

PP10. DESIGNING AND IMPLEMENTING COMMUNITY POLICE PROGRAMS, WHICH RESPECT THE RULE OF LAW AND CONSERVE HUMAN RIGHTS

[Tags: Community policing, Legislation, Human rights]

Community police programs should always adopt a rule of law approach to policing, following several fundamental principles, such as:

- ✓ Strict legality of police action;
- ✓ Accountability towards the law and towards the general public;
- ✓ Non-discrimination and fairness in carrying out police functions;
- ✓ Transparency of policing priorities and strategies;
- ✓ Strict necessity and proportionality of its activities, particularly with regard to interferences with individual rights and freedoms.

Community policing programs must comply with human rights law (non-discrimination, indivisibility and interdependence) and should adopt technical and organizational measures that ensures the authenticity and reliability of the records it collects, stores, or transmits in order to preserve their evidentiary value and adopt technical and organizational measures to deter its misuse in prejudice to individuals' reputation. This practice should also extend to police officers, whose needs and rights should be identified and protected.

Examples:

- OSCE manual of "Good practices in building police-public partnership";
- UNODC Training Manual on Policing Urban Space;
- OHCHR "Good Governance Practices for the protection of Human Rights";
- The John Jay College's Human Dignity/Human Rights and Police Course has been adapted, following specific needs assessment and curriculum development. It uses student-centred teaching and learning approaches, such as role-play, simulations, case studies and structured exercises, to encourage full participation of students. In particular, the course promotes self-awareness and empathy, to help participants think about the impact of their behaviour as authority figures, and on other participants on the course, and the cumulative social impact of behaviours and decisions that undermine human dignity.

Mode of implementation:

- Refrain from arbitrary interference with individual rights and freedoms;
- Contribute directly to the protection of individual human rights throughout all the functions of democratic policing;
- Adopt ethical standards and codes of conducts that encompass the fundamental principles mentioned above;
- Carry out training programs aimed at fostering compliance with professional and ethical standards;
- Carefully consider the way the police shows its presence in the public space (e.g. threatening/non-threatening posture) – as this influences whether they are perceived as primary imposing law and order or as a "guarantor" of rights and freedoms;

- Implement efficient management and oversight mechanisms, such as ethical performance measurement systems frameworks and anti-corruption;
- Professional and ethical standards should inform these oversight mechanism;
- Design and implement strategies for effective interaction and communication with individuals from all segments of society;
- Ensure and protect the equal exercise of rights and freedoms by minority groups or other underrepresented groups in the public space, where the interests of dominant societal groups may otherwise threaten such exercise;
- Proper planning of operations including deployment of a sufficient number of officers when faced with civil unrest or unclear crowd management situations;
- Adequate salaries, a transparent management structure and culture, fair and transparent review and performance measurement systems, integrity monitoring systems, and clear operational standards and guidelines are necessary preconditions to police management respecting human rights;
- "The right to "organise" (that is, to join trade unions) has in the European Social Charter (Article 5) a special interpretation when it comes to the police, as the Charter in this respect leaves a margin of appreciation to individual States. However, the case-law under the Charter has established that, even if there is no unlimited right for the police to "organise", it would be a violation of the Charter to forbid police officers to set up their own representative associations;
- Similar to civil servants, special protection for whistle-blowers must be ensured;
- The same commitment to non-discrimination, equality and diversity must be reflected within the police force itself, where the chances for recruitment, retention and promotion must be fair and equitable to all.

Resources:

- Chêne, Marie: "Transparency International: Community policing as a tool against corruption", U4 Expert Answers, 2012.
- DCAF: "International Police Standards: Guidebook on Democratic Policing", 2009, para. 9.
- Hatchard, John: "Adopting a human rights approach towards combating corruption", in: Boersma, Martine, Hand Nelen: Corruption and Human Rights. Inter-Disciplinary Perspectives", 2009.
- Hope, Dunstan Allison: "Protecting Human Rights in a Digital Age", 2011.
- International Centre for the Prevention of Crime (ICPC): "International Report on Crime Prevention and Community Safety: Trends and Perspectives", 2010.
- European Union Agency for Fundamental Rights: "Fundamental rights-based Police Training – a manual for police trainers", 2014.