

CAJ's submission no. 262

**CAJ's Response to Local Partnership
Working on Policing and Community Safety**

Consultation

June 2010

Promoting Justice /
Protecting Rights

2nd Floor, Sturgen Building
9 – 15 Queen Street
Belfast
BT1 6EA

T 028 9031 6000
F 028 9031 4583
E info@caj.org.uk
W www.caj.org.uk

What is the CAJ?

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community.

The Committee seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. The CAJ works closely with other domestic and international human rights groups such as Amnesty International, Human Rights First (formerly the Lawyers Committee for Human Rights) and Human Rights Watch and makes regular submissions to a number of United Nations and European bodies established to protect human rights.

CAJ's activities include - publishing reports, conducting research, holding conferences, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws and the criminal justice system, equality and advocacy for a Bill of Rights.

CAJ however would not be in a position to do any of this work, without the financial help of its funders, individual donors and charitable trusts (since CAJ does not take government funding). We would like to take this opportunity to thank Atlantic Philanthropies, Barrow Cadbury Trust, Hilda Mullen Foundation, Joseph Rowntree Charitable Trust, Oak Foundation and UNISON.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

Peter May
Northern Ireland Office
Policing Policy and Strategy Division
Block A, Rm B4.12
Castle Buildings
Stormont Estate
Belfast BT4 3SG

08 June 2010

Dear Peter,

Re: Local Partnership Working on Policing & Community Safety: A Consultation Paper

Thank you for sending the Committee on the Administration of Justice (CAJ) a copy of the above-named consultation document on the proposed integration of District Policing Partnerships (DPPs) and Community Safety Partnerships (CSPs).

General comments:

We wish to state at the outset that CAJ is not opposed in principle to the integration of DPPs with CSPs. Indeed, we would observe that what was envisaged in the Patten and Criminal Justice Review reports was a single partnership Board, and that the decision by the Northern Ireland Office at the time to separate these two entities is what led to the current situation of “confusion and perception of wasted resources” (p.10).

CAJ maintains that the development of any model for the proposed integration of the District Policing Partnerships and the Community Safety Partnerships should occur in conjunction and consultation with the new devolved Minister, the Department of Justice and the Northern Ireland Executive. Related to this, CAJ also believes that the critical determinant of any proposed model for integration should be that local accountability mechanisms are a significant part of police reform, not a May 2011 deadline. We challenge the premise that it is necessary to have these “new partnerships in place in time to

coincide” with the changes in council boundaries slated for May 2011. CAJ is concerned about what will occur if the change to 11 councils which is predicated on wider changes in local government is not implemented in May 2011, as seems increasingly likely. What is the value of the proposed merger if changes proposed under the RPA are delayed for several years or not introduced?

Instead, the critical determinant should be that local accountability mechanisms are a significant part of police reform more broadly and were understood as such by the Independent Commission on Policing. The issue of local police accountability and of developing policing arrangements remains salient and should form the pivotal core work of the future. We were therefore surprised at the lack of reference to the reports of the Patten Commission and the Criminal Justice Review beyond an initial introductory reference on page 9. Instead this history and context to police and local community relations appears to have been largely sidelined, and learning taken instead from “what is happening in the rest of the United Kingdom” (page 15). CAJ would refer to the recent speech by the Minister of Justice (7th June 2010) in which he emphasised the difference and opportunity presented by devolution “to identify local solutions to local needs” rather than simply adopting “what works somewhere else,” and in doing so outlined his desire to “work with people on the ground to develop and tailor innovative solutions to fit local needs.”

Specific comments:

Turning to the consultation document and proposed model, CAJ has four broad areas of concern: accountability, the name of the new mechanisms, funding, and representation.

Accountability

DPPs were conceived first and foremost as a system of accountability by the police to the local community. CAJ is concerned that the integrative model proposed may be utilized as an opportunity to further dilute the power of local accountability mechanisms and displace their key function of accountability. These mechanisms were not originally or solely designed to prevent crime or enhance community safety as is now suggested.

It is critical that any integrated model be seen to facilitate Patten’s vision rather than hinder it. As envisioned by Patten, the District Policing Partnerships (DPPs) are the crucial framework for the outworking of new

community and police relations at the local level. The workings of any new accountability arrangement must be defined by two core objectives: a decentralized policing service whereby the police do not exercise a monopoly on security provision; and, the concept of direct accountability of policing to the community. Any new structure will be the mechanism at the community level for brokering the *co-production* of service delivery and for the “constant dialogue at local levels between the police and the community” that ensures democratic accountability (Patten Report, para.6.25).

Instead, the proposed models appear to draw overmuch from the Community Safety Partnerships model and further dilute the core concepts behind the District Policing Partnership Boards. One obvious example of this is that while there is no explicit reference to whether the partnerships will meet in public or private, it can be surmised from the proposals for the preferred model that the partnership will do the bulk of its work in private, save for the local issues forum and policing monitoring group, thus following the closed model of the CSPs. By contrast, Patten envisaged that the DPPBs should “meet in public once a month and procedures should allow for members of the public to address questions to the Board, and through the Chair, the police” (para 6.38) and that “the presumption should be that everything should be available for public scrutiny unless it is in the public interest – not the police interest – to hold it back” (para 6.39).

By separating and sidelining the local issues forum and policing monitoring group in this way from the main body of the partnership, where presumably discussions will be held and decisions made behind closed doors, a fundamental aspect of the accountability and participative role of the partnerships is removed.

Name of the new Boards

The proposed name of ‘Crime Reduction Partnership’ amounts to a rejection of the core purpose of the Boards as consultation and accountability mechanisms and displays a dangerous disregard for an issue that for many lay at the heart of the conflict. In contrast local policing and community safety structures are an important mechanism to create and deepen democratic policing and thereby contribute to community safety - they are not merely crime reduction partnerships and were never intended to be such.

Rather the intention was developing a radically different approach to policing and therefore the name ‘Policing Partnership Boards’ reflected that, “the function of the [District Policing Partnership Boards] should be advisory,

explanatory and consultative. The Boards should represent the consumer, voice the concerns of citizens and monitor the performance of the police in their districts...” (para 6.29).

Funding

The role of the Policing Board’s in relation to funding is not clear. However, if funding is not filtered through the Board, how will the Board meet its statutory responsibility with respect to its local accountability duties in relation to policing? How will the Board steward and assess the effectiveness of the new local accountability mechanisms?

Funding is a critical element that has hindered the full implementation of Patten and police reform broadly. According to Patten Commissioner Maurice Hayes, the lack of funding was predicated on “the Northern Ireland Office distrust of elected members [which] caused the DPPs to be hobbled by being deprived of resources while the community safety partnerships, which were quite unnecessarily brought in in parallel, were funded.” Hayes concluded by saying that the deprivation of funds was “... a ploy to emasculate the Patten bodies and another attempt to dilute the effect of the Report” (Hayes, Policing with the Community Conference, 18 November 2009).

The Patten Commission proposed District Policing Partnership *Boards*, the use of the term ‘Board’ denoted that the accountability mechanisms would have sufficient funds to encourage other forms of policing not centred on the police. This is a pivotal factor in implementing the multi-agency model envisioned by Patten.

Representation

CAJ is concerned that the proposed models not only restrict the participatory process as outlined above, but do not ensure that the mechanisms are representative of the community. Accountability and representation are two sides of the same coin. The police cannot be accountable to the community if the community and their perspectives are not proportionately represented in accountability mechanisms. Where communities have had difficult relations with the police, whether current or historic, it is crucially vital that members of these communities play a key role in accountability mechanisms and their voices and perspectives are represented. Two points relate directly to this concern:

1. CAJ is concerned that the merger could result in less grassroots and less gender balanced mechanisms in addition to less representation from minority groups. This is particularly relevant given the fact that council areas will be reduced by over half, downsized from 26 to 11. CAJ is also mindful that the model of recruitment for the DPPs has provided an opportunity for considerable numbers of women and community activists to take part in decision-making around key issues concerning their communities.
2. The composition of an integrated partnership should reflect the current composition of both DPPs and CSPs and include representatives of statutory and non-statutory bodies, and crucially, independent members who represent the wider community. Again, the Patten Report's measure for best practice recommends that DPPs should be broadly representative of the district in terms of religion, gender, age and cultural background (para 6.26).

To conclude, it is critical that any integrated model be seen to facilitate the vision of the Patten and Criminal Justice Review reports, rather than hinder it. CAJ therefore recommends that the current proposals - which risk significantly undermining the purpose and nature of these local partnerships as envisaged by Patten and the Criminal Justice Review, which do not seem to draw sufficiently on learning to date, and which do not identify local solutions to local needs - should not be rushed through to meet a false deadline. Rather a genuine discussion and consultation led by the newly devolved Minister and working with local people on the ground to develop local solutions should be initiated.

Yours sincerely,



Mick Beyers, PhD, M.S.W
Policing Programme Officer