



NATIONAL POLICING STRATEGIC FRAMEWORK



"With you, making Mauritius safer"

Achieving a Human Rights Compliant Organisation

(a commitment to professional standards)

Mauritius Police Force

**National Policing
Strategic Framework**

Blue Print

“Achieving a Human Rights Compliant Organisation”

(a commitment to professional standards)

This ‘Blue Print’ is one in a series of six strategic documents, each of which deals with one pillar of the National Policing Strategic Framework (NPSF). The others are:

- Community Policing – greater accountability to the community
- Human Resource Management Capability – modernising our human resources management
- Permanent Strategic Planning Capability – strategic direction at Force and Divisional level
- Intelligence-Led Policing – development of proactive responses
- Enhancing Reactive Capability – a step change in the quality of reactive activities

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ACHIEVING A HUMAN RIGHTS COMPLIANT ORGANISATION

(a commitment to professional standards)

1. INTRODUCTION

The Mauritius Police Force as the right arm of democracy, is the first organisation in line to safeguard the fundamental rights and freedoms of the individuals enshrined in our Constitution, and in the discharge of such responsibilities, we are accountable to the judiciary and the parliament and ultimately, to the public.

It is our responsibility to usher in, a new organisational culture conducive to attitudes and behaviour for humane and law-based investigation. All police officers must understand that in our modern time, all police action including investigation needs to be conducted in an impartial and non-discriminatory manner. This means that the police must appreciate the needs and expectations of the community we are called upon to serve, bearing in mind their ethnic, religious, cultural and linguistic diversity.

From a practical point of view, for the police, enforcing the law and especially, ensuring the respect for the provisions of the Constitution of Mauritius, are per se a challenging task. The task is more so challenging as in the judgement of the ordinary police officer in the exercise of his duties, he must know that he has a duty to strike the right balance between the need for ensuring the respect of the rights of wrongdoers and for the need to safeguard the interest of the society, and in particular, law abiding citizens. There is a thin line that separates what could be a good, and what could be a wrong, action. We need to be very careful and take the right decision at all times.

Developing a new culture of Human Rights compliance admittedly, is a long term process. We believe that we have attained an acceptable standard in both observance of Human Rights and capacity building in terms of legislations and institutions. However, we must review our existing policies, practices and procedures and where these are inadequate, take remedial action.

2. THE EXISTING SITUATION – HUMAN RIGHTS OBSERVANCE

As regards the issue of our compliance to Human Rights, we have been quite a few times criticised for alleged violation, more so, following the enactment of the Protection of Human Rights Act 1998.

Currently, the police tend to rely strongly on confession in the conduct of their enquiry. This is the root cause of many allegations. The public perception is that the police abuse their authority in order to extract the confession. In few cases, the courts have questioned the admissibility of evidence obtained through confession.

As regards the issue of privacy, allegations have been to the effect that Search Warrants have been obtained too easily, without proper verification as to genuineness of the information. Such practice is not only an abuse of authority but also a violation of the privacy of the individual. There has also been complaint about police officers not exhibiting their Search Warrants in the execution of the same.

The question of arrest continues to fuel controversy. Since what is arrestable has not been defined in our law, this allows a certain discretionary power to the individual police officer and therefore, open to possible abuse. This is not desirable in the interest of justice. Linked to this, is also the issue of inconsistency in local practices about detention.

With regard to the theory of minimum force, there are instances where the police have been criticised for not observing the principle of proportional force.

3. BUILDING CAPACITY TOWARDS HUMAN RIGHTS COMPLIANCE

As far back as 1988, the Chesworth Report for the Review of the 1987 Pay Research Bureau Reports recommended the upgrading of the academic base in the Police service. The recommendation was to the effect that there should be a two year training course. The course would lead to a Certificate in Police Studies under the joint auspices of the Police Force and the University of Mauritius. This was to be the customary for those joining the Police Force, though arrangements could also be made for those already in the service for some years, to undertake the university oriented part of the course on a voluntary basis.

In the mean time, in 1998, the enactment of the Protection of Human Rights Act referred above, placed a duty on the police for greater respect for Human Rights. This per se called for training of police personnel in Human Rights matters.

In the same year, a programme of higher education at Certificate / Diploma / Degree level in Police Studies was developed at the University of Mauritius in collaboration with the University of Portsmouth and it was aimed at facilitating *“organizational change and reform geared towards the establishment of a modern, accountable, efficient and effective, community-focused police service operating in accordance with the principles of democracy, customer care and the rule of law”*. This course did not only help to upgrade the academic base but also helped to raise Human Rights awareness within the service. In fact, a complete module has been dedicated to

the issue of Human Rights. It was a four-year degree course which led to a BSc (Hons) in Police Studies run between September 1999 and August 2008. A total of 314 officers of different ranks successfully completed the training.

Moreover, under the two years Probationary Training Programme introduced in year 2000 referred to above, for the benefit of police recruits, Human Rights as a subject matter, was integrated in the training curriculum.

Therefore, the knowledge of Human Rights is grounded in training. We have made a significant commitment to this issue in our both initial and continuation training. Whilst we will not be complacent about our training and therefore, continue to ensure that it remains totally up-to-date, we do not believe that this is a major area that requires our attention.

4. THE PARADIGM SHIFT

We will therefore, respond to the aspirations of the people of Mauritius who want to see the development of a Police Service imbued with democratic values; a service, that is accountable to the law, that respects and protects Human Rights and the rights of small groups, assures law and order and security and instils public confidence through increased accountability, transparency and impartiality in its action.

We will continue to bring changes in our policing and management style with a view to setting a new direction towards quality service and professionalism. The MPF has embarked upon an inspiring quest: to transform itself and to be known as the Mauritius Police Service, not simply in name but, more importantly, in deeds. To assist the Police in this endeavour, the United Nations Development Programmes (UNDP) in Mauritius and the UNODC Regional Office for Eastern Africa have been supporting the MPF to assess its challenges and to formulate a National Policing Strategic Framework (NPSF). The new framework will help structure the agenda for police reform and aid the process of transforming the 'Force' into a 'Service'.

In our quest to achieve the paradigm shift from a 'Force' to 'Service', we will bank on six key elements:

- Community Policing – greater accountability to the community;
- Achieving a Human Rights Compliant Organisation – a commitment to Professional Standards;
- Human Resource Management Capability – modernizing our human resource management;
- Permanent Strategic Planning Capability – strategic direction at Force and Divisional level;

- Intelligence-led Policing – development of proactive responses; and
- Enhancing Reactive Capability – a step change in the quality of our reactive activities.

Structural and procedural changes are necessary in all the above six key areas of reform. This Blue Print will address the issue of Professional Standards.

The move from a Force to Service is not just about amending the laws and effecting a change of name from “Mauritius Police Force” to “Mauritius Police Service”. Nor is it just a change in symbols such as of emblems and badges, etc. The change from a ‘Force’ to a ‘Service’ is primarily a major **cultural** shift. It is about recognizing that one of the fundamental principles of policing in a democracy is to **serve** the people.

Whilst this Blue Print on achieving a Human Rights compliant organisation will entail some structural and procedural changes towards achieving the cultural shift, the majority of those changes which will complement the cultural shift are embedded in the other five Blue Prints. The reason is simple: Human Rights/Professional Standards do not exist in a vacuum but these cut across all the other five key elements contained in the National Policing Strategic Framework.

5. CREATING A CULTURE OF SERVICE

In order to build public confidence, MPF staff need to espouse a culture of service to the community we serve. The service values which we will promote, will target individuals, managers and teams alike. Behind the development of a shift towards a culture of service is the idea that we will shift from a culture of blame to a culture of accountability.

The precise idea is a fine distinction. It starts from the notion that it is the organisation which is facing the problem and not the individual officer. Clearly, officers are expected to carry out their duties diligently and in accordance with their training and existing Standing Orders and Force policies. However, the organisation has a number of responsibilities; to prepare officers properly and endeavour to provide the environment and support to enable them to carry out those duties and to ensure that within the resources available, proper management, support and administrative processes are brought to bear on problems. The impact of targets and policies on performance must be understood and their potential to skew behaviour appreciated. The achievement of targets when systems and procedures are not working, will only be reached by short cuts and avoidance of due process rendering the product unacceptable. Managers must appreciate that individual investigations may not always be successful and that it may be necessary to look for broader responses to problems.

The aspirations in paragraphs 5.1 to 5.3 describe our route to accountability.

5.1 Service Values for Individuals

Individuals will be encouraged to:

- (a) embrace diversity, treating everyone fairly;
- (b) have courage in protecting the public;
- (c) give an excellent customer service to the public and to their colleagues in the service;
- (d) set the highest standards for themselves and others;
- (e) have confidence to use their judgment and initiative;
- (f) challenge appropriately when they believe it is the right thing to do;
- (g) understand what they are expected to achieve and to what standard;
- (h) listen and reflect when others give them feedback; and
- (i) judge and be judged by the above values.

5.2 Service Values for Managers

Managers will be encouraged to:

- (a) empower and support others to use their judgment and discretion;
- (b) have confidence in their staff and their judgment;
- (c) be consistent, reliable and fair;
- (d) acknowledge genuine mistakes; and
- (e) create a transparent environment that allows subordinates to challenge, develop and grow.

5.3 Service Values for Teams

Teams will be encouraged to:

- (a) promote trust by celebrating success and forgiving genuine mistakes;
- (b) support everyone to give their best;
- (c) be open, honest and respectful; and
- (d) share information and knowledge.

6. GOALS

Our goals will be to:

- (a) ensure a total understanding of Human Rights standards and practices among our staff;
- (b) ensure that all policies, practices and directions are Human Rights compliant;
- (c) monitor, identify and tackle tensions and pressures which normally lead to Human Rights abuses;
- (d) examine objectively and thoroughly any allegation of abuse and resolve failings where established;
- (e) prevent corruption;
- (f) maximize transparency in our activities;
- (g) support our officers through the provision of systems and processes which demonstrate adherence to Human Rights standards and practices;
- (h) treat everyone fairly, with dignity and respect whilst ensuring that our services are accessible to the public round-the-clock; and
- (i) ensure that our officers are empowered to use their professional judgment and discretion in achieving resolutions and outcomes when serving the public.

7. ACHIEVING OUR GOALS

We will set up a PSD that will be under the direct command of the Commissioner of Police, assisted by the Deputy Commissioner of Police (Administration). The PSD will work closely with the Police Strategic Planning Unit of the MPF and will have a strong link with the other four pillars of the reform programme.

The PSD will identify and set clear procedures, protocols and standards of behaviour (in all areas of work) that will eventually guide our officers to deliver the service required by the people of Mauritius. The PSD will also consider the issues in every complaint against the Police and identify the causes of mistakes where systems need improvement or change. The PSD will link with the new Tasking and Coordination process to ensure that good practices are spread over the whole Force.

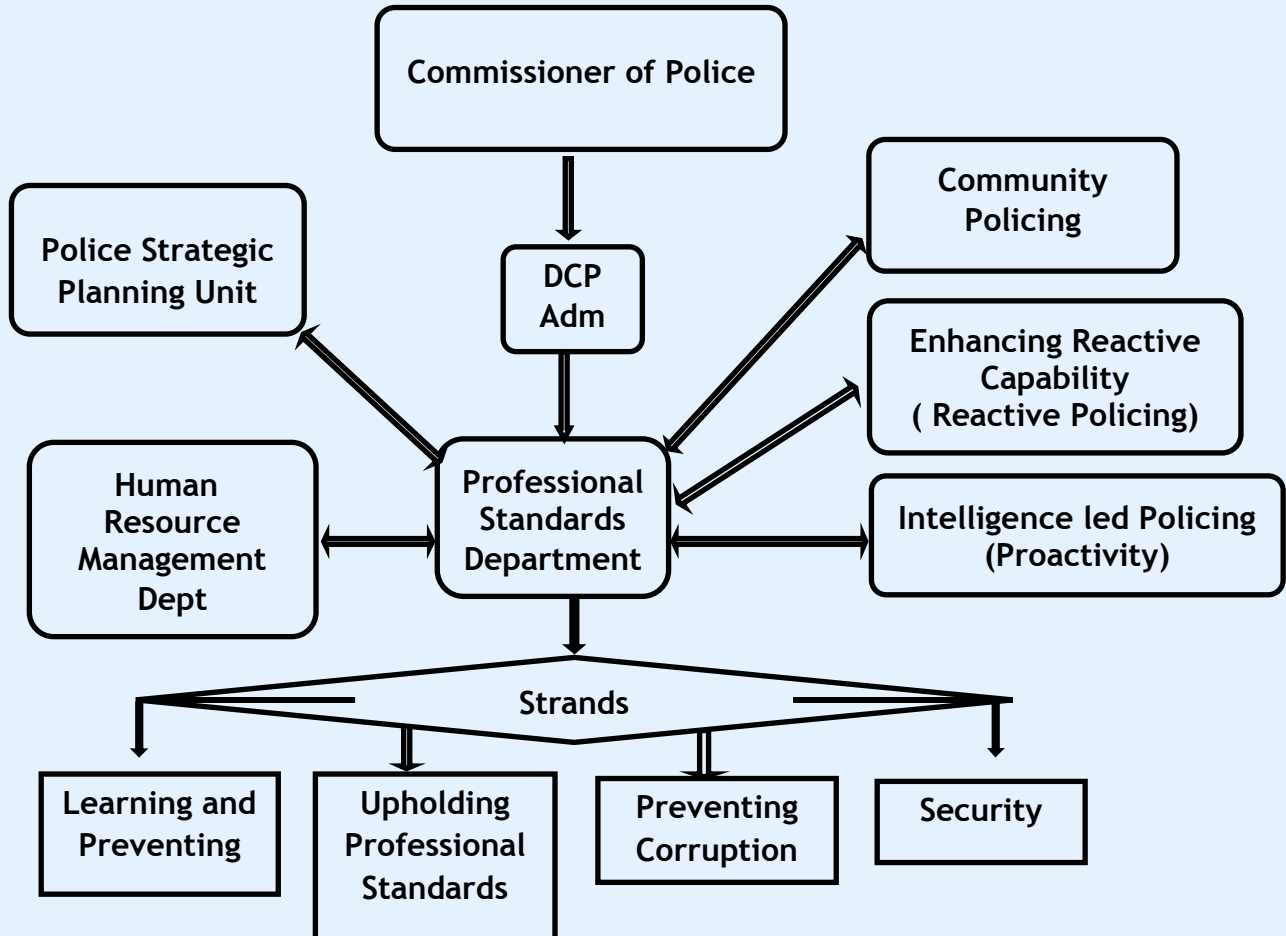
The main role of the PSD will be to promote MPF values and to educate all MPF staff on the importance of undertaking a commitment regarding how we should conduct ourselves so that we can gain the confidence of the public to whom we are ultimately accountable.

The key messages which the PSD will communicate to our staff will serve to reinforce Professional Standards. Our staff will be educated to understand that Professional Standards are all about:

- giving the public and our staff confidence in the MPF;
- improving customer service;
- promoting success and learning lessons from past mistakes;
- promoting good leadership and supporting managers;
- upholding standards through objective and proportionate investigation into cases of complaints against the Police;
- preventing corruption;
- promoting a culture of accountability; and
- raising awareness of security and the need to challenge those who jeopardize security.

7.1 Structure and Functions

The structure and functions of the Professional Standards Department are as shown below:



The PSD will be made up of four strands as follows:

- Learning and Preventing (7.1.1);
- Upholding Professional Standards (7.1.2);
- Preventing Corruption (7.1.3); and
- Security (7.1.4).

7.1.1 Learning and Preventing Strand

Under this strand, we will aim to motivate our staff to perform professionally. We will provide ways for everyone across the MPF to share learning from successes and mistakes.

Objectives

- (i) to enable our staff to perform professionally and with confidence by setting clear procedures, protocols and standards of behaviour for them to adhere to, in their daily contact with the public we serve (**every contact leaves a trace**);
- (ii) to reinforce good practices through learning from successes;
- (iii) to reduce the number of complaints about key issues through learning from mistakes; and
- (iv) to move away from a culture of blame to one where lessons are learnt from past mistakes.

How we will proceed

We will provide our officers with opportunities to give feedback and to share good practices and experiences through debriefing systems. We will develop and deliver prevention and education initiatives to raise awareness of our officers on key issues pertaining to Professional Standards. We will educate and sensitize our officers so as to ensure a total understanding and internalisation of Human Rights standards and practices. An early task of the PSD would be, to take on the current criticism regarding confession evidence and consult with external stakeholders so as to advise the Commissioner of Police as to whether any new Standard Operating Procedures (SOP) ought to be introduced in the MPF with a view to making it fully Human Rights compliant. To achieve this, the PSD will work in close liaison with the Police Training School and Divisional Training Units.

How we will measure progress

Progress will be evaluated through the reduction in the number of complaints against police after

targeted education and prevention interventions. To have a sense of the direction in which the MPF is travelling, we will also look to introduce a programme of cultural audit where, for example, we will test the impact of the whole Reform Plan by asking officers questions about the extent to which they are encouraged to challenge unacceptable behaviour in the workplace as well as other key issues.

7.1.2 Upholding the Professional Standards Strand

Under this strand, we will uphold Professional Standards by conducting balanced investigations into public complaints and allegations of bad conduct on the part of officers. The principle of accountability warrants that every officer is accountable for his/her actions. To achieve this, the PSD will work in close liaison with the Complaints Investigation Bureau (CIB)¹.

Objectives

- (i) to reduce the number of complaints and allegations of bad conduct on the part of officers;
- (ii) to conduct investigations which are balanced and proportionate with due regard and compliance to the code of offences;
- (iii) to provide management with the necessary documentary evidence to make an informed decision for any subsequent disciplinary action; and
- (iv) to move away from a general blame culture to one where every officer is held accountable for his/her actions regarding the upholding of professional standards.

¹ The CIB is the unit responsible for investigating all complaints against police. It is under the control of the Commissioner of Police and works closely with the National Human Rights Commission (NHRC), established under Section 3 of the Protection of Human Rights Act 1998 to, inter alia, enquire into any written complaint from any person against an act or omission of a member of the Police Force in relation to him, other than an act or omission which is the subject of an investigation by the Ombudsperson.

After investigating a complaint, the CIB transmits the file to the Director of Public Prosecutions through the Commissioner of Police. Where the CIB decides not to proceed with a case it has to inform the NHRC. Trivial complaints are usually filed at the level of the CIB.

The current system of investigation has often been questioned mainly due to the fact that police officers are investigating other police officers creating a perception of bias.

In its eighth Annual Report (2008), the NHRC reports that a new Police Complaints Division of the NHRC will soon be created to take over the work of the CIB, so that all complaints against police will be centralized at the level of the NHRC. The investigators of the NHRC will NOT be serving police officers.

However, until the materialization of the new Police Complaints Division of the NHRC, the CIB will continue to exercise its role as a purely functional investigation body within the police.

But, what will happen after the creation of the independent investigation body of the NHRC? Will the MPF walk away from the issue of complaints against police? The answer is, of course, NO.

This is where the role of the PSD will be of paramount importance. The PSD will not be a purely functional investigation body but rather a body that contributes to the corpus of professional standards by conducting balanced investigations into public complaints and allegations of bad conduct on the part of officers. The PSD will mostly be concerned with the informal resolution of complaints.

How we will proceed

The PSD will work in close liaison with the CIB. Every public complaint or allegation of bad conduct on the part of officers which is made to the police will be subjected to balanced investigations. Judgment regarding resolution of complaints is important and a balance between satisfying complainants and providing fairness for officers is a key task. We note the success of the use which other countries have made of informal resolution, particularly where there have been misunderstandings and we will look to introduce these procedures. Where significant breaches of discipline have been committed, disciplinary action will be recommended. In every case, where officers have committed breaches of the law, the Commissioner of Police will refer those cases to the Director of Public Prosecutions for decision.

How we will measure progress

We will maintain a proper database for all cases of complaints/misconducts reported in each Division/Branch/Unit, and against which complaints against police will be analysed in the light of investigation by the PSD and the CIB.

7.1.3 Preventing Corruption Strand

Under this strand, we will aim to **prevent and where needed, proactively investigate corrupt practices using all proportionate means**. We will proactively develop intelligence on potential corruption opportunities within the service and reduce the likelihood of corruption.

Any officer who knows or suspects a colleague to be acting against the laws of the country and the Standing Orders of the organisation but does nothing, effectively condones that kind of activity. Any officer who carries out a dishonest, corrupt or unethical activity compromises the Professional Standards of the MPF and potentially damages public confidence.

Our expectation is that management and staff at all levels will lead by example in ensuring adherence to legal requirements and the Standing Orders. To achieve the above, the PSD will work in close liaison with the Prevention and Education Division of the Independent Commission Against Corruption (ICAC).

Objectives

- i. to protect the MPF against fraud and corruption both from within and from external sources;

- ii. to lead by example in ensuring adherence to legal requirements and the Standing Orders of the organisation;
- iii. to deal robustly with individuals/organisations engaged in business with the MPF who perpetuate fraud against it or seek to involve MPF officers in corrupt practices;
- iv. to gather intelligence in order to prove or disprove allegations of corrupt or fraudulent practices; and
- v. to move away from a general blame culture to one where every officer is held accountable for his/her actions regarding corrupt practices.

How we will proceed

- i. by publishing and managing the means whereby intelligence can be communicated to the PSD on potential corruption opportunities;
- ii. by carrying out covert investigations;
- iii. by working in close collaboration with specialist intelligence teams to highlight their awareness of key corruption vulnerabilities and what action can and should be taken to protect the MPF from corrupt practices; and
- iv. by conducting visits to Divisions/Branches/Units to raise awareness of corruption issues, i.e., target hardening through education.

How we will measure progress

We will develop a benchmark for the number of intelligence reports received at the PSD; and conduct 'Quality Assurance Checks' to establish if target hardening through education is in fact reducing vulnerability to corruption.

7.1.4 Security Strand

Under this strand, we will aim to **protect the assets of the MPF through a proactive approach to security covering our buildings, vehicles and equipment, etc.**

We will create simple and clear statements which can be used to motivate, communicate and help develop a pro-security culture designed to protect our assets. Our assets are **public** property that must be protected for the long-term benefit of the **public** we serve. To achieve the above, the PSD will work in close liaison with the Police Inspectorate Team (PIT).

Objectives

- (i) to promote and maintain a security culture among our staff in relation to buildings, vehicles, equipment, etc;
- (ii) to foster a culture where the responsibility for security of our assets is accepted by all;
- (iii) to foster a culture where the actions of the minority who breach security will not be tolerated; and
- (iv) to move away from a general blame culture to one where every officer is held accountable for his/her actions regarding the security of our assets.

How we will proceed

- (i) by creating simple and clear statements which can be used to motivate, communicate and help develop a real pro-security culture designed to uphold standards and protect the security of our assets;
- (ii) by providing advice and guidance on aspects of security of our assets;
- (iii) by continuously developing and reviewing security-related policy and procedure following observations made through visits effected by members of the Police Inspectorate Team (PIT); and
- (iv) by developing a range of “reality checks” to continuously assess whether visits by PIT are having a positive impact and helping to achieve understanding and compliance regarding security of our assets.

How we will measure progress

We will develop a benchmark for the number of breaches of security that have been reported to the PSD after “reality checks” conducted by members of the PIT.

8. COMMUNICATION

Communication will play a key role in the achievement of our goals. We will communicate through an appropriate publication. We will listen to feedback and provide simple, clear and honest information on the work of the PSD.

8.1 Police Publication (Journal)

It will serve to:

- i. provide our staff with learning opportunities from issues that have been brought to the attention of the PSD in the form of complaints;
- ii. improve Professional Standards in the delivery of our service by placing prevention at the heart of improvement;
- iii. highlight specific areas of improvement in service delivery;
- iv. facilitate organizational learning;
- v. prevent future misconduct or unprofessional behaviour;
- vi. move away from a blame culture to one where lessons are learnt from past mistakes; and
- vii. raise awareness of security of our assets such as buildings, vehicles, equipment, etc.

9. SELECTION AND TRAINING OF STAFF

The idea of creating a PSD has been inspired from Surrey Police. Maintaining and improving Professional Standards in the delivery of our service to the public of Mauritius by placing prevention at the heart of improvement and moving away from a blame culture to one where lessons are learnt from past mistakes will require trained staff. Those staff will need to be carefully selected according to set criteria of selection.

10. FUTURE DEVELOPMENT

The setting up of the PSD may take about a year, considering the ambitions of each of the four (4) strands. Once the PSD will have become operational in about a year, there will be scope for future development. For example, in the first instance, the Security Strand of the PSD will aim to protect the assets of the MPF through a proactive approach to security covering only our physical assets such as our buildings, vehicles, equipment, etc.

After its first year of operation, the PSD could be assigned the additional task of protecting the security of MPF Staff (human resource) so as to promote healthy lifestyles and maximize the attendance of officers at the workplace. That would require the future development of security-related policy and procedure to learn from operational experiences in order to minimize risks and prevent future security incidents from occurring. The recent death of a police officer whilst attending to a road accident is the first example that comes to mind. The recent suicide of two Police officers using their service revolvers are other issues that need to be given serious thoughts regarding Occupational Safety and Health in the MPF.

11. CONCLUSION

We have three principal tasks to achieve our goals in this Blue Print: to ensure adequate knowledge of Human Rights and their application in our work, to ensure our policies, practices and procedures enable the delivery of those Rights and to create the right cultural environment. Our plans are set out in this Blue Print and the Mauritius Police Force will benefit from the setting up of a Professional Standards Department to ensure that we achieve those plans through the promotion of MPF values, upholding Professional Standards and promoting fairness and consistency in leadership. This is what the PSD will do through its:

- i. **Learning and Preventing Strand** – by providing ways for everyone across the MPF to share learning from successes and mistakes;
- ii. **Upholding Professional Standards Strand** – by leading and providing support for proportionate, timely and balanced investigations into public complaints and allegations of bad conduct;
- iii. **Preventing Corruption Strand** – by preventing and where needed proactively investigating corrupt practices using proportionate means; and
- iv. **Security Strand** – by protecting our assets through an integrated approach to security covering our buildings, vehicles, equipment, etc.
