

# PEACEBUILDING PRACTICE NOTES



## SHARING EXPERIENCE FROM NORTHERN IRELAND

### The Challenge of Transforming Policing

No. 3



## **PEACEBUILDING PRACTICE NOTES: SHARING EXPERIENCE FROM NORTHERN IRELAND**

The Social Change Initiative (SCI) believes in the power of peer learning and exchange. Located in Belfast (Northern Ireland) it has identified issues and strategies that address the challenges of peacebuilding in a violently contested society. The purpose of these short Peacebuilding Practice Notes is to share insights and experience with activists and peacebuilding practitioners in other divided societies.

The Peacebuilding Practice Notes focus on specific initiatives that helped to provide alternatives to violence and consolidate the peace process in Northern Ireland. It is hoped that the learning can travel and be adapted to circumstances in other countries. While no context is the same, The Social Change Initiative believes that examples of conflict transformation offer the potential for shared learning.

The Peacebuilding Practice Notes are available to download from The Social Change website ([www.thesocialchangeinitiative.org](http://www.thesocialchangeinitiative.org)). Each Note provides links for further information. This Note describes the work that has contributed to the transformation of policing in Northern Ireland. Further Notes are in production.

# Policing Transformation in Northern Ireland

## The Problem

Policing had always been contentious in Northern Ireland. From the formation of the state in 1922, the Royal Ulster Constabulary (RUC) was disproportionately composed of members of the Protestant unionist community and was perceived by many in the Catholic/Nationalist/Republican community as a politically partisan force. This situation was greatly exacerbated when the 'Troubles' (1968-1998) gave the RUC an even more central role in asserting state authority. More than 3600 people died over this 30-year period of violent conflict; nearly one in twelve fatalities were police officers, many having been deliberately targeted. The need for fundamental change in policing was often difficult to discuss in a rational and inclusive manner given this terrible toll. But the reliance of policing on emergency powers not only led to concerns of excessive militarisation, but also accusations of discriminatory harassment, the use of lethal force, collusion with loyalist paramilitaries and failed public order policies. Policing became a cause, as well as a consequence, of increasing political polarisation, with human rights abuses feeding and fuelling the conflict. The period between the 1994 republican and loyalist ceasefires and the conclusion of the Belfast/Good Friday Agreement (1998) saw the issue of policing reform being placed firmly on the political agenda of any settlement.

*When is policing legitimate in a liberal democracy? When "the broad mass of the population, and possibly even some of those who are policed against, accept the authority, the lawful right of the police to act as they do, even if disagreeing with or regretting some specific actions"*

- Robert Reiner, cited in *Human Rights on Duty: Principles for Better Policing – International Lessons for Northern Ireland*, Mary O'Rawe & Linda Moore, CAJ, November 1997

## The Mechanics of Change

Reform of policing has to be recognised as a structural and systemic issue that goes beyond blaming the individual 'bad apples' for abuse of power and position, or that dismisses all critique as being 'politically motivated'. This 'closing of ranks' is not uncommon in any hierarchical institute, but in the case of Northern Ireland it was

clearly exacerbated by decades of political division and violence. A number of community and NGO initiatives critiqued policing in the aftermath of the 1994 paramilitary ceasefires. CAJ – the Committee for the Administration of Justice: a local independent human rights group – ([www.caj.org.uk](http://www.caj.org.uk)) updated previous research reports by examining international good practice in societies emerging from conflict. Learning suggested –

*“Some aspects of policing change are dependent on reaching a political settlement. However, it will be difficult if not impossible to reach such a settlement where policing remains unaddressed. Progress on policing could pave the way for dealing with questions which might currently seem intractable. . .*

- *Human Rights on Duty: Principles for Better Policing (Op. Cit), CAJ, 1997*

Civil society organisations involved in the discussion believed that policing was too controversial and complex to be solely negotiated by politicians; and that whatever the particularities of Northern Ireland, there was much good experience to be drawn from other jurisdictions. The approach advocated by CAJ was to seek to build consensus around a principled approach to policing –

*“Perhaps the main problem facing any debate in Northern Ireland about policing at the current time is the fact that people do not experience policing in the same way, and do not share a common perception of policing. Given this, the need for change, still less the form it should take, is not a matter of consensus. (So) this report attempts to go beyond what divides people and look at what could unite them in terms of what every society has a right to expect from its police . . . (one) that is representative, responsive, accountable and respectful of the rights of all.”*

- *Human Rights on Duty: Principles for Better Policing (Op. Cit.), CAJ, 1997*

The Belfast/Good Friday Agreement, concluded, and endorsed by popular referenda, in 1998, contained a detailed section on policing, which set out the Terms of Reference for an Independent Commission on Policing for Northern Ireland. The Commission was tasked to bring forward proposals for future policing structures and arrangements, including means of encouraging widespread community support for these arrangements. Twelve specific points for consideration were listed, with the proviso that the Independent Commission should consult widely, including with NGO expert organisations. The Patten Commission, as it came to be called after its chairperson, Chris Patten, actively engaged with all sectors of society. More than

10,000 individuals attended open meetings across Northern Ireland to relate their experiences with policing and to put forward their recommendations.

Notwithstanding this inclusive consultation, the Patten Report on Policing (A New Beginning – Policing in Northern Ireland: A Report of the independent Commission on Policing for Northern Ireland, 1999) was strenuously contested. Government, police and political forces eager to uphold the status quo resulted initially in draft legislation that was a very weak reflection of the Commission’s recommendations, but subsequent lobbying re-gained much of the lost ground”.

An important building block in the process of change was the recommendation that an Oversight Commissioner be appointed for five years to oversee the implementation process and report quarterly on developments. This mechanism (“one of our best ideas” according to Patten) provided a form of public accountability that allowed people beyond policing to monitor change over the crucial first few years.

## **The Substantive Transformation of Policing**

There is no single model for policing, yet the Patten Commission report provides a useful blueprint of issues and approaches applicable to both contested societies and societies emerging from conflict. These include values such as instilling a human rights ethos in policing and democratic accountability; workforce issues such as composition, training, operational practices and culture; practice issues such as structure, interface with the community and oversight; and political policy issues such as public order responsibilities, legal accountability and symbols. Radical change requires a comprehensive approach rather than a piece-meal exercise.

The main areas of change involved the implementation of the following recommendations:

➤ **Recognising the core value of a human rights dimension in policing.**

*“The fundamental purpose of policing should be, in the words of the (Belfast/Good Friday) Agreement, the protection and vindication of the human rights of all. Our consultations showed clear agreement across the communities of Northern Ireland. . . There should be no conflict between human rights and policing. Policing means protecting human rights. . .”*

- *Policing in Northern Ireland: A Report of the Independent Commission on Policing for Northern Ireland, 1999*

This statement lifts policing out of its specific national/regional/and local particularities and emphasises its universal function i.e. upholding the rights of everyone it serves. This revised 'mission statement' led to human rights being included in the police oath of office, staff appraisal systems, and a new Code of Ethics (used subsequently as an important disciplinary tool). Moreover, police recruitment, training, operational practices, and accountability mechanisms were all reconsidered in the light of this newly formulated duty.

➤ **Ensuring that all communities were represented in the police service that served them.**

A human rights compliant police service must be able to **recruit** across all sectors of the society so that it can serve all communities impartially. In contested societies police can be perceived as either 'our/their' police, depending on one's politics. The Patten Report recommended that policing "*should be broadly reflective of the population of Northern Ireland as a whole, particularly in terms of political/religious tradition and gender.*" The report proposed various mechanisms to this end - lateral entry; transfers from civilian posts or other police services; a pilot police cadet scheme; a contracted-out recruitment service with "*lay involvement, including community representatives, on recruitment panels*" and imaginative advertising "*particularly in places likely to reach groups who are under-represented in the police*". One of the most controversial recommendations was for a time limited quota system for recruiting equal numbers of Catholics and Protestants, from amongst those candidates who had reached "*a specified standard of merit in the selection procedure*". Measures to reduce the obstacles to under-represented groups from applying were also considered –

*"All community leaders, including political party leaders and local councillors, bishops and priests, schoolteachers and sports authorities, should take steps to remove all discouragements to members of their communities applying to join the police, and make it a priority to encourage them to apply."*

- *Policing in Northern Ireland: A Report of the Independent Commission on Policing for Northern Ireland, 1999*

The report recommended that liaison be established with all schools and universities, and work experience attachments and familiarisation days organised. The creation of a working environment that is welcoming for both employees and service users, particularly from under-represented groups, led to proposals to change the name from Royal Ulster Constabulary to the Northern Ireland Police Service – later Police Service of Northern Ireland – emphasising 'service' over 'force';

a new badge and symbols “*entirely free from any association with either the British or Irish states*”; a decision to no longer fly the Union flag over police buildings; and the requirement that maintaining a neutral working environment be “*an assessed management responsibility at all levels of management.*”

One under-represented group that merited little reference was that of women - the RUC had a workforce with only 10% women, many clustered in certain occupational groups and in lower ranks. While measures such as more opportunities for part-time work, job-sharing, and the introduction of child-care arrangements were presumably aimed at recruiting and retaining more women, the Commission arguably missed an opportunity to underline the importance of diversity more generally. Another issue which Patten downplayed greatly was the need to deal with any legacy of the past. The problem of ‘bad apples’ in the police was referred to but not addressed and no provision was made for former politically motivated ex-prisoners, unlike the situation in countries such as South Africa.

➤ **Training and Culture.**

It is not enough to recruit the right number and calibre of people, but a human rights compliant police service requires appropriate training. *Training* is not a matter of simply teaching new recruits the ‘legalese’ of human rights covenants and principles, but it must seek to influence attitudes and behaviours so that upholding human rights is integral to all aspects of policing. Understanding community needs is also essential. Thus, for example, the design of training modules around the policing of domestic violence should both be developed and delivered by, and with, people experienced in this field – women’s refuge workers, child abuse specialists etc. Police training should include learning how human rights standards can be put into practice.

*“Problem-solving and partnership approaches should be central to the recruit training course, and scenario exercises should be further developed as training tools. . .Community awareness should not be seen as a stand-alone element of recruit training; it should be integrated into all aspects of training.”*

- *Policing in Northern Ireland: A Report of the Independent Commission on Policing for Northern Ireland, 1999*

Such skills were given priority over the more traditional drilling. Patten recommended the employment of civilian instructors and, in general, “*a high degree of civilian input*” with some modules delivered outside of policing establishments. The report also recommended that training sessions ought to be open to the public,

the training curricula should be publicly available, and that joint training exercises should involve civilian analysts and members of other police services.

➤ **Operational Policing Practices.**

Study of policing elsewhere had made the Independent Commission on Policing aware that training was not a panacea. Human rights compliant policing needs to be embedded deep into *operational policing practices* – a subject that drew numerous comments. It was recommended that a specific staff member, with human rights expertise, should be routinely involved in the planning of specific police operations. All written operational policies were also human rights and equality-proofed. There was also detailed consideration of public order policing; an area which had attracted much criticism of past practice. The need to make an *“immediate and substantial investment”* into a broader range of public order equipment that would offer alternatives to plastic bullets was argued. Furthermore, in the interests of effective accountability, police engaged in contentious public order situations should be required to wear clearly identifiable identification numbers. It was also recommended that policing authorities *“should actively monitor police performance in public order situations”* and that operational guidance on the use of such weapons should be soundly based in law, clear, and placed in the public domain.

A significant focus of the Independent Commission report was on the importance of improved community/policing relationships. It was asserted that *“policing with the community should be the core function of the police service”* and several recommendations were made in relation to this. Specifically, the report recommended that police needed to –

*“Provide an information-led, problem-solving approach to policing. All police officers should be instructed in problem-solving techniques and encouraged to address the causes of problems as well as the consequences ... and they should be regularly appraised as to their performance in doing so.”*

- *Policing in Northern Ireland: A Report of the Independent Commission on Policing in Northern Ireland, 1999*

➤ **The Importance of Police Accountability.**

Any human rights compliant police service must be held **accountable** for the use of its powers and for its practices. The Independent Commission recommended the creation of an entirely new Policing Board whose statutory primary function *“should be to hold the Chief Constable and the police service publicly to account”*. The role of this oversight body was set out in detail. The Policing Board was seen as working

closely with other agencies relevant to public safety (including education, housing and health authorities, social services, youth agencies, probation service, and NGOs). The Board should be composed of ten elected Assembly members (politicians) and nine independent members drawn from business, trade unions, community groups and the legal profession. Together this Board would be *“representative of the community as a whole”*; they would set policing priorities and *“probe and scrutinise different areas of police performance, from management of resources to the safeguarding of human rights”*.

While the Chief Constable of the PSNI would retain operational independence, s/he would be accountable to the Policing Board via planning and budgetary controls and by routinely being held to account at public meetings of the Board. To assist the Board in its exercise of this responsibility, an independent human rights adviser was appointed by the Policing Board to develop a detailed human rights monitoring framework against which the Board itself, and the PSNI, could be routinely assessed.

In addition to the Northern Ireland Board, more local level accountability was established through District Policing Partnership Boards being set up in each local authority area (now known as District Policing and Community Safety Partnerships). These mirrored the composition of the Policing Board, with a majority of elected members and a number of independents. At monthly meetings, held in public, it was recommended that –

*“The police should present reports and answer questions and the Board should reflect community concerns and priorities to the police. The views expressed by DPPBs should be taken fully into account by the police and by the Policing Board in the formulation of policing plans and strategies at the central level.”*

- *Policing in Northern Ireland: A Report of the Independent Commission on Policing in Northern Ireland, 1999*

A Police Ombudsman office had been established prior to the Patten review, but its importance was reinforced by the Commission. Additional powers meant that the Ombudsman would no longer be constrained to dealing with individual complaints but could also initiate inquiries or investigations even if no specific complaint has been received. Very importantly, the Ombudsman, it was recommended *“should exercise the right to investigate and comment on police policies and practices, where these are perceived to give rise to difficulties, even if the conduct of individual officers may not itself be culpable”*. As a *“corporation sole”*, with independent investigators, and with an

ability to act on its own initiative and undertake thematic investigations, the role of the Police Ombudsman is vital to holding individual police officers, and police policies and procedures, to account. –

*“I was Chief Constable (PSNI) and benefited from a completely independent investigation organisation, the police ombudsman. . .The great strength of my system was that it was independent of the police and I’ve always been a big advocate of that.”*

- Sir Hugh Orde, then President of the UK Association of Chief Police Officers (ACPO) in an Interview on BBC, Radio 4 – Today programme, 16/10/2013

One area of policing area that often defies clear accountability is that of intelligence gathering and covert policing. While critics of the Independent Commission report argued that it did not go far enough in its recommendations in this respect, the Commission did advise that legislation on covert policing be human rights compliant and that an independent commissioner for covert law enforcement be appointed (alongside a complaints tribunal). To strengthen the accountability of policing intelligence work, it was proposed to bring together Special Branch and the Crime Branch under a single command; that security officers should brief district commanders on security activities in the district; and that those commanders should be fully consulted before security operations were undertaken. In recognition of the risk of ‘institutionalisation’, it was recommended that officers should be rotated regularly and not spend such long periods in security work as had been common in the past.

The other important aspect of accountability considered was that of ***financial accountability***. Although the Independent Commission called for the necessary investment in policing to make it fit for purpose for a newly negotiated Northern Ireland agreement, calls were made for a substantial strengthening of financial accountability given tax-payer investment. This included fully costed Annual Policing Plans and a strong audit function within the Northern Ireland Policing Board, staffed by experts in budgeting, financial management and value for money programmes.

#### ➤ **The Management of Change.**

It was recognised that the management of change in a very large, hierarchical and previously quasi-militaristic establishment needed to be handled with care. Alongside recommending an effective appraisal system of “*an officer’s capacity for*

change” to be used as part of the selection and promotion system, there was also the acknowledgement that –

*“The Northern Ireland police leadership team should include specialists in change management. These may be either civilians or police officers, preferably both. The leadership team should produce a programme for change. . .(and) the efficiency and effectiveness of each chief officer should be judged on the basis of, among other things, their capacity to introduce and adapt change.”*

- *Policing in Northern Ireland: A Report of the Independent Commission on Policing in Northern Ireland, 1999*

The importance of fair early retirement/severance packages, as well as retraining and further employment possibilities with other police services was provided for those serving officers that wanted to move out of the PSNI.

Change management was also applied to **policing structures**. It was argued that there was a need to *“reflect the shift of focus towards community policing and the delegation of responsibility to district commanders,”* with District Commanders having *“fully devolved authority over the deployment of personnel (officer and civilian) within their command and devolved budgets (including salary budgets)”*. A rigorous programme of civilianisation was also urged, as were reviews of the police estate, of I.T. and support services (with a view to contracting-out to civilians as appropriate).

The Independent Commission’s recommendations regarding demilitarisation and **policing in a peaceful society** included references to the importance of police stations being made more user-friendly; police cars replacing armoured land-rovers; and a reduction of the role of the British Army - so that the police could patrol all parts of Northern Ireland without military support. Counter-terrorist legislation, it was held, should be brought in line with that in Britain and additional safeguards for terrorist suspects introduced. The proviso was added that *“The question of moving towards the desired objective of a routinely unarmed police service should be periodically reviewed in the light of developments in the security environment.”*

## **The Current Situation**

Nearly twenty years after the publication of the report on policing by the Independent Commission, the Patten Commission can claim much credit for paving the way for a more peaceful and secure Northern Ireland by securing a transformation in policing through the establishment of the Police Service for

Northern Ireland (PSNI), an organisation virtually unrecognisable from its predecessors. The Belfast/Good Friday Agreement mandated the Independent Commission to deliver proposals that would lead to a situation *“that in a new approach Northern Ireland has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole”*. By and large this goal has been met.

Invariably there are still outstanding issues and criticism. Many of these are the issues that face all modern police services - how does one recruit and retain the best officers? How to maintain the highest levels of professionalism and commitment with limited resources? How should policing best adapt to changing societal norms and criminal activities? There are also those outstanding problems resulting from the limited implementation of the Independent Commission’s recommendations (e.g. the appointment of an independent commissioner for covert law enforcement which was not implemented) or the limited delivery on the promise of community policing in the current context of dramatic cuts in the number of neighbourhood officers. This, despite the vision that *“Neighbourhood policing should be at the core of police work”*.

Arguably one of the most serious ‘defects’ of the policing change process has been its failure to address the legacy of the past: how to determine the police role in the legacy of human rights abuses and how to have an effective investigation of other outstanding legacy cases. The Independent Commission did not linger on this issue, which has become an unresolved political conundrum in its own right; continuing to act as a potentially destabilising element within the overall peace process. Nevertheless, hindsight now suggests that, without an agreed process for dealing with the legacy of the past, forward movement over the longer term may be made more difficult.

On the other hand, much of the work of the Independent Commission has delivered change beyond original expectations (e.g. the strengthening of the Ombudsman’s office and the appointment of human rights staff within the PSNI and the Policing Board who have been able to introduce human rights and equality proofing measures for every aspect of police work). There have also been some positive, if unexpected, consequences of the many changes introduced, such as the attention now being accorded to ‘regular’ crime such as domestic violence, which was previously seen as of secondary importance. While this, in part, may be attributed to changes in circumstances, it is also a tribute to changes in policing powers, in composition, training, and lines of legal and political accountability, arising from the Independent Commission report.

## Summary of Lessons Learned

The Northern Ireland experience suggests that to transform policing from what was an effectively militarised police force to a widely accepted police service, several elements are required: sufficient political will; effective leadership within the police, civil society and the political realm; a comprehensive and credible road-map for change; and the necessary determination, persistence and vigilance to overcome active resistance.

Firstly, sufficient political will to change must be created. From its inception, there was strong opposition to effective policing reform both internally within the RUC, and externally amongst its political supporters who were unwilling to countenance any criticism. The development of a virtual 'fortress' mentality (and concerns that any change was a 'win' for terrorism) made change even more difficult. It was essential that when peace negotiations started, the necessary domestic and international pressure for change was mobilised to include radical changes to policing. Elsewhere, policing reform has resulted from political will that was sparked in response to administrative changes, financial/political corruption, or a specific scandal (such as the recognition of institutionalised racism in London policing in the handling of the death of Stephen Lawrence in 1993).

Secondly, excellent leadership is needed. This is required at the political level, but also amongst serving police officers in the new policing institutions. Poor or weak leadership can undermine any process of change. In Northern Ireland, the first Policing Ombudsman (Nuala O'Loan), and the first Chief Constable to head up the new Police Service for Northern Ireland (Hugh Orde), exhibited courage and tenacity in implementing the necessary changes, and – for the most part – bringing police officers, politicians, and local communities along with them. Equally important, however, was the work done at community level by politicians, civil society leadership and community activists to break down some of the decades-old distrust that had existed between the police and the communities they policed.

Thirdly, there must be an agreed road-map for change. The creation in Northern Ireland of a specialist independent commission, which engaged with the general public, drew on good practice elsewhere, and consulted the police, allowed (as far as possible) the 'depolicisation' of a very controversial issue. In this way, the Independent Commission could put its 175 recommendations in the context of peace-building, but also noted: *'we believe that the main thrust of our proposals can be justified by looking at the challenge confronting policing in any modern society.'* The comprehensive nature of the package proposed meant that the recommendations were inter-connected and complementary, and therefore more likely to effect the change required.

Fourthly, change requires persistence and vigilance. In Northern Ireland, some of the change on offer was readily acceptable to all and was rapidly implemented; other policing recommendations were politically controversial and actively opposed. The Northern Ireland experience suggests that the forces of resistance can be very powerful and that the process of change requires vigilance from all quarters including, ideally, international scrutiny. International commentators (other police experts, states, UN bodies) can be influential in both advising on the nature of change and holding people to account once commitments are made. Domestically, the process of change needs to be overseen by a combination of an informed citizenry, broader civil society activists, elected political representatives, and strong and well-resourced official oversight bodies working to sound first principles. In this way, “policing by consent” can be made to work, but no-one should underestimate the time and persistence required: there is no quick fix.

### **Resources**

A New Beginning - Policing in Northern Ireland: A report of the Independent Commission on Policing for Northern Ireland, HMSO, 1999.

From the Margins to the Mainstream: Human Rights and the Good Friday Agreement, article by Paul Mageean and Martin O’Brien, Fordham International Law Journal, Volume 22, Number 4, April 1999. This special edition entitled “Analysis of the Northern Ireland peace agreement” carries several other relevant articles.

Human Rights on Duty: Principles for better policing – international lessons for Northern Ireland, by Mary O’Rawe and Dr Linda Moore, CAJ, November 1997.

Policing the Narrow Ground – Lessons from the transformation of policing in Northern Ireland, ed. John Doyle, Royal Irish Academy, 2010. This book (marking the 10<sup>th</sup> anniversary of Patten) includes chapters from several members of the Commission, the Chief Constable of the PSNI, the Police Ombudsman, NGOs and academics.

Policing with the Community - Patten 10 years on, conference report CAJ, 2009.

Violent conflict, political settlement and intimate partner violence: lessons from Northern Ireland, Monica McWilliams and Jessica Doyle, PRSP, 2017 ([www.politicalsettlements.org](http://www.politicalsettlements.org))