

# Righting the Police: How do Officers Make Sense of Human Rights?

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Human rights have become a dominant paradigm in police reform projects worldwide, championed by policymakers, legislators and campaigners alike. Such projects are often premised on, and evaluated according to, a conception of human rights as an autonomous, coherent and legitimate body of norms. It is a paradigm made real through formal training, procedures and oversight. This paper invites a different reading of human rights. Drawing on extensive interviews with junior officers, it reveals how human rights come to be emergent from, and embedded within, the minutia of their working lives. The presence and meaning of human rights are sustained through a series of ‘sensemaking’ narratives arising from the rich intermingling of legal and organizational representations of rights and officers’ own experiences. Subtle variations, inconsistencies and contradictions in officers’ sensemaking are revealed across a four-fold typology which disrupts the stability and coherency of the human rights paradigm, but also generalizations made about police culture.

**Key Words:** human rights, police, sensemaking, culture

## INTRODUCTION

The last half-century has witnessed the ‘apparently ceaseless and expanding process of international human rights standard-setting’ (Grear 2012: 19). The United Nations conference on the ‘*Role of the Police in the Protection of Human Rights*’, held in Canberra in 1963, marked the beginning of this process in policing (Hambly 2014). A raft of international human rights treaties, standards and codes of conduct introduced by the United Nations, Council of Europe and European Union are now directed at law enforcement agencies and disseminated through a panoply of police training courses, conferences and inspections (Hornberger 2010; Kilpatrick 2018). The rhetorical appeal and regulatory framework of human rights have proven attractive to policymakers, legislators and campaigners, helping to establish them as the *lingua franca* of police reform projects in post-conflict societies, such as South Africa and Northern Ireland, as well as initiatives to improve police ethics and accountability in Europe, Canada and Australia (Hornberger 2011).

The arrival of the human rights paradigm is one frequently gestured at by policing scholars, yet it is rarely interrogated on its own terms or subject to close empirical analysis. As observed by Good (2016: 236) in his review of literature, despite numerous works on police work, reform and culture:

there are very few empirical studies that focus specifically on the question of policing and rights, or the barriers to effective human rights policing... we know little about how the police understand human rights, how the police's institutional and working cultures shape individual's responses to those rights... These are all areas that need to be the subject of further research.

This raises a series of preliminary questions. How might we meaningfully engage with the human rights paradigm beyond the confines of the strictly legal realm? What presence might human rights take amidst the minutia of everyday police work? How do officers make sense of this paradigm? And how do efforts to 'make and imagine' (Loader and Mulcahy 2003: 39) policing through the lens of human rights interact with workplace cultures and personal experiences?

In this article, I want to begin to approach these questions through a sociological account of the presence of human rights law in everyday policing, set within the context of the landmark human rights reform of policing in Northern Ireland (NI). Drawing on officers' narratives accounts elicited as part of fieldwork with the Police Service of Northern Ireland (PSNI), I reveal how and why the lofty pronouncements, technicalities and foreignness of the human rights paradigm fade as it becomes embedded in, and emergent from, officers' working lives. The article's contribution to law, policing and culture is twofold. First, it unsettles the legal orthodoxy of human rights as an autonomous, coherent corpus of law by using a social constructivist account of the law and the concept of 'sensemaking' drawn from organizational studies. This provides space to consider the presence of human rights in officers' interactions with their organization, colleagues and the public, as influenced by their personal biographies and experiences. Second, it presents a four-fold typology of how and why officers make sense of human rights in the various ways they do. The typology reveals a subtle, and hitherto underappreciated, diversity in how officers police under the weighty mantra of human rights. This typology structures the main body of the article, where the reader will meet *The Sceptics*, *The Commonsense Coppers*, *The Old Guard* and *The Conscientious Constables*. Let us first begin, though, by sketching out this human rights paradigm and how we might explore it sociologically.

## THE HUMAN RIGHTS PARADIGM IN POLICING

The relationship between the coercive state and the individual lies at the core of the human rights paradigm. The individual is cast as a rational agent whose autonomy, dignity and capabilities ground core interests identified, elevated and protected through legal entitlement which gives rise to duties of forbearance and protection by the state. It is anti-consequentialist in so far as broader values of crime control, public safety or national security must give way to individual rights in certain sphere thus providing 'the individual or the minority with the shield to be used against a possible tyranny or rights by the majority'. (Barak 2012: 22). This relationship is premised on what Mureinik (1994) famously described as a 'culture of justification', whereby exercises of state power ought to be fully justified, explained and communicated to rights-holders; the antithesis of a culture of fear and coercion. Police interference with absolute rights (e.g. freedom from torture) will never be justified, while the intrusion on qualified rights (e.g. private and family life) will only be permissible if proportionate to achieve a prescribed list of 'legitimate aims' considered 'necessary in a democratic society', a balancing formula common to rights treaties worldwide (see Campbell *et al* 2019: 46–47). This formula requires that police actions and operations be rationally connected to the legitimate aim, other less intrusive means have been considered and the ultimate balance struck between the rights of the individual and wider community is fair (Barak 2012).

A powerful example of the potential of the rights paradigm to influence policing in democratic societies is the European Convention on Human Rights (ECHR), signed in 1950 and ratified by 47 Member States. The interpretation of the ECHR's broadly worded articles by courts has resulted in an increasingly elaborate scheme regulating, or at least softening the harsh edges of, routine practices like stop and search<sup>1</sup> and the policing of protests<sup>2</sup>, as well as also emerging surveillance technologies such as automated facial recognition technology.<sup>3</sup> But so too are aspects of the police mandate being subtly shaped by the rights paradigm. Beyond constraining police power, a series of positive obligations implied from the ECHR are channelling how, when and against whom police resources are exercised (Lazarus 2020). Police must now take measures to actively facilitate peaceful protest,<sup>4</sup> deploy measures to protect vulnerable people (e.g. domestic abuse, human trafficking, forced labour),<sup>5</sup> and ensure investigations are conducted to a requisite standard where credible allegations of serious ill-treatment are made.<sup>6</sup> Police continue to be trained and assessed to identify and consider the human rights implications of routine policies and operational decisions, even if the extent to which they competently or meaningfully do so remains questionable (Bullock and Johnson 2012).

Criminological research has, of course, devoted great energy to detecting and explaining how police maintain a social order marked by profound inequalities and power asymmetries which make the realization of rights elusive (Loftus 2009; Koch 2018). So too is it common to encounter human rights as part of wider analyses of police legitimacy, culture and discrimination (e.g. Bowling and Phillips 2007; Skinnis 2019). It is much rarer, though, to find accounts that directly engage with the lexicon and logic of the rights paradigm, not least how officers make sense of and engage with it. The few works to do so have adopted either a 'law in action' approach, skilfully examining officers' technical grasp of, and compliance with, legal standards (O'Rawe 2005; Bullock and Johnson 2012; Beckley 2017; Pearson *et al* 2018) or a doctrinal analysis of significant legal judgments and their implications for policing (Fenwick 2009; Mead 2010). Bullock and Johnson, for example, powerfully expose how despite the introduction of the Regulation of Investigatory Powers Act 2000, officers remained unattuned to issues concerning the right to privacy, reluctant to meaningfully engage with legal concepts and principally concerned with guarding against potential criticism.

Without doubting the valuable contribution of these works, they tend to be premised on a narrow conception of human rights as an autonomous set of legal norms acting *upon* police; a social structure, often part of programmatic reforms, directed at changing police mindsets and behaviour. Human rights come to take on a binary code of legal/illegal, violation/non-violation which enables it to retain its integrity by removing ambivalence: 'it radically reduces its complexity, and it renders it institutionally decidable and, thus, enforceable' (Hoffmann 2012: 84). This is entirely understandable given human rights norms are constitutionally determined by institutional actors, most notably the courts. It is also eminently sensible as a matter of practice; the hard-edge of enforceable legal norms are integral in efforts to monitor and hold the state to account for rights violations (Kilpatrick 2018). But insights from legal consciousness can broaden our gaze by alerting us to a more imaginative and less doctrinal account of human rights such that we might better capture, and account for, the diversity of ways in which this paradigm comes to be present in, and enacted through, the every day of officers working lives.

- 1 *Gillan and Quinton v UK* [2010] (App.no. 4158/05).
- 2 *R (Laporte) v Chief Constable of Gloucester* [2006] UKHL 55.
- 3 *R (Bridges) v CC of South Wales Police* [2020] EWCA Civ 1058.
- 4 *Bukta and Others v Hungary* [2007] (App.no. 25691/04)
- 5 *Osman v United Kingdom* [2000] Application no 23452/94.
- 6 *Commissioner of Police of the Metropolis v DSD* [2018] UKSC 11.

## MAKING SENSE OF HUMAN RIGHTS

A social constructivist account of (human rights) law is open to the diverse ways in which people come to think about, and make sense of, the social world in legal terms—as actors embodied in social and cultural contexts, capable of receiving, reimagining, and reshaping the formal law’s presence in our everyday lives (Cotterrell 1998, 181–6). The emphasis shifts towards an empirical account of how various actors attribute meaning, and position themselves in proximity, to the law (Halliday 2019). Although sceptical to the idea that law belongs to, or exists within, a distinct legal sphere possessing its own integrity, a sociological approach does not doubt that how officers make sense of human rights is associated with, and influenced by, legal concepts and formal ideas contained treaties, standards and codes. Rather, it is to recognize that human rights norms are open-textured, making them amenable to be adopted and re-worked in various ways and to contradictory ends (McEvoy 2003; Murphy and Whitty 2013) and, when situated in local contexts, become politically contestable in scope and significance (Loader 2007).

In developing this social constructivist account and grounding the analysis that follows, I want to draw further inspiration from the conceptual and methodological insights in Ewick and Silbey’s (1998) pathbreaking study of legal consciousness. In *The Common Place of Law*, Ewick and Silbey set out to describe, partition and explain the diversity of law’s presence in everyday life (p51). To do so, they elicit the meanings, sources and cultural practices commonly recognized as law by ordinary people, even if invoked and enacted in ways neither approved nor acknowledged by the law—something they describe as ‘legality’. Adopting an in situ, cultural analysis of participants’ stories and narrative accounts, Ewick and Silbey reveal the diverse signs of law’s presence, specifically how their participants came to experience being ‘before’, ‘with’ or ‘against’ the law at varying times and places. The stories recounted to the authors expose residual traces and imperfect reproductions of legal concepts, but also how legality reflects and reproduces cultural schemas and social interactions from daily life (p22).

Drawing on Giddens’ structuration theory, Ewick and Silbey conceptualize legality as an iterative process of meaning-making. It aggregates and condenses social structures which become patterned and stabilized, which, in turn, constrain future ideas and invocations of legality (p39). Legality is constituted in everyday life when a person interprets some event, idea or interaction through legal concepts and terminology—‘whether to applaud or to criticize, whether to appropriate or to resist’—alongside other social structures and cultural schemas, such as education and experiences (p45). It is not only the variability of the situations faced in life that contribute to the rich, multi-faceted and, at times, contradictory associations between law and the social realm. Participant’s sense of legality is further influenced by personal understanding, values, and expectations of similar situations and what we imagine and seek to accomplish when narrating them in stories and accounts (p51). Legal consciousness is thus neither fixed nor necessarily consistent within or across groups.

While drawing inspiration from Ewick and Silbey’s style of inquiry to attend to the presence of human rights ‘legality’ in everyday policing, it remains necessary to situate such an account within the specific occupational field and cultural habitus of policing (Chan 2007). The concept of ‘sensemaking’, drawn from organizational studies, offers a bridge with which to do so. Sensemaking is how people socially construct what they do, why they do so and with what effect in an organizational setting. It is a process whereby individuals reflect on phenomena to enact the social world, constituting it through descriptions that are communicated to and negotiated with others (Brown *et al* 2008: 1038). Sensemaking embodies experiences and expectations, is constructed retrospectively and centres around the cues we notice, extract and develop from organizational contexts and cultures (Weick 1995). Sensemaking arises from moments within organizations that challenge members identities or established understandings about their organ-

ization (Weick 1995: 4). To make sense is to embark on ‘a search for plausibility and coherence, that is reasonable and memorable’ that ‘maintains the self while resonating with others’ (Brown *et al* 2008: 1038). Sensemaking is thus an ongoing process bound up with identity, influenced by personal biographies and beliefs, as well as organizational culture and norms (Hatch and Schultz 2002: 25).

Police forces can be thought of as ‘sensegivers’ which prime, trigger and edit sensemaking by promoting accepted identities and performance expectations, especially during periods of reform (Chan 2007). Centralized efforts by police forces to socialize officers in human rights have included regulatory techniques to establish compliance with legal standards in the form of training packages, decision-making procedures and performance evaluations (Bullock and Johnson 2012; Kilpatrick 2018). But beyond formal rules, police culture is a rich resource for sensemaking (Chan 2007). Often conveyed through storytelling, police culture is a way of communicating and affirming working norms, expectations and a coping strategy that brings meaning, coherence and integrity to officers’ work (van Hulst 2013). Police culture is said to be animated by officers’ sense of mission, cynicism, suspicion, isolation, conservatism, machismo, and racial prejudices (Waddington 1999; Bowling *et al* 2019)—traits which would sit uncomfortably with the human rights paradigm. But when re-cast through a social constructivist account of law, we can begin to think of human rights not as existing autonomously from or in contradiction with police culture, but as actually interacting and collaborating with it to influence what human rights *mean* in the eyes of officers.

## THE CASE STUDY

From the conceptual starting point just sketched I want to explore how human rights might come to be emergent from, and be embedded in, everyday policing. The PSNI provides the organizational case study for doing so. If the lofty ideals of human rights and associated performance indicators are to be achieved anywhere, many commentators will point towards the PSNI (Bayley 2008; Kilpatrick 2018). The history of policing in NI is a contested one, discussed at length elsewhere (e.g. Brewer and Magee 1991; Mulcahy 2006). As will be familiar to many readers, the Royal Ulster Constabulary (RUC), comprised almost exclusively of Protestant officers, helped the Unionist state, created in 1921, maintain a social order that discriminated against the country’s Catholic minority in many aspects of life, leaving them over-policed and under-protected (Mulcahy 2006). As the conflict intensified in the late 1960s, fuelled by the IRA’s terrorist campaign but also draconian emergency powers exercised in tandem with discriminatory policing, allegations of abuses of police power only increased, further eroding the RUC’s legitimacy in the eyes of many Catholics (Brewer and Magee 1991). The Good Friday Agreement (1998), which brought an end to the thirty-year armed conflict, established the Independent Commission on Policing (ICP). The ICP produced a landmark blueprint for a model of policing that would enjoy the support of all communities, central to which was a series of reforms to install human rights as ‘philosophy of policing’ which ‘should inspire everything the police do’ (ICP 1999: 20).

In the two decades since the PSNI’s creation in 2001, it has undertaken unprecedented reform, implementing over 200 recommendations to make real the ICP’s vision of a ‘human rights approach’ to policing (PSNI 2016: 3). These reforms include a new police oath and code of ethics incorporating the ECHR; extensive training in human rights standards; the recruitment of a specialist in-house human rights lawyer and a chief officer as its ‘human rights champion’ (PSNI 2016: 3). Like police forces in post-conflict societies in search of a fresh identity and new way of policing amidst socio-political transformation (Marks 2005), the PSNI has sought to legitimate its moral authority before local audiences by reiterating its reform efforts and ongoing commit-

ment to human rights (Martin 2021). This has been rewarded by much-improved engagement with Catholic communities and their political representatives. Yet for some Protestants, a sense of having lost the RUC as ‘their’ police force still lingers on alongside broader distaste for human rights as an anti-state agenda deployed by republicans to prioritise security forces involved in the conflict and hamper contemporary police operations (Lawther 2010). The conflict’s legacy sustains sectarian division and paramilitary violence which pose considerable challenges for a police service keen to look forward, not back (Topping 2015; Hearty 2018).

The data derives from semi-structured interviews and focus groups conducted by the author with PSNI officers.<sup>7</sup> The reader will hear the accounts of junior officers who perform routine police work, specifically neighbourhood/response police teams and the Tactical Support Group involved in house searches and public order policing. A total of 65 officers participated: 42 were interviewed and 23 were involved across 6 focus groups, drawn from seven police stations located across the country (rural and urban) between November 2014 and June 2015. All officers have been given pseudonyms to ensure anonymity. Interviews and focus groups were audio-recorded, transcribed and coded thematically. Four dominant forms of ‘sensemaking’ of human rights emerged inductively from the analysis, distinguishable by officers’ personal biographies and experiences, as well as encounter and interactions with colleagues and the public. It should be stressed that these typologies are analytical constructs used to capture the subtle variations in sensemaking. The groups are not, of course, sealed clusters: some groups’ outlooks resonate with other groups albeit in a weaker form, just as it is likely officers have shifted—and will continue to shift—between outlooks over the course of their police careers.

### THE SCEPTICS

It’s like everything in policing, it takes a while. Police initially see it as an obstruction to their job. I compare it to PACE [Police and Criminal Evidence Act 1984] when it came in. Now PACE is seen as the bible... And I think human rights is going towards that. It’s not fully there, and you will still get the naysayers about some of it, but generally speaking, it’s just part and parcel of the job now. [Inspector Kevin]

The officers I came to know as *The Sceptics* can best be described as the residual group of ‘naysayers’. In their orientation towards the job, they espouse most obviously the ‘condemned’ traits of police culture, such as machismo, cynicism, isolation and suspicion (see Bowling *et al* 2019: 171–180). But it became clear over the course of fieldwork that they were a minority. Comprised mainly of older or middle-aged officers, they were neither as comfortable with human rights nor as able to reconcile it with past policing as other groups we will encounter. They accepted human rights were part of the job and central to the organisation’s identity, but they had yet to be won over; a lingering doubt remained about efforts to re-conceive policing through the lens of rights. How officers made sense of human rights was influenced by beliefs grounded in, and interpreted through, sub-cultural values. Most prominent in the mindset of *The Sceptics* was cynicism and suspicion associated with a deeper conservatism police are well-known to express (Loftus 2009).

The account of Sergeant Eric is typical of *The Sceptic’s* disposition. He is an experienced member of the TSG and a trained baton gunner, responsible for firing what is commonly known as plastic bullets in public order situations. He was a hardened man, sceptical of fresh-faced recruits who got caught up in the minutia of ‘training speak’ on the human rights standards surrounding

<sup>7</sup> These findings form part of a larger project which included observational fieldwork of how human rights became practically embedded within police practices, in addition to officers’ narrative accounts (see Martin 2021 for the extension of a number of themes of this article to specific aspects of police work and legal regulation).

police use-of-force. Eric's personal biography had taught him of the need for quick, definitive action in the stressful situations he faced. As such, he felt unaffected by lofty pronouncements and legalese: 'I try not to think too much about it, you know? I think you've got a gut feeling, he's doing bad, you put a baton strike in and whatever.' The emphasis on human rights risked tipping the scale too far in favour of the aggressor. Eric described younger officers 'walking on eggshells' and being too reluctant to fire baton rounds because of a fear of breaching a person's rights. 'What's better', he asked, 'a minor breach of an article or preventing someone from being seriously injured?' Eric felt the need to push against the legalistic human rights rubric promoted in codes and aide memoirs which over-intellectualized a use-of-force decision which was, in fact, a fairly intuitive 'gut feeling' he made in the exigencies of public order situations to protect the rights of the law-abiding majority.

The officers belonging to this sceptical orientation did not see the allure of human rights to self-legitimate their everyday work. One of several possible examples was provided by Constable Nathan. We chatted at length in a police truck in Belfast one evening, waiting for a protest to disperse. Nathan had joined the police because he hated bullies, whether it was at school decades ago or those he saw abusing their power in the communities he policed today. We discussed the topic of human rights in the context of high-profile legal challenges to the use of stop and search powers:

There were challenges in the courts that what we were doing then [suspicion-less stop and search] wasn't compliant [Article 8 ECHR], but when they looked at it and said, 'Well, actually, it is compliant all we need is a code of practice to sort of governing this, and the code of practice must be ECHR compliant'. Well then, that's what happened. But I never really had any doubt that what we were doing was the right thing... again me as an individual officer saying to myself 'What I'm doing here is right because I'm trying to save someone's life or I'm trying to prevent this person taking somebody else's life or whatever, be it stopping a terrorist suspect or searching their house or stopping people with drugs and all the rest of it'. So I never really had any moral sort of conflict in my mind that I was doing the right thing.

The power to stop and search a person without reasonable suspicion was held by the European Court of Human Rights to violate Article 8 of the ECHR because it was neither sufficiently circumscribed by law nor subject to adequate legal safeguards against abuse.<sup>8</sup> Nathan had some sense of the legal issues, but the morality of his power, directed as it was the 'bullies' in society, was never in doubt in his eyes.

Giving voice to a crime-fighting mentality and conservative disposition, *The Sceptics* feared human rights were thwarting their ability to maintain law and order and assert some discipline in society—something many had keenly signed up to do. The concern was that too devout a commitment to human rights came at a high cost:

Sometimes I feel that we're trying to do the job with maybe one hand tied behind our backs with things, like the public or the average criminal now feels that *they have the power*, there's no respect towards police at all and they know the police are scrutinised so much that it's got the stage now where *the average peeler is afraid now to take action* because of the consequences

8 See above n1.

because there are so many things that are wrapped up in human rights and whatever – not to take away from that but I think my feeling is *the shift is now the other way, it makes our job so much more difficult*, it's alright to try and walk that tightrope if you're trying to do everything right and it conforms with X, Y and Z but I think it's wrong when the public gets the sense that that can be abused and I think it is happening. [Focus Group 4]

We also hear in this extract how the assertion of rights by citizens as a challenge to the symbolic authority of police to provide a solution to situational conflicts (Bittner 1990). The rights paradigm, with its constraint on state power and demands for justification, was uncomfortable for this group. The assertion of an individual's rights was perceived as undermining the established power dynamic, not least the deference officers expected from 'the public or the average criminal' in everyday interactions (Choongh 1997; Loftus 2009: 112).

A lingering cynicism and isolation—also well-known features of cop culture—were entangled with this group's sensemaking in a yet more subtle way. Human rights had become a proxy for the seemingly lowly status of junior officers and the 'in-the-job trouble' that lay in wait for the unsuspecting officer (Waddington 1999). The firm belief was that if anyone's rights were not being duly respected, it was their own. The responsibility for this lay with 'the job' itself:

*Constable Steve*: If you say something to someone on the [shield] line [during a protect] and it goes to court, they're throwing human rights, the Ombudsman's *throwing all this human rights legislation*, you did all this wrong. They fell asleep at the wheel due to exhaustion, there was no one standing up for him and yeah you could probably bring that back to the human rights really.

*Constable Terry*: There's too many situations where *the job hasn't looked after people* for the position that the job has put you in.

*Constable Steve*: Human rights to me are only there to help the non-police, it's not there to help us when it should be equal. It should be a right for everyone, but it's not dealt that way – *theirs are considered more than ours*. [Focus Group 2]

An oft-repeated phrase was that the human rights-inspired Code of Ethics was nothing more than a 'stick to beat us with'. The references to human rights in the Code were considered too broad and ambiguous, making them easily—and unfairly—seized upon by the internal complaints department to sanction officers. With the arrival of the human rights paradigm, *The Sceptics* felt vulnerable to increased accountability but also a felt sense that 'the job' was not looking out for, or duly acknowledging, the work of rank-and-file officers burdened with, the responsibility to police under the mantra of human rights. Working long shifts, doing overtime with little remuneration, dealing with abusive arrestees and, at times, sustaining injuries: 'What about our rights?' was a common refrain.

## THE COMMONSENSE COPPER

This group was distinguished by their overriding belief that police work was ultimately about 'using your commonsense'. To pass something off as common sense is to suggest it is so obvious, banal or uncontroversial that we need not dwell upon it, let alone subject it to great analysis or discussion (Geertz 1975). Police commonsense knowledge of who to trust or who to suspect, when to listen or when to talk, had long been noted as key to managing the precarity of the street and the complexities of organizational rules, procedures and policies (Shearing and Ericson 1991). For this group, the presence of human rights in their training, assessments and briefings was no different:

I think this comes back to common sense, how you deal with people... If you arrest someone and you treat them properly, you do everything that is lawful, it should come as second nature, you know? The human rights are always there in the back of your mind... The word human rights is not going through my head when I'm out on the street. I'm not thinking 'Oh, am I breaching human rights'. I'm just thinking about dealing with whatever I'm dealing with at the time, just do it right. You know what I mean? [Constable Bethany]

Hidden within the simple wisdom of commonsense, though, is a cultural system within which knowledge derives from reasoning informed by personal biographies, as well as socialisation with peers. This commonsense orientation served, I think, as a way for officers to enact identity-laden visions of what 'good' policing was and their own contribution to it.

Officers detached human rights from its legal concepts and organizational materiality—briefing documents, operational orders and policies—and connected it instead to a more taken-for-granted morality, maturity and discipline they saw in themselves. As argued by Frost and Morgan (1983: 207), sensemaking involves vesting objects, utterances and actions with subjective meanings that help make the world more intelligible to us. Expressed through stories and examples, often accompanied by a wry sense of humour, respecting rights came to be understood as part and parcel of being a sensible, level-headed officer. Human rights were 'sort of human nature... you know it's the right or the wrong thing to do without sort of having to recite the Articles'. (Constable Quin) and could be stated very simply: 'It's generally don't be a scumbag, be an ordinary human being... 99 people out of 100 would adhere to human rights legislation without even knowing anything about it' (Constable Larry). Examples offered included ensuring that suspects were offered the chance to use the toilet on arrival in custody, that handcuffs weren't fastened too tightly or that house searches were conducted in a sensitive manner regardless of the suspected offence, including not sharing details with nosy neighbours. As Constable Greg quipped in the context of house searches, 'I will respect someone's right to private and family life... It's not like I'm going to run around with someone's knickers on my head, you know what I'm saying?'

In authoring their narratives, officers were enacting visions of themselves, whether real or imagined, weaving together personal and organizational narratives of human rights. This was associated with two qualities of common sense identified by Geertz (1975: 18, 24): *naturalness* (the simple natural things, the way things go) and *accessibility* (common-sense conclusions being ones easily grasped and embraced). The stock phrase used by officers was that human rights were 'About treating people the way you would like to be treated yourself' (cf Bullock and Johnson 2012: 641). This rule of thumb was described as an easy way of 'keeping you right' and also reducing the chances of complaints from the public. Their commonsense disposition meant this group did not doubt the virtues or utility of the rights paradigm but rather expressed fatigue at such frequent exposure to the same organizational artefacts that gave materiality to human rights, including training programmes, aide memoirs, briefing documents, office posters etc. As Constable Larry explained:

As part of the briefing pack, it'll generally say the search is human rights compliant and then read—'If anyone wants to read, it's here' but generally we wouldn't... a lot of the boys have heard it that many times we don't listen to it anymore. It's like listening to... on an aeroplane, the safety brief. Do you listen to it or do you just continue reading your book, you know?

That said, officers also readily acknowledged that the 'naturalness' and 'accessibility' of human rights was also connected in part to its enduring organizational presence, alluding to the role organizations *can* play in providing perceptual cues to prime specific frames and performance

expectations (Weber and Glynn 2006). Notably, police college was the first time many officers in this group especially had encountered human rights in a more formalized manner and it was rarely recounted to me as being commonsense from the start:

It was hard going, but again, for most of us we'd never experienced it [human rights] before and it was like being back at school, you're trying to learn algebra. It's exactly the same thing, your head's pickled. [Focus Group 3]

Few officers had positive experiences of police college which was described as too academic and out of touch with practical skills. And yet human rights ideas and concepts had *become* commonsense over time. The 'craft' of policing, after all, is about getting to the essence of the situation, adeptly moving from what is happening to know what to do about it without a moment's reflection (Shearing and Ericson 1991: 487). Human rights norms, often connected to the legal basis and thresholds for police powers, had been translated into organizational phrases and pneumonics, which were ably recounted in interviews and focus groups. For example, P.L.A.N' (Proportionate, Necessary, Accountable and Legal) was commonly referred to and described using examples of house searches, use-of-force and arrest powers.

The accounts of *The Commonsense Coppers* resonated with a further property of common sense identified by Geertz (1975: 22): *simplicity* as 'sobriety, not subtlety, realism, not imagination, are the keys to wisdom'. Realism and sobriety were most notably at work when it came to officers' accounts by TSG officers of the human rights standards governing the use Attenuated Energy Projectiles (AEP) (commonly known as plastic bullets). The use of AEP is heavily regulated by the use-of-force standards of Article 2 ECHR, which permits potentially lethal force only when *absolutely necessary* to achieve specific operational ends.<sup>9</sup> In contrast to the account of Sergeant Eric described earlier, for this group rights norms took became a 'theory of action' capable of informing how they behaved when confronted with a specific situation (Weick 1995: 123–4). In an account common to this group, Constable Owen described how the technicalities of Article 2 of the ECHR could be made real:

To use potentially lethal force as a baton gun there has to be an immediate threat to life or serious injury, so, the example they always use in training is if somebody is likely to throw a petrol bomb into an empty shop you can't shoot them because it's empty, you can't shoot to protect property, but if somebody's going to throw a petrol bomb into a shop where there are people in it you potentially could shoot them because there's then a threat to life or serious injury... they [police trainers] drill it into you that you aim for the belt buckle, as opposed to chest or tummy or head, so yeah, that's the main thing with shooting anybody.

This speaks in part to what Hornberger (2010: 273) has described in the South African policing context as legal 'transfiguration': the use of a weapon that can result in serious injury of another citizen is legitimated through legal-procedural framing. This groups' mindset, though, was less about self-legitimation per se and more about how human rights norms were translated into common-sense frame officers could use with their AEP rifle in hand and target insight—to 'filter and interpret signals from the environment and tie stimuli to responses' (Weick citing Hedberg 1981: 7). The police organization, using prescriptive frames and performance scripts, had managed to steer *Commonsense Constables* action in a rights compliant way they had come to take for granted.

9 See *McCann and Others v UK* [1996] 21 EHRR 97 (at [149]).

## THE OLD GUARD

*The Old Guard* were experienced officers, primarily in the TSG, who had proudly served in the RUC for around half of their careers. They began their careers in the late 1980s—a less violent, but nonetheless personally dangerous and politically turbulent period (Brewer and Magee 1991)—and now found themselves caught in the liminal past-present space of NI policing. This group, overwhelmingly Protestant, had experienced first-hand the deeply divisive police reforms. This kind of organizational change, especially where senses of identity and belonging are at stake, can challenge officers' perceptions of themselves and their organizations (Ravasi and Schultz 2006; Atkinson and Murray 2021). For *The Old Guard*, the RUC upheld the rights of law-abiding citizens in the face of terrorism and yet, in peacetime NI, the police reforms had required these very same officers to affirm *their* commitment to human rights, subscribe to a new Code of Ethics and attend human rights training courses. It is unsurprising, therefore, that *The Old Guard* sensemaking was intimately bound up with the identity challenge the reforms and wider peace process had provoked for them.

This group were both uneasy with the suggestion that it was something new and defensive against suggestions the RUC were not adhering to human rights standards. The introduction of human rights concepts and ideas was framed by officers as not something new to policing but rather a *rediscovery* or *reemphasis* of the values and commitments they saw in RUC officers. An insistence of continuity was at the core of how this group made sense of human rights, as captured by one of its members:

I've been in the police before they brought in all the human rights training and your job hasn't changed any. You have the legislation there, it was what we were doing before, only now there is legislation there to ensure that's what we're doing, if you know what I mean? You're still a police officer doing your job and if you were doing it properly you wouldn't have been breaching any of the human rights anyway. (Focus Group 4)

This narrative resonated with commonsense thinking but was more subversive. It was a form of rights talk critiqued early in the reforms due to its potential to undermine human rights training (O'Rawe 2005). An objective claim, to suggest 'nothing's changed' is problematic. It was clear that, even by the late 1990s, human rights law had low status in the RUC, as it likely did in many police forces across the UK at the time (ICP 1999: 19). Yet sensemaking is driven by plausibility, not accuracy. It involves what Fiske has described as 'a relative approach to truth', in so far as people believe what can account for not only their sensory experience but also what is emotionally appealing and consistent with identities (cited in Weick 1995: 57). The question, then, is how and why the 'nothing's changed' narrative was sustained despite objective challenges to its veracity. Two discursive elements were key.

The first was an acknowledgement of change in form, but not substance: human rights had just put a label on parts of training and practice that implicitly put individual's interests first anyway. The sense was that human rights were now a way of expressing old ideas in a new, more formalized manner. The view of Sergeant Colin, a long-serving member of the TSG, is representative of *The Old Guard*, describing training on the Human Rights Act 1998 (HRA) as part of the ICP-inspired reforms:

When the HRA came in, trainers were saying we've nothing to fear about HRA because everything we do is human rights compliant, but it wasn't spelt out boldly in the RUC. When it did come in and when the PSNI have come along well then like everything, every briefing we go to, every operational order we do there's a human rights part to it, whereas the RUC wouldn't have had that, but to me, you don't necessarily need it, you're doing the same thing... to me, the RUC still had a human rights approach, well I did, the way I police hasn't changed any since I was in the RUC.

Hornberger (2011) reports similar sentiments amongst police in Johannesburg. Officers from the apartheid era referenced legislation existing then as evidence of a longer-standing commitment to the law and regulatory procedures. In similarity to their NI counterparts, this enabled South African police officers to ‘present the changes brought about by constitutional democracy as not particularly radical, and perhaps even negligible’ (Hornberger 2011: 104).

The second element sustaining the consistency narrative was one that closely bound human rights to officers’ personal sense of self as ethical officers and thus functioned to reduce emotional disruption and repair self-esteem (see Weick 1995: 128–9). To talk about rights reform as bringing a new style or philosophy to policing was felt like a critique of the RUC and its officers’ professionalism. This criticism did not resonate with *The Old Guard’s* experience; they were proud of serving in the RUC, not least because of the resilience and sacrifice of officers. ‘The way I police hasn’t changed since I was in the RUC’, insisted TSG Sergeant Adam, who had two decades of service. The sense of identity, ethos and belief that bridged the transition from RUC and PSNI was perhaps best summed up by Sergeant Gordon:

Albeit there is a name change and a slight uniform change but the ethos to me remained the same. It didn’t matter what I was wearing one day to the next, you know, I was there for the transition, I didn’t get up the next day and go ‘Right, I’m a member of the PSNI now, I’m a different person’. You’re the same person, you have the same beliefs to go out and do the same job.

Storytelling plays an especially important role in making interruptions, challenges and surprises manageable for police officers (van Hulst 2013). These two discursive elements grounded a kind of ‘stability narrative’ (Sonenshein 2010) that enabled *The Old Guard* to make sense of human rights as a vernacular of police reform while still preserving a legacy of the RUC that was of great personal and professional significance.

What, if anything, might be the consequence of an incomplete, redacted, simplified retrospection of the past? Weick (1995: 28) suggests that a reading of the past which favours order and oversimplifies can make enable the self-esteem needed to work effectively and buy into organizational norms—even if it is lousy history. Similarly, Sutcliffe (1994: 1374) observes how ‘having an accurate environmental map may be less important than having some map that brings order to the world and prompts action’. Optimistically, making sense of human rights as ‘nothing’s changed’ has allowed *The Old Guard* to be more receptive to the rights paradigm than unionist commentators more generally who remain hostile to its use by republican groups to critique state actors during the conflict (Martin 2020). This groups openness to at least use rights discourse and discuss policing in relation to it, enables space to receive and engagement with its concepts and ideas in police training, briefings and operations. But a more sceptical reading is possible too. The feeling of order and coherency *The Old Guards’* narrative brings, when coupled with its defensive stance, may inhibit further retrospection (Weick 1995: 29). From a place of emotional stability, is there much incentive for critical self-reflection, let alone acceptance, of alternate accounts of the role policing and rights abuses played in the conflict—something transitional justice scholars have identified as key to reconciliation (Lawther 2010)?

### THE CONSCIENTIOUS CONSTABLES

A number of the new recruits I encountered conveyed a self-aware, earnest disposition belonging to a group I came to label as *The Conscientious Constables*. Most in this group had less than five years’ service, were university graduates and in the throes of learning their trade. Their understanding of human rights was part of broader process of making sense of their new identity as police officers. Sensemaking, it will be recalled, ‘is a search for plausibility and coherence,

that is reasonable and memorable' that 'maintains the self while resonating with others' (Brown *et al* 2008: 1038). This group were especially animated in our discussions of human rights and endorsed the idea that the purpose of policing was to respect and protect rights. In the words of Constable Andrew, it was 'obviously something that a lot of thought has went into' and was 'as if to say, look we're almost recognising that things weren't done right in the past and here's the way we're going to do it in the future'. Fresh out of training college, officers were quick to assert how important an awareness of rights was for their careers, including passing tests, proving their credentials at refresher courses and thwarting complaints.

This group shared a striking ability to describe how their routine police work could be seen through a human rights lens, including legal concepts and ideas. This is expressed well by Constable Alan in an encounter typical of officers of this disposition:

I think it just underpins everything now, you know. Even a simple protest—forgive me, I'm not too sure, is it Article 11—Right of Assembly? We'll do a briefing in the morning that these group of people have a right to do that, so they're going to do it in a certain way. You then have Article 2 [Right to Life] issues in regard to ourselves maybe in a given area they're [protestors] going into so they're maybe we're not welcome so we're going to have to take that into account. If we've got obstructive sitters, you've maybe got Article 3 in regard to your inhumane treatment—and then if you're actually taking people away or closing off roads, preventing people with access to homes.

Sensemaking narratives are 'worked on' using non-organizational cues to help maintain individuals' self-identity (Humphreys and Brown 2002). The self-reflective disposition of these young officers was also part of a wider attempt to come to terms with their new social identity as police officers in post-conflict NI—as citizens now in uniform. Take, for instance, Constable Emma, whose account reveals how personal biographies serve as rich resources for sensemaking (Brown *et al* 2008). She is a new recruit from a working-class urban area where bomb threats disrupted her lunchtimes at school. She is proud of being a police officer; it is all she had ever wanted to be. A local university graduate, she was angry at the sectarianism she had grown up around and had been engaged in university politics. Emma described the prominent role of human rights in her training, but it was not a paradigm that was new to her; she had discussed it in university tutorials and in essays. But now, as a policewoman, it was interwoven with her new job, colleagues and interactions with her community:

Our superintendent said that some will view your sirens as the battle cry of angels. He said that to us on the very first day we came and that really stuck with me. Obviously, to some people, we are the thing that stops harm getting to them and it is having that ability to help people, whereas a civilian you are limited in that way and obviously yes, responsibility comes with that. But it is the same with human rights as well, everything comes with a certain amount of responsibility and everybody needs to respect each other. And you are more than a peace-keeper, sometimes you are a babysitter, sometimes you are just there to have someone tell you how awful something was. Even if police can't do anything about it, it's about being there for people at multiple levels if needs be.

Other officers, meanwhile, made sense of human rights in terms of the broad mandate of police, including managing vulnerable groups. The right to life and positive duties on police to protect those at risk were a frequent refrain. Officers recounted stories of calming suicidal individuals, escorting injured suspects to hospital or spending the early hours of a late shift searching for young people reported missing by frustrated care home staff.

The disposition of this group came close, I think, to what Muir, in his classic typology, classified as the ‘professional policeman’ who ‘felt morally reconciled to using coercion and at the same time he reflected empathetically upon the condition of mankind’ (Muir 1977: 54). While keen to recount their soft skills of being able to ‘talk down’ irate suspects or excited punters spilling out from pubs, *The Conscientious Constables* acknowledged that resort to the use-of-force was necessary where a person risked harming themselves or others. But the human rights concepts of necessity and proportionality were resources which made this act easier by legitimating the use of coercive force against their fellow citizens (Weick 1995: 128–9). The account of Constable Frank demonstrates the kind of ‘moral integration’ characteristic of Muir’s ‘professional police officer’:

I suppose it [human rights]’ gives you a clear line of what you can and cannot do... There’s a particular pressure point in there [points to his hand], if you get it spot on you know they’re going six foot [away]. So, the human rights aspect of it is if you hold that on too long when does that become torture? It’s the same as perhaps taking someone down to the ground with a set of handcuffs. You can apply pressure to a wrist and that will bring somebody down if they’re struggling but how long do you keep that pressure on you know? Once they’re down, pressure off. If they go again, pressure on. It’s being in compliance: how long do you keep that pain on for? You can’t overdo it, if you over cook it, you’re breaching somebody’s human rights, that’s torture and that’s the bottom line.

By conceiving of force as *not* being a breach of human rights but, positively, an act of rights compliance the infliction of pain on another was reconcilable with a moral predisposition against opposed harming others. Resonating with Hornberger’s account of legal ‘transfiguration’ mentioned earlier, for this groups, legal concepts belonging to the rights paradigm were not only a theory of action guiding their behaviour—as was the case with *The Commonsense Coppers*—but a resource to convert interpersonal violence into lawful force.

The nexus between rights and policing was not always so straightforward though. Constable Andrew explained how negative reporting of human rights in tabloid papers and anti-European sentiments had given human rights a bad name. Constable Andrew, reflecting on his time in court as a police officer, described how frustrating it was to see guilty defendants walk free or receive lenient punishment (cf. Loftus 2009: 107). He tried his best to explain to community members in his patch that human rights were for everyone, and police did their best to bring offenders to justice—what the courts did was another matter. Another feature of policing in a ‘rights conscious’ society though was the ease with which seemingly spurious rights claims slipped off the tongues of the public who were keen to ‘get their way’. According to officers: ‘everybody, even kids nowadays, ‘I have rights, I have rights’ and I think how much they actually know but we’re well-schooled in our human rights”. (Constable Vicky). There are echoes here of Hornberger (2011) has termed rights ‘fakery’: improper claims to entitlement or protection cloaked in the language of rights. In the eyes of *Conscientious Constables*, such rights talk often amounted to baseless moans of ill-informed members of the public. Officers quickly assessed what they perceived as the ‘authenticity’ of rights-claims, the outcomes of which reinforced their role as street adjudicators of rights claims made by the public—but also, by implication, the status of human rights as a worthy ideal and the police as upholders of law and order.

## CONCLUSION

This article has explored presence and meaning of the human rights paradigm in the working lives of junior officers. The meaning of human rights is constituted through a process of inter-

action between formal legal norms, organizational cues and police culture but also officers' own values and experiences. Their sense of the human rights paradigm, including its status, significance and salience, extended beyond legal concepts and ideas internal to it, becoming imbued with non-legal features arising from officers' daily lives, including their need to bring meaning, coherency and self-esteem to their role. For those committed to a formal conception of human rights, derived exclusively from the legal realm, this re-shaping and re-purposing of the rights paradigm by officers from the 'bottom up' might appear to be further proof of the inability of law to properly regulate police work (Bullock and Johnson 2012; Pearson *et al* 2018). An understandable response might be to simply concede that when confronted with the wayward forces of police culture, imbued with competing values or visions of policing, the concepts and ideas of the rights paradigm get distorted, if not marginalized; that doctrinal slippage and the deflation of lofty ideals are an unfortunate but inevitable feature of efforts to make rights real.

Such a reading, though, risks losing sight of some of the subtle and diverse ways in which the human rights paradigm *has* come to be present in, and be enacted through, everyday narratives of policing. Well-intentioned reformers might well take solace from the fact that traces of the rights paradigm *were*, to varying extents, being consciously considered and ably drawn upon by officers in narrating and accounting for their relationship with the policed. This was especially so for *Conscientious Constables*, but also *Commonsense Coppers*—groups which warn against generalizations of police culture (Waddington 2015: 685) and emphasize calls for an attentiveness to new directions and trends in police culture (Campeau 2015). Officers exhibited a sense of policing as being talked about, directed by and regulated through a fundamental set of rights which they were broadly cognisant of. For well-intentioned reformers, tailoring how the human rights paradigm—as pronounced in international treaties, domestic law or ethical codes—is communicated so as to account for the understandings, expectations and concerns that mark out groups like *The Sceptics* and *The Old Guard* seem especially important. For most officers, though, the material presence of rights in training, assessments and documentation, coupled with organizational cues and expectations, had created a consciousness of the nexus between rights and policing amongst the rank-and-file even if it resonated with them to differing degrees.

This significance of such diversity should not be overlooked. The fact there is vibrant, varied and contradictory deviations from the strict legalese of human rights might well explain why, two decades after the landmark reforms, officers are still willing and able to talk about human rights as means of making sense of policing. The rights paradigm remains a central feature of the organization's collective conscious, animating officers' narratives and accounts of their work precisely because human rights, like legality, 'relies on and invokes commonplace schemas of everyday life' (Ewick and Silbey 1998: 17). If a strictly formal account of human rights was the sole narrative promoted or permitted to exist, it would have soon proven too brittle, too idealistic, too remote to possibly endure in any meaningful sense amidst the working lives, cultural norms and affective needs of rank-and-file officers. The sustained presence of a broadly well-informed and lively rights discourse – even if diverse and inconsistent in tone – found in this case study remains a fertile arena within which to pursue the finer details of the rights paradigm. But it raises questions about how the same rights paradigm has fared in the other societies it has been transported to, where distinct cultures, histories, and experiences of policing might re-shape and re-purpose its concepts and ideas. What other typologies might exist? How do they reflect cultural and societal features of everyday life in their specific locality? And where does law enter and leave such accounts?

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