A NEW BEGINNING:
POLICING IN NORTHERN IRELAND

THE REPORT OF THE INDEPENDENT COMMISSION
ON POLICING FOR NORTHERN IRELAND

SEPTEMBER 1999
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1

THE TASK OF THE
INDEPENDENT COMMISSION ON POLICING

“… a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole.”

The Agreement of April 1998.

1.1 The Independent Commission on Policing in Northern Ireland was set up as part of the Agreement reached in Belfast on 10 April 1998. In a preamble to that Agreement, the participants set out its main purposes:

1. We believe that the Agreement we have negotiated offers a truly historic opportunity for a new beginning.

2. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.

3. We are committed to partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South, and between these islands.

4. We reaffirm our total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, and our opposition to any use or threat of force by others for any political purpose, whether in regard to this Agreement or otherwise.

5. We acknowledge the substantial differences between our continuing, and equally legitimate, political aspirations. However, we will endeavour to strive in every practical way towards reconciliation and rapprochement within the framework of democratic and agreed arrangements. We pledge that we will, in good faith, work to ensure the success of each and every one of the arrangements to be established under this Agreement.”

The Agreement was put to separate referendums in Northern Ireland and the Republic of Ireland on 21 May 1998. 71% of those who voted in Northern Ireland supported the Agreement, and 95% in the Republic of Ireland. The political life of Northern Ireland since then has been dominated by the attempt to implement the Agreement, re-establishing “democratic and peaceful means” as the sole way of resolving “differences on political issues”. After decades of violence within the community, its leaders have tried to settle their arguments in what Abraham Lincoln called “a spirit of mutual compromise”. Implementation of the Agreement would give the politics of Northern Ireland to the people of Northern Ireland; and in the same way it should also give the policing of Northern Ireland to the people of Northern Ireland.

1.2 We did our work against the background of the efforts of the past 15 months to translate the words of the Agreement into a power-sharing executive, answerable to an elected Northern Ireland Assembly, representing a community at peace with itself and committed to the democratic process. Northern Ireland’s politicians have travelled part of the way to this objective, but as we were
writing our report, the talks aimed at completing the process stalled. Is our report, therefore, an 
irrelevant or even provocative distraction from the task of reassembling the political pieces 
scattered by the disagreements of July? We think not. First, the issue of policing is at the heart of 
many of the problems that politicians have been unable to resolve in Northern Ireland, hence the 
fact that we were asked to consider this question ourselves. As part of any final agreement to 
establish the customary institutions of democracy in Northern Ireland in a peaceful, civil society, 
the deeply controversial matters that we address will need to be confronted and settled. It may in 
some respects be better or more helpful that, with the publication of our proposals, they will now 
have to be debated openly by those who are looked to by the community to agree the way forward. 
Secondly, most of our recommendations make sense regardless of the broader political context. 
They touch on the efficiency, acceptability and accountability of the police service in Northern 
Ireland in any imaginable circumstances. Thirdly, we were appointed in the atmosphere of hope 
and generosity of spirit that attended the Referendum vote on the Agreement. It seems to us that,
sooner or later, if peace and democracy in Northern Ireland are to be secured, something like the 
approach reflected in the Agreement will have to prevail. So one day – and we hope that day will 
come sooner rather than later – the issues raised in our report will be an integral part of the 
agenda for a Northern Ireland that runs most of its own affairs in a spirit of reconciliation and 
good faith. As a Commission that is both totally independent and mindful of the importance to 
its credibility of demonstrating this independence, we publish these proposals in the strong belief 
that they offer the people of Northern Ireland the chance of establishing an effective and widely 
accepted police service for which they are themselves responsible. We are not parties to the present 
political discussions, but we hope that those who are will see this report as a contribution to the 
restoration of peace and local democratic arrangements in Northern Ireland.

1.3 As we have just argued, the role of Northern Ireland’s police service, and general questions of 
policing policy and practice, are central to many of the issues mentioned in the preamble to the 
Agreement and to many of the more difficult problems affecting its implementation. The reasons 
for this are primarily political – failure in the past to find an acceptable democratic basis for the 
governance of Northern Ireland that accommodated the rights and aspirations of both the 
unionist and nationalist communities. Policing has been contentious, victim and participant in 
past tragedies, precisely because the polity itself has been contentious. The consent required right 
across the community in any liberal democracy for effective policing has been absent. In contested 
space, the role of those charged with keeping the peace has itself been contested. The roots of the 
problem go back to the very foundation of the state. Since 1922 and the establishment of the Royal 
Ulster Constabulary (in part drawn from the ranks of the old Royal Irish Constabulary), the 
composition of the police has been disproportionately Protestant and Unionist. This has become 
much more pronounced during the last 30 violent years for reasons that we shall examine later. 
Both in the past, when the police were subject to political control by the Unionist government at 
Stormont, and more recently in the period of direct rule from Westminster, they have been 
identified by one section of the population not primarily as upholders of the law but as defenders 
of the state, and the nature of the state itself has remained the central issue of political argument. 
This identification of police and state is contrary to policing practice in the rest of the United 
Kingdom. It has left the police in an unenviable position, lamented by many police officers. In 
one political language they are the custodians of nationhood. In its rhetorical opposite they are 
the symbols of oppression. Policing therefore goes right to the heart of the sense of security and 
identity of both communities and, because of the differences between them, this seriously 
hampers the effectiveness of the police service in Northern Ireland.
1.4 These problems have been exacerbated by three decades of conflict which have inevitably aggravated the divisions within Northern Ireland society. Violence has increased intolerance, mutual distrust between people of different traditions and disrespect for each other’s convictions and human rights. It has distorted both the RUC’s approach to policing and the community’s attitude to the policing of its streets and neighbourhoods. Policing cannot be fully effective when the police have to operate from fortified stations in armoured vehicles, and when police officers dare not tell their children what they do for a living for fear of attack from extremists from both sides. At one of our public meetings, a local pastor reminded those gathered in his church hall, many of whom had criticised the police for not living within the neighbourhoods where they worked, that several police families had been burned out of their homes on local streets.

1.5 The problems faced by the police service in Northern Ireland are in a sense unique to a divided society, with its own particular history and culture. But many are similar to those confronting police services in democratic societies elsewhere. We have studied policing in other countries and, while we can discover no model that can simply be applied to Northern Ireland, we can find plenty of examples of police services wrestling with the same sort of challenges. How can the police be properly accountable to the community they serve if their composition in terms of ethnicity, religion and gender is vastly dissimilar to that of their society? How can professional police officers best adapt to a world in which their own efforts are only a part of the overall policing of a modern society? How can the police ensure that their practices recognise and uphold the human dignity and the rights of individual citizens while providing them with effective protection from wrongdoing? How should human rights standards and obligations be reflected in the delivery of policing on the streets? How can police services reorient their approach so that, in the words of the founder of first Irish and then British policing, Sir Robert Peel, their main object becomes once again the prevention of crime rather than the detection and punishment of offenders? How can professional policing become a genuine partnership for peace on the streets with those who live, work and walk on those streets? These questions affect recruitment, training, management, structures, accountability, funding, attitude and style. We see them reflected in recent legislative changes in Britain and in the debate there about the relationship between the police and the ethnic minorities. We have discussed them with police professionals in Europe, North America and elsewhere. There is no perfect model for us, no example of a country that, to quote one European police officer, “has yet finalised the total transformation from force to service”. The commitment to a fresh start gives Northern Ireland the opportunity to take best practice from elsewhere and to lead the way in overcoming some of the toughest challenges of modern policing.

1.6 Our broad approach to the task given us reflects a number of factors. First, we were not set up as a committee of inquiry with all the legal powers to call for papers and to interrogate witnesses. We were not charged with a quasi-legal investigation of the past. If there is a case for such inquiries, it is up to government to appoint them, not for us to rewrite our terms of reference. But we have naturally had to inform ourselves about past practice in order to propose future conduct. Second, we have not seen our role as that of political arbiters. In both written and oral evidence to us, it was argued that we should separate policing from the usual partisan agenda where it became part of a zero sum game. Policing problems, we were told frequently, could not be resolved simply on the basis of either nationalist or unionist demands. We certainly do not believe that it is possible to assemble the best set of proposals for the police service that Northern Ireland deserves by searching out the middle point between opposing political views. We were urged by those who
made submissions to us to show imagination, common sense and generosity of spirit with the changes we proposed. We hope we will be judged to have done that.

1.7 We did not approach our task bereft of values. No one who believes in an open society and the rule of law can be neutral as between democracy and violence, the protection of human rights and their abuse, the recognition of the dignity of every individual and its denial. But it was equally clear to us that we would never be able to fashion a fresh start out of a series of judgments about who was culpable for each of the tragedies and mistakes of the past. Northern Ireland voted overwhelmingly in 1998 to turn its back on the politics of revenge and retaliation. As the episcopal father of the poet Louis Macneice once advised his diocese, “It would be well to remember and to forget, to remember the good, the things that were chivalrous and considerate and merciful, and to forget the story of old feuds, old animosities, old triumphs, old humiliations … Forget the things that are behind that you may be the better able to put all your strength into the tasks of today and tomorrow.” So we have seen our approach as restorative, not retributive – restorative of the values of liberty, the rule of law and mutual respect, values that have sometimes been casualties of the years of violence. By means of a fresh start for policing, our aim is to help ensure that past tragedies are not repeated in the future. There is plainly a close relationship between the success of the overall agreement and changes in policing. If the fresh start for politics founders, it will be more difficult to make changes in policing; and if changes in policing are resisted (or mishandled) then there could be a serious impact on the attempt to rebuild democratic politics in Northern Ireland.

1.8 The Agreement argues that it “provides the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole”. That has been our starting point but it does not provide a precise way for measuring the scope for, and the pace of change. “The opportunity for a new beginning” covers a multitude of possible outcomes, in terms of levels of violence and degrees of consensual, democratic politics. We cannot naively assume the best, and leave the community unprotected if the worst happens. Nor can we calibrate with the precision of watchmakers changes in policing and changes in the threat from terrorism or ordinary crime. Trying to double-track police change – for example, in force levels, composition and equipment – to Northern Ireland’s progress towards the policing environment of Strathclyde or the Thames Valley would be a fruitless exercise. What we have therefore sought to do is to suggest what we believe would be the best arrangements for policing in Northern Ireland in any likely environment, indicating where those changes should be accomplished rapidly over a given time span, regardless of other considerations, and where change will need to be judged by those in positions of responsibility according to circumstances on the ground. For example, in the first category, we argue for a measured but ambitious programme of change in the composition of the police regardless of other factors. On the other hand, there are changes – like the eventual disarming of the police for routine purposes and the devolution of responsibility for policing and justice issues – that will need to be considered in the light of other developments. Our commitment to goals in the second category is not diluted by the recognition that we cannot be judge and jury now of the precise timing of their implementation. The government and others responsible should not take our realism as an excuse for foot-dragging and we make proposals for monitoring change in a publicly credible way. However, the changes we propose cannot all be introduced at once – nor at some

1 Sermon in St Thomas’ Church, Belfast, quoted in the Belfast Telegraph, 8 July 1935
unspecified hour in the future. That is not the real world, and it is not an ideal world. Ideal worlds are less disruptive. Several of the submissions we received have made a case for gradual change. “Proposed changes”, argued the Church of Ireland in their submission, “... need to be evolutionary rather than revolutionary”. In fact some of the changes we propose in the report can and should be introduced quickly. But others must be gradual. The Pat Finucane Centre argued that, “(the) creation of a new policing service will be an evolutionary process taking several years... It would be unrealistic and absurd to suggest that any new police service would come into being overnight... ”. There is a general recognition that, whatever the arguments about its pace, change is necessary. “When we see, as we’re seeing, a significant change in the environment in which we operate”, argued the Chief Constable, Sir Ronnie Flanagan early in 1999, “then of course there should be a significant change in the way we go about our business”. The “significant change in the environment” encompasses political development, improvements in security, and transitions in social habits and attitudes. These factors are all related. Adjustments in policing must also hang together. The “significant change” in policing should not be a cluster of unconnected adjustments in policy that can be bolted or soldered onto the organisation that already exists. The changes that we propose are extensive and they fit together like the pieces in a jigsaw puzzle. We believe that we have met the argument of the former Standing Advisory Commission on Human Rights that “holistic change of a fundamental nature is required”.

1.9 After calling for a new beginning to policing in Northern Ireland, the Agreement goes on to set out its ingredients:

“The participants [in the negotiations] believe it essential that policing structures and arrangements are such that the police service is professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices, and operates within a coherent and cooperative criminal justice system, which conforms with human rights norms. The participants also believe that these structures and arrangements must be capable of maintaining law and order including responding effectively to crime and to any terrorist threat and to public order problems. A police service which cannot do so will fail to win public confidence and acceptance. They believe that any such structures and arrangements should be capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels, and with the maximum delegation of authority and responsibility, consistent with the foregoing principles. These arrangements should be based on principles of protection of human rights and professional integrity and should be unambiguously accepted and actively supported by the entire community”.

The Agreement specifies our detailed terms of reference (recorded in Annex 1 of this report). These seek to direct our work towards implementing the principles set out in the paragraph above.

1.10 These principles have provided the benchmark against which we have tested all our proposals. We have not tried to balance what may be politically acceptable to this group against what is reckoned to be acceptable to that. As one submission to us argued, any proposals “should not be calculated simply as a sop” to a particular interest group. The Methodist Church argued that “the sole criterion should be the improvement of the policing service for the benefit of the whole community”. Again and again, the tests we have applied have been these:

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2 Sir Ronnie Flanagan, interview with Sir David Frost on BBC “Breakfast with Frost”, 31 January 1999
1. Does this proposal promote effective and efficient policing?
2. Will it deliver fair and impartial policing, free from partisan control?
3. Does it provide for accountability, both to the law and to the community?
4. Will it make the police more representative of the society they serve?
5. Does it protect and vindicate the human rights and human dignity of all?

These tests are a matter of judgment; they do not constitute a precise science. Naturally, such judgments are conditioned by the politics of the Agreement. Someone who rejected the Agreement might well deny the validity of these tests, indeed of the whole of our work; he or she would certainly be likely to come to different conclusions from us in many, though probably not all instances. But the only way we can work, and would choose to work, is on the basis of trying to apply tests and reach judgments that would seem reasonable to anyone conscientiously committed to the establishment of peace and effective policing. Since over 70 per cent of those who voted in the Northern Ireland referendum – whatever the hazards they feared and the doubts they have subsequently expressed – supported the Agreement, this approach appears to be the most realistic as well as the most hopeful. It is not possible for us to argue that everything we advocate would make good policing sense without a political agreement. None of us can know what level of violence would exist in those circumstances and how much partisan distrust would inhibit change. Some of our recommendations are linked to the specific constitutional arrangements that should arise from the Agreement of 1998. Nevertheless, we believe that the main thrust of our proposals can be justified by looking at the challenge confronting policing in any modern society. What we propose is in the mainstream of the debate about future policing requirements in democratic and economically developed communities everywhere.

1.11 Our proposals have to be paid for, by those who are actually policed in Northern Ireland and by their fellow taxpayers in other parts of the United Kingdom. They have a right to expect us to ensure that the changes we suggest are cost-effective and that their taxes are not wasted. But we did not believe it right to add to our other tests that of cheapness. Our primary aim is not to cut costs but to raise the quality and effectiveness of policing. There may well in time be a peace dividend in Northern Ireland; the costs of security will fall and the benefits of peace fructify. We should not put that desirable outcome at risk by claiming it prematurely. First, where there is a danger that spending reductions may threaten the return of peace and the building of partnership and trust, we believe it right to err on the side of caution. Second, this clearly affects decisions about the size of the policing establishment; these calculations need to take account not only of security considerations but also of the desired rate of change in the composition of the police service. Third, it is incumbent on the state to show generosity to those who have policed in very difficult conditions but whose service may no longer be required. Circumstance has given Northern Ireland the opportunity to create a new police service that can draw on best practice from policing elsewhere. It would be a tragedy to miss this chance for want of sufficient investment. We are wholly persuaded that sensible spending now for constructive purposes can help to avoid heavier spending later to deal with the costs of a return of violence. Better to defer the so-called peace dividend for taxpayers in return for a more assured peace dividend later.

1.12 In oral and written submissions to us, and in our informal discussions in Northern Ireland and elsewhere, the word that has occurred over and over again is accountability – police accountability
to the law and to the community. The rule of law binds together a healthy, democratic society; under the rule of law we are all of us both governors and governed – we help to make the laws that govern us equally. In such a society, the police are in a uniquely privileged position. It is their task to uphold the rule of law, exercising their independent professional judgment in doing so. That independence is rightly prized as a defence against the politicisation of policing and the manipulation of the police for private ends. The police do not serve the state, or any interest group; they serve the people by upholding the law that protects the rights and liberties of every individual citizen. But the proper assertion of independence should not imply the denial of accountability. From the very beginnings of the organised policing of society, this issue of accountability has been debated: in the Roman writer Juvenal’s famous question, “Sed quis custodiet ipso custodes?” – “but who will police the police?” The debate about accountability has a particular resonance in Northern Ireland.

1.13 Accountability places limitations on the power of the police, but it should also give that power legitimacy and ensure its effective use in the service of the community. The first limitation, as Lord Scarman pointed out in his report in 1981 on the Brixton disorders, is of course the law itself – “The police officer must act within the law: abuse of power by a police officer, if it is allowed to occur with impunity, is a staging post to the police state”. Where the powers available to the police have been particularly extensive, because of terrorist violence, the opportunity for abuse has been extensive too. The establishment of a credible system for dealing with complaints against the police is one part of the response to this problem.

1.14 Another limitation on police autonomy is also increasingly recognised as the key to more effective policing. Lord Scarman noted that the constitutional control of accountability meant that, while the police should exercise independent judgment, they were also the servants of the community and could not effectively enforce their judgment without the support of that community. We strongly agree with this, and we disagree with Lord Denning’s view that the police officer “is not a servant of anyone, save of the law itself”; accountability to the law is vital but accountability is a much wider concept than that. It raises questions both of structure – the institutional relationship between the police and government both at central and local levels – and the style and purpose of policing. It involves partnerships – “constructive and inclusive partnerships with the community at all levels”, in the words of the Agreement. And it involves transparency – the police being open and informative about their work and amenable to scrutiny. In his 1995 book about the RUC, Ronald Weitzer spoke of the need for police to have a “receptive organizational culture, one that is infused with a spirit of accountability”.

1.15 The structural question has been particularly difficult in Northern Ireland because of the truncated nature of local democracy and because of the political imperative understandably accorded to security issues. In the absence of local government with real responsibility, an appointed Police Authority has operated as surrogate for an accountability mechanism. While it may be true, as the House of Commons Northern Ireland Affairs Committee argued, that the Police Authority has taken “a very restricted view of what duties it does have”, it is unfair to blame

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4 R v Commissioner of Police for the Metropolis, ex parte Blackburn [1968] 2QB 118
it for all that has gone wrong. The lack of any democratic basis for the Authority has reduced its credibility; this has been further weakened by the refusal of most nationalist politicians to identify themselves with it because of their broader criticisms of policing; and on top of this, neither the government nor some past chief constables have given much impression of taking it seriously. The Committee was right to argue that changing the governance of the police was crucial to creating greater public confidence in them. We make proposals for a new structure of accountability which should ensure effective and democratically based oversight of policing and the creation of a close partnership between the police and every local community. We believe these arrangements will work best when responsibility for policing is devolved to Northern Ireland, and it seems to us that the logic of the Agreement argues for this to happen sooner rather than later. If it is true in other areas of public life that people are more likely to act responsibly when they are given responsibility, then we see little or no justification for excluding policing from this approach. But first, of course, an executive needs to be established on the basis of the sort of understanding encapsulated in the Agreement.

1.16 Accountability involves creating a real partnership between the police and the community – government agencies, non-governmental organisations, families, citizens; a partnership based on openness and understanding; a partnership in which policing reflects and responds to the community’s needs. This is the best way of securing what the very first Commissioners of the Metropolitan Police, Charles Rowan and Richard Mayne, defined in 1829 as “the primary object of an efficient police”, namely the prevention of crime. They went on to argue –

“Every member of the force must remember that his (sic) duty is to protect and help members of the public, no less than to apprehend guilty persons. Consequently, whilst prompt to prevent crime and arrest criminals, he must look upon himself as the servant and guardian of the general public and treat all law abiding citizens, irrespective of their social position, with unfailing patience, courtesy and good humour.”

In their report on “Policing Plural Communities” in 1996/97, HM Inspectorate of Constabulary said that the police could not hope to prevail against crime “without the support of the communities they serve”. In their submission to us the Catholic Bishops of Northern Ireland made a similar point – “effective policing can only take place where the consent of the community has been secured”. All true, but one can and should go further: it is not so much that the police need support and consent, but rather that policing is a matter for the whole community, not something that the community leaves to the police to do. Policing should be a collective community responsibility: a partnership for community safety. This sort of policing is more difficult than policing the community. It requires an end to “us” and “them” concepts of policing. If it is to work, it has to become the core function of a police service, not the work of a specialised command or a separate cadre of police officers. It has implications for the structure of the police, which should become more decentralised; for the management style, which should become more open and delegated; and for the manner of policing down to beat level, which should become more orientated towards active problem-solving and crime prevention, rather than more traditional, reactive enforcement. In their submission, the Presbyterian Church in Ireland argued that “the ethos [of the police] should be one of service to the whole community... it should permeate the whole organisation and should be experienced as such by the whole community”.

1.17 We are convinced that this is the best way to provide “a new beginning” for policing in Northern

7 “Winning the Race: Policing Plural Communities”, Her Majesty’s Inspectorate of Constabulary, October 1997
Ireland. The obvious challenges to adopting this approach provide the most persuasive reasons for choosing it. Organised terrorism and threats to public order have limited what the police have been able to do and have felt themselves able to do in partnership with the community. Even after the Agreement is – we hope – fully implemented, those factors will continue for some time to cast a shadow over policing. But it is our strong view that peace and decency on the streets and in the villages of Northern Ireland can only be achieved on those streets and in those villages. It will take time and it will not be easy. It is the right way, the only way, to make certain that the rule of law, not the rule of the gun and the baseball bat, prevails in every community. A sustained commitment to community policing, the creation of a police service not a police force, has implications for every aspect of the work of the police and we make appropriate recommendations on issues like training, public order and management later in this report.

1.18 But real community policing is impossible if the composition of the police service bears little relationship to the composition of the community as a whole. Anita Hazenberg, a Dutch police officer directing the “Police and Human Rights” programme at the Council of Europe, has claimed that “in no country in this world is the composition of the police representative of its society”. While the problem is not unique to Northern Ireland, it is particularly acute here. The Catholic Bishops of Northern Ireland spoke to us about “a deep legacy of distrust...” between the Nationalist community and the RUC, and they noted “the deep sense of possession of the police force by the Unionist community”. Others noted that the nationalist and unionist communities had different experiences of policing. The Pat Finucane Centre argued that “nationalist experience of the RUC is... a million miles from unionist experience of the same force”. But as Professor McGarry and Professor O’Leary have argued, “effective policing requires strong links between the police and the people they serve, ... and it is impossible to create them if the police are overwhelmingly from one community, so more Catholics, especially nationalist Catholics, are needed on efficiency grounds”8. The Presbyterians also argued to us that “every effort should be made to make a career in the police an opportunity as sought after and as obtainable amongst Catholic/Nationalists as among Protestant/Unionists”. This cannot be a matter of token gestures. The Equal Opportunities Commission made the point to us that it is not enough to have a few recruits from another gender (or religious background) entering the service; as long as they are less than 15 per cent they will never be able to have a substantial influence on the culture. The proposals that are made on composition of the police service are an essential part of meeting the five tests that we outlined in paragraph 1.10.

1.19 During the course of our public meetings, the Commission heard many harrowing stories from individuals about their experiences of violence in the last 30 years. We were not established as a truth and reconciliation commission, yet we found ourselves inevitably hearing the sort of stories that such a commission would be told. This underlined for us the importance of the work we were asked to do: a new beginning for policing in Northern Ireland will both contribute to and result from the return of hope, healing and peace. There will doubtless be a period of debate and discussion on our proposals while broader political agreement on the way forward for Northern Ireland is also sought. We trust that the outcome will be extensive recognition in Northern Ireland that the conclusions of this report offer the best chance of creating an effective police service which, in the words of the Agreement “can enjoy widespread support from, and is seen as an integral part of, the community as a whole”.

2

THE INDEPENDENT COMMISSION ON POLICING
FOR NORTHERN IRELAND

2.1 The Independent Commission on Policing for Northern Ireland began work shortly after its establishment on 3 June 1998. The membership of the Commission was as follows:

The Right Honourable Christopher Patten, CH, formerly Governor of Hong Kong and a Cabinet Minister;

Dr Maurice Hayes, a Member of the Irish Senate and previously Northern Ireland Ombudsman and Permanent Secretary in the Northern Ireland Department of Health and Social Services;

Dr Gerald Lynch, President of John Jay College of Criminal Justice, New York;

Kathleen O’Toole, a career police officer, previously Massachusetts Secretary for Public Safety, currently an administrator at Boston College.

Professor Clifford Shearing, Professor of Criminology and Sociology at the University of Toronto and a Professor within the School of Government at the University of the Western Cape.

Sir John Smith, former Deputy Commissioner of the Metropolitan Police and a former Inspector of Constabulary;

Mr Peter Smith QC, a barrister practising in Northern Ireland;

Mrs Lucy Woods, former Chief Executive of British Telecom in Northern Ireland and BT Ireland.

2.2 The Secretary of the Commission was Mr Robert Peirce of the Foreign and Commonwealth Office; he was assisted by Mr Alan Tipping of the Northern Ireland Office, Chief Superintendent David Griffin of the Humberside Police, Dr Michael Boyle of the Northern Ireland Statistics and Research Agency, Mrs Gwen Mawhinney of the Department of Finance and Personnel and other secretariat staff. Liaison with the police was facilitated by Superintendent Sheamus Hamill.

2.3 The Commission held its first meeting on 11-12 June 1998. It held some sixty days of plenary meetings. The Commission began its work by briefing itself, through meetings, research and reading, on the background to the Agreement and the establishment of the Commission, on the present policing arrangements in Northern Ireland, on previous reports on policing in Northern Ireland and elsewhere, and on developments and debates concerning police worldwide. In a press conference on 12 June 1998 the Chairman called for views from members of the public and over the next three weeks advertisements were placed in Northern Ireland’s main newspapers and in every public library inviting the public to write to Commissioners with their opinions on policing. Additionally, 130 letters were sent to political parties, churches, non-governmental organisations and others known to have a particular interest in policing. From the beginning the Commission collectively, and Commissioners individually, had numerous private meetings with a range of people – clerics, politicians, civil liberties groups, community and youth workers, editors, academics, and others – as well as visiting every police sub-division, other police stations, headquarters departments and meeting individual police officers. In October the Commission entered into a more public phase of its work, beginning with taking oral submissions in public
meetings with political parties, business and trades union groups, and others (a list of those who gave such submissions is in Annex 2). A series of open meetings was then held in every District Council area in Northern Ireland. The main programme of meetings was conducted in November and December 1998 and further meetings were held during the course of this year (list at Annex 3). A number of meetings, public and private, were held with youth groups. In all more than 10,000 people attended the public meetings, with over 1,000 speaking. In addition about 450 further written submissions were handed in at these meetings, most of them on forms distributed by the Commission for this purpose, so that the total number of individual written submissions received was approximately 2,500. We also received a number of petitions, signed by several thousand people, and several standardised letters. All submissions and petitions were read by Commissioners. During this public phase of their work the Commissioners also continued to have numerous private meetings with groups and individuals. Consultants were engaged to conduct a focus group study, involving eight focus groups selected from different traditions and backgrounds; other consultants, with the cooperation of the RUC, undertook a cultural audit of the police. In May/June 1999 we carried out a survey of public attitudes to policing. The Commission visited the Garda Siochana in the Republic of Ireland, as well as a number of police services in Great Britain, Canada, South Africa, Spain and the United States (a list of all the police services we consulted or visited is contained in Annex 4). We also visited the Council of Europe in Strasbourg and attended a number of policing conferences, and conferences concerned with human rights.

2.4 In the next chapter of our report we analyse the main findings from the surveys undertaken on our behalf, from our public meetings and from the oral and written submissions to us. We try to put them in the context of the many previous surveys of opinion on policing. Few police services in the world can have been examined more frequently than the RUC. The time has come to try to draw some conclusions from all those surveys and then to ensure that the police service get on with the job of forging a comprehensive and constructive partnership for peace within the community.

2.5 After our review of attitude surveys, our report addresses the main issues of policing. First, in Chapter 4, we consider the purpose of policing, which we define as the protection of human rights, and we make proposals to reorient policing in Northern Ireland onto an approach based on upholding human rights and respecting human dignity. This approach underlies the whole of our report, from the relationship between police and public, through the way in which policing services are delivered, to the organisation, recruitment and training of the police. In Chapters 5 and 6 we look at the question of police accountability to the community, and we make proposals for greater accountability, communication and transparency at all levels. We go on to propose, in Chapters 7 to 11, a different style of policing, with the police working more directly in the community and in partnership with the community to solve public safety problems together; and with the neighbourhood police officers given the latitude and the management and technical support they require to deliver the services that their neighbourhoods need. In Chapters 12 to 14 we consider how the police service should be structured and composed in order to operate effectively and efficiently in this new style. In Chapters 15–17 we consider the recruitment, training and development of police officers, and the culture and ethos of the police service, all of which are critical to the achievement of the aims in the chapters that go before. Chapter 18 deals with the relationship with other police services. Chapter 19 proposes arrangements for overseeing the entire programme of change in the policing arrangements for Northern Ireland. Finally, in Chapter 20 we provide a list of all the recommendations in this report.
2.6 The recommendations in the following chapters are interlinked. Together they amount to a transformed police service in Northern Ireland, to the new beginning called for in the Agreement and to the sort of police service which we believe most people want – open, accessible, responsive to local needs, effective and efficient. But, as we said in Chapter 1 and as we say again throughout the report, although several of our recommendations may be possible to implement in any event, the full transformation of policing envisaged in this report will be possible only with active community support and with a continuing commitment to peace.
3

PERCEPTIONS OF THE POLICE: MAIN FINDINGS

Previous opinion surveys

3.1 There was no shortage of public opinion surveys about the RUC in the run-up to the establishment of our Commission. At the outset of our work we reviewed these earlier surveys, which provided a useful background for our own researches.

3.2 At one level, the poll findings reveal a comparatively high level of satisfaction with policing in Northern Ireland. The International Crime Victimisation Survey, a poll spanning eleven Western countries, organized in 1996 by the Dutch Ministry of Justice, ranked the police in Northern Ireland higher, in terms of public satisfaction with police performance against crime, than all the continental European countries polled; and, at 63%, lower only than Canada (80%), the United States (77%), Scotland (69%) and England and Wales (68%)\(^1\). It is no accident, incidentally, that most of the overseas police services that we consulted in the course of our work were from these countries.

3.3 Similar findings emerge from the Omnibus Surveys carried out by the Northern Ireland Statistics and Research Agency on behalf of the Police Authority. Four such surveys over the last three years have produced high (around 70%) approval ratings of police performance in Northern Ireland as a whole.

3.4 There is, however, a significant difference between the approval rating among Protestant respondents to the Omnibus surveys (over 80%) and that among Catholics (less than 50%). This brings us to the nub of the problem of policing in the divided society of Northern Ireland. Perceptions and experiences of policing can differ greatly between the two communities.

3.5 Interestingly, when asked about the performance of their local police, as opposed to police performance in Northern Ireland as a whole, the satisfaction rate among Catholics has tended to be higher, while the Protestant rate has consistently been lower than their respective approval ratings of police performance in Northern Ireland as a whole. This may reflect, at least in part, a phenomenon we observed in our own consultations of public opinion, namely a distinction between the way in which people think about their local policing experiences and concerns, and the way they think about the RUC as an institution or its role in high profile public order events away from their local area. For a significant number of Protestants, support for the RUC as an institution may be expressed more strongly than satisfaction with the delivery of the local police service; while for some Catholics the local police service may be satisfactory even if they have misgivings about the wider role of the police or about the RUC as an institution.

3.6 This brings us to another key point about perceptions of policing in Northern Ireland: the views people express about the police are often essentially political views about the RUC as an institution rather than views about the policing service which they themselves receive. We return to this later, because it is critical to the future policing arrangements that we propose.

\(^1\) Mayhew, P. and Van Dijk, J. "Criminal Victimization in 11 Industrialized Countries: Key Findings from the 1996 ICVS", The Hague, WODC 1997
3.7 The Omnibus Surveys have also found a large difference between Protestant and Catholic views of whether the police treat their two communities equally. Consistently around 70% of Protestant respondents thought they did, against only around one quarter to one third of Catholics. Both communities gave a higher satisfaction rating to their local area police on this point, but there was still a large difference between them – Protestants around 80% and Catholics around 50%.

3.8 The Northern Ireland Communities Crime Survey, conducted by Queen’s University, Belfast, in 1996, looked at attitudes in different types of community – Protestant and Catholic small towns, Protestant and Catholic lower working class areas, and mixed middle class areas. It found that Catholic lower working class communities had by far the most negative view of whether the police treated people fairly in their local area – only 36% approval, as opposed to around 70% in Catholic small towns and other areas. Moreover, only 19% in Catholic lower working class areas thought the police treated people equally in Northern Ireland as a whole, compared with 73% in Protestant lower working class areas. Interestingly, only half the respondents in Catholic small towns gave a positive response on this point, much less than the 70% approval rating they gave to their local police, which appears to be another reflection of the phenomenon identified in paragraph 3.5.

3.9 Respondents to the Omnibus Surveys were asked if they thought the RUC had treated both communities equally in policing public disorder. Positive responses from Protestants have ranged between 64% and 73%, while the corresponding Catholic response has ranged between 19% and 40%, well short of the Protestant figures.

3.10 Generally people seem to find the police polite and helpful. The annual Community Attitudes Survey by the Northern Ireland Statistics and Research Agency has found that around 80% of both Protestants and Catholics find the police polite, while around 80% of Protestants and 74% of Catholics find them helpful.

3.11 The most recent Community Attitudes Survey showed that over three quarters of all Catholics thought there were too few Catholics in the police, and over 60% of all Protestants agreed. Interestingly, however, a quarter of those interviewed in the Omnibus Surveys of 1997 and 1998 claimed they did not know the community composition of the police. In the Community Attitudes Survey of 1996/7, 59% of Protestants and 53% of Catholics believed the police tried equally hard to recruit from both communities (down from 70% and 60% respectively four years before). 70% of Catholic respondents to the latest Community Attitudes Survey cited intimidation or fear of attack as the main reason why Catholics were deterred from entering the police; and around 30% said it was because they did not support the system of government.

3.12 Around half the Catholic and Protestant respondents to the Omnibus Survey in 1998 thought there should be more women in the police.

**Public consultations by the Independent Commission**

3.13 Our own consultations produced results broadly similar to findings of the earlier polls. A majority (51%) of those who wrote individual letters to us expressed general satisfaction with the present
police, including some 16% of correspondents who insisted that there should be no change whatsoever to the policing arrangements. At the other end of the spectrum, 12% were strongly negative about the present policing arrangements, including 8% who explicitly called for disbandment of the RUC and the creation of an entirely new police service. In between, approximately 37% of the letters we received were more neutral in terms of overall satisfaction with the police and made specific proposals for reform, the most common suggestion being that there should be a greater police patrol presence in local neighbourhoods. Petitions were characterised by a call either for total disbandment or for no change, and tended to reflect views we had already received from political parties.

3.14 In the public attitudes survey undertaken on our behalf by consultants in May/June 1999, using a random sample of over 1,000 adults in Northern Ireland, 75% of those who had had contact with the police in the previous two years (77% of Protestants and 69% of Catholics) expressed overall satisfaction with the way they had been treated, against 16% who were dissatisfied, 7% of them “very dissatisfied”; and 71% of those who had been victims of a crime expressed such satisfaction, against 17% dissatisfied, 10% of them “very dissatisfied”.

3.15 Like the earlier public opinion surveys, our consultations showed that beneath the moderately satisfactory overall popular approval of policing in Northern Ireland lay a sharp difference between Protestant/Unionist perceptions of the police and Catholic/Nationalist views. This was evident in the public attitudes survey. 81% of Protestants expressed overall satisfaction with the police in Northern Ireland, compared with only 43% of Catholics. Less than 5% of Catholics said they had a lot of confidence in the police, compared with 34% of Protestants. Some 37% of Catholics said they had no confidence or not a lot of confidence in the police, compared with only 6% of Protestants. Only 23% of Catholics thought the police represented good value for money, compared with 62% of Protestants.

3.16 These differences were very marked in our public community meetings, which tended to fall into one of three categories: meetings held in strongly Protestant/Unionist areas where participants expressed strong, often unqualified, support for the RUC; meetings in strongly Catholic/Nationalist areas where participants expressed strong criticism of the RUC and demanded a new police service; and mixed meetings at which a range of views were expressed. Several people who had different views, or comments on specific aspects of policing, spoke or wrote to us privately after meetings, saying they had felt uncomfortable in such gatherings and preferred to put their points to us on a confidential basis.

3.17 Many of the 1,000 or so people who took the floor at our public meetings spoke of their concerns about terrorism, security policing, intimidation, racketeering and sectarian assaults. Others set out their specific concerns about policing in their neighbourhoods. As with the written submissions, the most frequently expressed concern of this kind was that there should be a greater police presence in local neighbourhoods – more patrolling and more local community liaison. Many people spoke or wrote to us about drugs, traffic offences, joyriding, vandalism, loutish behaviour and crimes against the elderly.

3.18 The deeper we were able to explore these issues – either publicly or, more often, privately in focus

* NB. Because of the general nature of much of the correspondence, all these figures are approximate.
groups, youth groups or with individuals – the more we were able to see a commonality of interest in policing between the Protestant/Unionist and Catholic/Nationalist communities. A solid majority of both traditions want an effective policing service which maintains order and protects their rights. There is a widespread view in both communities that there should be more neighbourhood patrolling, to deter antisocial behaviour as well as to reduce crime. Most people across the communities would like to see a less “military” style of policing, without armoured cars and fortified police stations, and with less weaponry and smaller patrols.

3.19 We noted the similarities between the views expressed by people of both traditions in lower income, high unemployment areas. Commissioners found the concerns expressed in, for example, the Shankill Road area of West Belfast very similar to those expressed on the Falls Road; and the same was true in North Belfast and elsewhere around Northern Ireland. People were concerned about youth crime and antisocial behaviour, about the threat to their children from a rapidly growing drug problem, and about paramilitary thuggery. They wanted a police service with a permanent local presence to deal with these threats, and officers they recognized and could identify with. In both communities people who described themselves as working class characterized the police as middle class people who found it hard to relate to them, and especially to youth; we were told several times that it was felt the police looked down on them and did not treat them with respect. Our public attitudes survey found that 45% of those aged under 35 believed that the police discriminated against younger people.

3.20 Our focus group study also found that, in the lower income groups, Protestants could be as strongly alienated from the police as were their Catholic counterparts. The study found too that both communities were concerned about rising crime and drug abuse.

3.21 We were struck by the extent to which these sentiments were shared across the religious divide, and in this way our findings seemed to differ from the opinion poll findings cited earlier in this chapter, which recorded a much higher approval rating of the RUC in Protestant lower income areas than in similar Catholic areas. We see the explanation of this in the phenomenon we noted earlier, namely that, while many people regardless of their religious background may have similar expectations and experiences of policing, they may take a different view of the RUC as an institution – a view owing more to political considerations than to policing concerns. We had a stark example of this at one of our public meetings in a Unionist/Loyalist area when, after an hour or so of discussing difficulties facing local policing, one speaker made a statement of unqualified support for “our” police force and the mood of the meeting was abruptly transformed as nearly all subsequent speakers rallied behind the same, essentially political, position. (Our focus group study also had examples of Protestants referring to “our” police, but none of Catholics doing so.)

3.22 This brings us back to the point made in Chapter 1, that the problems faced by the police in Northern Ireland are in a sense unique to a divided society but that many of them are general policing issues confronting police elsewhere in the world. Ask people in Newcastle upon Tyne or New York what they want from their police service and they will say more action against drugs and antisocial behaviour. We were glad to find, in our focus group exercise, that people did see these policing issues in a global context, and that they were keen that the police in Northern Ireland should benefit from best practice elsewhere. We found an openness to change, if it was in the interests of effective and efficient policing, even among those who were most supportive of the police as they presently are.
3.23 We also found broad acceptance across the communities, albeit with differences of emphasis, that the composition of the police service should be more representative of the population, in particular that there should be more Catholic and women officers.
4

HUMAN RIGHTS

“Everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

Universal Declaration of Human Rights.¹

4.1 It is a central proposition of this report that the fundamental purpose of policing should be, in the words of the Agreement, the protection and vindication of the human rights of all. Our consultations showed clear agreement across the communities in Northern Ireland that people want the police to protect their human rights from infringement by others, and to respect their human rights in the exercise of that duty. Article 28 of the Universal Declaration of Human Rights states: “everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised”. The role of the police is to help achieve that social and international order. They must, for example, uphold the laws that safeguard the lives of citizens. There should be no conflict between human rights and policing. Policing means protecting human rights.

4.2 As Ralph Crawshaw points out, however, in practice tension does occur between human rights and policing². Police have powers to limit rights and freedoms, for example, by arresting people. The article from the Universal Declaration of Human Rights quoted at the top of this chapter is clear enough, but not easy to implement. Yet the judgments that police officers make every day on this point determine the difference between good policing and bad.

4.3 They also determine the difference between effective policing and ineffective policing. We cannot emphasize too strongly that human rights are not an impediment to effective policing but, on the contrary, vital to its achievement. Bad application or promiscuous use of powers to limit a person’s human rights – by such means as arrest, stop and search, house searches – can lead to bad police relations with entire neighbourhoods, thereby rendering effective policing of those neighbourhoods impossible. In extreme cases, human rights abuses by police can lead to wrongful convictions, which do immense damage to the standing of the police and therefore also to their effectiveness. Upholding human rights and upholding the law should be one and the same thing.

4.4 We do not, in this report, make judgments about the extent to which the RUC may or may not have been culpable in the past of inattention to human rights or abuse of human rights. We have of course read a number of reports about policing in Northern Ireland by local and international observers. We have also had access to any papers we have wished to see concerning past investigations into the RUC. We have taken account of all this in our report and our recommendations. But we were not charged in our terms of reference to make judgments about

¹ Article 29, paragraph 2, Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948

² Crawshaw, R., speech delivered at conference “The Agreement: A New Beginning for Policing in Northern Ireland”, organised by the Committee on the Administration of Justice, Belfast 26-27 February 1999
the past. As we said in Chapter 1, our approach is restorative rather than retributive. Moreover, the relationship between human rights and policing is a subject which is now commanding the attention of police services around the world. The Council of Europe is running a programme covering its 40 member countries called “Police and Human Rights 1997-2000”. In Canada the Royal Canadian Mounted Police has been overhauling its entire policing ethos for several years. John Jay College in New York has given “Human Dignity” training to police officers from over fifty countries. The aim of these programmes is to develop and sustain a human rights culture within police organizations. No police service that we visited over the past year would claim to have achieved that yet, even the Royal Canadian Mounted Police, which is perhaps furthest advanced in the effort. But all were convinced that it was a vital enterprise, good for society and good for policing.

4.5

In our contacts with the RUC, we found them broadly aware of these issues but at a very early stage of considering how to address them, and then mainly in the context of specific implications for policing of the Human Rights Act 1998 (see box 1). Human rights training in the RUC also lags behind other police organizations we have spoken to. In the new curriculum (introduced only this year), of 700 sessions of training there are only 2 sessions dedicated to human rights, compared with 40 of drill and 63 of firearms training; the preponderance of these last two subjects reflects the security situation that has afflicted Northern Ireland and its distorting effect on policing, including the integration of human rights into policing culture.

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**I – IMPACT ON POLICING OF THE HUMAN RIGHTS ACT 1998**

The Human Rights Act gives direct effect in United Kingdom courts to rights and freedoms set out in the European Convention on Human Rights*. Police organisations in the United Kingdom have been considering the implications of the Act for policing. Many of the requirements of the Convention are already covered by police procedures and codes of practice. But the Association of Chief Police Officers in Scotland have identified a number of areas which may be affected, including:

- **Pre-trial Procedures.** Rights to challenge the lawfulness of loss of liberty mean that the police are likely to have to make more detailed disclosure at an earlier stage of the full evidence they have available, for example, at a 7-day remand hearing (disclosure at present takes place considerably later in proceedings).

- **Custody of Arrested Persons.** As well as challenges to individuals being detained unlawfully, human rights legislation makes it possible to challenge the police if they decide to liberate an individual who then goes on to commit crime. This could have a significant impact upon bail decisions.

- **Covert Policing.** Article 8 – the right to privacy – has implications for the ability of the police to conduct covert policing. Covert policing methods are permitted provided they are in the interests of public safety, prevention of crime or the protection of the rights and freedoms of others.

- **Emergency Planning.** Article 2 – right to life – imposes an obligation on the police to protect an individual’s right to life. This extends to events such as demonstrations where the police have responsibility to safeguard the public, and looks likely to affect the existing position of civil liability of the police.

4.6 We recommend a comprehensive programme of action to focus policing in Northern Ireland on a human rights-based approach. We make a number of specific recommendations below, but the achievement of such an approach goes beyond a series of specific actions. It is more a matter of the philosophy of policing, and should inspire everything that a police service does. It should be seen as the core of this report.

4.7 First, the importance of human rights as the very purpose of policing should be instilled in every officer from the start. We recommend a new oath to be taken individually by all new and existing police officers, expressing an explicit commitment to upholding human rights. The text might be as follows –

“I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, and that in so doing I will act with fairness, integrity, diligence and impartiality, uphold fundamental human rights and accord equal respect to all individuals and to their traditions and beliefs.”

4.8 Next, we recommend a new Code of Ethics, to replace the existing, largely procedural code, integrating the European Convention on Human Rights into police practice. A good model would be the draft Code produced by the Association of Chief Police Officers (ACPO) in 1992 and published in Police Review in December that year (see Annex 5), updated to take account of the impact of the Human Rights Act 1998. Codes of practice on all aspects of policing, including covert law enforcement techniques, should be strictly in accordance with the European Convention on Human Rights. As far as covert policing is concerned the Codes of Practice issued by the Associations of Chief Police Officers (ACPO and ACPO-Scotland) and HM Customs and Excise in May 19993 should, we believe, apply in the whole of the United Kingdom, including Northern Ireland, and we understand that legislation is now being prepared to apply the principles of the ACPO document. (We deal with covert policing issues in more detail in Chapter 6.)

4.9 Training will be one of the keys to instilling a human rights-based approach into both new recruits and experienced police personnel. We recommend that all police officers, and police civilians, should be trained (and updated as required) in the fundamental principles and standards of human rights and the practical implications for policing. As we explain in more detail in Chapter 16 on training, we recommend the human rights dimension should be integrated into every module of police training.

4.10 We recommend that awareness of human rights issues and respect for human rights in the performance of duty should be an important element in the appraisal of individuals in the police service.

4.11 We further recommend that a lawyer with specific expertise in the field of human rights should be appointed to the staff of the police legal services. This lawyer should be consulted about proposed police operations that raise human rights considerations.

4.12 Finally, we recommend that the performance of the police service as a whole in respect of human rights, as in other respects, should be monitored closely by the Policing Board (see Chapter 6).

3 “Codes of Practice. Covert Law Enforcement Techniques” – The Associations of Chief Police Officers and HM Customs and Excise, May 1999
4.13 The purpose of this programme is that the police should perform functions within the law and be fully respectful of human rights both in the technical sense and in the behavioural sense (to borrow again from Crawshaw⁴). Technically, they should know the laws well and master policing skills, for example how to interview suspects, so that they are less likely to be tempted to resort to unethical methods in order to get results. Behaviourally, they should perceive their jobs in terms of the protection of human rights. Respect for the human rights of all, including suspects, should be an instinct rather than a procedural point to be remembered.

⁴ Crawshaw, R., op.cit.
5
ACCOUNTABILITY I: THE PRESENT POSITION

5.1 This chapter considers the concept of accountability in policing, and how this has been addressed in Northern Ireland. In the next chapter, we make recommendations for accountability arrangements for the future.

5.2 In a democracy, policing, in order to be effective, must be based on consent across the community. The community recognizes the legitimacy of the policing task, confers authority on police personnel in carrying out their role in policing and actively supports them. Consent is not unconditional, but depends on proper accountability, and the police should be accountable in two senses – the “subordinate or obedient” sense and the “explanatory and cooperative” sense.

5.3 In the subordinate sense, police are employed by the community to provide a service and the community should have the means to ensure that it gets the service it needs and that its money is spent wisely. Police are also subordinate to the law, just as other citizens are subordinate to the law, and there should be robust arrangements to ensure that this is so, and seen to be so. In the explanatory and cooperative sense, public and police must communicate with each other and work in partnership, both to maintain trust between them and to ensure effective policing, because policing is not a task for the police alone.

5.4 It follows that there are many aspects to accountability. There is democratic accountability, by which the elected representatives of the community tell the police what sort of service they want from the police, and hold the police accountable for delivering it. There is transparency, by which the community is kept informed, and can ask questions, about what the police are doing and why. There is legal accountability, by which the police are held to account if they misuse their powers. There is financial accountability, by which the police service is audited and held to account for its delivery of value for public money. And there is internal accountability, by which officers are accountable within a police organization. All of these aspects must be addressed if full accountability is to be achieved, and if policing is to be effective, efficient, fair and impartial. This chapter deals with the areas described above, although internal accountability is discussed at length in Chapter 10 and accountability issues recur throughout this report. Accountability should run through the bloodstream of the whole body of a police service and it is at least as much a matter of the culture and ethos of the service as it is of the institutional mechanisms described in this chapter.

Democratic Accountability

5.5 In Northern Ireland accountability has not been achieved in either of the senses described in paragraph 5.2 above. The public have not been able to hold the police accountable through their democratically elected representatives, as should happen in a democratic society, whether the mechanism is an elected mayor or state governor as in the United States, or a Police Authority with a majority elected membership as in Britain. In Northern Ireland, Police Authority members are all appointed by the Secretary of State after selection through open competition; some may also

be elected councillors, but it is the Secretary of State, not the electoral process, that appoints them to membership of the Authority. The Secretary of State also has powers to remove members from the Authority. The problem of achieving a representative membership by this means has been exacerbated by the refusal of some key political parties and trades unions to allow their members to be appointed to the Authority.

5.6 Moreover, although there is in Northern Ireland a tripartite arrangement which resembles the arrangements in Britain – whereby a Police Authority, the Chief Constable and central government share responsibilities – the arrangement in Northern Ireland does not work as in Britain. A problem in applying the tripartite model to policing in Northern Ireland is the one-to-one relationships: one police force, one police authority and one Secretary of State. In England and Wales, the Home Secretary relates to a large number of police authorities. He is a more remote figure – less interventionist – and chief constables there have to forge a working relationship with their police authorities. In Northern Ireland the Secretary of State is much more directly involved and the security situation has been a major factor in bringing about a situation in which, in effect, the Chief Constable has been responsible to the Police Authority for what might be called ordinary crime policing and directly to the Secretary of State for security-related policing. Given the proverbial difficulty of serving two masters, it is not surprising if at times chief constables have tended to develop a more direct relationship with the one who appeared more influential.

5.7 These arrangements are not a basis for democratic accountability in the sense of the police in Northern Ireland being “subordinate” or responsible to the community of Northern Ireland. The Secretary of State exercises both direct influence over the police, through direct links with the Chief Constable, and also indirect influence through the appointment of Police Authority members. He/she also determines the budget. The Secretary of State, although a democratically elected minister and answerable to Parliament, is never a member of a Northern Ireland political party and therefore never someone elected by the people of Northern Ireland. So, neither through the Police Authority nor through government are the people of Northern Ireland – whether unionists or nationalists – able to hold the police of Northern Ireland to proper democratic account in the “subordinate” sense of the term.

5.8 There has long been an anxiety throughout the United Kingdom to prevent the police becoming subject to political direction. The concern that the police should be impartial servants of the community rather than executives of current government policy lies behind the system of autonomous regional police services in Britain and the tripartite system of police governance – chief officer, police authority and central government. These arrangements achieve a distinction between the police and the state.

5.9 The anxiety to avoid political direction of the police is strong in Northern Ireland as well. This view was put to us by both communities and by police themselves. Many respondents to our consultation exercise warned against a return to the situation before 1969, when the RUC was in practice subject to direction by the Minister of Home Affairs in the former Unionist government, a state of affairs which many regard as a contributing factor to the outbreak of the Troubles of the past thirty years. Several people also commented unfavourably on the present relationship between the Secretary of State and the RUC, and saw the police as an instrument of British government policy rather than a service meeting local priorities.
5.10 The Police Authority’s statutory power to hold the Chief Constable to account has significant deficiencies. Since its inception in 1970 it has had the power to call for reports from the Chief Constable, but the Police Authority itself has pointed out a fundamental problem arising from doubt as to whether the Chief Constable’s obligation to report includes operational matters. The Police (Northern Ireland) Act 1998 provides that if “it appears to the Chief Constable” that such a report is not in the public interest, or necessary for the discharge of the Police Authority’s functions, he may request the Authority to seek a decision from the Secretary of State on whether the report should be provided. Furthermore, the Police Authority’s power to obtain a report, subject to this qualification, is more limited still because it is not supported by a power to follow up the receipt of the report, if the Authority judges it necessary, for example by undertaking or commissioning inquiries.

5.11 The Police (Northern Ireland) Act 1998 contains labyrinthine provisions as to objectives, performance targets and policing plans, and the respective roles of the Secretary of State, the Police Authority and the Chief Constable. We have found these confusing, both in the text and in the oral briefings we have received from government officials (and we are mystified as to why this legislation was put through parliament in the weeks following the establishment of this Commission, given that our terms of reference required us to take a new look at the subject). But what does emerge clearly is that the Police Authority’s scope for setting objectives, priorities and targets is, or can be, greatly constrained by the role given to the Secretary of State, who can set objectives (as well as principles) which must be taken into account; who must be consulted by the Police Authority, and by the Chief Constable, at several stages of the planning process; and who appears to be able to give the Chief Constable directions over the head of the Police Authority (see paragraph 6.18).

5.12 It is, however, not only the powers of the Police Authority that limit its effectiveness as a mechanism of democratic accountability. There is a perception that, to quote Weitzer, Police Authority members have “strongly pro-police orientations”. True or not, the perception is fed by the way in which the Authority sometimes speaks about the police in public, for example defending the police service in relation to allegations of police wrongdoings, before such allegations have been properly investigated.

5.13 The Police Authority has also been hampered in its accountability function by having been responsible, until this year, for providing executive services to the police and managing more than three thousand civilian support staff working with the police. The combination of being at once part of the policing service and also required to monitor that service and hold the police to account was seriously flawed. As a result of the Police (Northern Ireland) Act 1998, the civilian staff have now been transferred to the Chief Constable’s responsibility (from April 1999), but at the time of writing the complete separation of functions between the Police Authority and the police has not yet been achieved, and the relationship between the two bodies is still in some respects that between executive collaborators rather than one between a service provider and a regulator.

Transparency

5.14 Transparency is accountability in the “explanatory and cooperative” sense described above. People need to know and understand what their police are doing and why. This is important if the

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2 Weitzer, R., op. cit.
police are to command public confidence and active cooperation. Secretive policing
arrangements run counter not only to the principles of a democratic society but also to the
achievement of fully effective policing.

5.15 The past arrangements have not held the police adequately accountable in the “explanatory and
cooperative” sense. Police authorities in Britain meet in public, as do comparable bodies in the
United States. The Police Authority in Northern Ireland does not. Indeed, until recently, because
of concerns about security, even the names of its members were not publicly available and not all
of them are even now. However justified the concerns about personal safety might have been, it is
inescapable that a body that meets behind closed doors cannot be perceived to be performing an
“explanatory and cooperative” function between the public and the police. The public need to see,
as they can see in Leeds or Los Angeles, their senior officers presenting reports and answering
questions before the public’s representatives. We do not doubt the sincerity with which Police
Authority members have tried to meet their remit to represent the views of the community on
policing, but the clear message from the submissions and evidence we have received over the past
year is that the community has very little cognisance of the Police Authority and its work. The
proliferation of local Community and Police Liaison Committees, which we discuss later, and
which do provide opportunities for public attendance at meetings, does not in our view
compensate for the absence, at central level, of a means of holding the police publicly and
regularly to account.

5.16 Communication with the public and with the media is an area in which the RUC has been
extremely weak. This was the view of many observers, not only journalists, who spoke to us. Police
officers themselves tend to see the problem as a question of “public relations”; in nearly every
police station we visited there was a feeling among officers that the RUC was not getting its
message across. But it is much more than that; it goes well beyond the public relations department
of the police and the “handling” of media. There needs to be a culture of openness and
transparency in a police service as a whole, in which police officers as a matter of instinct
disseminate information about their work. The prevailing instinct at present, however, is
defensive, reactive and cautious in response to questions, as we experienced ourselves in relation
to some of our own inquiries.

Legal Accountability

5.17 The police are tasked to uphold and if necessary enforce the law, but, like any citizens, they must
at all times act within it. Police officers should have sound knowledge of the law and of their
powers under it. They need sufficient discretion to do their jobs well but they need at the same
time to be monitored in their adherence to the law, and to have any errors rectified and abuses
punished. It is important for the credibility of the police in the communities they serve that all this
should not only be the case but that it should also be seen to be the case. The incorporation into
law of the European Convention on Human Rights, to the extent that this is effected by the
Human Rights Act 1998, should serve to clarify those aspects of the law relating to policing where
respect for human rights and human dignity are paramount considerations. Even where, in
exceptional and defined circumstances, some derogation from these standards is permissible,
these must be prescribed by law and proportional in the circumstances. Procedures to secure
compliance with the law and with international human rights standards and norms are thus an
important safeguard both to the public and to the police officers carrying out their duties. An
efficient and well-regarded system for dealing speedily, effectively, openly and fairly with complaints about the behaviour of police officers protects them from malicious complaints and should reassure and protect the public.

5.18 As we noted in Chapter 3, there are sharply different views in Northern Ireland as to whether the police have acted within the law in the past. A clear majority believe that they have, but a significant minority argue that there has been a large degree of abuse. Although we were not a commission of inquiry, and had no powers to investigate specific allegations, we took seriously a number of allegations concerning past police performance, some of which are still under investigation.

5.19 Whatever the outcome of these investigations, we are in no doubt that the RUC has had several officers within its ranks over the years who have abused their position. Many supporters of the RUC and both serving and retired officers have spoken to us about “bad apples”. It is not satisfactory to suggest, as some people have, that one should somehow accept that every organisation has such “bad apples”. They should be dealt with.

5.20 It is not simply individual officers who have been at fault here. We are not persuaded that the RUC has in the past had adequate systems in place to monitor and, when necessary, act upon complaints against officers and civil claims awards. Most modern service industries put a high premium on dealing quickly and effectively with complaints about customer service. This is a prime responsibility of management. What might be called quality of service complaints about policing should be dealt with speedily and effectively at a local level as informally as possible. The incidence of complaints should be used by management at all levels as an indicator of public satisfaction or otherwise with the service being provided, of the need to make changes and of training requirements. The proposals we make in this report are designed to ensure that this is the case, and to minimise as far as possible any prospect of abuses such as those alleged to have taken place in the past.

Financial Accountability

5.21 The police service in Northern Ireland costs the taxpayer more than £600 million per year. The size of this budget and the importance of getting good value for public money call both for good management within the police service and for close, expert scrutiny by those responsible for holding the police accountable. Neither of these requirements seems to us to have been adequately met.

5.22 This is not to say that the Police Authority is not closely involved in the expenditure of this budget. It is – sometimes too much so: the Authority has, for example, enforced rules whereby a sub-divisional commander in the RUC cannot authorize the spending of £100 to repaint his station locker-room, but must refer the matter to his superiors (a convoluted bureaucratic procedure which, if properly costed, would almost certainly be found to be more expensive than the repainting job itself). The greater failing is at the other end of the scale where, as HM Inspector of Constabulary has argued in his reports over the years, there is a need for a more structured approach to budgetary planning. Unlike other police services in Great Britain, for example, the Policing Plan produced by the Police Authority is not a costed plan. We have also seen little if any evidence of value for money studies or initiatives in any of the presentations or papers given to us.
by the Police Authority. In their submission of November 1998 the Authority describes, in a
four paragraph section on financial management, its role as securing from government the
funds necessary for policing, and makes no mention of the need to ensure that the police use
the money efficiently.

5.23 We note that the Northern Ireland Audit Office has, over the past year or so, begun to look into
particular issues of police resource management. This is a welcome start, but not yet comparable
in scope with the excellent work done on police resource issues by the Audit Commission in
England and Wales.

5.24 At present the principal accounting officer for the Northern Ireland block (including the policing
budget) is the Permanent Under Secretary at the Northern Ireland Office, and the Chief Executive
of the Police Authority is a sub-accounting officer. The Chief Constable, however, is not designated
as an accounting officer, which in our view is a flaw in the accountability arrangements. The senior
official of the organization that actually spends the money should in principle be accountable for
how it is spent.

Internal Accountability

5.25 Internal accountability is dealt with separately, as part of our chapter on Management and
Personnel (see paragraphs 10.8 to 10.15).
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ACCOUNTABILITY II: A NEW BEGINNING

6.1 This chapter makes recommendations for future arrangements covering the various aspects of accountability covered in Chapter 5: democratic accountability; transparency; legal accountability; and financial accountability.

Democratic Accountability

A new Policing Board

6.2 The Agreement provides a basis for improving the democratic accountability of the police in both the “subordinate” and “explanatory and cooperative” senses. A new beginning for democratic accountability is key to a new beginning for policing and to involving the community as a whole in the delivery of policing. We recommend that an entirely new Policing Board be created, to replace the present Police Authority.

Functions of the Policing Board

6.3 We recommend that the statutory primary function of the Policing Board should be to hold the Chief Constable and the police service publicly to account. The Board should be empowered and equipped to scrutinise the performance of the police effectively, as we discuss below.

6.4 We believe that the complicated provisions of the Police (Northern Ireland) Act 1998 as to the respective roles of the Secretary of State, the Police Authority and the Chief Constable in setting objectives, performance targets and policy plans, can and should be greatly simplified. In essence we believe that the Secretary of State (or successor after responsibility for policing is devolved) should be able to set long-term governmental objectives or principles; the Policing Board should set medium-term objectives and priorities; and the police should develop the short-term tactical plans for delivering those objectives.

6.5 Accordingly we recommend that the Policing Board should set objectives and priorities for policing over a 3 to 5 year period, taking account of any longer term objectives or principles set by the Secretary of State or successor. It should then be responsible for adopting a 3 to 5 year strategy, prepared by the Chief Constable through a process of discussion with the Board, which should reflect the objectives and priorities set by the Board.

6.6 We recommend that the Board should be responsible for adopting an Annual Policing Plan, developed by the Chief Constable, through a process of discussion with the Board, on the basis of objectives and priorities set by the Board, and within the agreed 3 to 5 year strategy.

6.7 We recommend that the Board should be responsible for negotiating the annual policing budget with the Northern Ireland Office, or with the appropriate successor body after devolution of policing. It should then allocate the police service budget to the Chief Constable and monitor police performance against the budget (see paragraphs 6.16 and 6.17 and the section on financial accountability at paragraphs 6.46 and 6.47).
6.8  *We recommend that the Board should monitor police performance against the Annual Policing Plan and the 3–5 year strategy. It should watch crime trends and patterns, and police performance in public order situations. It should also follow such things as recruitment patterns and trends, including fair employment and equal opportunities performance, and training needs. It should assess public satisfaction with the police service and, in liaison with the Police Ombudsman, patterns and trends in complaints against the police* (see later section on the powers of the Policing Board).

6.9  *We recommend that the Board should have responsibility for appointing all chief officers and civilian equivalents and for determining the length of their contracts. All appointments should be subject to approval by the Secretary of State (and successor after devolution) – see para. 6.15 below) and the Chief Constable should be consulted in relation to the appointment of subordinate chief officers and civilian equivalents. The Board should have the power to call upon the Chief Constable to retire in the interests of efficiency and effectiveness subject to the approval of the Secretary of State (and successor) and to the right to make representations as at present. Similarly, the Board should have the same power in relation to other chief officers and civilian equivalents exercisable subject to the approval of the Secretary of State (and successor) and to the same right to make representations and after consultation with the Chief Constable. The Secretary of State should have power to require the Policing Board to call upon the Chief Constable to retire on the same grounds but this power should be exercisable only after consultation with the Board and subject to the same right to make representations already referred to. Additionally, after devolution the relevant Northern Ireland minister should have power to call for the retirement of the Chief Constable on the same grounds but this should be subject to the agreement of the Policing Board and the approval of the Secretary of State with an equivalent right to make representations. The Board should be the disciplinary authority for chief officers and civilian equivalents.*

6.10  The title “Policing Board” is deliberate. We see the role of the new body going beyond supervision of the police service itself, extending to the wider issues of policing and the contributions that people and organizations other than the police can make towards public safety. *We recommend that the Policing Board should coordinate its work closely with other agencies whose work touches on public safety, including education, environment, economic development, housing and health authorities, as well as social services, youth services and the probation service, and with appropriate non-governmental organizations.* We have in mind arrangements analogous with, though not identical to, those being established in Britain as a result of the Crime and Disorder Act 1998, or those that exist in some other countries, for example the Netherlands, where Community Safety Plans are compiled in cooperation between the police and other government agencies. Taking as examples two subjects raised with us in many submissions, a strategy to reduce vandalism should dovetail the activities of the police, the Housing Executive, the Department of the Environment, Department of Education, the probation service and relevant community organizations; and a strategy against drug abuse should involve health and education departments, youth services and other government or non-governmental organizations. A comprehensive approach would bring several benefits, including better coordination of efforts and therefore better use of aggregate resources, greater integration of the police service in the “normal” life of Northern Ireland, and reorientation towards “normal crime” and disorder as opposed to the political violence that has so distorted policing in the past. Besides the RUC there

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1 The term “chief officer” includes the ranks of Chief Constable, Deputy Chief Constable and Assistant Chief Constable.
are two small statutory police forces in Northern Ireland – the Belfast Harbour Police and the Belfast International Airport Police. The desirability of the continuance of these arrangements, or the public supervision of these forces by the Policing Board, and the application of our recommendations on policing to them, are matters for consideration by the government, or after devolution by the Northern Ireland Assembly. Furthermore, in the future it is possible that either Parliament or the Northern Ireland Assembly will decide to bring the private security industry under statutory regulation. In that event we suggest that the Policing Board might be a suitable regulatory body for the industry.

Membership of the Policing Board

6.11 The Policing Board will be an important institution, vital to the new beginning for policing and to the success of all the new policing arrangements recommended in this report. It must command respect and credibility and must have real power and responsibility. A majority elected membership is essential to this objective. It builds on the consensual constitutional arrangements of the Agreement, including the election of an Assembly and the establishment of an Executive, and breaks the existing identification of the Police Authority with the Secretary of State (and therefore with the disputed state itself). We recommend that the Policing Board should have 19 members, 10 of whom should be Assembly members drawn from the parties that comprise the new Northern Ireland Executive, selected on the d’Hondt system, who should not at the same time hold ministerial office in the Executive.

6.12 Neither government nor the police could easily disregard the views of a Board which has its own democratic credentials. The remaining nine members of the Policing Board should reinforce the credentials and credibility of the Board by bringing solid expertise which would be relevant to the work of the Board. Again, our objective is to create a body whose views command respect and cannot be taken lightly by either government or police; and a body which reflects the cultural mix of society as a whole (a recommendation made in the MacPherson report of 1999\(^2\) in respect of police authorities in England and Wales). We recommend that the nine independent members be selected from a range of different fields – including business, trade unions, voluntary organizations, community groups and the legal profession – with the aim of finding a group of individuals representative of the community as a whole, with the expertise both to set policing priorities and to probe and scrutinize different areas of police performance, from management of resources to the safeguarding of human rights. We recommend that their appointments should be for four years; but if it were necessary for the purpose of continuity to ensure that not all Board positions fell vacant at the same time as elections to the Assembly, some of these appointments could be for an initial period of two years.

6.13 We further recommend that the independent members be appointed by the Secretary of State, in consultation with the First Minister and the Deputy First Minister, until such time as responsibility for policing is devolved, at which point the appointments should be made by the First Minister and the Deputy First Minister acting together. Until devolution, the Secretary of State should also determine the remuneration and expenses of Board members, in consultation with the First Minister and the Deputy First Minister.

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\(^2\) The d’Hondt system is the selection method prescribed in the Agreement for the allocation of ministerial positions in the Northern Ireland Executive to the political parties, based on the number of seats held in the Assembly.

6.14 The Policing Board will be an institution of central importance, setting the objectives for policing, monitoring police performance, initiating inquiries as necessary and exercising real authority over the police service. The first chairman of the Board will be a crucial figure, and a key determinant of whether the new Board rises to the challenge of the extensive reform programme set out in this report. We recommend that a Board member of high quality and standing in the community be appointed by the Secretary of State, with the agreement of the First Minister and the Deputy First Minister, for an initial term of four years. After this time the Board membership should elect the chairman.

Powers of the Policing Board, Government and the Chief Constable

6.15 The powers of the Policing Board must be clearly defined and robust, both in relation to the role of the Secretary of State, or the Northern Ireland Executive after devolution, and that of the Chief Constable. It is fitting here to say something about the issue of devolution. The Agreement says that the British government is in principle prepared to devolve responsibility for policing. This would clearly be in keeping with the principle of enhanced democratic accountability. We recommend that responsibility for policing be devolved to the Northern Ireland Executive as soon as possible, except for matters of national security (on which, see also paragraphs 6.22 and 6.43 to 6.45). It is, however, vital that the clock is not turned back to the situation before 1969, when the police were seen to be subject to direction by the Minister of Home Affairs. If, in the devolved arrangements of the future, there were too direct a relationship between a minister and the police, there would be a danger that that minister could be seen to be exercising partisan influence over the police. This is a risk that must be avoided. We therefore strongly recommend that the powers of the Policing Board proposed in this report, in relation to both government (as now represented by the Secretary of State) and the Chief Constable, be in no way diminished when the government role in the tripartite arrangement passes to the Northern Ireland Executive.

6.16 The convoluted provisions of the Police (Northern Ireland) Act 1998 with regard to the setting of principles, objectives and targets have already been mentioned. We recommend that these provisions be simplified so that the respective roles of the Secretary of State (or successor), the Policing Board and the Chief Constable are clear. Government should retain the power to set principles and broad overall objectives for policing. But the Policing Board should have the power to set the objectives, priorities and performance targets for Northern Ireland in both the 3-5 year strategy and the Annual Policing Plan. We see no justification for government to second-guess the Board in these matters in the way that is currently provided for. It is enough that the Board must negotiate the policing budget with government, and that government therefore needs to be convinced that the request for funds is reasonable.

6.17 The 1998/99 Inspection Report of Her Majesty's Inspector of Constabulary (HMIC)\(^4\) is critical of the current financial planning process. In particular he highlights the absence of proper links between financial plans, policy plans and strategic plans. These plans must be linked together to be effective, and steps must be taken to ensure that they are. This, however, does not diminish the need for clear delineation of arrangements for financial control and accountability. The memorandum setting out the financial relationship with the Policing Board should be so formulated as to ensure that there is no blurring of these responsibilities, and that the government does not, as in the past, become involved in what is properly the business of the Board: to

\(^4\) 1998/99 Inspection, RUC. A Report by HMIC. NIO, Belfast July 1999
determine the allocation of the budget to the Chief Constable and to hold him/her responsible for the efficient and effective use of resources.

6.18 The Police (Northern Ireland) Act 1998 provides, in section 39, that the Secretary of State may issue guidance to police as to the exercise of their functions. This power is unique to Northern Ireland – for example, the Home Secretary has no such power in respect of police services in England and Wales. We have sought, but have not received, coherent explanations of the rationale for this provision. It has been suggested to us that guidance under the section would not be binding and that, therefore, it does not empower the Secretary of State to direct the police. We are not persuaded that this is so or, at any rate, that such guidance would be so perceived by recipients. We do not believe that the Secretary of State or a future minister in the Northern Ireland Executive should even appear to have the power to direct the police. We recommend that this provision of the Police Act be repealed. We would add that if, as was urged on us, the effect of section 39 is limited to authorising the issuing of guidance which members of the police service would be free to adopt or reject as they see fit, we consider the provision to be unnecessary. For decades Home Office circulars have offered guidance to police services in England and Wales without the necessity of any statutory authorisation. Generally, the RUC has followed the advice contained in such circulars when germane to its functions. No doubt the issuing of government circulars will continue and will continue to be adopted as appropriate by the police service in Northern Ireland.

6.19 One of the most difficult issues we have considered is the question of “operational independence”. Some respondents urged us to define operational independence, or at least to define the powers and responsibilities of the police. The Police Authority and the Committee on the Administration of Justice both advocated this. The Authority told us that under the present arrangements if a chief constable decided that a matter was operational, and therefore within the scope of police independence, there was nothing that they could do to pursue it. We have consulted extensively in several countries, talking both to police and to those who are responsible for holding them accountable. The overwhelming advice is that it is important to allow a chief constable sufficient flexibility to perform his or her functions and exercise his or her responsibilities, but difficult if not impossible to define the full scope of a police officer’s duties. The term “operational independence” is neither to be found in nor is it defined in any legislation. It is an extrapolation from the phrase “direction and control” included in statutory descriptions of the functions of chief constables. But, however it may be defined, it is not acceptable that scrutiny of the police should be impeded by the assertion, valid or otherwise, that the current legislation empowering such scrutiny is limited to matters outside the scope of operational independence.

6.20 Long consideration has led us to the view that the term “operational independence” is itself a large part of the problem. In a democratic society, all public officials must be fully accountable to the institutions of that society for the due performance of their functions, and a chief of police cannot be an exception. No public official, including a chief of police, can be said to be “independent”. Indeed, given the extraordinary powers conferred on the police, it is essential that their exercise is subject to the closest and most effective scrutiny possible. The arguments involved in support of “operational independence” – that it minimises the risk of political influence and that it properly imposes on the Chief Constable the burden of taking decisions on matters about which only he or she has all the facts and expertise needed – are powerful arguments, but they support a case not for “independence” but for “responsibility”. We strongly prefer the term “operational responsibility” to the term “operational independence”.

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6.21 Operational responsibility means that it is the Chief Constable’s right and duty to take operational decisions, and that neither the government nor the Policing Board should have the right to direct the Chief Constable as to how to conduct an operation. It does not mean, however, that the Chief Constable’s conduct of an operational matter should be exempted from inquiry or review after the event by anyone. That should never be the case. But the term “operational independence” suggests that it might be, and invocation of the concept by a recalcitrant chief constable could have the effect that it was. It is important to be clear that a chief constable, like any other public official, must be both free to exercise his or her responsibilities but also capable of being held to account afterwards for the manner in which he/she exercises them. We recommend that the Chief Constable should be deemed to have operational responsibility for the exercise of his or her functions and the activities of the police officers and civilian staff under his or her direction and control. Neither the Policing Board nor the Secretary of State (or Northern Ireland Executive) should have the power to direct the Chief Constable as to how to exercise those functions.

6.22 We recommend that the Policing Board should have the power to require the Chief Constable to report on any issue pertaining to the performance of his functions or those of the police service. The obligation to report should extend to explaining operational decisions. The grounds on which the Chief Constable might question this requirement should be strictly limited to issues such as those involving national security, sensitive personnel matters and cases before the courts. We recommend that, if there is a disagreement between the Board and the Chief Constable over whether it is appropriate for a report to be provided on a particular matter, it should be for the Chief Constable to refer the question to the Secretary of State for a decision as to whether the Board’s requirement should stand. As in the rest of the United Kingdom (including Scotland under the new devolved arrangements there), the Chief Constable remains fully accountable for the involvement of police in matters involving national security, even though his or her main accountability in such matters is to the Secretary of State rather than to the Policing Board.

6.23 We further recommend that the Policing Board should have the power, subject only to the same limitation set out in paragraph 6.22, to follow up any report from the Chief Constable by initiating an inquiry into any aspect of the police service or police conduct. Depending on the circumstances, the Board should have the option to request the Police Ombudsman, the Inspectorate of Constabulary or the Audit Office to conduct or contribute to such an inquiry, or to use the Board’s own staff, or even private consultants for such a purpose. It will be important for the Board to coordinate its activities with these other bodies, so as to avoid a confused proliferation of scrutiny into the police service. The Board should have the responsibility for overall monitoring of police performance, and its activities will therefore be bound to overlap to some extent with those of the more specialised agencies like the Ombudsman or the Audit Office. Sensible practical understandings will have to be worked out as to who leads on particular issues. We consider it important, however, that the Board should have the power to request another agency to conduct an inquiry and should have the capacity to do so itself. It is also essential that all members of the police service be required to cooperate with that inquiry. Without such an obligation, the Board would be dependent on reports from the Chief Constable with no effective follow-up capacity. It would therefore be powerless against a recalcitrant chief constable unless it was prepared to call for his or her retirement. To be truly effective an institution needs to have more than just one, extreme power which by its nature is difficult to use.

6.24 The Policing Board will need to be staffed and resourced to perform the functions described
earlier. For example, its staff will need the expertise to be fully involved in the development of the Annual Policing Plan. They should include experts in budgets, value for money, human rights and other key aspects of policing which the Board will need to monitor. These staff should be able to conduct or participate in inquiries of the kind recommended in paragraph 6.23. The establishment of the Board need not be large. We see no reason why it should be more than 30 to 50 (much less than the 600 or so staff that the Police Authority has had in the recent past). The key point is quality. The Board should be staffed as a high quality regulatory body; and it may well require flexibility over remuneration packages to get the right people for the job.

District Policing Partnership Boards

6.25 The Policing Board will be the central institution for democratic accountability. But an important theme of this report is that policing should be decentralised, and that there should be constant dialogue at local levels between the police and the community. Over the past few years there has been a rapid growth in the number of Community and Police Liaison Committees (CPLCs), and over 100 of these now exist. They are formed in a number of different ways – some comprise District Councillors, some are made up of independent members, some are mixed – and their performance also varies. There are a number of serious weaknesses with the network of CPLCs, not least the problem that there are several areas of Northern Ireland where it has not been possible to establish them and, not unconnected with this, the lack of participation in the Committees by some significant political parties. Some respondents told this Commission that they saw their local CPLCs as rather elitist, and in general our impression was that ordinary citizens were not in practice using, or able to use, the CPLCs as forums for putting across their views. Only 29% of respondents in our own public attitudes survey were aware of CPLCs, and nearly 40% of those said they did not know what the CPLCs actually did.

6.26 **We recommend that each District Council should establish a District Policing Partnership Board (DPPB) as a committee of the Council, with a majority elected membership, the remaining independent members to be selected by the Council with the agreement of the Policing Board.** We envisage that the number of members on each DPPB might be 15, 17 or 19, the number of elected members being 8, 9 or 10 respectively, reflecting the balance of the District Council. As with the Policing Board, the independent members should be selected to represent business and trade union interests and to provide expertise in matters pertaining to community safety. Taken as a whole, each DPPB should be broadly representative of the district in terms of religion, gender, age and cultural background. **We recommend that the chair of the DPPB should be held by an elected member, with rotation between parties from year to year.**

6.27 Because of the disproportionate size of the Belfast District Council area, **we recommend that the District Policing Partnership Board in Belfast should have four sub-groups, covering North, South, East and West Belfast,** and the organisational structure of the police service should reflect this – see Chapter 12.

6.28 All DPPBs, or DPPB sub-committees in the case of Belfast, should be co-terminous with a police district (see Chapter 12 on the structure of the police service). If, in due course, the Assembly decides to reduce the present 26 District Council areas, the number of DPPBs (and police districts) should in principle follow suit.
6.29 The function of the DPPBs should be advisory, explanatory and consultative. The Boards should represent the consumer, voice the concerns of citizens and monitor the performance of the police in their districts, as well as that of other protective agencies such as the fire service, environmental protection, public health and consumer protection authorities. Some council chief executives are already playing an informal coordinating role among these agencies, and the same is true in other parts of the United Kingdom. Like the Policing Board, the DPPBs should be encouraged to see policing in its widest sense, involving and consulting non-governmental organisations and community groups concerned with safety issues as well as statutory agencies.

6.30 We recommend monthly meetings between the DPPB and the police District Commander, at which the police should present reports and answer questions and the Board should reflect community concerns and priorities to the police. We do not recommend that the DPPBs should have powers comparable with those of the Policing Board, such as powers of appointment or investigation and responsibility for approving plans and allocating budgets, but we do recommend that 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. We also envisage the DPPBs as forums for promoting a partnership of community and police in the collective delivery of community safety. That is to say, if policing problems are beyond the capacity of the police alone to resolve – because, for example, they are linked to inadequacies of transport or housing or youth facilities – the DPPBs may identify the wider difficulties and draw them to the attention of the appropriate authorities for the purpose of developing a joint response.

6.31 The DPPB should be the focus of public consultation at district level for the annual Northern Ireland Policing Plan. The District Commander should consult with the DPPB in the preparation of the district police plan, which should in turn inform the preparation of the Annual Policing Plan for Northern Ireland as a whole. We recommend that the DPPB should submit an annual report to the District Council, and publish it.

6.32 The DPPBs will need to be provided with adequate secretarial and support services by the District Council Chief Executive. We recommend that the approved administration costs should attract a 75% grant from the Policing Board, the remaining 25% to be funded by the District Council.

6.33 Additionally, we recommend that District Councils should have the power to contribute an amount initially up to the equivalent of a rate of 3p in the pound towards the improved policing of the district, which could enable the DPPB to purchase additional services from the police or other statutory agencies, or from the private sector. They might choose to use the money for security cameras in commercial centres, or to fund youth club schemes: it would be for them to decide, in consultation with their local police.

6.34 The DPPBs would supplant those existing CPLCs which are based on District Councils and operating at district level. There are, however, dozens of other CPLCs operating at various levels, down to small neighbourhood areas and single estates. We do not intend either to replace these or to recommend how they should be organized. Below district level, local communities and police should be encouraged to develop consultative forums on lines that suit them and their neighbourhoods. We recommend that it should be the aim of every police beat manager to have such

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5 District Councils already have a general power to raise up to 5p in the pound for economic development.
a forum in his or her patrol area.

6.35 We recommend that the Policing Board should maintain regular contact with the DPPBs, through periodic meetings of chairpersons, annual conferences, seminars, training courses and by including them in the circulation of information.

Transparency

6.36 We recommend that the Policing Board should meet in public once a month, to receive a report from the Chief Constable. We suggest that meetings should from time to time be held outside Belfast, so as to give the Policing Board a visible profile throughout Northern Ireland. Minutes of Policing Board meetings and Board papers should be publicly available except where the public interest would be damaged.

6.37 We recommend that District Policing Partnership Boards should also meet in public once a month, and procedures should allow for members of the public to address questions to the Board and, through the chair, to the police. The minutes of DPPB meetings should also be made public.

6.38 We further recommend that the police service itself should take steps to improve its transparency. There are many ways in which this should be done. Police codes of practice should be publicly available; this does not mean, for example, that all details of police operational techniques should be released – they clearly should not – but the principles, and legal and ethical guidelines governing all aspects of police work should be, including such covert aspects as surveillance and the handling of informants (cf the ACPO Codes of Practice on these matters referred to in Chapter 4). The presumption should be that everything should be available for public scrutiny unless it is in the public interest – not the police interest – to hold it back. It follows that there should be readily available and clearly drafted notes on matters which the public are likely to be interested to see. It was our experience during the period of our review that briefing notes and statistics on a range of issues of interest to us – and therefore probably to others – were not readily available. Avon and Somerset police have an impressive range of methods of consulting and explaining themselves to the public, including breakfast seminars for business leaders, local councillors and other groups, factsheets, articles, interviews and radio phone-in programmes, in addition to more than 500 partnership schemes and projects. Transparency is not a discrete issue but part and parcel of a more accountable, more community-based and more rights-based approach to policing. We return to this subject again in the chapters on policing style and on management and personnel in the police service.

Legal Accountability

The Police Ombudsman

6.39 Professor Philip Stenning, in a review of complaints procedures in British Columbia, argued that “An effective process for handling public complaints against the police requires many things: a sound legislative foundation; dedicated, competent, experienced and/or trained personnel to administer it; a reasonable level of commitment and cooperation on the part of the police organisations and personnel to whom the process applies; an adequate degree of knowledge of, confidence in, and willingness to use the process, and good faith, on the part of potential complainants in particular and the public more generally; and the commitment of adequate
resources for full and effective implementation of the process”. He recommended that the process should be: accessible, fair to complainants and police officers, respectful of human rights and dignity, open and accountable, timely, thorough, impartial, independent and should take account of both the “public interest” and the interests of the parties involved in the complaint. It should also be appropriately balanced between formal and informal procedures for resolving complaints, between remedial and punitive dispositions, and between internal management and external oversight. It should provide appropriate systemic information to police management and governing authorities, and it should avoid unnecessary duplication or overlap with internal disciplinary and grievance processes.

6.40 One of our commissioners, Dr Maurice Hayes, was asked by the Northern Ireland Secretary of State in 1996 to review the police complaints system. His report of January 1997 found the existing system inadequate and recommended an independent Police Ombudsman with his/her own independent team of investigators, and a change in the standard of proof required in police disciplinary cases. The Hayes report was accepted by all parties in Northern Ireland and by the police themselves, and its recommendations passed into law in 1998. We believe that full implementation of this report would lead to the establishment of a complaints process in Northern Ireland which would meet all the Stenning criteria. We have been encouraged by the success of the Office of Police Complaints Commissioner in South Africa which very closely models the structures and procedures recommended in Dr Hayes’ report. We also note that Sir William MacPherson recommended independent investigation of serious complaints against the police, in his report of the Stephen Lawrence inquiry. At the time of writing this report the office of Ombudsman is still in the process of being established and we are not in a position to assess how successful it will be. However, this Commission as a whole aligns itself fully with Dr Hayes’ recommendations and believes that a fully independent Ombudsman operating as he envisaged in his report should be a most effective mechanism for holding the police accountable to the law.

6.41 We recommend that:

- **The Police Ombudsman should be, and be seen to be, an important institution in the governance of Northern Ireland, and should be staffed and resourced accordingly.** Budgets should be negotiated with, and finance provided through, the Northern Ireland Office (or its successor department), both for the core staff of the office and to provide for exceptional demands created by large-scale investigations.

- **The Ombudsman should take initiatives, not merely react to specific complaints received. He/she should exercise the power to initiate inquiries or investigations even if no specific complaint has been received.**

- **The Ombudsman should be responsible for compiling data on trends and patterns in complaints against the police, or accumulations of complaints against individual officers** (and appropriate systems for managing such data will be needed – see also Chapter 10 on Management and Chapter 11 on Information Technology), **and should work with the police to address issues emerging from this data.** It is important that management at all levels should use information from the complaints system as a tool of management and to identify training needs. The Policing Board should utilise such data in developing or reviewing policies or practices. There

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7 The Stephen Lawrence Inquiry, op.cit.
should be no doubt of the Ombudsman’s power to investigate and draw conclusions from clustering in patterns of complaints and to make recommendations for change to police management and the Policing Board.

- **The Ombudsman should have a dynamic cooperative relationship with both the police and the Policing Board, as well as other bodies involved in community safety issues.**

- **The Ombudsman 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, and should draw any such observations to the attention of the Chief Constable and the Policing Board.**

- **The Ombudsman should have access to all past reports on the RUC.**

6.42 We cannot emphasize too strongly the importance of the office of Police Ombudsman in the future policing arrangements proposed in this report. The institution is critical to the question of police accountability to the law, to public trust in the police and to the protection of human rights. We welcome the fact that, under the Police (Northern Ireland) Act 1998, officials exercising the Ombudsman’s functions have been given the powers of constable, and that obstruction of these officials constitutes a criminal offence.

**Covert Policing**

6.43 In Chapter 4 we referred to legislation now in preparation to ensure that covert law enforcement techniques employed by police and other security agencies in the United Kingdom – including interception, surveillance, informants and undercover operations – are fully compliant with the European Convention on Human Rights. We welcome this and recommend that any such legislation should apply in Northern Ireland as well as the rest of the United Kingdom. We have already recommended, in paragraph 6.38 that codes of practice on these matters should be made publicly available.

6.44 At present there is a commissioner in Northern Ireland, appointed under the Police Act 1997, who provides independent oversight of the Chief Constable’s use of the power to authorise certain types of surveillance. There is also a commissioner appointed under the Interception of Communications Act 1985, who provides independent oversight of the use by the Secretary of State of the power to authorise interceptions of communications. This commissioner covers the whole of the United Kingdom and is based in England. Other aspects of covert policing are not subject to the same sort of independent oversight. We believe that there should be much more comprehensive independent scrutiny of this important and sensitive area of policing, and we also believe that accountability in this area should be as local as possible. **We recommend that there should be a commissioner for covert law enforcement in Northern Ireland.** The commissioner should be a senior judicial figure, based in Northern Ireland, whose remit should include surveillance, use of informants and undercover operations, as well as interceptions of communications. He or she should have powers to inspect the police (and other agencies acting in support of the police) and to require documents or information to be produced, either in response to representations received, directly or through the Police Ombudsman, the Policing Board or others, or on his or her own initiative. The commissioner should not be responsible for authorising operations, but he or she should conduct sufficient inquiries to ascertain whether covert policing techniques are being used: with due regard for the law; only when there is a
justification for them; and when conventional policing techniques could not reasonably be expected to achieve the objective. The commissioner should check that justifications for continuing specific covert operations are regularly reviewed, and that records of operations are maintained accurately and securely, with adequate safeguards against unauthorised disclosure.

6.45 We further recommend that there should be a complaints tribunal, comprising senior members of the legal profession, with full powers to investigate cases referred to it (either directly or through the Police Ombudsman) involving covert law enforcement operations. This could either be a tribunal for Northern Ireland or, if there is to be such a body set up for the United Kingdom as a whole, there should be at least one member from Northern Ireland whenever cases involving Northern Ireland are under consideration.

Financial Accountability

6.46 We recommend a substantial strengthening of financial accountability, including: a fully costed Annual Policing Plan; a strong audit department within the Policing Board, staffed by experts in budgeting, financial management and value for money programmes; and more systematic use of the Audit Office to study police resource management, either at the behest of the Policing Board or on its own initiative. As noted above, the Policing Board would be responsible for negotiating the policing budget with government, and allocating the police service budget to the Chief Constable. It should agree expenditure sub-heads with the Chief Constable and should be responsible for approving any major transfers of expenditure between sub-heads within the year, and for approving any major capital expenditure (see also paragraph 6.17).

6.47 We also recommend that the Chief Constable should be designated a sub-accounting officer, in addition to the Chief Executive of the Policing Board, so that either or both may be called, together with the Permanent Under Secretary as principal accounting officer, to give evidence to the Public Accounts Committee. These arrangements should be varied as appropriate when responsibility for policing is devolved, depending on the mechanisms agreed at that time for funding the Northern Ireland policing budget. But in any event the Chief Constable should remain an accounting officer.
POLICING WITH THE COMMUNITY

“The more a policeman is hindered from participating in the community the less he will understand public sentiment, the less well he will exercise his discretion, therefore the more are [people] likely to be irritated by his behaviour, the more will they treat him differently in social contacts, the more isolated will the police become. As their sympathy for members of the public declines further, hostility towards them increases, they become further isolated, and so on.”

Michael Banton

7.1 In the next few chapters we consider the style of policing, and we make recommendations for the sort of policing that we would hope to see in Northern Ireland in the future. Some of these recommendations, like those on accountability in the preceding chapter, could and should in our view be implemented now. But others will depend to a greater or lesser degree on how the security situation develops, and judgments will need to be made over the next few years as to when they should be introduced, or whether some should only be introduced in selected areas. This caution applies particularly to the recommendations in this chapter, and the next one on “Policing in a Peaceful Society”. The chapter after next, on public order policing, is predicated on the assumption that it will be some years before public order policing contingencies can be substantially relaxed.

“Community Policing”

7.2 We received many submissions, from all parts of the community and from elsewhere, which called for more “community policing”. The term has many definitions and has become somewhat devalued by frequent and indiscriminate use. We have called this chapter “Policing with the Community” because we believe this encapsulates better what most people want to see – the police participating in the community and responding to the needs of that community, and the community participating in its own policing and supporting the police. What we emphatically do not mean by “community policing” is vigilante groups policing neighbourhoods with baseball bats, or, at the other extreme, what the Philadelphia police chief, John Timoney, has described as “sitting around the trees, holding hands and singing Kumbaya”.

7.3 What we do mean is: the police working in partnership with the community; the community thereby participating in its own policing; and the two working together, mobilising resources to solve problems affecting public safety over the longer term rather than the police, alone, reacting short term to incidents as they occur. We explain in this chapter how this should work in practice (see box 2 for an example of policing in partnership with the clergy in the United States).

2 – POLICING IN PARTNERSHIP: THE CLERGY

A good example of successful partnership policing is the role of the clergy in some American cities. Santa Ana police, in Southern California, told us they could not have succeeded in reducing crime and disorder in the most difficult neighbourhoods in their jurisdiction without active engagement by the Catholic Church.

In Boston, a group of black ministers have formed a coalition to help bring peace to violent neighbourhoods, with a particular emphasis on youth. The clergy work with gang members, youths involved in drug trafficking, and victims of domestic violence. They offer advice and help over education and employment, healthcare and counselling, and over the past few years they have developed with the police a constructive and mutually-reinforcing partnership in place of what was once a detached and sometimes hostile relationship. The result is safer neighbourhoods, and more black and Latino youth seeking to join the police (see also Chapter 15).

Partnership

7.4 The arrangements we have proposed in the preceding chapter on accountability provide mechanisms whereby the community can express its concerns and priorities to the police and the police can explain and report on their conduct and performance. We have also encouraged close cooperation between these accountability mechanisms and other agencies involved in aspects of community safety. But partnership between the police and the community goes well beyond formal arrangements of this sort, and beyond the less formal Community and Police Liaison Committees which may exist at various local levels. Partnership is a matter of policing style, but it is also an attitude of mind, both for police officers and for the public. It is at least as much a matter of philosophy as it is one of method, and it amounts to a profound shift in police thinking and community thinking.

7.5 The present policing style of the RUC has been greatly distorted by the security situation, to the frustration of both police and public. Submissions from many serving and retired officers regretted the difficulty of providing a proper community policing service with the constraints imposed on them as a result of the threats to their security – fortified police stations, armoured vehicles, firearms, body armour and so on. Many members of the public called for more beat policing and for dedicated neighbourhood police officers functioning as part of the community.

7.6 We do not believe that the absence of community policing in many parts of Northern Ireland can be entirely justified as a consequence of the security situation, although we do accept that it explains a great deal. We have been impressed by the community policing service that some police officers have managed to provide, even in difficult areas, in spite of continuing security threats. One example is the Markets area of Belfast (see box 3), where a number of police officers have lost their lives over the years, most recently Constable Johnston Beacom in 1994, and yet Sergeant Stevie Jones and his team, patrolling on foot, have managed to build up a community policing presence which won Sergeant Jones an award as the United Kingdom’s Community Police Officer of the Year in December 1998. We are convinced, from visiting the area ourselves and speaking to residents, police and community groups, that the success of the community police team there is attributable to their attitude towards the local community, to their patient hard work over a period of years, and to the response of the community to this style of policing. We believe that a similar
approach could be successful now in many other parts of Northern Ireland, if the police service were determined to pursue it.

3 – MARKETS NEIGHBOURHOOD POLICING PROJECT

Eight years ago a team of eight constables and one sergeant was set up in the predominantly nationalist/republican Markets area of Belfast. At that time there was virtually no support for the police, and paramilitary organizations conducted their own “patrols” in the area. Over the years the team built up support within the community and a climate of mutual trust and respect developed. The police now operate effectively, which has brought results in terms of both crime reduction and public order policing.

The elements of the team’s success are common to successful community policing projects elsewhere in the world. They include:

• a dedicated policing team for a geographical area, with total responsibility for policing that area
• officers with communication, conflict resolution and problem-solving skills who remain with the team for several years
• respect for people of different backgrounds or political convictions
• empowerment of the team to determine policing priorities in partnership with the community
• foot patrolling as the predominant patrol method
• patient and determined development of community activities, including youth schemes and neighbourhood meetings
• recognition by senior police managers that the team’s work is important and should not be disrupted by deployments for duties elsewhere
• skilful use of discretion over minor offences, while maintaining a vigorous enforcement regime against more serious offences.

7.7 As presently organized the police service is not well geared towards community partnership policing, but rather to a more reactive style of policing. This is reflected in the allocation of resources. For example, at Musgrave Street police station, which is the headquarters of the subdivision which includes the Markets area, of a total complement of 168 officers, only 25 are assigned to community duties while the great majority are assigned to response duties. The proportions are similar in sub-divisions all over Northern Ireland. Indeed, we learned that at some sub-divisions, neighbourhood policing teams have recently been reduced rather than augmented, in response to pressures on resources. At police headquarters the Community Affairs Branch is an office of eight staff within the department responsible for Operational Support, quite separate from the regional, divisional and sub-divisional commands. The term “Community Affairs” suggests to us that working with the community is seen as a specialist activity, and the way in which it is staffed and resourced suggests that it is at the margin of police work – a good thing to do if you can spare the officers and the time to do it, but not the main function of the police.

7.8 We believe that neighbourhood policing should be at the core of police work, and that the structure of the police service, the staffing arrangements and the deployment of resources should be organized accordingly. Box 4 shows how the district police command should be organized in
support of the neighbourhood police teams; the district headquarters and the specialist units exist to support the neighbourhood teams, rather than those teams being a minor unit of the district command. In chapter 12 we show how the entire police organisation should be structured so that it supports the officer teams working directly with the public. This would radically change the organization and the way it thinks about itself. It would define the interface between the individual citizen and the neighbourhood police officer as the prime focus of activity, to which the rest of the organization becomes a support system. An effective partnership between police and community means a more effective police service and a safer community. A police service that is not engaged with the community in a continuous way will find it hard to act effectively against crime or disorder in that community, because it will find it hard to know the community and get cooperation from it.

![Diagram of illustrative district command structure](image)

Smaller District Command Areas have support functions provided by a larger neighbouring area.

**7.9** *We recommend that policing with the community should be the core function of the police service and the core function of every police station.* This has implications for the structure of the police, for management, for culture and for training, all of which we cover later in this report. This chapter looks at the components of community policing. Some police officers may express concern at such a radical shift in the organization of their resources but the Agreement of 1998, and the levels of resourcing available for policing in Northern Ireland, should together provide a unique opportunity to deliver truly effective locally-based policing in a way that would put Northern Ireland at the leading edge of such developments in the United Kingdom, Ireland and internationally. The opportunity needs to be grasped with courage and determination.

**Dedicated Patrol Teams**

**7.10** Many submissions, from people of all sorts of backgrounds, emphasized the importance of having local police officers who knew the area and were known, by name, to the residents. This is a hallmark of successful neighbourhood policing projects throughout the United Kingdom and overseas. *We recommend that every neighbourhood (or rural area) should have a dedicated policing team with lead responsibility for policing its area.* Each team should be headed by a sergeant, or perhaps in some cases an inspector, as beat manager.
7.11  *We recommend that members of the policing team should serve at least three and preferably five years in the same neighbourhood, that they should wear their names clearly displayed on their uniforms, and that their uniforms should also bear the name of the locality for which they are responsible.*

7.12 Neighbourhood teams will form the core of policing in Northern Ireland and as such should constitute the foundation of police officers’ careers. It is in this environment that officers will learn the core skills of communication, inter-personal skills, conflict resolution and problem-solving. *We recommend that all probationary police officers undertake the operational phases of their probationary training doing team policing in the community.*

7.13 *We further recommend that, where practicable, policing teams should patrol on foot.* William Bratton, formerly Commissioner of Police in both Boston and New York, has said of patrolling: “Driving around the streets is very different from walking on them. In a patrol car, the only time you talk to people is after a crime has occurred. You’re not a fixture in people’s lives. You’re an authority, not a friend; an occasional presence, not a personality. You become them not us”. The American academic, George Kelling, calls it “stranger policing”. Clearly it is not practicable for teams covering relatively large patrols in rural areas to do so on foot, but we would hope that they too could cover part of their beat on foot, or on bicycles, rather than using cars alone.

7.14 *We recommend that neighbourhood policing teams be empowered to determine their own local priorities and set their own objectives, within the overall Annual Policing Plan and in consultation with community representatives.* The beat manager and his/her team should organize their own community liaison mechanisms and, in partnership with schools, clubs, businesses and so on, they should decide on such matters as how to programme their patrols – whether, for example, to have a police presence outside schools when the children leave for home, or in dark car parks at the end of office hours. We believe that decisions taken in this way are much more likely to be responsive to local community needs than directions from senior ranks far removed from the neighbourhood. As the Police Federation said in their submission to us, “accountability to the community must start at the lowest possible level, i.e. at the point of delivery of service to the individual members of the public”.

**Problem-solving**

7.15 An integral element of successful community policing is problem-solving. The point here is that much traditional policing has been reactive – responding to specific incidents as they arise. In a problem-solving approach, such as the SARA (Scan-Analyse-Respond-Assess) method developed by the US academic Herman Goldstein with the Thames Valley Police, police first scan data on policing problems to identify patterns, then analyse those patterns to determine causes, then take action, where appropriate with other agencies, to respond to those causes and finally conduct an assessment of whether they have been successful. The objective of problem-solving policing is to solve problems permanently and not just provide a quick fix which will simply be followed by further calls about the same problem. To work such an approach effectively requires the police service as a whole to work in support of neighbourhood policing teams. The police must map problems as they occur, by type of problem, location, time of day, identity of complainants and identity/description of perpetrators. The Audit Commission observed in 1996 that few United Kingdom police services yet did this, and that North America was more advanced in these techniques².

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³ “Tackling Patrol Effectively”. Audit Commission, November 1996
7.16 **We recommend that the Northern Ireland police should, both at a service-wide level and at patrol team level, conduct crime pattern and complaint pattern analysis to provide an information-led, problem-solving approach to policing.** This will have implications for information technology, which we address in a later chapter. **We further recommend that all police officers be instructed in problem-solving techniques and encouraged to address the causes of problems as well as the consequences (the priority being to train beat managers and their teams); and that they be regularly appraised as to their performance in doing so.**

7.17 Problem-solving is not something that the police can do alone. Community partnerships and liaison are essential. If, for example, it is discovered that a prime cause of the petty crime or anti-social behaviour afflicting an area is that there are no facilities for young people in that area, the police beat manager will have to seek help from community leaders and groups to get the matter addressed. It may sometimes be necessary for beat managers to attend meetings of the District Policing Partnership Boards to discuss problems that are not easily resolved at a more local level, particularly if District Council or agency action or funding may be needed. DPPB members and other community leaders will also need to understand the problems confronting the police, **and we recommend that they too should be able to attend police training courses in problem-solving techniques.**

**Help desks**

7.18 Members of the public should know whom to call if they need police assistance. Many people may prefer to speak to an officer they know rather than a telephone voice they do not recognize or an answering machine. Beat managers should be encouraged to set up mechanisms whereby they or their team members can be contacted by area residents if they are needed. Help desks at police stations may be one way of doing this. Some police officers organize regular “surgeries” in their patrol areas. There are various ways of addressing this need, and managers should work out with their local community what suits them best. The community in turn needs to have a good understanding of what they can expect from the police, in the context of agreed local priorities. Not all 999 calls, for example, can receive the same immediate response; public and police need to be clear about how such calls should be prioritised.

**Looking Ahead**

7.19 Policing with the community is hard work. It requires huge adjustments on the part of the police service, as the Royal Canadian Mounted Police (who share the same antecedents as the RUC) have discovered and are still discovering. It is a very different type of policing from the reactive, security-focussed policing which most police officers in Northern Ireland have been accustomed to over the past decades (although it emphatically does not mean that police no longer need to be firm on enforcement – they do). It calls for new structures, new management practices and new training, all of which we address in later chapters. But if successfully implemented, community partnership policing will lead to a police service that is both more widely accepted by the community and more effective in securing the safety of the community. As we said at the start of this chapter, this is the way we should like to see policing go forward in Northern Ireland as a whole; but we recognize that the pace of change in some areas will depend on the security situation.
POLICING IN A PEACEFUL SOCIETY

8.1 As we write this report, the security situation in Northern Ireland is much improved compared with the position before the main paramilitary organizations declared ceasefires. However, these organizations remain in being and remain armed; and paramilitary beatings and murders continue. It is not yet possible to say that Northern Ireland has been transformed into a peaceful society.

8.2 Nevertheless, despite the continuing menace of paramilitary capability, the situation has changed sufficiently in many parts of Northern Ireland to allow changes in the way in which policing services are delivered in those areas. Since the first ceasefire of August 1994, and the subsequent one of July 1997, army escorts have gradually been withdrawn from police patrols in most areas. Most police sub-divisions have ceased to carry long arms (rifles and sub-machine guns) on patrols in urban areas. There has been an increasing use of ordinary patrol cars rather than armoured Landrovers. And, as we have noted in the preceding chapter, police are now patrolling on foot or bicycle in some areas.

8.3 As in the case of neighbourhood policing, we believe that there is scope for going further, now, in more parts of Northern Ireland. There are still some areas where change will, for the time being, be constrained by the threats to police and community security. Great care will be needed over introducing initiatives in such areas, but at the same time the presumption should be that changes should be made in even the most "difficult" areas unless the risks involved are clearly too high, particularly where this can be done with the cooperation and support of local communities. This chapter considers changes that we believe should be made progressively, either across Northern Ireland or in all areas except those where the greatest dangers remain.

Police Stations

8.4 If a police service is to be an integral part of the community, it must be accessible to the public. A legacy of the past decades in Northern Ireland has been a police service physically separated from the public by fortified – and fortress-like – police stations or “barracks”. Even stations in quiet rural villages have forbidding exteriors. A new policing style based on community partnerships calls for a new style of police station, accessible and welcoming to the public. At the same time, it would be premature and foolhardy to assume that police stations in Northern Ireland will henceforth be free from the threat of guns, bombs or rockets. Moreover, the police are bound by Health and Safety legislation to provide working accommodation to minimise the assessed risk that police officers and civilians face.

8.5 Nevertheless the police have themselves begun to plan for a new style of police station. We welcome this. Good design can often provide security less obstructively, without necessarily presenting a fortress-like appearance. We recommend that police stations built from now on should have, so far as possible, the appearance of ordinary buildings; they should have low perimeter walls, and be clearly visible from the street; but they should have security features, which may be activated or reinforced as necessary.
8.6 We recommend that existing police stations should – subject to the security situation in their areas and to the health and safety considerations noted above – be progressively made less forbidding in appearance, more accessible to public callers and more congenial for those working in them. We recommend, for example, that the public reception areas inside police stations be made more welcoming, and that civilian receptionists could replace police officers. There is no operational need for a police officer to perform receptionist duties, and many members of the public may find it more comfortable to deal, at least in the first instance, with a civilian. This change would bring the Northern Ireland police into line with police services in Great Britain and elsewhere. (We make further recommendations for civilianisation of certain positions in the police service in Chapter 10.) There will be other ways in which police stations may be made more friendly to, and integrated with, their local communities and in which people can be positively encouraged to have contact with their local police station. An idea which appealed to us in Charlotte, North Carolina (and which has become common practice in the United States), was a meeting room in the police station which could be reserved and used by community groups and organizations.

8.7 We received several submissions suggesting that there should be more small police stations (or that old ones be reopened), and neighbourhood police “shops” or kiosks as in Japan. There are different views and different experiences as to whether or not this helps bring police and community together in the way we outlined in the preceding chapter. The more police stations – or static police posts – there are, the more police officers tend to be required to staff them and the fewer officers there may therefore be out on the streets. One police chief we spoke to in the United States had concluded that neighbourhood police posts had simply become “hang-outs for cops”. On the other hand it is very important that villages or urban neighbourhoods that are not near large police stations feel that their police service is part of their community too. It does not necessarily require a police station to achieve this; and there is in our view a lot to be said for having instead more police officers out on the streets, patrolling where and when the community wants them to patrol, contactable at all times on mobile phones (the numbers of which would need to be well advertised in the community), and conducting regular, say weekly, “surgeries” at premises which might be leased or borrowed from other community agencies. We do not seek to be prescriptive about this, because priorities and perceptions will vary from place to place, so we recommend that district police commanders should have discretion to decide in consultation with their local community how best to balance their resources between static posts and mobile patrols.

**Police Vehicles**

8.8 Over the years the police have made extensive use of grey, unmarked, armoured Landrovers, not only for public order policing and responding to incidents, but also for routine patrols in many areas. They have recently made less use of these vehicles and more patrolling is now done in liveried police cars, or on foot or bicycle. We welcome this development and we recommend that police cars continue to be substituted as patrol vehicles in place of armoured Landrovers, and that the use of armoured Landrovers be limited to threatening situations.

8.9 As the use of armoured Landrovers declines in frequency there will be little justification for keeping them in police stations, where they take up a lot of space and detract from the appearance of the premises. We recommend that, as soon as possible (that is, as soon as the incidence of deployment ceases to be regular) the Landrovers be moved to depots, to be kept in reserve for use in public order policing (see next chapter) for as long as this contingency may be required.
While it may be necessary to hold the Landrovers in reserve for the time being, we see no reason why they should continue to look as forbidding as they do. It is a small point, but a simple livery of some kind would soften the appearance of these vehicles and we recommend that, at least, the word “Police” should be painted onto the sides.

Army role

The army has been involved in the policing of Northern Ireland for three decades. It has long ceased to have primary responsibility for security, which passed to the police in 1976, and since then its role has been a subordinate one of providing “Military Aid to the Civil Power” (MACP). It is the police who decide what needs to be done and whether they need to ask the military to help achieve it. Until recently the army were still, however, a visible feature of policing over much of Northern Ireland. This has changed considerably since the main paramilitary groups declared ceasefires. Army escorts no longer accompany police patrols in Belfast and most other towns, but in a few places, police officers still patrol with army protection. We welcome the reduction of the army’s role and we recommend that it should continue to be reduced, as quickly as the security situation will allow, so that the police can patrol all parts of Northern Ireland without military support.

Eventually – and we hope this will come about sooner rather than later – army support for the civil power in Northern Ireland should in principle be no more than it is in any other part of the United Kingdom (search and rescue, bomb-disposal and aid in exceptional emergencies such as natural disasters). There is one exception and that is in the area of public order policing, which we address in the next chapter. The army provides support to the police, including a substantial engineering capability, for large public order events such as Drumcree. We do not favour replicating these capabilities within the Northern Ireland police, because this would be very expensive and wasteful of resources which might in the event seldom be used; and because we do not believe that this is a time for adding military-style support units to the police. We therefore recommend that, for as long as the prospect remains of substantial public order policing demands on the scale seen at Drumcree in recent years, the army should retain the capacity to provide support for the police in meeting those demands.

Emergency Legislation

As McGarry and O’Leary observed, “much of the dissatisfaction with policing, in both loyalist and republican areas, stems from the use of emergency powers”¹. The subject was raised with us on many occasions. The powers in question derive in law from the Prevention of Terrorism Act 1989 (PTA) and the Northern Ireland (Emergency Provisions) Act 1996 as amended by the Northern Ireland (Emergency Provisions) Act 1998 (EPA). The police in Northern Ireland have more extensive powers – including powers to stop, question and search, and powers of entry, search and seizure – than their counterparts in the rest of the United Kingdom. The army in Northern Ireland also have powers – of arrest, detention, search and seizure – which they do not have in the rest of the United Kingdom. We were surprised to discover that there is no requirement for records to be kept of roadblocks, stops and searches; and that no such records are kept. It was impossible, therefore, to check some of the observations made to us about police and army actions. The MacPherson report noted that, in England and Wales too, records of stops and searches by police were incomplete².

¹ McGarry, J., and O’Leary, B., op.cit.
² The Stephen Lawrence Inquiry, op.cit.
During the course of this Commission's work, the British Government issued a consultation paper on “Legislation Against Terrorism”3, which aspired to the repeal of the PTA and the EPA and the replacement of both with a single piece of permanent legislation which would apply throughout the United Kingdom and to all forms of terrorism, including new forms of terrorism which may develop in the future. This goal was predicated upon the threat of terrorism in Northern Ireland diminishing to the point where no additional special powers were necessary to combat it, and on that basis we too would recommend that the law in Northern Ireland should be the same as that in the rest of the United Kingdom. (In the event that the threat of terrorism in Northern Ireland continues to require special provisions in addition to any new United Kingdom legislation, we note and agree with the British Government’s proposal that these should be subject to annual independent review and to Parliament’s approval of any or all of them remaining in force.) In the meantime we recommend that with immediate effect records should be kept of all stops and searches and other such actions taken under emergency powers. Such records are necessary in our view not only for purposes of accountability but also for effective internal management.

Holding Centres

Several of the submissions we received called for the closure of the three holding centres, at Castlereagh, Gough Barracks and Strand Road, used for the questioning of persons detained under the emergency legislation. The Commissioner for Holding Centres, Sir Louis Blom-Cooper QC, advised this Commission that there was no longer a case for holding such persons in separate centres from those held under PACE (Police and Criminal Evidence (Northern Ireland) Order 1998). We agree. We recommend that the three holding centres at Castlereagh, Gough barracks and Strand Road be closed forthwith and that all suspects should in future be detained in custody suites based in police stations.

Two questions arise from this recommendation. The first concerns audio and video recording of interviews, which was introduced into the holding centres on 1 January 1999. The PACE facilities have only audio recording at present. We recommend that video recording be introduced into the PACE custody suites. There is also the question of what should happen to the post of Commissioner for Holding Centres, once the centres have been closed. We recommend that responsibility for inspecting all custody and interrogation suites should rest with the Policing Board, and that Lay Visitors be empowered not only to inspect the conditions of detention (as at present), but also to observe interviews on camera, subject to the consent of the detainee (as is the case for cell visits). Individual complaints about treatment in these suites should go to the Police Ombudsman.

Firearms

The Agreement says that the police service, “in a peaceful environment, should be routinely unarmed”. This is the norm throughout the United Kingdom and it is the aspiration of the RUC itself. It is also the case – at least for uniformed officers – in the Garda Siochana. Provided policing can be delivered effectively without significant risk to police officers, it is plainly much to be preferred if they can be routinely unarmed. That said, this was an issue which attracted very little public comment in the written submissions we received, with fewer than 2% of such submissions touching on the subject. Many of those that did so, and most of the oral submissions we received

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on the matter at public meetings, warned against disarming the police while the security outlook remained uncertain (we were reminded on several occasions that, when the RUC had been disarmed after the Hunt report of 1969, there was a spate of attacks on police resulting in the deaths of several officers and leading to the reintroduction of personal protection weapons) and when serious crime, including drug-related offences, appears to be on the increase.

8.18 The great majority of RUC officers have never drawn their gun. 71 firearms were drawn by officers last year; and, discounting warning shots, there were only seven discharges in combatant situations, none of which resulted in injuries. There has been no case of the RUC shooting anyone dead since 1991. So the extent to which policing in Northern Ireland relies on the firearm is very limited. Several police officers have told us that they would be prepared to do their jobs unarmed now, and a few already choose not to carry a weapon. Nevertheless there is a strong feeling among many police that a personal protection weapon is indispensable against the background of 302 police officers having lost their lives in the past 30 years and about 8,500 having been wounded and disabled, and taking account of international trends towards more violent crime.

8.19 We do not believe that the “peaceful environment” referred to in the Agreement yet exists and we do not believe that it is possible to recommend now that there should be a general disarmament of the police. Health and Safety legislation imposes requirements upon the police to provide suitable equipment to minimise the assessed risk that police officers face. At present, this almost certainly means the provision of firearms as personal protective equipment. We recommend that the question of moving towards the desired objective of a routinely unarmed police service be periodically reviewed in the light of developments in the security environment. We welcome the gradual withdrawal of long arms from police patrols in most parts of Northern Ireland and we hope that this process will also continue wherever possible.

8.20 We note that the Belfast Harbour Police and Belfast International Airport Police (see paragraph 6.10) are also currently armed. Our recommendation as to review applies equally to these police services.
9

PUBLIC ORDER POLICING

9.1 A major and controversial feature of policing in Northern Ireland has been public order policing. Failings in public order policing in the 1960s were partly responsible for the Troubles of the following thirty years, and for deepening nationalist estrangement from the RUC. There have been changes for the better in public order policing since then, and we have ourselves witnessed skilful police handling of potentially difficult public order events. But the problem remains one of the greatest challenges in the policing of Northern Ireland, particularly during the so-called marching season. It is hugely demanding of police resources, and draws heavily on army support. It presents the unwelcome spectacle of police in riot gear and armoured vehicles, and involves the use of a controversial weapon – plastic baton rounds (PBRs). It pits the police against people from both the nationalist/republican and the unionist/loyalist communities (the most recent police officer to be killed, Constable Francis O’Reilly, was killed by a blast bomb thrown by loyalist demonstrators at Portadown during the work of the Commission).

9.2 This chapter makes some recommendations for the handling of public order policing. It assumes that, for the foreseeable future, the problem will remain a major, although hopefully diminishing, concern for the Northern Ireland police. Parades and marches will continue. There are over 3,000 of them a year in Northern Ireland; most do not carry a threat of serious disorder, but a few do because they pass through or close to neighbourhoods that do not welcome them. We assume that the present arrangements whereby contentious parades are considered by the Parades Commission will also continue. We must also expect that there will remain, for the time being, on both sides of the community, people and groups opposed to peace and reconciliation in Northern Ireland, who will try to use these parades, or other public events, to create serious difficulties for the police. The police service must therefore be resourced to deal with outbreaks of major disorder. Experience shows that disorder in Northern Ireland can be both spontaneous and widespread – roadblocks thrown up in several different places in one night for example, as occurred during the work of this Commission. And we must also accept that, regrettably, devices such as petrol bombs and blast bombs, which have been a regular feature of public disorder in Northern Ireland, are likely to remain a threat (see box 5 on the following page).

Police Resources

9.3 The demands of public order policing can call for very large numbers of police officers to be deployed at short notice. Drumcree, for example, has required up to 2,500 police officers during the July protest. The RUC finds these numbers from within its own strength. This takes a toll on the organization, in terms of officer fatigue, inability to perform other duties from which officers have been redeployed, hefty overtime budgets (£61.5m in 1998/9) and consequential underinvestment in such areas as information technology. But the RUC is able to find the numbers it needs – supported from the army as described in Chapter 8 – without help from other police services.

9.4 We have already recommended, in Chapter 8, that the army should retain the capability to provide support for the police if needed. We feel strongly that the police should not have to rely on the army.
for more than that in public order situations. That is to say we would not want to see the army in a more prominent position in public order policing (except in the most extreme circumstances). So the police “surge” capacity for public order policing needs to be found from police resources.

5 – WEAPONS USED AGAINST POLICE

A large variety of weapons has been used against police in Northern Ireland, ranging from simple projectiles such as stones, bricks and bottles, and sharp instruments such as knives, spears and hatchets, to firearms of all kinds, including automatic assault rifles and hand grenades.

Some of the most lethal weapons used have been improvised devices. These include:

- **Blast bombs or pipe bombs** – containers or lengths of piping packed with explosive, designed to fragment on explosion, with nails taped around the casing to augment the fragmentation effect. These have been used in large numbers, and one of them killed Constable O’Reilly in Portadown in 1998.

- **Coffee jar bombs** – explosives, metal and nails packed into a coffee jar.

- **Petrol bombs** – also known as Molotov Cocktails, and often containing a substance causing the burning liquid to adhere to the victim.

- **Chinese mortars** – commercially made firework mortars used to fire nails, horizontally, at police lines. Rioters have also used display fireworks wrapped with nails.

- **Explosive darts** – made from copper piping and fired from crossbows.

- **Catapults** – used to fire steel ball bearings.

9.5 We have considered carefully whether reinforcement should be sought in times of need from other police services in the British Isles. Within the United Kingdom, “mutual aid” arrangements exist between police services. We have spoken to chief constables in Great Britain, who have made it clear that, while in principle they would be willing to consider mutual aid arrangements with Northern Ireland, they could not contemplate such arrangements while the nature of public disorder in Northern Ireland is as it is now, with the police frequently facing people armed with petrol bombs, blast bombs and occasionally firearms. A few respondents suggested to us that mutual aid arrangements might be possible with the Garda Siochana, the only immediate neighbour of the Northern Ireland police; but the political and legal problems involved in either police service being involved in public order policing in the jurisdiction of the other rule this out for the foreseeable future.

9.6 We conclude, therefore, and **we recommend that the Northern Ireland police should have the capacity within its own establishment to deal with public order emergencies without help from other police services and without more than the present level of support from the army.** This has implications for the size of the police service, which we address in Chapter 13.

9.7 In a later chapter we recommend the recruitment of more officers into the part-time reserve, particularly from communities that are currently under-represented in the police. The main purpose of this is to strengthen police connections with local communities, but a secondary point is that a reserve of up to 2,500 part-time officers could if necessary be called on to substitute for regular officers who are removed from their normal duties to meet a public order emergency.
Public order partnerships

9.8 We have said that problem-solving policing in partnership with the community should be the mainspring of police work. This applies to public order policing as much as to any other aspect of policing. Police officers who are working closely with the communities they police will be much better able to deal with the problems of parades, demonstrations or other events emanating from those communities or passing through their area.

9.9 A key point is that there should be joint planning of public order events by the police and the community representatives; the latter would include, for example, parade organizers and neighbourhood groups. Parades can work well, as we have witnessed, when the organizers provide their own parade marshals, and when the opposition too has been marshalled responsibly. We recommend that it should be a condition for the approval of a parade that the organizers should provide their own marshals and that the organizers and the police should work together to plan the policing of such events. This should involve as appropriate the representatives of the neighbourhoods involved in the parade route. The same general principles could apply to static public order events, such as rallies, concerts and sporting occasions. But we focus here on parades and marches, which are the distinguishing public order challenges in Northern Ireland.

9.10 In 1998, following a recommendation in the North Report, the Parades Commission funded a pilot project to train senior marshals of the Apprentice Boys of Derry. In August 1998 the first group of marshals was assessed against the NVQ (National Vocational Qualification) Level 3 in spectator control. A second group was trained in September 1998, and 20 candidates from the Orange Order underwent training in May/June 1999. We support these initiatives and we recommend that marshal training should be further developed, with an appropriate qualification on successful completion of the training. All parades should be marshalled and, as soon as practical, it should be a requirement that all potentially contentious parades requiring a decision or determination by the Parades Commission should be marshalled by qualified personnel.

9.11 The main aim of the joint planning of parades should be to minimise the opportunities for confrontation to occur. It should include mediation as necessary before the event, and mechanisms for de-escalating and containing problems if they occur during the event. Ideally the policing of a parade should be carried out by the organizers and their marshals, with the police providing assistance such as physical barriers and traffic control. The police should, however, take control of matters if the marshals are unable to maintain the peace, or if the parade participants fail to abide by the terms of the parade licence. If police intervention is required, there should be a graduated response to developing difficulties, in which the police should have a range of options at their disposal – from verbal persuasion to various forms of coercive force. They should avoid deploying equipment or tactics that are disproportionate to the threat they face. We witnessed good use of graduated response techniques both at the Apprentice Boys of Derry Parade in August 1998 and at Drumcree in July 1999.

1 The Multinational Panel Regarding the Lawful Control of Demonstrations in the Republic of South Africa – established in 1992 by the Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, chaired by Justice Goldstone – established the principle that organizers of demonstrators should provide assurances that demonstrations would be carried out peacefully, and undertake to supply marshals for that purpose, as part of the application for a licence to demonstrate.

2 Graduated response techniques are set out in the ACPO Guide to Public Order Policing, 1991
Plastic Baton Rounds (PBRs)

9.12 The most controversial aspect of public order policing in Northern Ireland has been the weaponry used by the police, in particular plastic baton rounds. These were introduced into service in the 1970s, replacing the earlier rubber bullets. Since 1981, a total of 41,657 have been discharged by the police, and 14,572 by the army. 11 deaths have been attributed to PBRs since 1981 (and 5 before that), and 615 injuries. The most recent fatality was in 1989, but the issue of PBRs remains highly controversial.

9.13 PBRs are available for use in other United Kingdom police services but, although there have been some close calls, they have never actually been used. They are not used in the Republic of Ireland or any of the continental European countries we have visited. They are used by some United States and Canadian police departments, although those that we visited used them for such things as hostage-taking incidents rather than for public order policing. The unique problem which has explained their use in Northern Ireland is the widespread use of petrol bombs, blast bombs and firearms in riot situations. This cannot be countered by methods which require close proximity between police and rioters, such as baton charges or the use of mounted police. The use of CS canisters has been controversial in Northern Ireland in the past; among other disadvantages, they are a device for crowd dispersal rather than for accurately intercepting individuals in the act of throwing a bomb or firing a gun, and they are an indiscriminate weapon which all too easily affects innocent bystanders and even people in their own homes. In the United States, the police departments we visited told us that they would regard petrol bombers as a lethal threat and would use live fire against them. A Dutch chief constable also told us that, faced with an attack of petrol bombs or blast bombs, his officers would have no alternative but to use live rounds (and Dutch police did indeed use live rounds against football rioters in April 1999).

9.14 In view of the fatalities and serious injuries resulting from PBRs, and the controversy caused by their extensive use, we are surprised and concerned that the government, the Police Authority and the RUC have collectively failed to invest more time and money in a search for an acceptable alternative. We were able to discover very little research work being done in the United Kingdom (except in the development of more accurate PBRs). By contrast, we were impressed by the efforts being made and the commitment to develop non-lethal weaponry alternatives in the United States, particularly at the Institute for Non-Lethal Defense Technologies at Pennsylvania State University and the National Institute of Justice in Washington. Nevertheless, although this work appears to hold some promise, we were advised that as yet no non-lethal alternative to the PBR exists which can effectively intercept the petrol bomber while protecting the police and the public from injury. Box 6 on the following page summarizes the non-lethal equipment available or under development.

9.15 In common with many groups that gave us submissions, we would like to see the use of PBRs discontinued as soon as possible. All of us began our work wanting to be able to recommend that they be dispensed with straight away. But we do not wish to see a situation in which the police would have no choice but to resort to live rounds, sooner than would be the case today. For as long as the community in Northern Ireland contains elements prepared to use lethal weapons against the police, such situations would certainly arise. Use of live rounds would lead to more fatalities and serious injuries caused by police action – the very opposite of what we seek to achieve. An alternative to the PBR must therefore be sought urgently. **We recommend that an immediate and substantial investment be made in a research programme to find an acceptable, effective and less potentially lethal alternative to the PBR.**
In addition to Plastic Baton Rounds (PBRs), which are part of the resources of a number of police departments worldwide, other equipment in use or under review includes:

<table>
<thead>
<tr>
<th>PROJECTILE</th>
<th>DELIVERY SYSTEM</th>
<th>OBJECT</th>
<th>EFFECT ON PEOPLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Rubber Balls</td>
<td>37/40mm launcher and/or 12 gauge shotgun</td>
<td>Wide target area</td>
<td>Blunt impact trauma by kinetic energy transfer</td>
</tr>
<tr>
<td>Foam Baton</td>
<td>37/40mm launcher</td>
<td>Aimed – specific individual target</td>
<td>Blunt impact trauma by kinetic energy transfer</td>
</tr>
<tr>
<td>Bean Bag</td>
<td>12 gauge shotgun</td>
<td>Aimed – specific individual target</td>
<td>Blunt impact trauma by kinetic energy transfer</td>
</tr>
<tr>
<td>Sponge Grenade</td>
<td>37/40mm launcher</td>
<td>Aimed – specific individual target</td>
<td>Blunt impact trauma by kinetic energy transfer</td>
</tr>
<tr>
<td>Ring Airfoil Projectile</td>
<td>37/40mm launcher</td>
<td>Aimed – specific individual target</td>
<td>Blunt impact trauma by kinetic energy transfer</td>
</tr>
<tr>
<td>CS/CN Gas</td>
<td>37/40mm launcher and various other deployments</td>
<td>Wide target area and/or aimed – specific individual target</td>
<td>Noxious chemical: eyes water, burning sensation, nose streams</td>
</tr>
<tr>
<td>Pepper Spray</td>
<td>Pressurised spray canister</td>
<td>Aimed – specific individual target</td>
<td>Noxious chemical: eyes water, burning sensation, nose streams</td>
</tr>
<tr>
<td>Sticky Shocker</td>
<td>37/40mm launcher</td>
<td>Aimed – specific individual target</td>
<td>Imparts incapacitating high voltage shock</td>
</tr>
<tr>
<td>Malodorous Substance</td>
<td>Air/gas gun</td>
<td>Aimed – specific individual target</td>
<td>Noxious chemical: can induce vomiting by target and people in immediate vicinity</td>
</tr>
<tr>
<td>Water Cannon</td>
<td>Pressurised systems, water cannon</td>
<td>Wide target area and/or aimed – specific individual target</td>
<td>Discomfort at soaking rising in force to blunt impact trauma by kinetic energy transfer</td>
</tr>
</tbody>
</table>

We also recommend that the police be equipped with a broader range of public order equipment than the RUC currently possess, so that a commander has a number of options at his or her disposal which might reduce reliance on, or defer resort to, the PBR. At present, the RUC has, essentially, three options – the baton, the PBR or live fire. We believe that this encourages more rapid resort to the PBR than might otherwise be the case. The number of PBRs discharged on some occasions – perhaps hundreds in a single night – raises questions as to whether they are only used in cases where there is no available alternative to the PBR, for example when there is a need to intercept petrol bombers at long range. PBRs have, for example, been discharged at close range in some instances, causing deaths and injuries. If, in such a situation, an officer could use, say, a personal protection CS spray (these sprays are issued to most police officers in Great Britain but not to the RUC), that would provide an effective non-lethal alternative to the PBR, which becomes a much more dangerous weapon when used at short range. Another alternative worth exploring is the water cannon, where new technology has transformed what used to be a rather ineffective weapon into something which now looks much more promising for police purposes. We know the
Northern Ireland police are looking into this (and had water cannon available at Drumcree in July 1999), and we welcome that.

9.17 A range of equipment would allow a more graduated response to a public order situation, with PBRs used only as a last resort, short of the use of firearms. We recommend that the use of PBRs should be subject to the same procedures for deployment, use and reporting as apply in the rest of the United Kingdom. Their use should be confined to the smallest necessary number of specially trained officers, who should be trained to think of the weapon in the same way as they would think of a firearm, that is as a weapon which is potentially lethal. Use of PBRs should in the first instance require the authorisation of a district commander. This should be justified in a report to the Policing Board, which should be copied to the Police Ombudsman. Wherever possible, video camera recordings should be made of incidents in which the use of PBRs is authorised.

Accountability

9.18 The police must be fully accountable for public order policing as for any other aspect of their work. Several submissions suggested to us that police in riot gear should be capable of being identified. We agree with this and we recommend that officers’ identification numbers should be clearly visible on their protective clothing, just as they should be on regular uniforms.

9.19 We recommend that the Policing Board and, as appropriate, the Police Ombudsman should actively monitor police performance in public order situations, and if necessary seek reports from the Chief Constable and follow up those reports if they wish. Follow-up reports could be commissioned from any of the agencies listed in paragraph 6.23.

9.20 Particular attention should be paid to all incidents in which PBRs are used. We recommend that guidance governing the deployment and use of PBRs should be soundly based in law, clearly expressed and readily available as public documents.

3 The Home Secretary announced in the House of Commons on 27 July 1999 that he had approved new operational guidelines on the use of baton rounds and firearms, produced by ACPO, which would apply in England, Wales and Northern Ireland.
10

MANAGEMENT AND PERSONNEL

“The only way you can control a police department from headquarters is if your aim is to prevent the police from doing anything.”

William Bratton and William Andrews¹

Management Style

10.1 The preceding chapters have described a different style of policing – more rooted in the community, more accountable and more transparent, and explicitly committed to the protection of human rights. This would produce a very different police service. We know from talking to other police services around the world, and some non-police organizations too, how difficult it is to change the way in which a large institution works. And in every case the key to success has been management.

10.2 In his report on Northern Ireland published in July 1999, Her Majesty’s Inspector of Constabulary² describes a police organization which is commanded rather than managed. This was the picture put to us by many serving and retired RUC officers. Officers from other police services working with the RUC in joint operations have told us how hierarchical they find the RUC, and the same point has been made by RUC Superintendents and by the Police Federation. A not untypical remark, made to us by a policeman in Newry, was that “nobody comes down to discuss policy decisions – we are told”. To some extent the style of direction – as opposed to management – and the hierarchical nature of the force, is the result of the way in which the security situation has distorted policing, and to be fair one must also note that many other police services were directed and hierarchical until quite recently, and some still are. But we believe that, even if the security situation continues to be a particular challenge in Northern Ireland, there is scope for considerable change in management style, which would significantly enhance the efficiency and effectiveness of the police and command the enthusiasm of police officers at all levels.

Managing Change

10.3 The changes envisaged in this report can only be achieved if the police management commits itself fully to the programme. This is true of any organizational change in any large and complex organization. Outside bodies can monitor, but cannot themselves implement change or ensure that it is implemented. The first priority must be to get the right management team in place; this point was stressed to us in Ottawa, Boston, Charlotte and in a number of British police services we visited. The leadership team should be a mixture of experienced police officers and specialists brought in from outside. The Boston police have had a management consultant as a full member of their leadership team for the past four years, whose job is to work with the rest of the department on organizational change. We recommend that the Northern Ireland police leadership team should include specialists in change management. These may be either civilians or police officers, preferably both. We further recommend that the leadership team should produce a

¹ Bratton, W., and Andrews, W. "What we've learned about policing", City Journal (New York), Spring 1999
² 1998/99 Inspection, op.cit.
Management at all levels in the police will need to determine how they can best deliver the policing services they are required to provide and how best to organize themselves to provide them. Again, it will be necessary to ensure that the right people are in the key management positions at every level. Our cultural audit of the police (see also Chapter 17) showed that a high proportion of Superintendents (82%), and other management ranks too, were keen that the police organization should change (constables were mixed in their views). This is encouraging and we have ourselves been impressed by many officers we have met at the crucial middle management level. This report provides an outline of how the police service should be transformed, but it would be an impossible task for any single report to cover all aspects of policing in detail. That must be the job of police management, and it needs to be carried out in as consultative and transparent a fashion as possible, both with the community and within the police service. For example, one police department we visited in the United States asked every district commander to consult publicly with his/her local community and with local police officers before the headquarters leadership team developed a departmental strategy taking account of the input from the districts.

Devolution

There are many layers of management in the RUC (a point also noted in the recent HMIC report). A Superintendent commanding a sub-division answers to the Chief Superintendent commanding a division, who has another Superintendent as a Deputy Divisional Commander. Above him there is a regional headquarters, with an Assistant Chief Constable and another Chief Superintendent as Deputy Assistant Chief Constable. Only at this point does the line of management lead to central police headquarters. With these elaborate structures it is no surprise to find the management style hierarchical and bureaucratic. The frustrations of middle management are evident. We were told by superintendents that they did not have delegated spending authority for even very minor purchases; one spent months getting approval to buy a chair and a hand-held tape recorder; and one told us he was required to use outside contractors to change light bulbs. Two thirds of all those officers who participated in our cultural audit said that there should be fewer layers of management.

We propose in Chapter 12 a simplified organisational structure for the police which will have district commanders – mostly Superintendents – answering directly to Assistant Chief Constables at headquarters. This is increasingly the normal practice elsewhere in the United Kingdom and North America, and it works. It is important to note that this structure matches the structure we propose for the institutions of democratic accountability: the district commander works with the District Policing Partnership Board and the Chief Constable works centrally with the Policing Board. We see a strong argument on accountability grounds, as well as management grounds, why there should be no intervening layers of management between headquarters and the district.

Managers must be allowed to manage. We recommend that district commanders have fully devolved authority over the deployment of personnel (officer and civilian) within their command, devolved budgets (including salary budgets), authority to purchase a range of goods and services, and to
**finance local policing initiatives. We recommend that they should reach service level agreements with all headquarter support departments.**

**Internal Accountability**

**10.8** In Chapters 5 and 6 we discussed how the police should be accountable to the community – external accountability. Internal accountability is also critically important. Internal accountability in police services is often primarily a matter of discipline, which we come on to in a moment. But it should first and foremost be a matter of management. Police managers, from the top of the organization downwards, should define clearly for all their staff the role that is expected of each of them in meeting the objectives agreed for the police service as a whole. Everyone needs to be clear about their personal performance objectives and the behavioural standards expected of them; they need to be monitored against those objectives and standards; and they should have a regular performance review with their line manager. Those who fall short of what is required should be helped through coaching and training as appropriate. If the performance is still inadequate, then administrative action becomes necessary (see paragraph 10.15), but good management should reduce the need for this.

**10.9** Some of the most worrying findings from our cultural audit concerned this aspect of management. Only 26% of the officers responding to the cultural audit thought that the appraisal system was adequate, and less than half said that they received feedback on their performance from their superiors even as often as once in a year. On our visits to police stations we often got the impression that officers were not clear what was expected of them in terms of “good” performance. This is a serious failing of management.

**10.10** The police have recently introduced a performance development review system in common with other police services in the United Kingdom. The system involves the officer working in conjunction with his or her line manager to set out personal objectives for the year ahead based upon the officer’s agreed role. Nine core skills are used to assess the officer’s performance and the agreed objectives are designed to be in line with local policing plans. There is a system of ongoing assessment throughout the year, with a six-month interim assessment and a retrospective review at 12 months. The system is quite intensive and has been criticised in Her Majesty’s Inspector’s most recent report for being “overly bureaucratic”. Nevertheless, if operated properly, it should define for each individual a role personally tailored to his or her post, and measure performance within that role. The system is brand new and it is impossible to comment upon its effectiveness. To work it will require commitment on the part of both officers and line managers. **We recommend that it should be a high priority of management to ensure that the appraisal system is fully effective.**

One curious aspect of the new appraisal system is that appraisals will not be used in the promotion and selection process. We disagree with this practice and **we recommend that the system should be part of that process. We further recommend that an officer’s capacity for change should also be assessed and taken into account in the promotion and selection process.** As recommended in Chapter 4, awareness of and respect for human rights should be an important element in the appraisal process.

**10.11** Five years ago the New York Police Department introduced its now famous system of “Compstat” (computer statistics) meetings, in which individual precinct commanders are grilled on their performance, as reflected in the crime statistics, by their senior officers in front of their peers.
These meetings are considered to have had a galvanising effect on the performance of precinct commanders in a city where crime rates have declined dramatically. Several other American cities that we have visited have since introduced variations of “Compstat”, including Boston, Charlotte, Los Angeles and Philadelphia, although in each case the format is somewhat less adversarial than the New York original. Whatever the format, we favour the periodic review of crime and disorder statistics with district commanders, and we recommend that commanders be required regularly to account to their senior officers for the patterns of crime and police activity in their district and to explain how they propose to address their districts’ problems.

10.12 We have looked into how the RUC currently uses information arising from complaints, internal discipline and civil claims for management purposes. We found that the relevant information was collected and registered centrally, and analysed to identify trends and repeat complaints. But there are a number of weaknesses with the present system. Trend analysis is carried out manually and therefore relies upon the individuals doing the analysis making connections between incidents that may be recorded in separate files. Unless officers ask the right questions they may well not be alerted to patterns or trends that are developing. As highlighted in Chapter 6 primary responsibility for identifying complaints trends will pass to the Ombudsman. We recommend that an automated trend identification system be introduced. Since the police will require access to this data for management purposes, this will have implications for the police information technology (IT) capability which we discuss in Chapter 11. Such a system could be programmed, for example, to identify officers attracting more than two complaints of a similar nature within a set period, and line managers could then be alerted.

10.13 The identification of trends is just the start of a process to improve internal accountability. We found that there was little or no follow up on how trend information had been utilised, nor did managers feel well equipped to counsel officers who were subjects of repeated complaints that were unproven. We recommend that the use of trend information is followed up by management, and as appropriate by the department responsible for discipline, and that guidance is drawn up to help managers use this information effectively.

10.14 Some of the police services we spoke to, such as Atlanta, New York and the London Metropolitan Police, continuously conduct random checks on their officers, using people posing as members of the public seeking assistance from the police or otherwise attracting police attention. They also conduct random checks on officers' personal integrity. We were impressed by this rigorous self-examination, and we recommend that police managers should use random checks as a way to monitor the behaviour of their officers in dealings with the public and their integrity.

10.15 For many years the police service in the United Kingdom has been beset by an inability to remove ineffective or incompetent officers who fall short of committing major disciplinary offences. Police services in England and Wales have recently introduced administrative dismissal procedures to deal with such cases. These are due to be introduced in Northern Ireland later in 1999. It is important for the fresh start to policing in Northern Ireland that all officers are committed to the new policing style and that officers who, even after coaching, consistently fail to meet the standards and objectives set by the new police service are brought within the administrative dismissal process. The process contains adequate safeguards for honest mistakes and for those willing to learn. We recommend that police management should use all the tools at its disposal to ensure that high professional and ethical standards are consistently met.
Tenure

10.16 During our visits to police stations and departments we came across officers who had spent 10, 15 or even 20 years in one specialisation. This is a particular problem in Special Branch, as we note in Chapter 12. We recommend that there should be a tenure policy, so that officers do not have inordinately long postings in any specialist area of the police. Officers with particular aptitudes should not be precluded from serving more than once in their specialisation, but no officer should be allowed to lose contact with the core function of community policing. Fluid personnel rotation is also necessary to avoid cliques developing within the police service. This is not to say that members of neighbourhood policing teams should be moved on too rapidly; as we recommended in Chapter 7, they should serve at least three and preferably five years, and the same should be the case for station commanders.

Sickness Absence

10.17 Police throughout the United Kingdom have a higher rate of sickness absence than other public servants or the private sector. This is attributed to factors such as stress, danger and shift-working. In Northern Ireland the average absence through sickness is 15.3 days a year, compared with 12.5 in England and Wales. This is partly due to the injuries suffered by police officers, often as a result of the security situation: some 16% of sickness is related to injury on duty. We question the inclusion of injured officers in the overall sickness statistics, and we recommend that the sick and injured be treated as separate categories.

10.18 An area of concern raised in a number of inspections by Her Majesty’s Inspector has been the high number of officers employed by the RUC on “restricted duties”. These are officers who are not medically fit for full operational duty, but are retained, as police officers, on less demanding duties. There were 357 such officers in February 1999. The HMI has expressed concerns that restricted duties are being used as an alternative to medical retirement (which is an expensive procedure, involving immediate payment of enhanced pensions). We believe that some flexibility on this matter is right, particularly in the case of officers injured in terrorist attacks who wish to continue to work within the police service and can perform a reasonable range of duties. But most officers on restricted duties are not the victims of terrorist attacks. We note that the RUC has recently introduced regular medical reviews for officers on restricted duties and we support this.

10.19 For officers and civilians who are not victims of terrorist attacks, we recommend that a new policy be formulated for the management of long-term sickness absence, incorporating appropriate arrangements for medical retirement, career counselling and welfare support. In common with other police services in England and Wales, the RUC has just introduced a system of sanctions for officers with poor attendance records. We are concerned that the policy is exclusively punitive. Other schemes include rewards for officers with excellent attendance records, such as additional annual leave. Some police departments in North America allow officers with good attendance records to retire early. We recommend that a system of rewards, as well as sanctions, be introduced as part of the sickness management policy. A thematic report in 1997 by HMI encouraged the police to conduct a more rigorous analysis of sickness information to establish trends and causes. We are not convinced that the underlying causes of sickness absence in the RUC have been adequately identified, in spite of a number of reviews, and we recommend a more detailed review of sickness absence, to establish underlying causes and to make recommendations to address them.
Disabled Officers

10.20 During the course of our work we met many police officers who had been disabled as a result of terrorist attacks. We do not believe that these officers have been treated as well as they should have been by the police service or by the welfare services. Criminal injury claims in the early years of the present Troubles were settled for derisory sums of money. Inadequate attention has been given to the physical pain that many of the injured continue to suffer for years afterwards. We were also dismayed to see the low quality of the prostheses supplied to amputees, some of whom have gone to considerable personal expense to buy more advanced and better finished prostheses. We welcome the fact that consideration is at last being given to the establishment of a pain clinic and we hope that this will soon come into being. We also recommend that a substantial fund be set up to help injured police officers, injured retired officers and their families, as well as police widows (see below). The fund could supplement the income of those on very low pensions, help finance the procurement of better prostheses or household equipment for the disabled, and make grants to universities for research or for bursaries for disabled officers who wish to study.

Widows

10.21 We also met many RUC widows who felt that more could be done to help them. Again, the financial packages awarded in the early years of the Troubles were very small, and some of those widowed at that time are now living in penury. We were surprised that the RUC Widows Association, unlike the Disabled Police Officers Association, is not supplied with premises by the police, and that the widows who run the Association do so from their own homes, using their own telephones. We recommend that the Widows Association be given an office in police premises, free of charge, and a regular source of finance adequate to run their organisation. The fund recommended in the preceding paragraph should also be used to support widows in financially straitened circumstances.

Civilisation

10.22 The development of an organization with a significant proportion of civilian members is central to our vision of a police service for the twenty-first century. The object is: to improve efficiency in the use of resources; to release highly trained officers from posts that do not require police powers, training or experience; and to help develop a more open culture in a traditionally closed organization. The appointment of highly qualified civilians to senior positions in charge of personnel, finance, training and information technology could bring in expertise from large private sector organizations and provide a leaven of experience at senior management level. Opening up other jobs to civilians provides an opportunity to diversify by bringing in people at different levels with diverse skills and wide experience. We recommend that the Assistant Chief Constables currently responsible for support services should be replaced by two civilian Assistant Chief Officers, one responsible for personnel issues and one for finance and administration. It is vital that these posts should be filled by people of the highest quality. The proposals in this report amount to a radical transformation of the way in which the police service is resourced, staffed and managed. We would see advantage in head-hunting individuals with past experience of transforming large organizations. If, as is likely, the right people for these jobs are to be found in the private sector it may well be necessary to be flexible over the remuneration packages to be offered. The essential requirement is to get people who can drive through change.
Civilisation needs to go much deeper than this. The civilisation of police posts is significantly less advanced in Northern Ireland than in other United Kingdom police services. HMI has remarked on this several times in his annual reports. The proportion of civilians in the police service is only 20%; other United Kingdom police services are up to 35%, with the laggards at around 25-28%. HMI has noted that the Police Authority has over the years set modest targets for civilisation which have never been met. In 1993 HMIC issued guidance to police on the categories of posts which should be civilised. All police posts were categorised A, B or C. Category A posts were operational posts to be filled by police officers. Category C posts should be filled by civilians. Category B posts were judged suitable for civilisation, although it might be desirable to retain a number of police officers in those areas. In 1993 there were 724 officers in Category C posts in the RUC (23% of all such posts) and 1,033 officers in Category B (86% of the whole). There has been only limited civilisation since that time. Figures we received from the RUC in July 1999 showed that 75% of Category B posts were still occupied by police officers, and that the percentage of Category C posts held by officers had actually increased slightly to 25%. Police officers are still employed in areas such as property management, information technology, press relations and research, which should in our view be civilised. Given the figures above it is not unreasonable to envisage that up to 1,000 posts could be civilised. **We recommend a rigorous programme of civilisation of jobs which do not require police powers, training or experience, exceptions being made only when it can be demonstrated that there is a good reason for a police officer to occupy the position.** The Policing Board should monitor this programme closely.

Under the 1998 Police Act, the civilian staff previously employed by the Police Authority were transferred to the control of the Chief Constable. We endorse the move as conducive to good management, rationalisation and the better use of resources. The task must now be to create an integrated service where regular officers, part-time reservists, traffic wardens and civilian staff are all seen as equal contributors to the common enterprise, trained, deployed and managed as a cohesive and well motivated unit.

### Contracting-out

A comparatively recent development in United Kingdom police services is the contracting out of certain support functions to private companies. Property services, IT and communications services, vehicle maintenance and transport services and pay and pensions administration are the main areas recommended for contracting out in a review done by the Metropolitan Police in 1996. We were not able to find any comparable work being done by either the Police Authority or the RUC. **We recommend that the Policing Board and the police service initiate a review of police support services with a view to contracting out those services where this will enhance the efficient management of resources. Consideration should be given to allowing “management buy-outs” of support services by police officers or civilian employees interested in continuing to provide those services as a private sector company, and in such cases we recommend that management buy-out contractors be offered a secure contract for at least three years to enable them to establish themselves before having to tender for renewal.**

### Police Estate

In March 1999 the Audit Commission produced a highly critical report on the police estate in England and Wales. The report found that the estate as a whole was in poor shape; many

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4 'Action Stations – Improving the Management of the Police Estate'. Audit Commission, March 1999
buildings were in the wrong place to support police operations; stations were often inconveniently situated for the police; many of them were outdated and unable to cope with modern technology; many sites were under-used; and the backlog of maintenance work was costed at over £200 million. Similar problems exist in Northern Ireland. Many of the police stations we visited were visibly dilapidated, and the police estimate the maintenance backlog for the entire estate at £60 million (equivalent to nearly a third of the total for the whole of England and Wales).

10.27 We gained little impression that the police – or the Police Authority, who were responsible for the estate until 1999 – had a strategy for management of the estate. The estate consists of 190 sites; at least one, potentially very valuable site is unused and we find it hard to believe that there are not others which are under-used, although we were told that there were none. We were also surprised to be told that, although the RUC’s Fundamental Review of 1996 had envisaged a substantial cut in the establishment of the police, and the elimination of 14 sub-divisional headquarters, there had been no assessment made of the scope for disposing of parts of the estate. Indeed we were told that the police saw “no big opportunities to free up property”.

10.28 Although we have not been able to do a detailed audit of the police estate – which would require time and expertise which we have not had – we believe that there is considerable scope for rationalisation of the estate, including the disposal of some quite valuable sites in Belfast for example. A reduction of the estate would also reduce the large maintenance backlog, and release funds for the substantial investment that is needed to modernise police stations or build new facilities, including the proposed police college (see Chapter 16). **We recommend that the police should commission a comprehensive audit of the whole estate, to include outside experts, and develop a strategy for achieving an effective and efficient estate to meet the objectives for policing as outlined in this report.**
11

INFORMATION TECHNOLOGY

11.1 Information technology (IT) is fundamental to modern policing. Without timely, well analysed, accurate information, patrol officers cannot hope to do the job described in preceding chapters. Historically the development of IT in the Northern Ireland police was hampered by pressing demands for funding to support security policing, resulting in transfers of funds from IT budgets to other purposes. By the early 1990s they had fallen well behind other police services in the United Kingdom.

11.2 In 1993 consultants devised a long-term strategy to bring the police up to modern standards. Implementation began in 1994, and included the protection of the IT budget from other policing demands. An outside review in 1996 found that significant progress was being made, but highlighted significant understaffing in the IT department, which was failing to maximise the benefits of improved capital funding.

11.3 In our own review we found that, at the strategic level, the police clearly recognised the importance of a coordinated and properly funded IT strategy but accepted that there was still much to do. A particular concern was that the protection of IT funding, which had allowed progress to be made since 1994, has now been abandoned. At the operational level, officers and civilians also recognised the potential of IT to help them do their job much more effectively, but expressed frustration on a number of key issues. The recent report by Her Majesty’s Inspector\(^1\) reflected similar concerns about information technology to those described in this chapter.

Access

11.4 There are approximately 3,500 computer terminals in a police organization of 16,000 officers and civilians, which is seriously inadequate for operational needs. Characteristically of a hierarchical organization, priority has been given to senior officers and support functions before operational officers and their supervisors. Operational officers have very limited or no direct access to IT systems. We found CID officers completely devoid of any direct computer access. Detectives wishing to research crimes and criminal intelligence must instead seek access through administrative support or intelligence officers, some of whom operate only eight hours a day. Uniformed officers have no direct access to IT systems. Operational supervisors have no direct access to the command and control system which logs incidents and holds information on how their officers are deployed. The problem is particularly acute in rural stations, where we found an example of 36 officers having to share a single terminal; and that terminal gave them access only to the command and control system but not to any of the other IT systems in use in the police organization. This lack of access affects not only efficiency but also police morale. We recognize that access to information has to be restricted to those who genuinely need it and that the restricted access available now may be a legacy of the police response to recommendations made in the past to protect information. The current position, however, is that access to computer databases is too restricted not only by policy but also by the absence of computer hardware where it is needed.

\(^1\) 1998/99 Inspection, op.cit.
Interoperability

11.5 Another key feature of effective information systems is that databases are linked together and can be accessed through a single inquiry. At present many of the key databases held by the police are on separate systems that are not linked together. This is inefficient. For example, an officer wishing to conduct crime and criminal pattern analysis in order to help solve a policing problem has to make several inquiries of several different systems. The police have recently begun to introduce a new criminal intelligence system designed to assist officers analyse crimes and spot patterns. However, this is not linked to the crime recording system, so staff must enter details of crimes twice in order to use the system. A comprehensive information system is needed so that information from relevant databases can be accessed through a single search. This will involve a major reappraisal of strategy and investment for the future. Another area of concern is the absence of linkages with the databases of other criminal justice agencies in Northern Ireland. A project to remedy the situation is now under way and we welcome this.

Training

11.6 Police officers and civilians at both senior and operational levels were critical of IT training. We found examples of staff not being trained in the full capabilities of the systems they are using – for example, administration staff who were unaware that the administration IT system contained an e-mail facility. In the same office only two out of four staff had received any formal training. Training should be an integral part of IT strategy and IT projects should incorporate provision for effective and timely training.

Quality and Suitability of Systems

11.7 Some of the IT systems in use by the police are well regarded by the users, but some are clearly not meeting customers’ needs. The office automation system is universally disliked. The absence of industry-standard ‘Windows’-based software on this system is a problem; we were told that this was being rectified. We note that, as was mentioned in the 1996 review, there has been a tendency to develop systems in-house, at considerable expense and effort, even when there are good systems available commercially, which are specifically tailored for, or can be customised to police needs.

11.8 The capabilities of many of the systems currently being used in Northern Ireland are limited and disappointing. The crime intelligence system is capable of only rudimentary crime pattern analysis and is not automatically overlaid on a map to make the information easy to understand. In a visit to officers overseeing a murder inquiry we were advised that some valuable computerised crime analysis tools, which are standard issue in the rest of the United Kingdom, were not available to detectives and had to be specially purchased for this inquiry (Special Branch officers already had access to such systems, but colleagues in CID did not). Although the criminal intelligence system is capable of storing digital photographic images, digital photography is not in use in custody suites. Nor is advantage being taken of developments in digital facial recognition, automated fingerprint scanning and DNA technology. Unlike most other United Kingdom police services, there are no computer systems in custody suites. This technology would save time and improve the accuracy of record keeping in this important area.

11.9 The command and control IT system, which should be at the heart of police operations,
described to us as slow and prone to regular breakdown. We were surprised to find that handwritten station logs were maintained as well as electronic ones. The administrative system known as the Manpower Administration Registry System is also inadequate. It does not utilise the ‘Windows’ format; and double entries have to be made, for example to close a file and prepare a letter. Documents are primarily stored and circulated on paper and limited use is made of electronic mail and storage. A rudimentary management information system is in operation, but crime figures are between four and eight weeks old when they reach operational officers and managers. Real time automated data collection systems that are easy to interrogate and interpret are required if police managers are to be able to identify problems in their areas, take effective action and be held to account for their performance.

Project Management

11.10 As with other aspects of management in the police, IT management has been somewhat bureaucratic, with several layers of decision-making. IT projects have tended to run late. There has been confusion over the client/contractor relationship, with the Police Authority regarding itself as a contractor in IT provision while the police have been the client. This makes no sense and the arrangements we have proposed for the new Policing Board (Chapter 6) would do away with this complication. We also found that those using the systems felt that they had no opportunity to comment on the sort of systems that needed to be procured, nor was their feedback sought on the performance of the systems delivered so that modifications and improvements could be made.

Communications

11.11 Variations in NATO radio bands require that all police services in the UK and Ireland revise their radio systems by 2002. This provides the police in Northern Ireland with an opportunity to take advantage of some of the best technology now available. The Garda Siochana recently announced that they would be acquiring the TETRA European Standard radio system. TETRA is a powerful system which can transmit data and pictures as well as speech by way of radio and telephone. The rest of the United Kingdom is expected to adopt the same system, and the police in Northern Ireland should clearly do so, so as to be able to communicate efficiently with police in both the Republic of Ireland and Great Britain. We understand that adequate capital provision for a new radio system has not been made. It is needed urgently. A new system will allow officers to spend more time working in their communities and less time filling in forms and seeking information through third parties. The current communications network, with 22 local control rooms and one regional centre in Belfast, is out of date and inefficient. A report commissioned by the police has recommended a move to two or three regional control centres and we firmly believe this is the way forward. Good use of technology will provide a better service to the public and release police officers for patrol work in the community.

A Vision for the Future

11.12 Police services elsewhere, for example Toronto and Boston, are developing the concept of the ‘paperless office’. By means of mobile computers or laptops, officers on patrol can input details of incidents they attend, check databases such as vehicle and criminal records systems while on the way to an incident, and communicate electronically with their control centre in exactly the same way as colleagues in police stations. Officers and civilian staff also have ready access to a range of