



**RESPONSE TO THE  
DEPARTMENT OF JUSTICE'S  
CONSULTATION ON LONG-  
TERM POLICING OBJECTIVES**

**MAY 2011**

## **Introduction**

Include Youth is an independent non-governmental organisation (NGO) that has been in existence since 1979. The organisation promotes the rights and best interests of and best practice with young people in need or at risk. We undertake activities aimed at influencing public policy and policy awareness as well as working directly with young people to support them to be engaged with policy decision making processes and to improve their employability. We also produce resources and provide training, information and support to practitioners and organisations.

Amongst the young people at risk with whom, and on whose behalf, Include Youth works are young people from socially disadvantaged areas, those with a learning disability, those with special needs, those who have been truanting, suspended or expelled from school, those from a care background, those who had a negative parenting experience, young people who have committed or are at risk of committing crime, misusing drugs or alcohol, undertaking unsafe sexual behaviour or other harmful activities, or of being harmed themselves.

Include Youth's Young Voices Projects support young people to express their views on policing and to engage directly with police officers at both local and senior level, and with oversight bodies, including the Northern Ireland Policing Board. The primary purpose of this work is to improve policing for children and young people in Northern Ireland. This response has been influenced by the direct experiences of young people who experience marginalisation and social disadvantage

## **General Comments**

Include Youth welcomes the opportunity to respond to the Department of Justice's Consultation on Long-Term Policing Objectives. Include Youth has previously provided commentary on a range of legislative and policy initiatives emanating from the Department of Justice since its establishment in April 2010, including on the Justice (Northern Ireland) Bill and the Consultation on a new Community Safety Strategy for Northern Ireland. In addition we submitted a written response and were among a number of stakeholders consulted during the Northern Ireland Policing Board's Human Rights Thematic Review on Children and Young People the findings and recommendations of which we very much welcomed.

More recently we have submitted a substantial response to the Independent Review of Youth Justice as well as engaging extensively with the Youth Justice Review Team.<sup>1</sup> As the PSNI is generally the first point of contact for children and young people within the criminal justice system we view it as crucial that the Youth Justice Review thoroughly examines current legislation, policies and practices regarding policing and children and young people and, based on that review makes relevant recommendations for change. **However, we would like to emphasise that while policing has an obvious relevance for children and young people who have contact with the youth justice system, good policing is of equal importance to the lives of all children and young people in Northern Ireland.**

## Context for Long-Term Policing Objectives

As children and young people (under the age of 18) constitute over a quarter of the population in Northern Ireland therefore it would be logical to assume that any long term policing objectives must consider the nature and role of policing vis-a-vis children and young people specifically. This is particularly so in the context of Northern Ireland, where the recent political conflict, within which issues around policing were fundamental, has impacted heavily and continues to impact on children's lives in a myriad of ways.<sup>2</sup>

The purpose of the long-term objectives for policing as outlined in the consultation document is to set out "*the broad direction of travel for the Policing Board and the PSNI*".<sup>3</sup> Without a doubt a key context for identifying this direction of travel will be the persistent and pervasive negative attitudes and experiences of young people in relation to the PSNI; in this regard we were surprised not to see even a passing reference to this within the consultation document.

Since the publication of the Patten Report in 1999, research has demonstrated that young people's perceptions and their experiences of the PSNI have remained negative.<sup>4</sup> Young people frequently maintain that they were targeted by the PSNI and were too readily labelled as criminals for what at times was no more than copying adult behaviour or a response to sectarian aggression or aggression by the PSNI themselves.<sup>5</sup> This is despite the Patten recommendations which were designed to transform the nature of policing in

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<sup>1</sup> Include Youth (2011) Submission to the Youth Justice Review Team's Review of the Youth Justice System in Northern Ireland

<sup>2</sup> Ibid, see pages 40-43 of Include Youth's submission for a discussion of the legacy of the conflict on children and young people

<sup>3</sup> Department of Justice (2011) Consultation on Long-Term Policing Objectives Paragraph 6

<sup>4</sup> Byrne, J. and Jarman, N. (2010) *Ten Years after Patten Young People and Policing in Northern Ireland*, Institute for Conflict Research and University of Ulster

<sup>5</sup> Hansson, U. (2005) *Troubled Youth? Young People, Violence and Disorder in Northern Ireland*. Belfast: Institute for Conflict Research

Northern Ireland and build a police service based on principles of human rights, consensual policing, public accountability and transparency rather than one dominated by security and militarisation.<sup>6</sup> It is also despite reforms to policing and youth justice introduced as a result of the Review of the Criminal Justice System in Northern Ireland in 2000 and the subsequent Justice (Northern Ireland) Act 2002.

Other issues identified by young people include:

- The belief that PSNI were uninterested in the types of issues confronting them.<sup>7</sup>
- A perception that the PSNI focused particularly on young men particularly among some more marginalised young people.<sup>8</sup>
- Young people who were distrustful of the policing structures were less likely to report crime.<sup>9</sup>

It is interesting to note the community background of young people did not prove to be a significant factor in their experiences and perceptions of the PSNI.<sup>10</sup>

Additionally PSNI officers reported spending a disproportionate amount of time responding to call-outs to deal with incidents, often of a low level nature, involving young people.<sup>11</sup>

These findings have been echoed by the young people involved with Include Youth.<sup>12</sup>

*“They don’t seem to care what they say or do ‘because they’ve got the badge”*

*“They try and speak to you in front of your mates, your mates try to wind you up, say you are a tout, they do it on badness”*

*“More young people have turned against the police now rather than turning against the other religion*

*“They don’t uphold the law they think they are the law”*

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<sup>6</sup> With the benefit of hindsight, the failure to address relationships between the police and children and young people in the Patten Commission’s consultation or in subsequent debates flowing from its publication was a serious error on the part of those setting the Terms of Reference for that Commission

<sup>7</sup> Byrne et al (2005) *Young people’s attitudes and experiences of policing, violence and community safety in North Belfast*. Belfast: Northern Ireland Policing Board

<sup>8</sup> Lloyd, T. (2009) *Stuck in the Middle- Some young men’s attitudes and experiences of Violence, Conflict and Safety*. University of Ulster, Centre for Young Men’s Studies. Belfast: Youth Action Northern Ireland

<sup>9</sup> Op cited at note 7

<sup>10</sup> [Get Reference](#)

<sup>11</sup> Byrne, J. and Monaghan, L. (2008) *Policing Loyalist and Republican Communities-Understanding key issues for local communities and the PSNI*, Belfast: Institute for Conflict Research

<sup>12</sup> Consultations conducted by Include Youth ‘s Young Voices Projects

*“You should feel safe when you see the police but you automatically feel anxious”*

When young people were asked why they thought the PSNI behaved in the manner they described one young person replied, “To intimidate you”.

A linked contextual issue is the broader, societal demonization of children and young people in society in recent years. The United Nations Committee on the Rights of the Child in 2008 highlighted “ *the general climate of intolerance and negative public attitudes towards children, especially adolescents, which appears to exist in the State party, including in the media, and may be often the underlying cause of further infringement of their rights*”.<sup>13</sup>

The impact of such negative stereotyping on children and young people’s lives was viewed so seriously by the Policing Board’s Thematic Review of Children and Young People that the final report included the following pledge: “ *that children and young people must be protected and respected and no longer subjected to unfair and inaccurate stereotyping*”.<sup>14</sup> While the Thematic Review acknowledged that the PSNI alone cannot redress society’s negative stereotyping it did recognise that it has a role to play in a broader societal response to this issue.

This growing hostility towards young people in our society, coupled with deep rooted negativity towards the PSNI from amongst young people cannot be overlooked in the current discussions regarding long term policing objectives. They are challenges that policing, but also wider society cannot afford to leave unaddressed.

### **Statutory Consultees**

We note that paragraph 20 of the consultation paper outlines the 5 statutory consultees and were surprised that the NI Commission for Children and Young People has not also been ascribed in this way. NICCY is a statutory Human Rights institution and in view of the importance of children, young people and their families to all aspects of policing it is essential that they are assigned the status of “statutory consultees.” We would also urge the DoJ that NICCY should have this status for all consultations that the department undertakes.

## **Comments on Suggested Themes and Objectives**

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<sup>13</sup> UN Committee on the Rights of the Child (2008) Concluding Observations. United Kingdom of Great Britain and Northern Ireland, paragraph 24

<sup>14</sup> Op cited at note 12 p3

## **Human Rights**

Include Youth is strongly supportive of the inclusion of Human Rights as one of the key themes underpinning the long term policing objectives. This is consistent with the central thrust of the Patten report and the ensuing reforms. While it is clearly implicit in the Draft Objective 1 that children and young people are entitled to equal protection and vindication of their human rights as are all adults, given the extent of age related discrimination against children and young people in our society<sup>15</sup>, we believe there would be merit in making this understanding more explicit. The maxim that ‘human rights are children’s rights’ and vice versa should be spelt out more clearly within the document.

The importance of this point being communicated and understood across the PSNI, including within training, was emphasised by the Northern Ireland Policing Board in its Thematic Review; this Review recommended that the PSNI should apply the UN Convention on the Rights of the Child in its entirety.<sup>16</sup> In particular the Review highlighted the centrality of the four core principles contained within the UN Convention on the Rights of the Child.

Include Youth welcomes recent developments regarding human rights and children’s rights training within the PSNI as positive developments. However, the lack of core children’s rights training is still a major omission from PSNI training, both on the Student Officer Training Programme for new recruits and for officers who have assumed their duties.

Aside from training there is also a need to ensure that the principles and provisions of the UN Convention on the Rights of the Child are appropriately integrated into all aspects of policing, including at policy, senior management and operational levels.

## **Policing in Partnership**

While we are broadly supportive of the principle underpinning this theme and the associated Draft Objective 3 we would sound a note of caution.

Include Youth is strongly supportive of a holistic, multi-agency approach being employed to address issues of risk taking and offending behaviour among children and young people.<sup>17</sup>

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<sup>15</sup> See Commissioner for Children and Young People (2009) Children’s Rights: Rhetoric or Reality A Review of Children’s Rights in Northern Ireland 2007/08 : NICCY and UN Committee on the Rights of the Child (2008) Concluding Observations. United Kingdom of Great Britain and Northern Ireland for detailed assessments of the extent to which children and young people’s rights are regularly and routinely violated.

<sup>16</sup> Page 9

<sup>17</sup> See pages 75-76 of Include Youth’s response to the Youth Justice Review ( op cited note 1) for a discussion regarding holistic, multi agency approaches to diversion from offending.

However we do have concerns regarding the increasing blurring of lines between non-criminal and criminal behaviour, often described as ‘net-widening’ and most acutely exemplified by definitions and responses to what is labelled ‘anti-social behaviour’. While the point is well made in the consultation document that “limits *need to be drawn around what the public should expect the police alone to do*”<sup>18</sup> the reverse is also true – the PSNI needs to be much clearer regarding what types of behaviour/situations it is appropriate for them to become involved in responding to.

There is a significant body of evidence which demonstrates the deeply damaging impact contact with any statutory criminal justice agencies, including the police, has on the lives of young people.<sup>19</sup> In light of this the PSNI needs to ensure that non-stigmatisation and non-criminalisation are the cornerstones of any effective diversionary approaches to youth offending which are undertaken in partnership with communities.

Similarly we believe that there needs to be greater clarity from the PSNI regarding its distinct/discrete role within any partnerships with community based organisations and where responsibility and accountability lie for the various aspects of any partnership.

We note the curious omission of some key actors at various points in this section of the consultation document. Paragraph 36 discusses the role of ‘the community at large and the whole range of public and private organisations’ in addressing the social and economic problems which lead to deprivation but neglects to identify the government or the legislature in the form of the Northern Ireland Executive and the Assembly, those institutions with the greatest power to effect change.

Again, in the wording of the Draft Objective 3 the community sector has been omitted from the list of partnership agencies identified. We assume that both of these omissions were simply oversights and not intentional.

### **Societal Change**

In discussing the need for policing to respond to the changing context, both in Northern Ireland and more generally, we recommend some recognition of the increasingly negative climate for children and young people growing up, as discussed earlier in this response.

While we recognise that it can be difficult to engage in long term projection regarding likely social, economic, demographical changes within society nonetheless the very vociferous, pernicious shift in attitudes towards children and young people, not just in Northern Ireland

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<sup>18</sup> Op cited at note 3, paragraph 37

<sup>19</sup> McAra, L. And McVie, S. (2007) ‘Youth Justice? The Impact of Agency Contact on Desistance from Offending’ European Journal of Criminology 4 (3) : 315-45

but across Europe, is of such seriousness and magnitude that we believe it warrants attention within any discussion around societal change.

Overall the section on Societal Change and the associated Draft Objective 4 while non-contentious is rather bland and superficial. Despite recognition of the need to address the legacy of the past in order for Northern Ireland to make the transition to a more normal society, the rather singular focus on moving towards shared communities negates the very real experience of many children and young people living in interface and marginalised communities across Northern Ireland. For many of these children and young people violence, the threat of violence and sectarianism remain ever present features of their lives.<sup>20</sup> Likewise economic marginalisation and social exclusion. For these young people the barriers they face cannot and will not be resolved by a narrow focus on shared spaces.

This rather superficial focus on encouraging the two main communities to share space also overlooks the significant demographic changes which have taken place and continue to take place in Northern Ireland in the past decade or so. We would have expected paragraph 42 to make some reference to the increased cultural diversity in Northern Ireland and the challenges for the PSNI to ensure that the rights of all minority ethnic communities are protected and vindicated.

### **Freedom and Accountability**

We believe that the wording of this theme is misleading. The term ‘freedom’, appears to refer to ‘operational independence’. We believe that accountability should constitute the key theme of this heading. While we agree that the PSNI through the Chief Constable should have operational independence *in operational matters* we would suggest that this needs to be carefully defined and monitored, given the difficulties which have arisen in the past regarding the definition of ‘operational’ versus ‘policy’ matters.

More recently Include Youth has voiced its concerns regarding the introduction of ‘Speedy Justice’ and the potential blurring of responsibilities for and functions of investigation, prosecution and adjudication in relation to the PSNI’s use of Discretionary Disposals. Include Youth expressed similar concerns regarding proposals for the introduction of Fixed Penalty Notices to vulnerable young adults as part of the Justice Bill (Northern Ireland) 2010.<sup>21</sup>

The introduction of ‘Speedy Justice’ highlights the challenge for the PSNI, and for the Policing Board, in ensuring the correct balance between operational independence and

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<sup>20</sup> McAlister, S. et al ( 2010) Childhood in Transition Experiencing Marginalisation and Conflict in Northern Ireland, Belfast: Queen’s University Belfast, Save the Children and Princes Trust.

<sup>21</sup> Committee for Justice (2010) Official Report of Proceedings ( Hansard) on Justice Bill: Parts 5 and 6, 9 December 2010

accountability. Given this we do not believe that the inclusion of 'free (dom) from external interference in operational matters' is appropriate to include in Draft Objective 5.

### **Conclusion**

Include Youth has welcomed the opportunity to respond to this consultation. We hope that you find our comments helpful. We are very happy to meet with you to discuss this response at any stage should you find that useful.

**Include Youth**

**4 May 2011**