

**Report of the Chief Constable to the Chair and Members
of the Policy & Resources Panel
27th January 2010**

Executive & Presenting Officer: Mr Derek Bonnard, Deputy Chief Constable

Status: For information

Force Compliance with the Human Rights Act

1 Purpose

- 1.1 To provide an update to the Members on the Force's compliance with the Human Rights Act.

2 Recommendations

- 2.1 That Members note the content of the report.

3 Reasons

- 3.1 The Human Rights Act 1998 came into force in October 2000 and enshrined in statute 15 different human rights (e.g. the right to life, the right to marry and start a family etc).
- 3.2 Public authorities, such as the police, have a duty to comply with these rights but, can in certain circumstances apply limitations. However it must be:
- Prescribed by law
 - Intended to achieve a legitimate objective, and
 - Proportionate to the end that is to be achieved.
- 3.3 Following these principles the Force has to ask itself every time it deals with an incident if it is acting in legal, legitimate and proportionate manner. The safeguards for this are built into the procedures that are already in place.

- 3.4 For example, applications that we have in place for use of certain powers, such as surveillance and search warrants have specific sections that require details from the officer to show how the proposed actions may affect individual's human rights and why it is proportionate and justified.
- 3.5 Safeguards are also in place that ensure compliance with the act in the main area's of public concerns with every stop and search form having to be scrutinised and signed by a supervisor, officers having to explain grounds and proportionality of arrests to custody sergeants which if are not legitimate the person would be released from custody.
- 3.6 All UK statute laws have to be compliant with the Human Rights Act and therefore as a default the police powers that are used are compliant with the Act.
- 3.7 The Force ensures it keeps up to date with all relevant advice on Human Rights with the latest guidance having been taken from The Equality and Human Rights Commission report '*Human Rights Enquiry 2009*'.
- 3.8 Inline with the recommendation from the recent '*Human Rights Enquiry*' the Force is currently looking at identifying an Human Rights champion/champions that can drive any issues forward across Service Units.
- 3.9 As with any public bodies we are accountable for our actions and if they do not comply with the Human Rights Act then we can be legally challenged.

4 Implications

4.1 Financial

There are no financial implications arising from this report.

4.2 Diversity and Equal Opportunities

There are no diversity or equal opportunities implications arising from this report.

4.3 Human Rights Act

There are no Human Rights Act implications arising from this report.

4.4 Sustainability

There are no sustainability implications arising from this report.

4.5 Risk

There are no risk implications arising from this report.

5 Conclusions

- 5.1 There are no material issues to report to Members. The principles of the Human Rights Act are imbedded in our Force policies and procedures, and are subject of regular review.

Sean Price
Chief Constable