

**Commentary by the
Committee on the Administration of Justice (CAJ)
on the NIO Implementation Plan
relating to the Patten Commission¹ report (June 2000)**

BENCHMARKS FOR OVERSIGHT COMMISSIONER

(April 2001)

INTRODUCTION

The Patten Commission made 175 recommendations regarding the future policing of Northern Ireland. Many of the recommendations required a statutory basis, and the government introduced legislation. The initial draft of the Policing (NI) Bill was in the eyes of many, CAJ included, far from what Patten envisaged. Accordingly, numerous amendments were laid in the course of the parliamentary process, and many substantive changes were made. While there are many outstanding problems in the legislation - the Police (NI) Act 2000 secured Royal Assent in November 2000.

Not all of Patten's recommendations required a legislative base and many have not been subjected to much public scrutiny or debate since the Patten report itself was issued in September 1999. In June 2000, the government issued an Implementation Plan² addressing each of the 175 recommendations, indicating which would be dealt with by way of legislation, which would not, and which agency would play the lead-role in implementation. This document received relatively little public attention at the time. CAJ understands that that version of the Implementation Plan is currently being revised, and that a further issue will be published in the near future. However, until the June 2000 Implementation Plan is formally revised, it is this document which, together with the Patten report itself, will be the measure against which the public can assess policing change. The delays to date in re-issuing the report have led us to conclude that we should issue our own interim response, up-dating this as necessary once the final version of the Plan is eventually published.

Patten had recommended that an eminent person from neither Britain nor Ireland be appointed to oversee and keep people informed of policing change. A former leading US law enforcement officer (Tom Constantine) was appointed on 31 May 2000. Patten had recommended that the Commissioner report regularly and publicly on the "*progress achieved, together with his or her observations on the extent to which any failures or delay are the responsibility of the policing institutions themselves or due to matters beyond their control*" (para 19.3). According to Patten, the post should provide more than a stock-taking function, and the review process should provide an important impetus to the process of transformation (*ibid*). In pursuance of this goal, the terms of reference for the Commissioner state that he "*will be responsible for*

¹ The "Patten Commission", named after Chris Patten its chair, was a Commission into Policing for Northern Ireland, established pursuant to the Good Friday Agreement. The Commission reported in September 1999.

² Report of the Independent Commission on Policing for Northern Ireland: Implementation Plan, Northern Ireland Office, June 2000.

overseeing the implementation of the changes in policing arrangements and structures decided on in the context of the Patten report".³ The importance of this vital element within the change management process was explicitly recognised when the post of Oversight Commissioner was placed on a statutory basis in the course of the passage of the Police Act.

CAJ has now had a number of meetings with the Oversight Commissioner and, most recently (in February 2001), the organisation facilitated a meeting between the Oversight Commissioner, his team, and Experts from the Council of Europe. The Council of Europe comprises 41 member states, and has as its objectives the promotion of pluralist democracy, respect for human rights and the rule of law throughout the European region. As such, the organisation has long had an interest in policing and human rights, and recently funded a major 3-year programme on the topic. The Secretary General, and the staff engaged in that programme, have made it clear that the transition to policing in a peaceful society in Northern Ireland is a priority project for the Human Rights Co-operation and Awareness Division at the secretariat. The Council of Europe met with members of the Patten Commission in Belfast, and subsequently invited them to Strasbourg. Accordingly, the Council responded positively when asked to meet with the Oversight team with a view to sharing their experiences of overseeing policing change elsewhere.

The meeting was very fruitful, since it was quickly apparent that, even though the task of the Oversight Commissioner is immense and unique, there is extensive European experience that can be drawn upon. Accordingly, CAJ has made a close study of the various Council of Europe documents and texts that were conveyed to the Oversight Commissioner. One document is particularly relevant, in that it is the most recent attempt (December 2000) at a pan-European level to draw up a series of policing benchmarks. The publication is entitled - "Policing in a Democratic Society: is your police service a human rights champion?"

In the following circular, CAJ has tried briefly to indicate what Patten recommended, how these recommendations are addressed (or not addressed) in the legislation and Implementation Plan, relevant Council of Europe policing benchmarks, and consequently the issues that the Oversight Commissioner will want to look at most particularly in the course of his work.

HUMAN RIGHTS (Recommendations 1-7)

(a) *Patten's proposals*

Patten said "*it is a central proposition of this report that the fundamental purpose of policing should be, in the words of the Agreement, the protection and the vindication of the rights of all*". In pursuance of this principle, Patten made a number of specific recommendations relating to human rights. He called for a "human rights based approach to policing" (recc. 1); an oath for new and serving officers committing

³ Note that this text is taken from the Terms of Reference agreed for the Oversight Commissioner, prior to the position being given a statutory basis. CAJ is unsure whether these terms of reference will be amended in the light of legislative changes.

themselves to upholding fundamental human rights (recc 2); a substantive Code of Ethics (recc 3); human rights training to permeate all aspects of the curriculum (recc 4); an appraisal system which assesses a police officer's human rights record (recc 5); the appointment to the police staffing complement of a human rights lawyer (recc 6) and the responsibility of the Policing Board to monitor overall police performance in terms of human rights standards (recc.7).

(b) *The legislation and Implementation Plan*

While there were several statements on the part of government endorsing the central thrust of Patten on the importance of human rights, there were only three references to human rights in the initial text. The first draft of the police legislation made one mention of human rights in the language of the oath for new police officers, and two relating to the Human Rights Act. The Human Rights Act of course applies throughout the UK and accordingly does little to reflect the special and new priority that Patten wanted to place at the heart of policing for Northern Ireland. No reference at all was made to the NI Human Rights Commission (NIHRC). In the final text, this latter oversight has been somewhat rectified, but government resisted the proposal that the NIHRC be a consultee on plastic bullet guidance; refused to require serving officers to swear an oath to uphold human rights; and resisted a whole series of amendments which tried to ensure that policing would be carried out within the framework of international human rights norms and standards.

(c) *Council of Europe Policing Benchmarks*

The Council of Europe, like Patten, cites human rights as a necessary core value of policing. A number of tests are devised for assessing whether that value is being properly inculcated in the police arrangements, and a number of indicators are cited appropriate to each test. Some of the tests and indicators are as follows:

- ◆ ***How are human rights made relevant to police work? What awareness of human rights is there?*** Indicators that such a test is being met include: Human rights are mentioned in national police legislation, official policy statements, mission statements, codes of conduct, operational documents etc. Human rights are clearly visible in teaching and training, in the provision of oral and effective commitment by managers, and that human rights performance is a criterion for promotion.
- ◆ ***What guarantees does your police service have against, say, arbitrary or excessive use of power or force?*** Indicators that this test is being met include: instruction, training and supervision in place, internal and external investigations, judicial review, recording of police use of force, automatic and independent review in cases of force, preventive measures in place to combat ill-treatment and torture.
- ◆ ***To what extent are human rights effectively respected and supported?*** Indicators that this test is being met include: number and types of complaints, number and types of sanctions imposed, adverse press reports, criticisms by non-

governmental organisations, % of defendants released due to inefficient police work or police "mistakes".

- ◆ ***What measures are taken to ensure that all citizens are treated equally, irrespective of race, gender, religion, language, colour, or political opinion?*** *Indicators that this test is being met include:* recruitment of officers to represent all sections of society, instruction and training in the principles of non-discriminatory practices.
- ◆ ***To what extent are the principles of human rights incorporated into key operational documents? How are dilemmas and potential conflict situations addressed within policy documents?*** *Indicators that this test is being met include:* Inclusion of human rights principles in relevant documents, documents supervised, number of claims, number of guilty pleas, regular reviews of logs etc.
- ◆ ***What measures are taken to prevent the use of excessive use of force?*** *Indicators that this test is being met include:* Presence of supervisors, information to lawyers, recording of proceedings on tape and video, medical check ups, NGO relationships, audit trail etc.

(d) Next Steps - the Oversight Commissioner

As indicated above, a basic indicator of the commitment to human rights would normally be looked for in the police legislation, and in the legal definition of the work of the Policing Board. The unwillingness of the government, during the parliamentary discussion of the legislation, to include explicit reference to international human rights standards and norms on the face of the Bill signals an important lost opportunity in this regard. Similarly, the decision to require all new recruits to uphold human rights, but not make the same demand of current serving officers, was highly unfortunate.

At the same time, from the perspective of the Oversight Commissioner, this simply means that it is all the more important that he and his team monitor such concerns in the context of the monitoring of the fuller Implementation Plan.

For example, it would be important, if the term "human rights" is not to be solely synonymous with the Human Rights Act, that the Chief Constable and Policing Board address the issue of *international human rights norms and standards* in drawing up their comprehensive programme of human rights action (see especially in this regard rec. 142). If the oath is not to be taken by serving officers, the *Code of Ethics* will have to bear the additional weight that the oath was intended to serve. For example, Patten formulated the new oath in such a way to ensure that officers would not be able to give other oaths (to Masonic or other such groups) precedence over their loyalty to the police (see para 15.15). The Chief Constable and Policing Board will have to address this specific problem in formulating the Code of Ethics.

Clearly if human rights is to be central to all future policing arrangements, training is a vital building block. Indeed, training is a vital tool in bringing about the kind of organisational and cultural change that is necessary. The Training, Education and Development strategy to be determined by the Chief Constable and Policing Board

should be a key tool in bringing about effective change. Yet institutional change cannot come solely from within the institution itself - the *Oversight Commissioner will need to monitor the process very closely* to ascertain the extent of genuine involvement of non-police personnel in the design and delivery of police training. In due course, the Commissioner will also be expected to make public his evaluation of the new human rights training. A preliminary report on RUC training around the Human Rights Act, issued by the NI Human Rights Commission, and placed in the House of Commons Library, certainly leaves no room for complacency.⁴

The Implementation Plan conforms to Patten's recommendation to appoint a *human rights lawyer*, but it is unclear if this person is to be appointed on a permanent or solely a consultancy basis. Moreover, Patten recommended that "this lawyer should be consulted about proposed police operations that raise human rights considerations" (para 4.11). It will be interesting to study the eventual job description and role established for this function.

No reference is made in the Implementation Plan as to how the Police Board will *monitor the human rights performance of the police*, other than to refer to the legislative provisions which have been made. It will be vital that the Police Board determine how best to monitor police compliance with the Human Rights Act, and what additional human rights standards it needs to be aware of, and ready to monitor. Concretely, for example, the police in public order situations, when resorting to plastic bullets, are meant to act in accordance with the UN Code of Conduct for Law Enforcement Officials. In order to monitor compliance, the Board itself will need to be knowledgeable about such standards.

Accordingly, to reassure the public that the Patten programme for change is being complied with, the reports of the Oversight Commissioner will need to:

- ◆ Comment on the extent to which human rights principles been integrated into police policies, mission statements, programmes and training
- ◆ Comment on the nature and efficacy of record-keeping systems in ensuring internal accountability
- ◆ Comment on the elaboration of a Code of Ethics and any concerns regarding its content; monitor the extent to which officers (new and old) are aware of and abiding by the new Code of Ethics; report on any disciplinary problems that have arisen in relation to the new oath and the oath's principles as formulated in the Code of Ethics; report on introduction of any specific anti-discrimination policies
- ◆ Comment on any problems arising as between this Code and the issue of notifiable associations (see on - page 22)
- ◆ Evaluate the effectiveness of the training programme in delivering human rights' oriented policing and/or comment on the external validation of same
- ◆ Ascertain the extent of involvement of non-police entities (especially groups working on human rights, at community level, with children, with ethnic minorities) in the design as well as the delivery of police training

⁴ See "Report on the RUC's Training on the Human Rights Act 1998" by the NIHRC, dated 27 October 2000, and extensive Hansard discussion of the shortcomings highlighted in the report, 21 November 2000.

- ◆ Elsewhere (see page 19) there is reference to the appraisal system to be introduced: the Commissioner should assess the extent to which the system has been a matter of wide consultation, and should assess its effectiveness, with particular reference to its human rights component
- ◆ Comment on the extent to which the decision to appoint a human rights lawyer on a consultancy rather than a permanent basis is wise; monitor the operation of this post; advise on the extent to which the incumbent is being involved in the pre-planning of operations which have human rights implications; and advise as to whether the human rights assessments carried out by this lawyer are being made available to the Policing Board
- ◆ Comment on the extent to which the Policing Board, which is meant to oversee police performance on human rights, is equipped to do so and what training needs, if any, they require in this area

ACCOUNTABILITY - (Recommendations 8-43)

Policing Board

a. Patten's proposals

A new Policing Board should be created (recc 8) with the function of holding the Chief Constable and police service publicly to account (recc 9). Objectives and priorities are to be set by the Board and a whole series of responsibilities were to be included in the legislation (see reccs. 10-14). The Board was to work closely with other bodies (recc 15) and was to be a mixture of political party appointments and independent members (reccs 16-19). Patten argued for the early devolution of policing to the Northern Ireland Executive (reccs 20-21) and a clarification of roles in the tri-partite relationship of Secretary of State, Chief Constable, and Policing Board (reccs 22-23). Patten reiterated that the Chief Constable should be deemed to have operational responsibility (recc 24), but that the Policing Board should have the power to call for reports and initiate inquiries (reccs 25-26).

b. The legislation and Implementation Plan

Nearly all of these recommendations required a legislative basis, and they are accordingly addressed in the context of the Police (NI) Act. Whereas some of the issues did not appear in the draft legislation, or were disputed in the course of parliamentary debate, many of Patten's recommendations with regard to the Policing Board now have a statutory basis. The outstanding concern from a human rights perspective is the hedging of Police Board powers in the area of initiating inquiries. Patten had clearly intended this to be an important power, since "*without such an obligation (on all members of the police service to cooperate with any inquiry), the Board would be dependent on reports from the Chief Constable, with no effective follow-up capacity*".

There is very little in the Implementation Plan relating to the Policing Board which needs commenting upon - any differences in interpretation around Patten's recommendations took place mainly in the context of the parliamentary debate around

the legislation. There is however one important misleading statement in the June 2000 version of the Plan - a misunderstanding which also unfortunately arose in the parliamentary debate. So, in discussing the inquiry powers of the Board, there is an explicit claim that Patten thought the inquiry powers proposed for the Board to be "extreme". This is simply incorrect. In contrast, Patten had said that the Board's power to ask the Chief Constable to retire was extreme, and it was precisely to avoid having to resort to such a power, that the Commission thought it so crucial that the Board have alternative levers of influence - including the power to call for reports and inquiries (para 6.23).

It should be noted that the decision to advertise the positions of the independent Board members, and to set a deadline for applications prior to the completion of the legislation, might well have had some impact on the calibre and nature of those people putting themselves forward. However, since no appointments have been made at the time of writing (several months after the interviews were held), it is not clear what government intends to do about this, if anything.

c. Next Steps - the Oversight Commissioner

Accordingly, to reassure the public that the Patten programme for change is being complied with, the reports of the Oversight Commissioner will need to:

- ◆ Monitor the extent to which the political members take up their positions on the Board, and the nature of any problems arising in this area
- ◆ Monitor the composition of the independent members - do they in fact reflect the community they are intended to serve; and do they, individually and collectively, have the necessary expertise "to set policing priorities and to probe and scrutinise different areas of police performance, from management of resources to the safeguarding of human rights" (recc 17)
- ◆ Ascertain whether any particular difficulties have arisen in the transition phase, whereby the incoming Policing Board has not had sufficient opportunity to direct and orient major new initiatives that may have been set in motion by others (eg Code of Ethics, training, Codes of Practice etc)
- ◆ Comment also on any transitional problems arising around staffing questions. Patten recommended a small but expert staff - what has happened in terms of redundancies for former Police Authority staff, and are any new issues arising as a result of this major organisational change?
- ◆ Ascertain whether the legislation allows the Policing Board to carry out all the responsibilities envisaged for them by Patten
- ◆ Determine if there are there any non-legislative obstacles preventing the Board from exercising the functions envisaged for it by Patten: have any problems arisen for example in the Board's outreach to working closely with other statutory groups?
- ◆ Comment on how the Board carries out its work - in terms of setting objectives, planning, priority setting, financial oversight, and work with other agencies.
- ◆ In due course, comment on the extent to which the Board's reporting and inquiry powers have proved sufficiently robust in practice.

District Policing Partnerships (DPPs)

a. Patten's proposals

The legislation has empowered District Councils to establish District Policing Partnerships with a mix of independent and party political appointees (recc. 27). Instead of accepting that the Belfast DPP should establish four sub-groups covering North, South, East and West Belfast (recc 28), parliament agreed that it was for the Chief Constable to determine how many police districts to create for Belfast (up to a maximum of four), and that the DPP should establish a sub-group for each police district so established. Patten argued for monthly meetings in public at which the police would present reports, and for the DPP's views to be taken fully into account (recc 29), for published annual reports (recc30), and for spending and rate-raising powers (reccs 30-31). The Patten report argued for more localised consultative fora (recc 33), for regular contact between the DPP and the Policing Board (recc 34) and for transparency and public accountability by the Board, the DPP, and the police (reccs 35-37).

b. The legislation and Implementation Plan

Some of these recommendations required to be given a legislative basis and do appear on the face of the Bill, but in some important respects the vision of Patten for the local Partnerships has been watered down. According to the Implementation Plan, "*the Secretary of State has decided that the new bodies...at least initially should have consultative rather than executive functions*". This presumably explains the slight change of name - from Patten's District Policing Partnership Boards to District Policing Partnerships? This also presumably explains government's decision not to give the DPPs rate raising powers, though the Implementation Plan notes that "*the issue of their (DPPs) having powers to purchase services on top of normal policing or to contribute to the policing budget will be considered as part of the outcome of the Criminal Justice Review*". Given that the Criminal Justice Review was completed in the Autumn of 2000, any revised Implementation Plan will presumably address this issue in some detail.

Patten made a number of comments on the method of operation of the DPPs, but it will be difficult to assess the extent to which these recommendations have proved acceptable to government until the Code of Practice promised to cover the work of the DPPs has been drafted and circulated for study. The Code of Practice is promised for May 2001 and the legislation requires that the Code be issued by the Policing Board with the consent of the Secretary of State, and after consultation with District Councils and the Chief Constable. Little detail is given as to other consultees or the procedures to be followed in carrying out an effective consultation process.

c. Next Steps - the Oversight Commissioner

Accordingly, to reassure the public that the Patten programme for change is being complied with, the reports of the Oversight Commissioner will need to:

- ◆ Monitor the extent to which the District Councils comply with their responsibilities to establish District Policing Partnerships, and any action taken by the Secretary of State to ensure compliance
- ◆ Monitor the arrangements made with specific reference to Belfast
- ◆ Monitor the party political membership of the DPPs and the nature of any problems arising in this area
- ◆ Monitor the composition of the non-party political appointees - do they in fact reflect the community they are intended to serve (recc 17)
- ◆ Ascertain whether the legislation allows the District Policing Partnerships to carry out the responsibilities envisaged for them by Patten
- ◆ Ascertain whether subsequent Codes of Practice enable the bodies concerned to comply with Patten's recommendations and the law
- ◆ Determine if there are there any non-legislative obstacles preventing the DPPs exercising the functions envisaged for it by Patten
- ◆ Comment on how the DPPs are carrying out the work established for them by law, and their relationship with the police, the local community, and with the Policing Board.
- ◆ At very local level, advise on the relationship between DPPs and the network of Community Police Liaison Committees; is the idea of the police beat manager being pursued and how will that work be monitored to ensure it is a two-way police/community relationship?
- ◆ In due course, comment on the extent to which additional powers or authority might be given to them (the Implementation Plan has determined to decide on rate-raising powers on "the basis of experience of the operation of the DPPs in practice") and input from the Oversight Commissioner on these points would be important
- ◆ Comment on the extent to which the police, the DPPs and the Policing Board are meeting Patten's requirements that they be open to public scrutiny and that, in particular, the "police service should take steps to improve its transparency".

Given the comments about the overlap with the Criminal Justice Review, it will be necessary for the Oversight Commissioner to be kept regularly informed by the authorities about developments and follow-up to that major report, at least inasmuch as they relate to his policing oversight role.

Police Ombudsman

a. Patten's proposals

The Patten recommendations about the Police Ombudsman are all brought together in a single recommendation (no.38). Reference is made to the importance of the post; to the need for appropriate resourcing and staffing; to the importance of taking initiatives, not merely reacting to specific complaints; the need for a power to initiate inquiries or investigations even if no specific complaint has been received; the importance of compiling data on trends and patterns in complaints and working with the police to address issues emerging from such data; the importance of having a dynamic cooperative relationship with all relevant bodies; the right to

investigate/comment on police policies and practices; and the importance of access to all past reports of the RUC.

b. The legislation and Implementation Plan

Although the Implementation Plan notes that this recommendation was "accepted", this is misleading. Indeed, the first draft of the legislation seemed to offer little new, and seemed merely to constrain powers that the Ombudsman already had as a result of earlier legislation (Police (NI) Act, 1998). Thus, for example, whereas previously no time-limit had been placed on the Ombudsman's activities, the draft legislation now proposed setting a limit (prescribed in due course in Regulations). This would seem to fly in the face of Patten's request for the incumbent to have access to all past RUC reports. Even more surprising, given the importance Patten had accorded the post, was the initial attempt to restrict the Ombudsman's access to information to such information "as he may *reasonably* require" (leaving it presumably to the Chief Constable and/or Secretary of State to determine what was "reasonable"?). Fortunately, this proviso was lifted in parliamentary debate.

A crucial new power for the Ombudsman, proposed by Patten, proved unacceptable however to government, despite intense lobbying to this effect. Patten had argued that the Ombudsman should "*exercise the right to investigate and comment on police policies and practices, where these are perceived to give rise to difficulties, even if the conduct of individual officers may not itself be culpable*". The Secretary of State made it clear in the initial debate, and repeatedly thereafter, that he would "*resist the suggestion that the ombudsman also have powers to review the policies and practices of the police service although, if in the course of investigating individual complaints, she wishes to raise wider issues, she may of course do so*"(Hansard, col 179, 6 June).

c. Next Steps - the Oversight Commissioner

Accordingly, to reassure the public that the Patten programme for change is being complied with, the reports of the Oversight Commissioner will need to:

- ◆ Monitor the extent to which the Police Ombudsperson is constrained, if at all, in terms of either resources or powers. This was conceived by Patten as a very important role, and it will be vital for the Commissioner to assess, in cooperation with the Ombudsperson, complainants, solicitors, the police and other interested parties, the extent to which this exciting new initiative is in fact delivering change.
- ◆ In particular, given the concerns expressed during the legislative debate as to whether or not the Ombudsperson should have the power to investigate and comment on policing policies/practices, monitor if the potential of the office is being thwarted by any absence of powers
- ◆ Monitor any problems that arise in the relationship between the Ombudsperson and the Policing Board. Patten was quite clear that there should be "no confused proliferation of scrutiny into the police service" (para 6.23), and the Oversight Commissioner will want to reassure the public that the necessary protocols of understanding have been developed between relevant bodies

- ◆ Assess the changes made to the Complaints and Discipline branch of the police service and determine whether resources have been properly re-deployed in the light of the major structural change that the creation of the Police Ombudsman should have brought about in this service

Covert Law Enforcement

Patten recommended that new legislation should be fully compliant with the European Convention on Human Rights; that there be a Commissioner for Law Enforcement in Northern Ireland; and that there should be a complaints tribunal. The Oversight Commissioner will want to receive reports of how these recommendations are being put into practice, and any problems that may arise in due course.

Financial Accountability

Patten argued for a "*a substantial strengthening of financial accountability*" and for the Chief Constable to be designated a sub-accounting officer, alongside the Chief Executive of the Policing Board. Again, the Oversight Commissioner should study the concerns raised by the Police Authority in the course of the parliamentary debate, and ensure that the commitments made at the time of the debate are put into effect, and the legislative provisions are complied with. The Commissioner will want to monitor this area of accountability very closely.

General Council of Europe Policing Benchmarks on accountability

The Council of Europe addresses the issue of accountability at a number of different levels, but it is not appropriate to divide them into the same specific categories that Patten used, so they are addressed generally below. A number of detailed tests and indicators are provided and for a detailed examination of these, CAJ would advise people to study the booklet - "Policing in a Democratic Society: is your police service a human rights champion?"

In brief, some of the relevant tests are listed below:

- ◆ *To whom are the police answerable?*
- ◆ *To what extent do police officers enjoy operational autonomy and independence free from political interference?*
- ◆ *In what way is the police service transparent, open and accountable?*
- ◆ *How are trends relating to complaints, grievances, public satisfaction etc. monitored and analysed?*
- ◆ *How do officers recognise and respond to the different needs of various constituencies in the community (eg minorities and vulnerable groups)?*
- ◆ *What independent means of monitoring police activities exist, other than those associated with formal complaints?*
- ◆ *Is there required reporting when the police use force?*
- ◆ *What kind of pro-active integrity testing is in place?*

- ◆ *How is each individual police officer made to feel accountable for his or her own actions or lack thereof?*
- ◆ *Do all groups have the opportunity to interact with the police and the opportunity to influence policing?*
- ◆ *How is the consent of communities introduced into operational plans for the service?*
- ◆ *How do local officers interact with the public? Does the public know them? What is the public attitude professionally and personally to the police?*

For each of these tests, there are a number of detailed indicators provided. There are also a whole series of tests cited for the handling of complaints - whether arising from the public or internally.

The Oversight Commissioner should assess, and report upon, changes in police accountability structures against each of these very useful Council of Europe tests and indicators.

COMMUNITY POLICING - Recommendations 44-51

a. Patten's proposals

In CAJ's report entitled "Human Rights on Duty" (November 1997), which brought together good policing practice from a number of jurisdictions around the world, we emphasised the crucial importance of developing partnerships between the police and the community served. Patten devoted a whole chapter to the topic and usefully defined it as: "*the police working in partnership with the community; the community thereby participating in its own policing; and the two working together, mobilising resources to solve problems affecting public safety over the longer term rather than the police, alone, reacting short term to incidents as they occur*".

Recommendations included: that policing with the community should be the core function of the police service and of every police station; there should be a dedicated policing team for every neighbourhood; continuity of service; probationary operational training to be done in community policing teams; more foot patrols; the setting of priorities at a local level; patrol level analysis of crime and complaints patterns ensuring an information-led, problem-solving approach to policing; and DPP and community leader attendance at police training in problem solving. Few, if any, of these recommendations required legislation and the Implementation Plan is therefore crucial to monitoring the extent to which they are to be implemented in practice.

b. The legislation and Implementation Plan

The Implementation Plan says that most of the recommendations have been accepted or accepted "in principle". It is worth noting, however, that the language of the Plan reads as though everything is to be police-led, rather than result from a genuine partnership approach. So, the Implementation Plan's comment on Patten's recommendation 44 makes it clear that "it will be for the Chief Constable to make community partnership policing operational". The Policing Board is seen as having

some responsibility too, but in the Plan it is envisaged that the Board will have "responsibility for making arrangements for promoting the cooperation of the public with the police".

The police-led approach can be seen in the fact that it is the Chief Constable, sometimes with his District Commanders, who has the lead (not to say sole) responsibility in this area (see the Plan's response to reccs. 45-49). No role appears to be envisaged for the Policing Board, or other community safety actors, though in the realm of crime and complaint pattern analysis (recc 50) the latter are expected to "*welcome the police into their neighbourhoods and to cooperate with them in solving problems and reducing crime*".

Community policing is not easy to develop. In Northern Ireland, given the history of problems between the police and certain communities (and this should not be taken to mean only nationalist or republican communities, but more generally, young people, Travellers, working class loyalists etc), the concept of community policing is likely to prove particularly difficult to implement. Patten is quite right in saying that "*Partnership is a matter of policing style, but it is also an attitude of mind, both for police officers and 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.*" Amongst other remarks, Patten suggests that "*as presently organised the police service is not well geared towards community partnership policing, but rather to a more reactive style of policing. This is reflected in the allocation of resources*" (paras 7.7), yet no reference is made in the Implementation Plan to any review of resource allocation.

c. Council of Europe Policing Benchmarks

The Council of Europe does not use the term "community policing" in its benchmarks, but clearly includes a number of relevant tests and indicators, as follows:

- ◆ ***In what way is your police service transparent, open and accountable?*** *Indicators that this test is being met include:* Performance figures are publicly available, costs and expenditure are publicly available, public access to senior officers.
- ◆ ***How do officers recognise and respond to the different needs of the various constituencies in the community (eg minorities and vulnerable groups)?*** *Indicators that this test is being met include:* Regularity of consultative group meetings, numbers of formal/informal partnership arrangements, regularity of meetings with hard-to-reach groups, specific outreach initiatives to vulnerable groups.
- ◆ ***How are community awareness, knowledge of other agencies, and their attitudes to police work integrated into training?*** *Indicators that this test is being met include:* profile given to community awareness training, frequency of formal discussions between police officers and identified communities, joint training sessions between police and other agencies, human rights considerations included

in police logs, attitude of the police toward other public agencies - noted through stereotyping and comments.

- ◆ *How do local officers interact with the public? What is the public attitude to the police professionally and personally? How do operations offer a diversity of response according to needs of the community? Indicators that this test is being met include:* level of integration of police and their families into local communities, number of people asking for police intervention when it is not crime linked, number of mediation interventions, letters of public gratitude, quantity and quality of intelligence coming from the public.

d. Next Steps - the Oversight Commissioner

Accordingly, to reassure the public that the Patten programme for change is being complied with, the reports of the Oversight Commissioner will need to:

- ◆ Request a report on developments to date - recent press reports indicate that a new structure of District Commands has been created.
- ◆ Request a report on the extent of police training on the principles of community policing, the nature of any neighbourhood policing teams established, their experiences to date, and community responses
- ◆ Study measures to increase foot patrols and change in probationer training
- ◆ Examine closely any proposals for changes in resource allocation to better support community policing work, and the extent to which these resources remain entirely police-led or involve genuine community-level participation
- ◆ Ascertain the need for capacity building and training at community level to ensure effective partnership by civilians
- ◆ Learn to what extent plans are underway to gather data so that crime pattern and complaint pattern analysis can be done at the local level
- ◆ Monitor changes to police training to ensure a focus on problem solving
- ◆ Examine the nature of the appraisal system which should be introduced to allow one to assess performance in problem solving approaches
- ◆ Attend and report on the access to police training by DPP and other community leaders

POLICING IN A PEACEFUL SOCIETY - Recommendations 52-65

a. Patten's proposals

Patten made a large number of recommendations which, depending on the security situation, should facilitate the police in adapting to a more peaceful society, and in some way contribute to the same by rendering the image and the reality of policing more civilian-friendly and less militaristic. Recommendations included the improved appearance of police stations; greater use of police cars in preference to Landrovers;

reduction in the role of the army; records to be kept of stop-and-searches; the closure of the three Holding Centres; video recording to be introduced; and the regular review of the potential for moving towards a routinely unarmed police service.

b. The legislation and Implementation Plan

Understandably, little if anything is said in the legislation about most of these recommendations. In the Implementation Plan, however, there is similarly little of note. The emphasis is very heavily on the need to move only at a speed appropriate to the prevailing security situation. There is no suggestion that delays in this area can themselves feed the instability that people claim to want to avoid. There is certainly no engagement with the dilemma that means that, on the one hand, the police advise on the security situation and, on the other, that it is the assessment of the security situation that largely determines the pace of policing change. In essence, there is no discussion of the fact that this means that it is likely to be the police itself that determines the pace of policing change, with few if any checks or balances. Few references are made to the important role that the Policing Board might be able to play in this area. It is vital that this whole process be made much more transparent and open to scrutiny.

c. Next Steps - the Oversight Commissioner

The Council of Europe policing benchmarks have little of direct relevance to offer on this issue, but to reassure the public that the Patten programme for change is being complied with, the reports of the Oversight Commissioner will need to:

- ◆ Receive regular reports on any changes to the external appearance of police stations (reccs 52-53) and the greater use of ordinary police vehicles in preference to Landrovers (reccs 55-57)
- ◆ Examine the extent to which District Commanders are exercising their devolved authority in such a way as to comply with the requirement (recc 54) that they consult effectively with the local community on the appropriate balance of resources between static and mobile patrols
- ◆ Assess the continued use of army in support positions. The Commissioner should comment on any policy issues which arise as a result of combined police/army operations
- ◆ Comment to the Secretary of State and others as to any policing problems created by the new Terrorism Act recently introduced
- ◆ Ensure that records are being kept on the use of emergency powers, and examine, or reassure himself that other scrutiny bodies are examining, those records. Comment on any issues arising
- ◆ Report on the moves to close the last Holding Centre which, according to Patten in September 1999, should have been closed "forthwith"
- ◆ Oversee the operation of the Code of Practice for video recording
- ◆ Reassure himself as to the new powers accorded to Lay Visitors and report on any problems which arise
- ◆ Require a regular assessment of the continued need for carrying firearms, and assess the guidelines for resort to lethal force

PUBLIC ORDER POLICING - Recommendations 66-74

a. Patten's proposals

The issue of public order policing is particularly controversial. Patten made a number of recommendations in this domain but, with the exception of plastic bullet usage, they were mainly directed at people other than the police (setting conditions on public order events, marshal training). Recommendations 67 and 68 could, for example, be merely conveyed to the Parades Commission for consideration, and the Oversight Commissioner need do little more on those issues.

b. The legislation and the Implementation Plan

Recommendations 69 and 70 refer to the need for an "immediate and substantial investment" in a research programme to find an "acceptable, effective and less potentially lethal alternative to the PBR", and the need for a wider array of alternative weapons. Unfortunately, despite the fact that Patten was scathingly critical of the past complacency in these matters, the government has merely established a Steering Group consisting of the very same bodies who had this responsibility in the past. At the time of writing, the first report of the Group has just been issued and, in the view of CAJ, confirms early fears about the lack of independent scrutiny and involvement.

c. Council of Europe Policing Benchmarks

Needless to say, the Council of Europe says little about plastic bullets per se, but it does establish some tests and indicators for good operational policing which are of relevance:

- ◆ ***To what extent are operations oriented towards problem solving and pro-active policing?*** *Indicators that this test is being met include:* Proportionality and subsidiarity are considered in tactical planning, professional attitudes, existence of effective internal supervision and external monitoring, number of other agencies involved etc.
- ◆ ***What formal or actual responsibility do officers have for the use of discretionary powers?*** *Indicators that this test is being met include:* reports of use of discretionary powers, extent of supervision.

d. Next Steps - the Oversight Commissioner

As a priority, the Oversight Commissioner should do everything in his power to try and ensure that independent researchers are involved in the work of the *Steering Group*, before that work goes much further.

In addition to this immediate step, the Oversight Commissioner's report to the public will need to:

- ◆ Comment upon the findings of the Steering Group
- ◆ Ensure that any perspectives that have been excluded from consideration by the Steering Group are given a public airing
- ◆ Ensure that the guidelines for use of plastic bullets in public order situations are in the public domain and inform himself of any concerns about the guidelines, and the extent to which they are complied with
- ◆ Examine the extent to which there continues to be any discrepancy between the guidelines applying to the army and to the police in public order situations, and comment on measures which could be made for greater accountability
- ◆ Comment on the extent to which the Police Ombudsman has the necessary powers and resources for monitoring any complaints in the area of policing public order
- ◆ Examine the weapons training provided, the extent to which it incorporates human rights standards (see rec. 4) and measure the extent to which the training has changed pre- and post-Patten
- ◆ Record the extent to which the Policing Board is actively monitoring police performance in public order situations and is requiring the Chief Constable to report on any public order problems
- ◆ Report on any problems brought to his attention relating to the police wearing of IDs

MANAGEMENT AND PERSONNEL - Recommendations 75-92

Patten made a whole series of recommendations on management and personnel. Few of them were addressed in the legislation, and most of them are left to the police to follow up (or not). As management and personnel practice is the backbone of any major organisation, the Oversight Commissioner will want to examine the follow-up given to all these important recommendations.

The Council of Europe has a number of benchmarks which are relevant to personnel and management issues, and a few of the tests are indicated below:

- ◆ *How are all employees made aware of the service's values?*
- ◆ *How are the texts containing these values introduced and reinforced?*
- ◆ *In what way does the organisation recognise the need to change and respond?*
- ◆ *How are value messages applied to policing?*
- ◆ *How does management communicate these values and include them in the review of performance?*
- ◆ *How do recruitment and selection criteria and processes identify the personal values of candidates? In what way are these values weighted and rated in relation to the basic values of the service?*
- ◆ *How do recruitment practices take into consideration the various groups represented in society?*
- ◆ *Within the service how is an individual police officer appraised and held responsible for his/her actions?*

For each of these benchmarks, and indeed a number of others that relate directly to issues such as workplace protection, the provision of medical, psychological and legal help for officers etc., there are a range of indicators proposed. However, one can already note that, from the perspective of human rights, and public accountability, *the Oversight Commissioner will specifically need to report to the general public on the following kinds of issues:*

- ◆ The composition and expertise of the internal police Change Management Team, and any improvements that can be made in their way of working
- ◆ The extent of devolved authority; problems that have arisen; possible changes that are needed and some overall assessment of progress made
- ◆ The efficacy of the appraisal system and its ability to assess: human rights performance (recc 5), problem solving skills (recc 50), capacity to introduce and adapt to change (recc 75 and 77), and managerial ability to maintain a neutral working environment (recc 156).
- ◆ The success of new systems: in having District Commanders required to account regularly for local patterns of crime and police activity; the automated trend identification system for complaints and new IT systems; and changes in personnel practices around sick leave etc.
- ◆ On integrity checks, the Commissioner should satisfy himself that the system is not solely internal to the police but that the NI Human Rights Commission and people who can speak of policing from the "receiving" end are consulted
- ◆ The operation of funds to help injured police officers and police widows, and the provision of office facilities for the Widows Association
- ◆ The proposed structural changes are particularly important. The Commissioner must ask that targets and timetables be set for the process of civilianisation, and report on the extent to which those objectives are met or, if not met, the problems faced in meeting them

INFORMATION TECHNOLOGY - Recommendation 93

Presumably this is an area where the Commissioner has little role to play other than to reassure himself that the promised IT review is underway and is being independently validated as proposed in the Implementation Plan.

STRUCTURE OF THE POLICE SERVICE - Recommendations 94-104

a. Patten's proposals

Patten recommended a flattening of ranks, direct reporting lines from each District Commander to central police headquarters, a slimmer structure at HQ, the ending of the Full Time Reserve and an enlarged Part Time Reserve. Patten also made a number of recommendations relating to Special Branch and said explicitly that "*we do not think it healthy to have, in either reality or perception, a 'force within a force'*".

Accordingly, the Patten report recommended the bringing together of Special Branch and Crime Branch under a single Assistant Chief Constable, a substantial reduction of officers engaged in security work, the need for security officers to keep District Commanders well briefed on activities in their districts, the amalgamation of Special Branch support units into the wider police service, and greater rotation of security officers.

b. The legislation and Implementation Plan

Somewhat surprisingly, not one of these recommendations is seen in the Implementation Plan as requiring the involvement of the Policing Board, but the lead responsibility is consistently given to the Chief Constable, sometimes with the involvement of the Northern Ireland Office. Given the heavy human rights criticism that the Special Branch has been subjected to, and the heavy emphasis placed by Patten on human rights protection in the new arrangements, it is vital that the Oversight Commissioner reassure the general public about developments in this area of change.

c. Next Steps - the Oversight Commissioner

Accordingly, to reassure the public that the Patten programme for change is being complied with, the reports of the Oversight Commissioner will need to report on issues such as:

- ◆ The nature and operation of the District Commands: is the new structure working, and if not, what changes are needed?
- ◆ Is the slimming down process at HQ going smoothly, or again what can be done to facilitate change?
- ◆ What is happening with Special Branch? Have Special Branch and Crime Branch been effectively brought together under a single ACC? Are the support units amalgamated in the police service generally? Have the number of officers been reduced, and has a rotation policy been introduced? Are the devolution arrangements meshing with security - with local commanders being informed of security operations? What concerns, if any, have been raised with the Commissioner by the Ombudsman or others about Security Branch staff or behaviour? Is progress being made along the lines of Patten and, if not, what needs to be done?
- ◆ What is happening with the Full Time Reserve (FTR) and is the agreed timetable for phasing the FTR out being complied with?
- ◆ What is happening with the Part Time Reserve? Are new members being attracted? What is their background (in terms of religious, political, ethnic, gender mix)? What obstacles, if any, are foreseen in enlarging the PTR to the 2,500 Patten suggested? Are the new recruits coming from those areas in which there are currently few reservists? Where problems have been detected, what steps have been taken and can these be improved?
- ◆ How is the recruitment process working? Can further improvements be made in its operation?

- ◆ Reference is made in the Implementation Plan to "merit" and "there will be no question of former terrorists joining the PTR". Have any problems arisen around different understandings of merit? What are the specific criteria applied when ruling candidates out of consideration? Has the recommendation from the NI Affairs Committee about the exclusionary criteria been implemented - see also Patten rec. 125.

SIZE OF THE POLICE SERVICE - Recommendations 105-110

Patten made a number of recommendations regarding severance pay, redundancy agreements, retraining, and other facilities for former RUC officers choosing to leave the service.

The *Oversight Commissioner* will want to receive reports on how these mechanisms are working, or not, and any concerns that the Police Federation or others have about the treatment of their members and ex-members.

A key recommendation of wider public interest will be that relating to the target of securing a police service of some 7,500 full time officers at the end of a ten year period. The *Commissioner* will be expected to report on the extent to which this target is being achieved, and any problems he foresees with the target being met.

COMPOSITION AND RECRUITMENT - Recommendations 111 - 128

The parliamentary debate suggested that this chapter was one of the more important parts of the Patten report, although it is highly questionable if these recommendations can be divorced from everything else, if one wants to secure a police service commanding confidence right across the community. Nevertheless, it is likely that, in the eyes of the public, if changes in the composition of the police service are not secured in a reasonable length of time, Patten will be seen essentially to have failed.

The Council of Europe includes a number of relevant benchmarks. Some have already been mentioned in connection with personnel recommendations, but in addition there are tests such as -

- ◆ *How do recruitment practices take into consideration the various groups represented in society?*
- ◆ *What measures are in place to avoid discrimination?*
- ◆ *How are differences of individuals within and outside the police accepted, respected and valued? (indicators include - audit of reasons for dismissals, reasons given for leaving force, % of minorities reporting sick*

or afflicted with stress related symptoms, audit of minority groups to check if they experience discrimination)

- ◆ *In what way is the service open to non-police expertise in its recruitment practices?*

Accordingly, the Oversight Commissioner will want to pay particular attention to the following issues in his public reporting function:

- ◆ The extent to which the composition of the staff of the Policing Board, the NIO Police Division and the Ombudsman's Office are broadly reflective of the population as a whole
- ◆ The extent to which community leaders feel able to actively encourage applications from under-represented groups, and any obstacles that these people still see to undertaking such initiatives
- ◆ The response of the GAA to Patten's recommendation that it repeal rule 21
- ◆ The outreach initiatives undertaken by the police to the school sector, and the response of the school sector to those initiatives. Can further improvements be made?
- ◆ The value, or otherwise, of creating police cadet schemes
- ◆ The steps taken to render the recruitment process external, independent, impartial, and imaginative in outreach terms, and any recommendations for further improvements needed
- ◆ The operation of the 50/50 recruitment scheme
- ◆ The extent to which job-sharing, career breaks, childcare support, and part time working have been introduced, and if any further such measures are needed. The Commissioner will also want to reassure himself that child-friendly measures are not the sole response to improving gender under-representation in the police, and that women are not automatically directed towards the Part Time Reserve (PTR)
- ◆ The duration of the recruitment process (to be reduced to no more than six months), and any problems that are arising in the recruitment phase
- ◆ The steps taken by the Chief Constable to monitor membership in notifiable associations, and the extent to which these steps meet the concerns expressed in Patten (15.15) about potential conflicts of interest
- ◆ The extent to which the Recruitment Agency has been able to identify NI Catholic officers serving with the police elsewhere, and the steps taken to encourage lateral entry for experienced officers
- ◆ The extent to which appropriate targets and timetables for female recruitment have been established and progress made towards achieving the agreed objectives
- ◆ What measures, if any, have been taken to reach out to other under-represented groups - ethnic minority recruits, people of differing sexual orientation and people with disabilities
- ◆ What measures, if any, have been taken to support and assist new recruits from under-represented groups (the latter issue was not explicitly raised by Patten but is logical if the new recruits are to be retained).

Interestingly, apart from recommendations 172-175 which relate directly to the creation of the Oversight Commissioner's post, there are extremely few references in the whole 93-page June 2000 Implementation Plan to the role to be performed by the Oversight Commissioner. However, in commenting on the responsibility to promote

police recruitment among the Catholic and nationalist communities, the Oversight Commissioner is given an explicit role. CAJ does not see why the Oversight Commissioner should have any more responsibility for overseeing these measures than any others in the Patten report. That said, it would clearly be extremely important for the Commissioner to report on the extent to which change is happening, and any further steps that could be taken - by the police or the community - to promote greater police representativeness.

TRAINING, EDUCATION AND DEVELOPMENT - Recommendations 129 - 149

It is an indication of the importance of this area of work that Patten made so many detailed recommendations. Training is of crucial importance - both in and of itself, and because it can bring about major organisational and cultural change. Imagine a massive programme of police recruitment that continued to train the new recruits in exactly the same way as previous recruits were trained ... could one be sure of much change? Moreover, training is not only about new recruits, but helping serving officers adapt to the new situation.

A short critique carried out on RUC training on the Human Rights Act that was placed in the public domain in November 2000 highlighted some serious problems, both in the content of the courses, but also in the quality of some of the (mainly police) tutors.

The Council of Europe policing benchmarks examines training quite closely. A few of the more important tests and indicators are cited here:

- ◆ ***How is continuous in-service training provided?*** (indicators include - average of days per annum, % of officers permitted to interrogate suspects who have annual refresher training in techniques that respect human dignity and integrity etc)
- ◆ ***In what ways are training programmes integrated into the on-going career assessment of officers?*** (number of targets for personal improvements, proportion of promotions without in-service training)
- ◆ ***What importance is given to human rights during training?*** (number of hours spent on national law and human rights, delivery of human rights modules and extent of inclusion in wider training?)
- ◆ ***What kind of human rights law is included in the curriculum?***
- ◆ ***How does training encourage openness and receptivity to external expertise?***
- ◆ ***What tools are given to the police to cope with specific problems (use of force, interrogation, crowd control etc)?***
- ◆ ***How are police officers trained in improving relations between the police and society, especially on cultural and ethnic diversity issues?***
- ◆ ***How do operational needs feed back into the training programme?*** (many indicators are given such as - regular exchanges between operational police officers and trainers, number of training needs analyses)

prepared, % of training programmes tailored to the needs of individuals or small group work etc.).

The *Oversight Commissioner* should use these kinds of tests and indicators so as to reassure the public that the Patten programme for change is being complied with. *The reports of the Oversight Commissioner will need to include:*

- ◆ His evaluation of specific training courses (especially those relating to the Human Rights Act), but more generally his evaluation of the police's training, education and development strategy
- ◆ Any concerns that should be addressed by the Chief Constable, the Policing Board and the Ombudsman
- ◆ The extent to which the strategy has involved civilian input in its design and delivery, and what improvements, if any, could be made in this regard
- ◆ The appropriateness of the objectives set for the strategy and the extent to which the outcomes can be effectively measured and appropriate adaptations made over time
- ◆ The extent of resources available for the TED strategy and whether or not it is sufficient for the extent of the cultural change envisaged
- ◆ Progress made towards the creation of a purpose-built Police College and the extent to which any such College can be linked into other educational establishments to facilitate a less insular approach to police training
- ◆ The extent to which civilian and police recruits are trained together
- ◆ The changes to the timing of the attestation of constables (which is intended to allow people to complete their training before being attested). Is this working and if not what problems are emerging?
- ◆ The extent to which the contents of the recruit training meet the objectives set by Patten for less hours spent on drill; a more problem solving & partnership approach; and effective community awareness training being integrated across the curriculum.
- ◆ The extent to which training needs are regularly analysed (see 141 on)
- ◆ The extent of public scrutiny and involvement in the training process: are the curricula publicly available and what public attendance is allowed at police training sessions
- ◆ Pilot citizens course: what progress is being made, if any?

CULTURE, ETHOS AND SYMBOLS - Recommendations 150-156

Most of the recommendations in this chapter of Patten have been the subject of intense media interest, and extended debate in parliament. The legislation establishes the name of the force, but contentious decisions on the badge and other symbols have been left to the Policing Board in the first instance.

The *Oversight Commissioner* has little room for manoeuvre on these matters, but will want to comment on any issues that are brought to his attention which relate to the culture, ethos and symbols of the force. Do, for example, any police officers have problems with the new arrangements? Do members of the public hesitate to join the new policing service because of the name and/or symbols linked to it?

In particular, the *Oversight Commissioner* should, after consulting closely with police managers, the Equality and Human Rights Commissions, and others, report on any concerns about sectarian, racist, sexist, homophobic or other unacceptable behaviour exhibited to colleagues or to the general public. He will also want to assess the extent to which existing management tools are effectively aimed at ending such behaviour. Where such concerns do arise, the Commissioner may want to propose pro-active anti-discrimination tools.

COOPERATION WITH OTHER POLICE SERVICES - Recommendations 157 - 171

A number of recommendations are made about cooperation with other police services, and the legislation makes certain provisions in this regard. The major concern CAJ would have in this area relates to the integration of such initiatives into the overall change programme. Thus, what training is to be made available to officers recruited from outside Northern Ireland? Will the oath and/or Code of Ethics apply to officers taken on under these arrangements? Clearly there should be consistency, so that anyone exercising police powers within Northern Ireland can be held to exactly the same level of accountability as any officer directly recruited to the police service in the normal manner.

OVERSEEING CHANGE - Recommendations 172-175

CAJ considers the role of the Oversight Commissioner to be of very great importance. Without external scrutiny, interested observers and the general public may find it very difficult to assess what progress is being made. Moreover, change is very difficult and there may be justifiable delays, particularly if unexpected obstacles are encountered. In such instances, the Oversight Commissioner, as an independent person, should be in a good position to reassure the public as to the genuineness of the problem, and the necessity for re-adjusted timetables.

Of course, to maintain public confidence in the work of his office, the Oversight Commissioner will have to consult widely and be seen to want to engage as many people as possible in the debate about future policing. It is important that the Commissioner and his team are highly visible, that they are seen to be actively engaged in the process of change, and are seen to want to extend the debate to an ever-broader audience. In this context, it is interesting to note that the published

Implementation Plan only refers to the Oversight Commissioner having progress review meetings with Ministers, NIO officials, the Chief Constable, the Police Authority and the Policing Board in due course. However, in the terms of reference given to the Oversight Commissioner, it is clear that he is to hold such meetings with all of these actors, but also with (in due course) District Policing Partnerships "and with others as appropriate". Later in the same terms of reference, the Commissioner is asked to "meet with the Police Ombudsman and other relevant organisations or agencies, including the political parties and community leaders, to discuss progress with the implementation of the required changes". It is not clear why these constituencies are not clearly cited in the Implementation Plan.

CAJ certainly looks forward to continued contact with the Commissioner and to studying closely the regular reports of the Oversight Commissioner, since we assume that most of the issues raised in this commentary will be regularly featured in those reports.

The above programme of work is extremely broad, but is of vital importance. The Oversight Commissioner should be reassured by the fact that there are many people committed to working alongside him to make the programme of change work. For its part, CAJ will be happy to help in whatever way possible to ensure that the process of transition is as transparent, accessible, and effective as possible.
