

Policing with the Community? Patten's 'New Beginning' 10 Years On

In November CAJ's policing programme held a major event at the Radisson Hotel in Belfast. The conference, *Policing with the Community: Patten's 'New Beginning' 10 Years On*, was designed to explore the current state of police reform 10 years after the Independent Commission on Policing in Northern Ireland published its report, *A New Beginning: Policing in Northern Ireland*. The event was anchored in Patten's pivotal 44th recommendation, that policing with the community be the core function of the proposed new police service (PSNI) as well as every police station.

Over the course of two days, five keynote speakers and three plenary sessions utilised Patten's vision as a touchstone to critically assess how policing is operating. Former Patten Commissioners, Dr Maurice Hayes and Kathleen O'Toole, commended the amount of work that has been accomplished, whilst noting the need for continued change. Additional keynote speakers were Alyson Kilpatrick, Human Rights Advisor to the Policing Board, Chief Superintendent Nigel Grimshaw, PSNI and Dr. John Topping, Centre for Policing Studies, University of Ulster.

Plenary sessions were geared towards thinking critically about the accountability mechanisms and were followed by question and answer sessions. The first plenary focused on the Policing Board and asked how effective the Board is in holding the police to account. The afternoon plenary focused on the District Policing Partnerships (DPPs) to explore how well they function as mechanisms at the community level for facilitating effective community/police engagement. As envisioned by Patten, the DPPs are the crucial framework for the outworking of new community and police relations at the local level. The final plenary focused on local policing and the nature of relations on the ground. It was suggested that the everyday community/police interactions are actually 'critical moments' that can support

or hinder the development of community policing.

As a human rights organisation, a major focus area for CAJ is how well police strategies and policies incorporate the views and concerns of local communities. This is of particular concern with respect to those communities with historically difficult relations with the police. These communities often bore the brunt of the conflict. During question and answer sessions it was profoundly evident that stop and search policies and the policing legacy are significant factors that hinder the development of relations between the police and these communities.

This first conference will be used as a template over the next two years for events in situ in different districts. These events will focus on DPPs and explore how well they function as a mechanism at the community level for brokering the co-production of policing. Particular foci include: exploring ways to enhance DPP capacity to function as forums for promoting police and community partnerships and investigating the extent to which processes - defined in line with a police perspective - hinder working relations, practices, and procedures resulting in police, not community, empowerment. The proposed conferences

will also explore local policing initiatives and relations on the ground.



Dr John Topping, Centre for Policing Studies, University of Ulster, Mick Beyers, CAJ, Mike Ritchie, CAJ, Nigel Grimshaw, Chief Superintendent, PSNI, District Commander C District

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Policing conference agenda summary

18th November

Welcome & Chair of seminar

Mike Ritchie, Director, CAJ

Opening remarks

Mick Beyers, Policing Programme Officer, CAJ

Keynote Speaker:

Dr Maurice Hayes, Patten Commissioner
Former Northern Ireland Ombudsman and
Boundary Commissioner

Keynote Speaker:

Kathleen O'Toole, Patten Commissioner
Chief Inspector, Garda Síochána Inspectorate

Plenary - Northern Ireland Policing Board: Holding the police to account?

"A new beginning for democratic accountability is key to a new beginning for policing and to involving the community as a whole in the delivery of policing." (Patten, p.28)

Brian Rea

Plenary Chair & Vice-Chair, Northern Ireland
Policing Board

Alistair Finlay

Assistant Chief Constable, Urban Region, PSNI

Dave Jones

Assistant Chief Constable, Rural Region, PSNI

Alex Maskey

Chair, Community Engagement Committee

Basil McCrea

Chair, Human Rights & Professional Standards
Committee

Plenary - District Policing Partnerships: Effective engagement with the police?

"The function of the DPP(B)s should be advisory, explanatory and consultative. The Boards (sic) should represent the consumer, voice the concerns of citizens, and monitor the performance of the police in their districts..." (Patten, p.35).

Mary McKee

Plenary Chair & Vice-Chair, Human Right &
Professional Standards Committee and Member
of Community Engagement Committee

Jennifer Cornell

North Belfast District Policing Partnership Sub-
Group

Mark Hamilton

Chief Superintendent, District Commander 'A'
District (North & West Belfast), PSNI

Rosie McCorley

West Belfast District Policing Partnership

John O'Doherty

Former Vice-Chair, South Belfast District Policing
Partnership Sub-Group

19th November

Chair of Seminar

Mike Ritchie, Director, CAJ

Keynote Speaker: *Policing with the Community:
Implications for Human Rights*

Alyson Kilpatrick, Human Rights Advisor,
Northern Ireland Policing Board

Plenary - Local Policing: Policing in Partnership?

"Partnership is a matter of policing style, but it is also an attitude of mind, both for police officers and for the public. It is at least as much a matter of philosophy as it is one of method, and it amounts to a profound shift in police thinking and community thinking." (Patten, p. 41)

Jim Auld

Plenary Chair & Director, Community Restorative
Justice Ireland

Gordon Douglas

Community Affairs Manager, Queen's University
Belfast

Derek Hanway

Director, An Munia Tober, Travellers support
programme

Patricia Lyness

Belfast & Lisburn Women's Aid
Vice-Chair, The Women's Reference Group

Robert Murdie

Chief Inspector, Central Neighbourhood Policing
Unit (City Centre) 'B' District, (South & East
Belfast), PSNI

Keynote Speakers: *Future Visions for Policing*

Nigel Grimshaw

Acting Assistant Chief Constable, Criminal
Justice, PSNI

John Topping

Centre for Policing Studies, University of Ulster

Closing Remarks

Mike Ritchie, Director, CAJ

Human Rights and the District Policing Partnership

For almost twenty-five years I have lived and worked in North Belfast, primarily but not exclusively in the Greater Shankill. I have no personal animosity towards or distrust of the police, and in my previous work I had good working relations with all levels of the District Command. However I am conscious of the potential for error, if not abuse, by any body in which so much power is concentrated. It is this consciousness which guides my current work with the Participation and Practice of Rights (PPR) Project. Through that work, I have had the opportunity to meet residents from many of North Belfast's most disadvantaged and marginalised communities. It is their views that I seek to reflect as an Independent Member of the North Belfast DPP Sub-Group.

The current North Belfast Sub-Group has worked hard to provide opportunities for ordinary citizens to discuss their experience of policing. We have tried, for example, to ensure that our public meetings are held as much as possible in the natural hearts of North Belfast's many communities, and have made a particular effort to consult with those perceived as 'hard to reach.' Despite these efforts, my impression is that while residents are 'comfortable' with the DPP, they remain dissatisfied with it as a mechanism through which to express their views. Given the limitations of that mechanism, this is hardly surprising. We hold meetings in public - not public meetings, which make citizens into spectators, not participants.

The fact that the Area Commander's Quarterly Reports are unavailable to the public prior to the meeting at which they are reviewed further limits the public's ability to engage critically with the information presented. It has been too easy under such circumstances for DPP Members to fixate on minutia, interrogating figures the police have provided in response to questions that may have been the wrong ones to ask. Similarly, the questions posed by members of the public sometimes reflect frustrations arising from personal experience. Both phenomena reveal how infrequent and inadequate the opportunities are for ordinary citizens to bring their concerns to the attention of those whose duty it is to ensure efficient, effective public services.

Not all these concerns are within the power of the District Command level PSNI to address, some concerns could and should be addressed by the Policing Board. The public would be far less dissatisfied with the experience if a member of that Board were to attend even one meeting in public of each DPP every year.

Not surprisingly, attendance by members of the public at virtually every North Belfast Sub-Group event since April 2009 is down significantly from last year, and the response

to DPP surveys and questionnaires is notoriously low. From those who do attend the consultation events, the same concerns arise repeatedly: disrespectful or dismissive front desk service; lack of follow-up, either with victims or with those offering information; invisibility of police on the street; and failure to act on information provided. The consistency and recurrence of these complaints fuels the belief of many residents that expressing their views about what needs to change does not guarantee that those views will be heard, let alone applied.

It has not escaped public notice that independent members tend to be disproportionately represented at consultation events compared to political members, of which there are more. As DPP members, we are obligated to attend only our private meetings and meetings in public; we could, if we chose, avoid consulting directly with residents altogether, despite the fact that doing so reveals so much about how policing is experienced on the ground, and is a rich source of constructive suggestions for improvement. Until consultation is given the weight it deserves when appraising performance, the critical importance of the DPPs consultative role and effectiveness will continue to be undermined.

There can be little doubt that in some North Belfast communities, the PSNI needs to 'build, broaden and sustain confidence' not so much in the service it delivers, but in the service itself. The task for the police in these communities is not one of continuation, but of restoration: there is a disconnect between the police and the community which must be repaired.

The DPPs were meant to provide one mechanism through which that relationship could be improved, but they have been set into soil before it was turned. The partnership which Patten envisioned would be difficult to achieve even by the best intentioned and most earnest participants. Genuine partnership depends on good communication, and in my experience it does seem to be true that the police and the people communicate differently. Ideally there would have been more exchange between the two cultures, and a greater acceptance of the variations in their analytical habits, before the DPPs began their work. Instead, under pressure to signal our commitment to change, we have prioritised the creation of new structures, and hoped they would enable the real transformation on which they depend.

But it is not too late. North Belfast is home to a number of innovative community-driven initiatives designed to improve mutual understanding between local people and the PSNI. It is through these efforts and not the DPPs, that a shared philosophy of policing will evolve.

Jenny Cornell (North Belfast Sub-Group)

The Patten Bequest

Dr Maurice Hayes was a member of the Patten Commission. He is a former Northern Ireland Ombudsman and Boundary Commissioner and was Permanent Secretary of the Department of Health and Social Services (NI). Today, Maurice is Chair of the National Forum on Europe, the Garda Act Implementation Group, and the Garda Síochána Senior Management Review.

Dr Hayes was keynote speaker at the recent CAJ conference, held in November, where he reflected on the success of the implementation of the Patten Report to date and discussed some of the challenges which lay ahead.

“Ten years on is as good a time as any to look at progress on the Patten Report. Change in any organisation, even when it is not prescribed in an uneasy transition out of open conflict, and in the middle of civil unrest and political controversy, is always slower than might have been expected. Ten years was probably the subliminal timescale in which the Commissioners envisaged change taking place.

That so much has been achieved in so short a time is a great tribute to all concerned and I am glad to pay it on behalf of my colleagues on the Commission. What we did was to provide a blue-print, to map a way forward. That was the easy bit. After that, the hard work depended on many people. I would pay tribute to the police and to those who led them and maintained efficiency and morale through a period of unparalleled change, while continuing to provide a service at the same time. It was rather like changing a washer on a tap with the water still flowing.

A police service likely to meet the requirements of the Agreement would have to meet the test of effectiveness, impartiality, accountability, a culture of human rights and an organisational structure conducive to consultation, co-operation, delegation and subsidiarity. We also saw policing as a matter not only for the police but as a collective responsibility, a partnership for community safety avoiding the traditional “them” and “us” concept of policing.

To meet the requirement of accountability, the Commission had recommended the involvement of locally elected politicians at every level – on the District Policing Partnerships, on the Policing Board, and ultimately, after the transfer of responsibility for policing, in the Northern Ireland Assembly. The Report required that the first statutory duty of the Policing Board should be to hold the Chief Constable and the policing service to account. Operational independence was redefined as operational responsibility within agreed policies and an interlocking series of policing plans and strategic documents worked out in agreement with the Policing Board and ultimately approved by the Minister.

As it was, the Bill (Police (Northern Ireland) Act, 2003), when published, fell far short of the ideals of the Report – to the extent that it required some 150 amendments to get it back on the rails. With Unionist parties opposing and Sinn Féin abstaining in the parliamentary debate, it was left to the SDLP to carry the fight for the Report. In this context, the efforts of Seamus Mallon and Eddie McGraddy should not be underestimated, any more than the courage of many of their party colleagues in later taking up places on the Policing Board and District Policing Partnerships in the face of intimidation, abuse, attacks on property and threats to life and limb.

Most of the public debate centred on the more political issues such as the name, the symbols and 50/50 recruitment. Of equal importance, and fundamentally destructive of the Report, were attempts in the Bill to reduce the influence of the Policing Board, to shift the balance of power back to the Secretary of State and to emasculate the DPPs. This largely reflected the culture of the NIO and those who had had

charge of policing under one label or another over the years. Having looked at policing through one set of lenses, they were not likely to embrace change of this order. There was also a desire to keep policing in “safe hands” and a deep distrust of elected representatives. As the structures bedded in and were seen to work, as young Catholics joined in numbers and as the PSNI showed an even-



Dr Maurice Hayes

handed competence under the leadership of Hugh Orde, Sinn Féin were ultimately forced by community and political pressure to come on board. The final proof of acceptability was the ability of the Policing Board to agree unanimously on the selection of a new Chief Constable in succession to Sir Hugh Orde and for Sinn Féin leaders to welcome his appointment.

There is still much to be done. Peace has been achieved, but the threat from dissident Republicans remains a nagging reality. Full implementation of the Patten Report would do so much to draw support away from the dissidents by demonstrating that politics can be made to work. Community Policing has not been achieved, nor the devolution of budgets. Indeed, the rush by the PSNI to abandon the 27 district command structure for one based on six or seven in anticipation of local government reorganisation reflects a rather old-fashioned appetite for centralised control that runs counter to the Patten vision.

Of the things that remain to be done, perhaps the most immediately demanding is the transfer of responsibility for policing and criminal justice to the Northern Ireland Assembly. Accountability is a dominant theme of Patten. Accountability to the elected representatives of the people of Northern Ireland sitting in a devolved Assembly at Stormont was seen as a necessary key-stone to the structures of accountability. It makes clear that, in a democratic society, the police, besides being accountable to the law, have a duty to give an account of themselves to the elected representatives of the society they serve. The eternal question, posed by Juvenal as *'Qusis custodiat ipsos custodies?'* *'Who polices the police?'* requires an answer, and this is it.

A related, but important recommendation is that the powers of the Policing Board should in no way be diminished when the governmental role in the tri-partite arrangements involving the Secretary of State, Chief Constable and the Policing Board passes to the Northern Ireland Executive.

The structures proposed in the Report are carefully designed to secure accountability while protecting day to day policing from political interference. No politician should be able to direct who should be apprehended or prosecuted

and who not, what law should be enforced and what ignored; neither should the Chief Constable be able to operate outside the requirement to do so within approved policing plans and budgets, and the requirement to be accountable to politicians for his actions and the performance of the police service.

The Report went out of its way to emphasise that it was about policing, not simply about the police. Policing was defined as a matter for the whole community, not something the community leaves the police to do. If war is too serious a matter to be left to the generals, policing is too serious to be left to the police – nor should they wish it so. It is also recognised that there were agencies which provided for or assisted in public safety and the quality of life – education, social services, housing, youth and community groups, voluntary bodies and others in the private sector. The essence of policing was to synchronise their efforts to the benefit of a safe society.

I do not doubt that the ethos of service to the community is fully embraced by the PSNI as an organisational imperative. I am not so sure that it is expressed at operational level in a form of policing that differs from traditional British policing methods.



Katherine O'Toole and Dr Maurice Hayes

The Commissioners believed that ultimately, the test of acceptability could be met not by public relations campaigns, marketing exercises or rebranding initiatives, but by the performance of the police themselves and the judgement of society. "By their good deeds, ye shall know them," as Michael Staines, first Commissioner of An Garda Síochána put it in more troubled times in 1922, in relation to the unarmed police force he was setting up in the middle of a civil war. (The police)... "will succeed, not by force of arms or numbers, but on their moral authority as servants of the people."

This must remain the ultimate test of acceptability.

Dr Maurice Hayes
Former Patten Commissioner

Policing with the Community and a Human-Rights-Based Approach: Friends or Foes?

Introduction

The Committee on the Administration of Justice conference provided an opportunity to reflect on policing with the community ten years after the Independent Commission on the Future of Policing in Northern Ireland (the Patten Commission), reported in 1999. The Patten Commission considered whether, and if so, what changes were required and provided a blueprint for modern policing. Two principles emerged clearly from the Patten report: a human-rights-based approach to policing; and, policing with the community. The report is underpinned throughout by a vision of policing which is based upon meaningful engagement, community consent and police accountability. The conference, in which I participated on the interaction between human rights and community policing, encouraged a challenging yet rewarding debate and certainly informed me about the role I should be performing as independent human rights advisor to the Northern Ireland Policing Board. I congratulate all at CAJ on a most successful

conference, which has contributed greatly to policing in Northern Ireland and has reinvigorated all involved in the delivery of Patten's vision.

Human rights and policing with the community – key themes

With the coming into force of the Human Rights Act 1998, all public authorities are under a duty to act in a way which is compatible with the individual rights and freedoms contained within the European Convention on Human Rights (ECHR). The Patten Commission required the PSNI to adopt a human rights approach both in the technical and behavioural sense. The technical aspect is straightforward enough; it envisages a police service which has human rights embedded within all policy documents and a mechanism for quantitative review of policy and procedure. What is more difficult is the integration of human rights principles as a core function of policing and which is practically delivered in all police business.

Unless and until all police officers understand and apply human rights principles to their day to day activities and attach value to them, we will not see human rights compliance achieved in the behavioural sense. The Policing Board will continue to monitor the PSNI in respect of its compliance with human rights provisions and in doing so will be focusing on a qualitative analysis of PSNI policy and procedure.

The Patten Commission also recommended that policing with the community should be a core function of the police service and every police station and, by extrapolation, every police officer. The Police (NI) Act 2000 requires the police to carry out their functions in co-operation with, and with the aim of securing the support of, the local community. Policing with the community is a style of policing to meet local community needs; it is not a specialist form of policing. Rather, it is or should be the core philosophy of the PSNI and its means of delivering its service. The PSNI has expressed its commitment to this model and revised its policing with the community strategy.

Respect for and protection of human rights is central to such a policing model – they are inextricably linked. If the PSNI is committed to a policing with the community model, it must be committed to ensuring meaningful engagement, community consent and police accountability. The PSNI must embrace a human rights culture in genuine and practical

partnership with the community. But how is that achieved? I suggest it starts with a dynamic dialogue in which the community can express its views and concerns to the police and the police can report back to the community and explain its actions. This requires a paradigm shift; a change in attitude of the community and the police alike.

We must challenge any rhetoric that suggests human rights protection is a mechanism to protect those people who put the community in danger. The Human Rights Act does not value individual rights at the expense of the community; it provides a model for a functioning community within which



Mick Beyers (CAJ), Alyson Kilpatrick and Aideen Gilmore (CAJ)

certain rights can be limited. A police service is there to protect the human rights of all members of the community. The police officer is the first line of defence in the struggle for human rights. There is no conflict between human rights and policing with the community because policing is the protection of human rights. The police fight crime, they maintain public order but they do so in association with the community and for the benefit of the community.

Any departure from a human rights based approach, any temptation, for example, to use unnecessary force to secure arrest or to exert pressure for a confession is counter-productive to community policing and the rule of law. The protection by the PSNI of the human rights of all members of the community will enable the PSNI to maintain legitimacy and provide a more effective and efficient policing service. Human rights compliance is never an impediment to 'good' policing. The violation of human rights never contributes to the maintenance of public order and security – it only exacerbates their deterioration. Without human rights protection, community co-operation and confidence is lost and any policing with the community strategy is ineffective.

Has Patten's vision been achieved?

I suspect the answer to that is 'not yet.' The PSNI recognises it has a long way to go to achieve the dual concepts of human rights compliance and policing with the community but appears to be moving towards it. Despite the progress made in Northern Ireland, there remains a deficit of trust within community-police relations and while we have to recognise that the police service is facing particular challenges, a continuation of human rights protection and policing in partnership with the community is, surely, the PSNI's best strategy for meeting those challenges. That is particularly important with, for example, the use of force, stop and search and covert policing, which may expose the PSNI to criticism and involve necessarily difficult interactions with the community. It is therefore essential that the boundaries for police action are defined by human rights principles. On behalf of the Policing Board, I will continue to monitor and report upon PSNI compliance but will do so this coming year with a renewed focus on the community. I will be conducting thematic inquiries which will take as their foundation community engagement. Who can tell us better whether the PSNI are behaving as they should than those members of the community who are policed by the PSNI? Eventually, the community will police with the PSNI.

Conclusion

Speaking shortly before his return to England, the former Chief Constable, Sir Hugh Orde, acknowledged that success thus far would not have been achieved "*If it hadn't*

been for the willingness of communities that didn't historically want to engage, to engage." I respectfully agree with him. If the PSNI is to build upon progress to date, it must do so, and can only do so, with the support of the community but that support will be lost unless the police embrace, in a meaningful way, human rights protection for all members of the community. The shared objective must be to ensure compliance with human rights in everything the PSNI does. Human rights compliance is not a luxury or even an aspiration – it is a legal imperative and a practical requirement. The best friend the policing with the community strategy can have is a service wide human rights based approach.

Alyson Kilpatrick BL
Human Rights Advisor to the Northern Ireland Policing Board

Symposium Announcement

March 2010

Stop and search powers: Policing 'with' the community?

This symposium will explore the use of Section 44 stop and search powers and the impact on relations between the community and the police.

More details to follow

Civil Liberties Diary - November

4th

In the Assembly, the Ulster Unionist Party puts forward a motion stating that advice from the Human Rights Commission on a Bill of Rights was incompatible with the Good Friday Agreement. On the same day, the Progressive Unionist Party calls on the Secretary of State to publish a consultation document without delay.

6th

PSNI Chief Constable, Matt Baggott, announces he is happy with the £1 billion financial package secured for the devolution of policing and justice powers and is ready and willing for the move to go ahead.

9th

The Department for Employment and Learning defends the help it is providing to migrant workers in Northern Ireland. This follows criticism from NICEM that English language courses should be offered to unemployed foreign workers. This group, particularly Polish workers, are three times more likely to be unemployed.

11th

A Co. Derry couple launch a High Court bid to stop the destruction of stored embryos. Continued retention of their embryos at the regional fertility centre in Belfast is classed as illegal under the Human Fertilisation and Embryology Act.

The PSNI request a delay in disclosing secret reports into security force shoot to kill incidents until next year. The force blames the delay in adhering to a coroner's order on "the volume and nature of the material to be processed and the complexity of the issues involved."

17th

Patricia Coyle, solicitor for the last man to face the death penalty in Northern Ireland, announces she is to seek access to a secret dossier as part of attempts to overturn his conviction. Liam Holden was

sentenced to death in 1973 but commuted to life imprisonment instead. He alleges a confession followed torture.

19th

In a letter to the Secretary of State, First Minister Peter Robinson claims the Eames-Bradley report could threaten the peace process if implemented. He criticises the report for having abandoned basic moral principles in a search for consensus.

20th

SDLP Policing Board member, Alex Attwood, proposes that political oversight of the PPS should be included as part of deep reform of the organisation.

25th

Human Rights Watch publishes its investigation into British complicity in torture. The NGO said there was clear evidence of the UK government's involvement in the torture of its own citizens when in Pakistani custody. The organisation called on the Attorney General to direct a police investigation into the evidence.

30th

The Policing Board is asked to investigate events surrounding sectarian violence in Portadown amid claims that police had been aware of the potential for trouble for weeks. Ten officers were injured in disturbances by a loyalist mob.

The Northern Ireland Secretary of State, Shaun Woodward, publishes a consultation document on the proposed Bill of Rights for Northern Ireland.

Compiled by Mark Bassett from various newspapers

CAJ would like to wish all its readers a Merry Christmas, a Happy New Year and best wishes for 2010.

Just News

Just News welcomes readers' news, views and comments.

Just News is published by the Committee on the Administration of Justice Ltd.

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