rights are seen as those which cannot be infringed under any circumstances. All groups mention that all individuals have the right not to be tortured.

*'There is no excuse then for degrading a human being, there is no justification for that whatsoever.'*  
(Constables)

*'There is only one Absolute right and that is the right not to be tortured and all the rest of them must be Qualified.'* (Constables)

*'There are no circumstances where you could torture someone.'* (Sergeants and Inspectors)

There is some confusion, however, regarding the right to life. All groups see it as Absolute, but they find it hard to rationalise since at the same time, in certain circumstances, life can be taken. For example, it can be justified to take life if there is no other alternative and if someone else's life is in imminent danger, for example, the offender is about to shoot someone. This condition poses the problem of the definition of 'Absolute'. It is hard for them to understand how it can be Absolute if there is a circumstance where it does not hold.

*'It's conditional... an officer, in the course of his duty has the right to use whatever force is necessary... if someone were pointing a gun at another person you obviously would have the right [to take their life].'* (Sergeants and Inspectors)

#### 3.3.2 Qualified Rights

Qualified Rights, on the other hand are seen as those where there are circumstances in which it is possible to infringe upon them.

*'Their Rights can be waived but they have to be waived for certain reasons.'* (Chief Inspectors and above)

Officers give several examples of Qualified Rights. Freedom of Assembly is mentioned most often in that all individuals have the right to express themselves as long as it is not going to affect anyone else. They see their job as balancing the Human Rights of different groups in the Marching situation for example. They have to look at the Human Rights of marchers in relation to those of the people against the parades (or the general public itself).

*'Qualified Rights would be the right to protest. It may be that you don't have the right to protest because the fact that you protest is going to lead to public disorder.'* (Sergeants and Inspectors)

*'[Freedom of assembly]... can and does impact on other people... the competing Rights are the right to protest and the right to freedom of assembly.'* (Chief Inspectors and above)

Another Qualified right mentioned is the right to privacy. Under certain circumstances, Police Officers may engage in surveillance of an individual. For example, searching somebody's house is allowed if you know they have something in the house. The groups of Chief Inspectors and above mention that Police Officers have to look at all other ways of getting the information

The Right to Liberty is a further Qualified right. The Police can detain someone if they have broken the law, but Officers acknowledge that even within that, there certain restrictions.

*'The right to liberty. Obviously that is Qualified in that you don't breach laws.'* (Sergeants and Inspectors)

### 3.4 The Impact of Human Rights on their jobs

First and foremost, Human Rights is in the background of all Officers' duties.

*'It comes up every day but you don't think about it. You just don't think about it unless it becomes an issue.'* (Constables)

*'Everything that does come through has an element of Human Rights in it.'* (Sergeants and Inspectors)

#### 3.4.1 Direct Impact on Each Group of Officers

Human Rights impacts in different ways on the daily work of each group of Officers. These will be examined in turn.

##### Constables

Human Rights come up daily in the lives of Constables on the street. They often make split second decisions without thinking specifically about Human Rights.

*'For almost every person you deal with, Human Rights have to be considered. But you don't actually sit down, what about the Human Rights of this person and this person and go through it. It is just something you get used to doing.'* (Constables)

Constables think twice before acting in certain situations such as when considering arresting an offender. They try to weigh up alternatives (is there a way around it?).

*'I would think twice now about arresting someone. Now I would think if there were any other ways I could deal with it.'* (Constables)

*'You think 'do I have to arrest this person or can I just do an interview here on the street?'* (Constables)

They have to justify their actions and write down their thought processes in a logbook or written brief before they do anything, in case of future prosecution or a complaint.

*'You have to be able to show your thought processes before you can actually start doing anything'*

*'You do it all anyway, I wouldn't have previously maybe written it all down.'* (Constables)

*'If I was going to brief the Inspector in relation to doing a search or arrest operation I would have a clear written brief of what my grounds were and what I told the Inspector.'* (Constables)

*'In my mind, it is just that you have to justify every single action that you do, why you took a particular course of action, why you stopped that person.'* (Constables)

Some Constables' roles include actually checking case files for breaches.

*'We look at evidence and prepare files... you are checking on a daily basis that everybody is being treated in accordance with PACE and the Code of Practice. Therefore you are also looking for Human Rights, that they have been treated fairly.'* (Constables)

Constables are dealing with criminals on the street on a day-to-day basis and hear how quickly the general public at large, and in particular, criminals are to accuse them of breaches of Human Rights. Lawyers are also likely to use Human Rights' breaches to 'get their clients off'. These things fuel a 'fear factor' in Constables with relation to Human Rights where they see it as a 'stick to beat us with'.

*'To tell you the truth and I am being perfectly honest, I mean it is under our throat so much, we have*

*it at every point and turn now, that I have actually become immune to it, I have switched off now. You know what I mean? It is a stick to beat us with and its things like from the criminals point of view that they always come out tops. And that seems to be across the board.'* (Constables).

### **Sergeants and Inspectors**

Sergeants and Inspectors are dealing more with procedures and the planning stages of policing. Human Rights has added to the paperwork and detailed analysis that they have to do. Again, the impact of Human Rights is that they have to justify and document everything that's done (in case they have to go to court).

*'It has made you more conscious of the decisions that you make that you might be asked at a later stage to justify them.'* (Sergeants and Inspectors)

*'I am not sure we didn't have these things before. We probably didn't set them out in the same structured way.'* (Sergeants and Inspectors)

*'If you are out on the street and you go up to speak to someone. You now have to think about all this proportionality, you have got to report in your notebook. Before, you went and spoke to someone, you did what had to be done and you carried on. You didn't have to sit in court six months later justifying everything you did to some Barrister.'* (Sergeants and Inspectors)

This, however, has led to greater accountability which is seen as a good thing in general.

*'If we are aware of them [Human Rights] and we are conscious of them at every stage of our proceedings then we will be more professional and be able to do our job more efficiently and effectively. And we won't be stuck in a High Court in five years time trying to answer why we did or did not do something.'* (Sergeants and Inspectors)

Parades, and specifically dealing with the Parades Commission is one area of Sergeants and Inspectors' work where they have to consider the Human Rights of all stakeholders.

*'Whenever we would be planning parades and things, the very first thing that we would have to do is consider the Human Rights of everybody involved in that... people taking part... spectators... people who are opposed to the parade... people who just want to go about their ordinary lives.'* (Chief Inspectors and above)

Surveillance procedures are now seen as more complicated under Human Rights. Whereas before, Officers feel they did not have to justify their grounds for surveillance, they now have to look for all alternative methods of getting information and justify their reasons when applying for surveillance.

*'You have to go through the procedures of 'can we not look at them in this manner or another manner? Can we not make enquiries in this manner? [Rather than surveillance]'* (Sergeants and Inspectors)

This has the downside of making the process very complicated and time consuming.

*'People now sort of can't be bothered actually doing an operation because it has become so technically impossible...'* (Chief Inspectors and above)

Sergeants and Inspectors mention that Officers must now be more sensitive to custody duties in relation to detainees' breaks, meals and the speed of process.

*'You still get custody Sergeants who think that they have got to get prisoners in and out before you have had time to put the kettle on for the simple reason they think that they will be breaching their Human Rights if they don't.'* (Chief Inspectors and above)

*'Depending on how long he is in, he has the right to a meal, the right to a solicitor...'* (Sergeants and Inspectors)

Human Rights are also seen to have impacted on Criminal justice, Human Resources (transfers are more difficult) as well as tactics used for demonstrations (e.g. corralling is no longer appropriate).

### **Chief Inspectors and above**

Human Rights is regarded as a way of keeping the Police 'right' and leads to fairness. As a result, there is greater support for the PSNI in the general community.

*'We thought, 'my goodness there are going to be major implications here.'... it is all checks and balances and keeping abreast of relevant new developments within Human Rights as things progress.'* (Chief Inspectors and above)

Chief Inspectors feel that Human Rights impact on all their decisions in that they have to consider Human Rights of all stakeholders.

*'At our level Human Rights is quite a big thing. The documentation of it.'* (Chief Inspectors and above)

They feel, since Human Rights has been introduced that they have to think in terms of proportionality and necessity which has now put a structure on the decision (rather than relying on 'professional intuition').

Again, Chief Inspectors and above have to document everything they do which, although adds time to the process, also leads to openness, transparency and ultimately, accountability

*'I don't think my style has changed much... but now that you are documenting them, every application that comes your way is providing more and more evidence in writing... Before you make a decision there is a stalling process in your head. Is this proportionate? Is this necessary? Is there a lawful basis?'* (Chief Inspectors and above)

This group also mention the Audit process and how time consuming it now is.

*'Unrealistic expectations of the auditors. To do everything that they are talking about, particularly in a busy district, you would need more staff... Reducing staff to do those audits, it is detracting from the Police.'* (Chief Inspectors and above)

Some feel they are spending time and resources explaining to members of the public that Human Rights are not always Absolute.

*'The public seems to have looked at it and tunnel visioned it... Human Rights from that point of view has caused us a huge amount of effort and time. Trying to get it across that those Rights are not Absolute Rights and that there has to be a balance.'* (Chief Inspectors and above)

### **3.4.2 Tension between Human Rights and Fighting Crime**

Almost all Officers recognise a level of tension (even if they would not describe it as that) between Human Rights and fighting crime. Perceptions vary depending on rank and role so each will again be dealt with in turn.

#### **Constables**

While it was earlier mentioned that Human Rights makes Constables consider their actions more, some Constables report being fearful to take action or choose not to act in certain situations because of Human Rights, they are afraid of the repercussions.

*'At times it can be, not so much a barrier to your policing, but it can certainly affect your decision now whereas before you would maybe have just gone on ahead. Now you take that wee step back. I don't know, in the long term it may be a good thing, it may be a bad thing.'* (Constables)



*'People end up saying 'Hold on here. I could end up in trouble so I'll just not take the steps I would have taken.'* (Constables)

*'I think that certain Police are reluctant to take action because they may have breached Human Rights.'* (Constables)

This fear is fuelled by a sense, particularly amongst Constables, that Human Rights is something criminals and lawyers or Barristers use against them.

*'It is another way out for the career criminal in that it is another, in some terms perhaps it is another device that can be used against the forces of law and order as well.'* (Constables)

Lawyers and Barristers are seen as being adept in finding a loophole creating a sense of resignation that no matter how well they do their job, they can still be 'caught out'.

*'You can go from A to B in your job and keep in accordance to Human Rights to the best of your ability and you know you could be against the biggest criminal that ever walked [town]. And you put the file together you go to court and their Barrister or lawyer go through it with a fine tooth comb nit-picking and that person gets off because of some minor... anomaly.'* (Constables)

Furthermore, there is the monetary gain. One Officer mentioned a radio programme where a Barrister backed this up:

*'Human Rights, that is where we are going to make our money now.'* (Constables)

*'You know lawyers and Barristers and all are very interested in it because they get money out of it.'* (Constables)

### **Sergeants and Inspectors**

This group feels there is not so much a tension but their jobs are complicated because they have to consider lots of different things or sides and Human Rights is just one of many of these things.

*'Not a tension, but it is not straightforward because you have to consider everything.'* (Sergeants and Inspectors)

*'We are inundated on a daily basis with what is happening. What is the future? Can I get a baton? Can I get off early? Such and such is happening up the street? All these things are buzzing round and Human Rights take place among all these other things.'* (Sergeants and Inspectors)

As previously mentioned, some tasks (e.g. surveillance, video recording crime) require many more procedures or applications and there is a lot of extra paperwork, which is seen, as cumbersome.

*'Video recording crime is taking place. There is a whole Human Rights issue over that. We can do it but it is very cumbersome.'* (Sergeants and Inspectors)

They also mention having to consider the Human Rights of Police Officers being sent out on the street or into potentially volatile situations.

*'Obviously we are talking about the Rights of the individuals and members of the public and all the rest of it but we have to have consideration on Health and Safety issues, the Rights of Police Officers with the calls that we are sending them to.'* (Sergeants and Inspectors)

### **Chief Inspectors and above**

This group feels there is some tension between Human Rights and fighting crime. But see it as more 'constructive tension' outweighed by the good that it's doing. Some even say there is no tension, that Human Rights is an 'enabler' rather than an 'limiter'.

'We have got to get that balance right between limiters and enablers'. (Chief Inspectors and above)

### 3.4.3 PACE

Constables and Sergeants tend to think in terms of PACE primarily because they think this also inadvertently covers Human Rights and they have been used to it.

*'They are both interwoven. You are abiding by PACE when you go into the custody office and all, but PACE is very similar to Human Rights in a lot of ways.'* (Constables)

*'PACE is enshrined in Human Rights so if you can comply with PACE you are complying with Human Rights.'* (Chief Inspectors and above)

*'To be honest everything under PACE protects Human Rights in it's originality.'* (Constables)

*'I am not familiar with Human Rights but if you do everything by the law, as in Police law, what you can do and what you can't do. Then you can't breach Human Rights in it because the law is written with Human Rights in it.'* (Constables)

*'If you stick to PACE you are not going to breach Human Rights.'* (Sergeants and Inspectors)

Those in the Chief Inspectors and above group think in terms of Human Rights than other Officers. This group think in terms of both PACE and Human Rights. PACE is seen as technical guidelines while Human Rights are more general principles.

*'A bit of both... keep aware of provisions of PACE but we are also aware of Human Rights... PACE is very pointed in terms of technical things whereas Human Rights is about general principles of what might infringe people's Rights.'* (Chief Inspectors and above)

## 3.5. Perceptions regarding who is protected under Human Rights

In an ideal world, Human Rights is seen as being there to protect everyone.

*'In theory they are supposed to be, but in practice the answer is probably no.'* (Chief Inspectors and above)

There are three main groups whose Human Rights are involved in the policing situation: criminals, victims and Police Officers. Each of these will be dealt with in turn.

### 3.5.1 Criminals

In all groups, there is a perception that Human Rights protects criminals most. There are also lots of organisations to help criminals.

*'I think that the perception is generally...that the criminals are protected and that the victims are left to their own devices like to 'sink or swim'.'* (Chief Inspectors and above)

*'The amount of restrictions that we face in relation to Human Rights to be honest in relation to saving lives which again is Human Rights based, goes way over the top and is purely to protect criminals.'* (Constables)

*'The criminal has too much emphasis put on his Human Rights.'* (Constables)

This is not just because the criminal is quick to announce their Rights but also because if they do not know themselves, their lawyers will make them aware.

*'I think that even if they [criminals] weren't aware and didn't know how to push you on, their solicitor or legal aid will certainly make them aware.'* (Constables)

Lawyers or Barristers can, at times, 'get their clients off a charge' because of claims of Human Rights breaches.

*'I think that is where very clever Barristers can come in and use the Human Rights legislation to defend their client.'* (Sergeants and Inspectors)

Some concede that criminals are more likely to be putting their Human Rights into jeopardy, that Police Officers or people living good lives don't need as much protection as the criminal because:

*'He is out doing break-ins, he is out doing criminal damage, he is out assaulting people, and he is out killing people. And eventually he will be arrested therefore his right to liberty is going to be taken away, and his right to be searched and privacy. So he'll be infringed more than anyone else because he has put himself in that position.'* (Sergeants and Inspectors)

*'I think the reason why there is this view that criminals are better protected is because they obviously use their Rights, there are more Rights to be used by a criminal than a victim.'* (Sergeants and Inspectors)

*'Decent people don't really benefit from Human Rights.'* (Constables)

### 3.5.2 Victims

Most Officers feel that victims are not protected enough although some feel that there is a certain degree of protection. Some say they are protected when criminals are put away, granted bail, or through full and thorough investigations. However, their protection is limited to how far the Police can act.

*'I think they get a raw deal to be honest because we aren't allowed to pursue criminals, as we should.'* (Constables)

*'The victim is only protected as far as we can protect them and if we can successfully arrest this person and bring them to the court and have them convicted. But sometimes you can't even get as far as the court.'* (Constables)

Officers make suggestions for improving the protection of victims. Stricter sentencing could be imposed and victims could be allowed to talk at trial and have a say on sentencing.

*'If I were a victim, I would like to see that person go to court and receive a reasonable sentence.'* (Constables)

*'The victim doesn't have any Rights... no right to go to court, no right to say what they like, they just have to take what is handed out.'* (Sergeants and Inspectors)

Officers feel that more support should be offered to the victim. One group pointed out that there are many agencies which protect the perpetrator or suspect but there are only 3 which protect the victim.

*'I mean the defendant will have a Barrister attached to him who will ensure that he gets everything entitled to him... should that mean re-housing or new clothing because you put on three stone with stress.'* (Constables)

This is contrasted to the fact that many feel they do not have Rights and have to 'go it alone'.

*'I don't think victims feel they have any Human Rights.'* (Constables)

*'Victims are generally left to fend for themselves.'* (Constables)

### 3.5.3 Police Officers

Constables, in particular, believe the Police don't have 'any' Human Rights. Their Human Rights are abused,

but they feel unable to react and do not know when to react. They feel they have to treat the abusers with respect to Human Rights, to be 'by the book' because of prosecution.

*'We are supposed to take it. We're supposed to listen to taunts, abuse, roaring and screaming and called every name. You can't do that to anybody else but we are supposed to take it and say 'that's my job'.'* (Constables)

*'I don't think a Policeman's Human Rights can be protected, but where they are breached, the courts can take that into consideration.'* (Constables)

*'Sure everyone else is allowed to spit in my face and I still have to respect them and treat them with courtesy and try to do everything within the law so in court we can try to get a successful prosecution for the victim.'* (Constables)

Some Sergeants and Inspectors are concerned with the declaration of membership in closed organisations (e.g. orange order, Masonic) and mention the ongoing debate in this field. Some feel that their right to privacy is being thwarted since the organisation can listen to phone calls or read emails and hold files on false allegations much longer than the would for the general public. They do, however, accept that they are part of a public authority so is a balancing act and they try not to take it personally.

*'The courts do not treat us with the same Human Rights as anyone else. You are the Police, you should know better.'* (Sergeants and Inspectors)

Chief Inspectors and above do feel that Human Rights protect Police because they cannot send Officers out to a dangerous situation without taking the appropriate steps to protect them.

*'I could not send Officers out to something that is dangerous that they are likely to be killed in without taking all the appropriate steps to protect them.'* (Chief Inspectors and above)

Human Rights documentation is also seen as leading to greater transparency and accountability (i.e. protection from allegations).

We have thought through in advance what the alternatives would be and documented them and documented our considerations of other people's Human Rights. So if we do have to infringe there is accountability. Protection for us if the operation goes wrong... or if somebody challenges us.' (Chief Inspectors and above)

*'It protects us as much as it protects anybody else. We have been thinking that way and doing it but when actually asked for the hard evidence on paper we didn't have it... I can now argue the proportionality of that, the necessity of that. If they want to criticise me then I say 'well there it is. I thought this was thorough.'* (Chief Inspectors and above)

One Constable mentioned that some are taking video cameras out because they are not believed when they say that members of the public are harassing them, that their own Human Rights are abused frequently. There is some uncertainty regarding the 'cut off' point as to where they can react.

*'If somebody is in custody... you are only allowed to question them for so long before they are allowed a meal break or a sleep break... Meanwhile there might be a situation going on somewhere and you need the evidence.'* (Constables)

Some feel that Health & Safety Legislation is protecting Officers more than Human Rights. They mention the public and how they are 'throwing Human Rights at the Police' which gives the perception that public has more Human Rights than the Police.

### **3.6 The Use of Lethal Force**

There is general agreement that Lethal force can only be used when 'Absolutely necessary'. Officers understand 'Absolutely necessary' to mean that there is no other course possible, a life is being threatened and

the decision is made in a split second.

*'You wouldn't even think about the proportionality would you? It has to be Absolutely necessary. It is either going to be them or they are going to kill somebody else.'* (Chief Inspectors and above)

*'What is necessary is necessary but Absolutely necessary is ... More necessary.'* (Sergeants and Inspectors)

*'Absolutely necessary means that if someone is pointing a gun at somebody and you have a firearm, it is Absolutely necessary in those circumstances.'* (Sergeants and Inspectors)

*'I must think that my life and somebody else's must be in immediate danger and there is no other way of dealing with it...'* (Constables)

*'Necessary and appropriate', on the other hand is seen as linked to the use of force but this is not usually in a life and death situation (not lethal force).*

*'If you come up to me with a stick in your hand I am not going to draw a weapon.'* (Sergeants and Inspectors)

*'It [Necessary and Appropriate] wouldn't suggest the same severity or the same life and death situation as Absolutely necessary would, for me anyway.'* (Sergeants and Inspectors)

*'Necessary and appropriate' is understood as using a graduated response (use lesser force initially) and Officers look for the minimum way to get the end response.*

*'Necessary and appropriate is sort of when you build up to it. After thinking 'ok well we have tried this and this and this'.'* (Constables)

## 4. Familiarity with the Code of Ethics

All Officers say they are familiar with the Code of Ethics.

### Constables

Constables see the Code as 'common sense' but are not very specific about its contents. They feel it relates to what they can do on a daily basis, professionalism and integrity on and off duty as well as respect and courtesy.

*'It's something that you couldn't quote chapter and verse but I am sure we abide by those principles anyway, you know.'* (Constables)

*'I can't think of anything but I am sure that if I flicked through the brochure I would say 'oh I remember that now!' you know.'* (Constables)

*'I suppose it a bridge to how you should implement your Human Rights. As for exactly how it is word for word I don't know.'* (Constables)

*'Code of Ethics covers what we should do on a daily basis. None of us would be here if we were breaching any part of the Code of Ethics.'* (Constables)

### Sergeants and Inspectors and Chief Inspectors and above

Higher ranking Officers mention the same fundamental principles as Constables but they also speak in more detail about standards of behaviour on and off duty so as not to bring the organisation into disrepute (e.g. politics, receiving gifts). They understand that the Code includes how to deal with the community, how to conduct patrols or investigations, how to use force, how to protect life and property, how to supervise staff as well as issues of confidentiality.

*'It is actually much more generalised...it is an enforceable guide as to the conduct of the professional Police service including the conduct of the patrol, conducting of investigations.'* (Sergeants and Inspectors)

*'It has much to do with the honest, impartiality and integrity of Police Officers and it also to do with our efficiency in their practical use.'* (Chief Inspectors and above)

## 4.1 Breaches of the Code of Ethics

All Officers know that if the Code is breached, a reprimand will follow in some way. They mention a range of possible disciplinary actions based on the severity of the breach from a warning, fine, reduction of rank, loss of pay through to request for resignation, dismissal, criminal proceedings and ultimately, jail.

*'The sentence would obviously depend on the way that you infringed it and how hard you infringed it and did it involve criminal proceedings as well? The result would probably go from dismissal, imprisonment, to loss of pay, reduction of rank...'* (Sergeants and Inspectors)

*'Part of the whole discipline or misconduct system is now the Code of Ethics so as supervisors we have to know what the Code of Ethics says and breaches of it look like and what our obligations... encompass.'* (Chief Inspectors and above)

*'It might just be a case of speaking to them and talking to them about it... Far scale of the disciplinary side, it could very well go to court, Crown Magistrates or whatever.'* (Sergeants and Inspectors)

## 5. Information Sources

### 5.1 General Sources of Information

Constables talk to other Officers or their trainers for information and some mention course handouts. They are less likely to look at books or the Intranet, simply because they have less time. Current information sources are posters or articles around the station.

Sergeants and Inspectors use the media (local press, newspapers) more and get information from circulars and Headquarters.

*'We get it through circulars, we get it through Headquarters.'* (Sergeants and Inspectors)

Chief Inspectors and above would get information from minutes or general orders from Headquarters as well as articles in Police magazines and text books or manuals.

*'The minutes sent out from headquarters.. there was one recently on the Metropolitans Police's actions cordoning off spectators and protestors. There was quite a detailed explanation on judgement about that explaining what is acceptable and what is not.'* (Chief Inspectors and above)

### 5.2 Intranet

Most access the Intranet fairly often, if not every day. Those in Patrol or 'on the ground' would only occasionally access it because they are too busy. Some older Officers are also scared of the Intranet or Internet.

*'I am not sure what use it is in the lines of uniform patrols or car patrols on the street. I don't know how they are, when they are coming in for their fifteen-minute brief, how they are really supposed to get the information?'* (Constables)

*'It is much quicker but there are still some people that are hung up about it and don't know how to use it. To put it all on that and not to have it any other way, it would be lost because they can't use computers.'* (Constables)

Most believe that there is Human Rights information already on Intranet, although few actually access this information on Human Rights. However, they feel it is good to know it is there.

*'I know it's there. I know where to receive the information from it... The Intranet is updating us in relation to law and procedure, changes... If a Human Rights issue arose, the reference is there.'*  
(Sergeants and Inspectors)

### 5.3 Aide Memoire

Most are aware of the Human Rights Aide Memoire and almost all recognise it once shown. It is not, however, spontaneously thought of as an information source for Human Rights. Most have a copy but are not quite sure where it is.

*'Well we were all certainly issued with one but what have they done with it, maybe put it in the bin, I don't know.'* (Constables)

Some have occasionally used it as a reference document or for study and again there is a sense that it is 'Good to know it is there'.

*'I have looked through it.'* (Constables)

Its size however, seems to be problematic. Officers wonder if it is supposed to be carried on patrol and question whether or not they would have time to read it. It is actually seen as too big for patrol where they would really need a plastic card.

*'It is very good but a bit too bulky for Officers like that.'* (Chief Inspectors and above)

*'If you were to carry everything like that there you would need a backpack.'* (Constables)

If the aim is to leave it in the station, Officers suggest that maybe it should be bigger because it gets lost with lots of other booklets. It would only need to be re-issued if there are significant changes (e.g. protocols or legislation).

*'If it were bigger you would keep it in your pigeonhole, something that could be kept at the station so people could look it up.'* (Chief Inspectors and above)

### 5.4 Suggested Ways of disseminating information

There are many suggestions for ways of disseminating information but the ideal way is the Intranet. One suggestion is that there should be a central point or notice board on the Intranet to access Human Rights information quickly and easily.

Supervisors could also give out information at briefing sessions to re-enforce the Human Rights message. Sergeants and Inspectors feel that they should get information from the Human Rights advisors as well.

*'You can't train for every situation but we need knowledge and we need to be able to tap into that knowledge. If there was a pool or bank of knowledge held at x's office or Legal Services Office where we can make the call and say, 'This is the situation, can you make a decision on it?'*  
(Sergeants and Inspectors)

Other suggestions are posters for briefing rooms or at canteen (to give information to Constables). Information on the Intranet should also be supplemented by written material in order to reach those who do not often access the Intranet. Information packs containing Human Rights information could be sent to Officers as well.

*'I think it is always useful to have written material.'* (Chief Inspectors and above)

With regard to the way information is presented, Officers call for the use of 'plain English' instead of legal jargon. There is also mention that it should not be too long (i.e. 'short & punchy') since they are suffering from

information overload:

*'There is a danger of being missed because it comes out in a mass of other things.'* (Chief Inspectors and above)

*'If I get a document with 75 pages it is going into my recycle bin.'* (Chief Inspectors and above)

## 6. Training Issues

### 6.1 Training already received

All Officers (apart from one who had moved from England) have been on Human Rights training in the last two to three years, particularly the 'Course for All'. They feel this course was fairly useful and fulfilled its objectives of providing them with a basic understanding. It outlines expectations with respect to Human Rights.

*'It [Human Rights training] was useful because it makes you aware of the issues but it doesn't give you a real chance to understand and explore tiny details because a lot of it was covered in a very short period of time.'* (Chief Inspectors and above)

*'I think the Police welcome it and are very receptive to all Human Rights Legislation and training that we have received.'* (Sergeants and Inspectors)

One observation is that training seems more detailed for Chief Inspectors and above and Human Rights lawyers have actually trained them.

*'We had... Human Rights lawyers talking to more senior Officers.'* (Chief Inspectors and above)

#### 6.1.1 Perceived Reasons for Training

Some feel that they have been given training to 'cover the backs' of their bosses and the whole Police Service who have 'ticked that box' in a sense.

*'The Police believe that they have fulfilled their obligation by having us trained. So if we are in breach of Human Rights legislation then we are accountable and the organisation is not as accountable as it would have been.'* (Sergeants and Inspectors)

*'I feel that a lot of the training has been directed at us purely so the Chief Constable can say, 'No sorry they are trained'.'* (Constables)

*'They make you sign a disclaimer, so there you are years on saying that we did Human Rights before.'* (Constables)

As managers, Sergeants also feel this is the case.

*'If someone is taking me to court with regards to not applying Human Rights to a certain situation, I'll be turning round and saying that I haven't been trained in two or three years.'* (Sergeants and Inspectors)

*'The Police service was paying out loads of money and was then putting the onus on the individual officer – 'well you have been taught these things. You are now responsible... should you breach Human Rights.'* (Sergeants and Inspectors)

#### 6.1.2 Previous Training Content

Some feel that there is nothing particularly new about the training, that it is all 'common sense'.

*'Didn't really bring anything new to light than what we are doing now anyway.'* (Constables)



There is also a sense among some that they have always been treating people well so giving training is seen as a bit 'demeaning'.

*'It was a wee bit demeaning too, whenever you were going through the training. It's like you have to learn this, and you should be treating everybody equal, as if you are already breaching it and it has to be taught a new thing.'* (Constables)

*'Why is there this appetite to deliver more training on Human Rights to Police Officers?... Is there a suggestion that we are not defending people's Human Rights on a very regular basis?'* (Chief Inspectors and above)

### 6.1.3 Previous Training Style

Across most groups, there is a dislike for the way Human Rights have been taught in the past. There is a sense that classroom or lecture style is not appropriate to the subject and renders it boring.

*'It is okay sitting down in a very dry environment and just learning the thing by rote, but to examine the practical applications is a different matter.'* (Constables)

*'It is very harsh. We sit in the classroom and listen to it hour after hour.'* (Constables)

*'A lot of it is someone, certainly in my experience, standing at the front telling you "this is Article 2 or Article 3.'* (Sergeants and Inspectors)

Some feel that too much legal jargon has been used in previous training.

*'I think one of the elements of the training...the first Human Rights I went to, threw all legal jargon at you and case law and it all went over my head and that is being truthful. It needs to be more common speak.'* (Chief Inspectors and above)

### 6.1.4 New Recruits Human Rights Training

New recruits have substantial Human Rights training which is sometimes seen as at the expense of other more essential training. Some supervisors say the New Recruits do not know enough about basic policing.

*'Sometimes we are getting [new] Officers out on the ground that are fantastic with Human Rights but are standing there wondering "should I arrest that person?'* (Constables)

*'We spend an inordinate amount of time... trying to teach Human Rights particularly to new Police but unfortunately we don't teach them enough about being a Police Officer.'* (Chief Inspectors and above)

While they have a great knowledge of Human Rights there is a perceived lack of practical knowledge.

*'They couldn't put a file together, they don't know how to do exhibits, how to label exhibits, how to do scene preservation, how to do a sketch: the basics of policing.'* (Chief Inspectors and above)

*'I think that recruits coming out of the depot didn't know basic legislation. Code of Ethics, Human Rights, and procedures more than on anything else.'* (Sergeants and Inspectors)

Another suggestion by some Chief Inspectors and above is for Human Rights training to be a pre-requisite for recruitment into the Police Service, thereby reducing the required Human Rights training on the basic training course.

*'I would have a view personally that when people apply for the Police service they should come skilled in Human Rights rather than expecting the Police to skill them.'* (Chief Inspectors and above)

## 6.2 Suggestions for Improving Training

### 6.2.1 Improved Interaction

The main suggestion for Human Rights training is to make it more interactive. The practical implications also need to be stressed.

'It needs to be in the context of maybe allowing a bit more discussion so that it's not just information... Think practical stuff. Things that people might actually have to do out in the street.' (Chief Inspectors and above)

'Maybe most commonly used areas, what is most prevalent.' (Sergeants and Inspectors)

Suggestions include case studies or situational construction. These would preferably be local although there could be cases from other countries and might include topics such as freedom of assembly, the use of pepper spray, right to liberty. Videos or Scenario based training had been previously used before for example in Civil Rights training and is seen as very useful. Inviting guest speakers is also deemed to have more impact on the audience.

'Giving people wee examples and you have to ask 'well how did that affect you?' as you take on this role of someone that has been a subject of breach of Human Rights or something. PowerPoint just kills it.' (Constables)

'I think to actually meet somebody....that impacts more than a flipchart.' (Constables)

Role playing and the distribution of case studies prior for discussion at training are also suggested. CCTV recordings of what people have done and what Police Officers have done at the site could also be useful.

### 6.2.2 Incorporation of Human Rights Training into all other training courses

Most Officers feel that aspects of Human Rights training should be incorporated into every other course that is given.

'If it is taught as an appendix people will continue to see it as an appendix to Police work when in fact it is integral to everything that you do and therefore it needs to be shown in that manner.' (Sergeants and Inspectors)

'... a holistic approach to training and we don't have it... It is a good opportunity to integrate Human Rights along with the other things.' (Chief Inspectors and above)

This has already started to happen (e.g. firearms) but could be done much more.

'I think that on every course that you go to there should be some topic on Human Rights. And indeed with Fire Arms training, there is always.' (Sergeants and Inspectors)

*'For me that is a brilliant theory [including Human Rights in all other aspects of training]...But I don't think that is happening.'* (Sergeants and Inspectors)

### 6.2.3 Job specific Training

Officers feel that Human Rights training should be tailored to their job, in relation to each specific role and rank.

*'The guys in sector out actually dealing with the public would be dealing with a number of different things. So to have it as general is fine but really you do need it down to your day to day actions and have practical experience.'* (Constables)

*'It should be the stuff that we would be dealing with day and daily.'* (Sergeants and Inspectors)

*'There needs to be specific training just to where you are in the organisation. I mean, if you are a*

*patrol officer, you need to know all about the use of force.'* (Chief Inspectors and above)

### 6.2.4 Own responsibility to keep up to date

There is some sense that Officers should be responsible for keeping themselves up to date by reading articles on the Intranet and so on.

*'I look at my people and say to them 'you have a responsibility to read yourself' and at the end of the day each individual has their own responsibility...My expectation is 'you educate yourself'. You can't take them by the hand every time.'* (Chief Inspectors and above)

### 6.2.5 Financial Considerations

Training, in the opinion of some Chief Inspectors and above, needs to be seen as 'value for money' since they have many other ways to spend money. Higher-ranking Officers (Sergeants and above) feel that they do not have the budget to train adequately. There is also the sense that, if people are training, they are not on the street, not getting the work done.

*'There is a budget for everything that you see apart from training. Which to me is a fundamental flaw.'* (Sergeants and Inspectors)

It would be preferable if Chief Inspectors and above were personally able to decide whether or not to have more training (rather than Headquarters).

*'It is my budget. It is my people. I am going to say whether there is training or not. I don't see that there value for money in this for me.'* (Chief Inspectors and above)

### 6.3 Refreshers

Generally, there is support for some form of refreshing Human Rights but it is important that it is not in the same format as was previously administered.

*'It depends how they are going to do it [refreshers]...If they are going to bring you into the classroom and go through it, article by article you're gonna just switch off. But if there is that sort of scenario thing whereby they show you a CCTV of what Police Officers done in the past, or anybody did in the past, you can sit there and say that's interesting we'll watch this and discuss this.'* (Constables)

The main reason for refreshers is that while Officers have a basic understanding, they need to be updated because legislation is changing all the time also because they could become 'rusty'.

*'We're still going to need to be refreshed on it because we remember the basic principles, but you forget all the other wee bits and pieces.'* (Constables)

*'It is not a static situation, it is a driving dynamic piece of legislation that is being changed all the time as a consequence of court cases. So surely there has to be a case for continual training and re-training to ensure that people are up to speed with decisions that are being made.'* (Sergeants and Inspectors)

There is a nevertheless, a feeling that they have had enough overall general training.

To be realistic, I mean to keep on training... there is going to be nobody out there doing Police work.' (Sergeants and Inspectors)

*'It is difficult to listen to the same thing over and over again.'* (Constables)

*'I think the difficulty with that though is, if you look at what has come in over the last few years. If you went into depth with everything you would be in training everyday of the week almost.'* (Constables)

*'I don't think it's (refresher) necessary unless they change the legislation.'* (Sergeants and Inspectors)

Refreshers would be necessary every one to two years but ideally, should be integrated into all training and should be role or rank specific. For example, those on the frontline and Custody Officers may need more training than office staff.

*'I don't know, it depends on who you are and what job you're doing. There are people in the station that don't use it at all. They put the uniform on the odd day and go out and do something so maybe their need would be less than mine or x's group or x's.'* (Constables)

## 7. Questionnaire

In the focus groups, Constables are less likely to report having filled in the questionnaire than the higher-ranking Officers.

### 7.1 Reasons for filling in the questionnaire

One reason for filling in the questionnaire is to voice opinions. Some feel that few people would fill it in, therefore small base numbers would allow more chance of being heard.

*'It is that box at the end, 'any other comments?' And you hope it is listened to and you are also conscious of the fact.'* (Constables)

Another reason is to help the organisation with something that is seen as important and useful. Some Officers feel a sense of professional duty:

*'Certainly from my point of view things like Community Policing or Human Rights you know questionnaires surrounding it, you do have the tendency to think this will be for the better of the service and you do take an interest in it.'* (Sergeants and Inspectors)

Some simply want to test their own knowledge, feeling it is like a quiz:

*'I filled it in as a wee test to myself to see whether I was getting it right.'* (Sergeants and Inspectors)

Some filled it simply because it looked quite easy.

### 7.2 Reasons for not filling in the questionnaire

Certain reasons are put forward for not filling in the questionnaire. There is a sense that some Officers 'can't be bothered' or that some Officers, especially Constables do not have enough time because they are too busy.

*'Sergeants might have a bit more time, Inspectors definitely do.'* (Sergeants and Inspectors)

Filling in the questionnaire can also be seen as adding to an already high level of paperwork (e.g. Constables have less time for paperwork).

*'Some people look at it as more paperwork.'* (Constables)

Another reason is simply that they are bombarded with questionnaires, and some feel they do not get enough feedback on results.

*'I know quite a few people... Absolutely fed up to their back teeth of filling in surveys and requests for information and they don't get feedback and nothing changes.'* (Sergeants and Inspectors)

The fact that there is no perceived incentive or recourse for filling in the questionnaire also is seen to reduce response rates.

*'If the Chief Constable said 'If you wanna fill in this questionnaire, I will give you one-hour overtime each'. Everyone in the force would do it.'* (Constables)

*'They don't ask your name or your number too which is a good thing but you just go 'Well I can't be bothered with it''.* (Constables)

To a degree, there is also fatigue with Human Rights itself. It is seen as a boring subject and Officers have heard so much about it.

*'Very boring subject, I mean it is not an interesting subject matter at all.'* (Constables)

*'We have heard so much about it, sometimes it gets to the stage where you just switch off on it, not on the practical application of it but switch off on reading about it.'* (Sergeants and Inspectors)

The difficulty of filling in the questionnaire may also be a reason for not filling it in.

### **7.3 Ease of completion of the questionnaire**

For those who did fill it in, the questions were generally seen as 'easy enough' because they are multiple choice. This means that there is not too much to write, all answers are there.

*'They [questions] were straightforward and then it gave you all the wee points..'* (Constables)

For some, the questionnaire is seen as quite difficult or complicated:

*'Yeah that was the one where you had to read all your options and it wasn't just a yes or no. You had to grade them all, rate them. Just give me a 'yes' or 'no'.'* (Constables)

*'Too technical, I found it difficult at times... it was too much in depth.'* (Chief Inspectors and above)

The questionnaire can also be seen as ambiguous in parts and some questions are seen as having more than one correct answer.

*'I think that some of the questions were slightly twisted and there could have been a couple of answers depending on how you interpreted or the depth of your knowledge of Human Rights.'* (Constables)

## **8. MONITORING COMPLIANCE WITH HUMAN RIGHTS**

All Officers admit that it is difficult to monitor compliance with Human Rights in the PSNI and a couple say it is not possible to do so accurately.

*'It is like everything, the positive is always very difficult to, it is like crime prevention - How do you monitor prevention of crime? You can't because you have prevented it so you don't know if it was really going to happen in the first place.'* (Constables)

Most believe that the best way is to monitor complaints and use these as an indicator.

*'If there is no complaint against an officer I think that is a good guide.'* (Constables)

And already, there has been an observed decrease in complaints.

*'Complaints have been decreasing here dramatically over the last few years.'* (Chief Inspectors and above)

However, monitoring compliance via complaints brings complications. Complaints need to be looked at in relation to the number of confirmed breaches as well. This is further complicated by the fact that cases are not always clear because:

*'There is not a strict line in the sand...there are always two sides to it. There is the suspect's side, the victim's side'* (Sargents and Inspectors).

An absence of complaints does not necessarily mean there were no breaches.

*'Just because there was no complaint does not mean that we were compliant.'* (Sergeants and Inspectors)

Some ways of measuring good police work are already in place such as audits (at a senior level), spot checks by supervisors. Other suggestions include mystery shopping, public surveys, using the DPPs to get local opinions and looking at comments through the Law Society or Courts.

For a few (particularly in Belfast), there is also a sense that the press and Policing Board do not praise easily so there is less emphasis on the positive side.

*'It is nearly with gritted teeth that they are actually saying that you are doing well in things.'* (Sergeants and Inspectors)

*'I think that ultimately the way forward for the PSNI in relation to Human Rights is encouragement rather than knocking to be honest.'* (Constables)

## **9. THE FUTURE OF HUMAN RIGHTS IN THE PSNI**

There are several key areas in which the PSNI could improve in the future.

### **9.1 Improve Training**

Incorporating the suggestions for training as mentioned earlier would improve Human Rights in the PSNI. That is, if training is made more interactive and relevant to duties, rank and role, as well as filtering Human Rights into all training, the PSNI will have gone a long way in improving attitudes towards Human Rights.

### **9.2 Improved PR – Education of the General Public**

Officers mention that the general public often do not understand what the Police are actually doing, that they have to adhere to certain regulations. Some feel there is a need to educate the public more in this regard.

*'There is a misunderstanding and ignorance in the general public of what Police can actually do.'* (Sergeants and Inspectors)

Specifically, the public could also be educated regarding parades:

*'It is educating the public and making sure that they are aware that both sides have the right to carry out what they are doing but that it must be lawful so that at all times it must remain within the law.'* (Sergeants and Inspectors)

### **9.3 Keep Human Rights at the forefront and promote it as an 'enabler'**

Particularly for Chief Inspectors and above, there is a need to keep Human Rights in the forefront of the PSNI culture.

*'If we maintain the same attitude and culture towards it that we have and not lose touch with it and not lose sight with it and not to let it get watered down. Keep it to the forefront as we always have.'* (Chief Inspectors and above)

*'Human Rights is not a bogeyman...everybody is entitled to it including us.'* (Sergeants and Inspectors)

Officers also need to look at Human Rights as an 'enabler' rather than a 'limiter'. In the future, it should not be something that is feared.

*'We have got to get that balance right between limiters and enablers.'* (Chief Inspectors and above)

*'We should abide by it, I have to make that clear. Having said that, it needs to be balanced against what we are trying to achieve.'* (Chief Inspectors and above)

This can be done practically by keeping Officers up to date, providing more updates on changes in Legislation and including case studies.

Finally, some Officers see a key benefit of Human Rights as being able to speak to people they would not have been able to in the past. There is now increased support and respect from the public than there used to be.

*'I can back up and be confident in everything that I do... I am confident that I can release everything that I do. That probably in turn gains confidence from other people. I am speaking to people now that I never would have done five years ago. It has originated in Human Rights because of the openness. I can be open and fair with them...transparency of the Police service.'* (Chief Inspectors and above)

## APPENDIX

### TOPIC GUIDE

Moderator instructions:

- Probe fully throughout.
- Utilise examples where necessary to initiate discussion.
- Look for differences between responses based on rank, length of service

\* Areas of particular importance

### 1. Introduction (self and purpose of discussion) & Warm Up (10 mins)

- MORI MRC – independent
- Discussion is on Human Rights. These focus groups form part of the policing board's work on Human Rights in the PSNI. They follow on from the questionnaire/survey. They are very important because the board is very interested to know the view of police officers on Human Rights issues.
- Complete confidentiality – also within group as is normal procedure in PSNI
- Talking to different ranks of officers across Northern Ireland – emphasise 4 different locations in NI
- Anonymity
- Open discussion (no right/wrong answers, you may agree/disagree with others) It's not a test of knowledge but to discuss your experience and attitude towards Human Rights
- Hear from everyone – but one at a time!
- If applicable, explain note takers presence
- Introductions around table
- Approx 1 hour
- **INTRODUCTION** – Introduce selves – first name, rank, length of service, department etc.

## 2. Knowledge/Understanding of Human Rights

- How good do you think your knowledge of Human Rights really is (rating scale)?
- What is Human Rights? WRITE DOWN. DISCUSS AS A GROUP
- What are the key principles of Human Rights? PROBE FOR - **THE PRINCIPLE THAT YOU SHOULD NEVER TREAT PEOPLE DIFFERENTLY ON GROUNDS OF RACE, COLOUR, GENDER, RELIGION, POLITICAL OR OTHER OPINION\***? – What do you understand by this?
- Why do you think you should adhere to this principle? On what basis? Are there any circumstances where the principle doesn't hold? PROBE FOR EGS
- Would you protect all Rights in the same way? In what ways are some of the Rights treated differently? **PROBE FOR ABSOLUTE VS. QUALIFIED\***. Which Rights are Absolute? Which are Qualified? **PROBE FOR - PROHIBITION ON INHUMAN TREATMENT, THE RIGHT TO FREEDOM OF ASSEMBLY?**
- How familiar are you with the contents of the PSNI Code of Ethics\*? What does it include?
- What would happen if you breached the Code? PROBE FOR - Do you realise that you could be disciplined? How?

## 3. Attitudes to Human Rights Training

- What sort of Human Rights training is the most useful? Why? What is not useful? Why?
- Have you been to a refresher course? Should there be more refresher courses? What topics should be covered? How often should refreshers take place?
- Where do you normally get information on Human Rights issues?
- PROMPT FOR Do you use the Human Rights 'Aide Memoire' (SHOW AIDE MEMOIRE)? Why/In what instances? Is it useful? Why/Why not? Should it be re-issued?
- Are you aware that Human Rights information is available on the PSNI intranet?
- How often do you access the intranet in general, and for Human Rights information?
- What is the best way for you to get information?

## 4. Impact of Human Rights on Job

- How has Human Rights impacted on your job? PROBE FOR POSITIVES AND NEGATIVES.
- How often in your job, does it come up? What instances? If seldom, why does it seldom come up? Does it make a difference if you are/are not in front-line jobs?
- Is there a TENSION BETWEEN PROTECTING HUMAN RIGHTS AND FIGHTING CRIME\*? If so, why?
- Who does Human Rights Legislation protect? PROBE FOR – criminal protection and victims/police officer protection?
- How are victims protected under Human Rights legislation? In what ways?



- When do you think lethal force can be used? PROBE FOR REASONS BEHIND – NECESSARY AND APPROPRIATE VS. ABSOLUTELY NECESSARY\* – What is the difference? Why is there a distinction?
- On issues such as arrest and detention – including access to a lawyer to those who have been arrested– do you think in terms of complying with PACE or in terms of complying with Human Rights? [i.e. are these issues considered to be PACE issues or Human Rights issues, or both/]

## 5. How to improve awareness of Human Rights Legislation

### Questionnaire:

- Did you fill out the questionnaire? PROBE FOR REASONS WHY/WHY NOT
- Why do you think some people did not fill it in?
- How easy was it to fill in? PROBE – In what ways? What types of questions were easy? (HAVE QUESTIONNAIRE AT HAND)
- Do you think Human Rights is worthwhile? Is it part of the PSNI culture?
- How do you think the PSNI should approach Human Rights in the future?
- How can the Policing Board monitor compliance with Human Rights, as against breaches (which are much easier to identify)? Suggestions?
- What is needed to improve knowledge of Human Rights across the PSNI? What do you suggest the PSNI does?

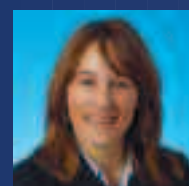
## 6. Other general issues and final comments

- Now, how good do you think your knowledge of Human Rights is?
- What's the most important thing for the future of Human Rights in the PSNI?
- Wrap-up discussion - address any other issues raised in the context of the discussion

That's the end of the discussion. As this is market research, it is carried out in compliance with the Data Protection Act and the information you provided will only be used for research purposes. Thank you for your participation.



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