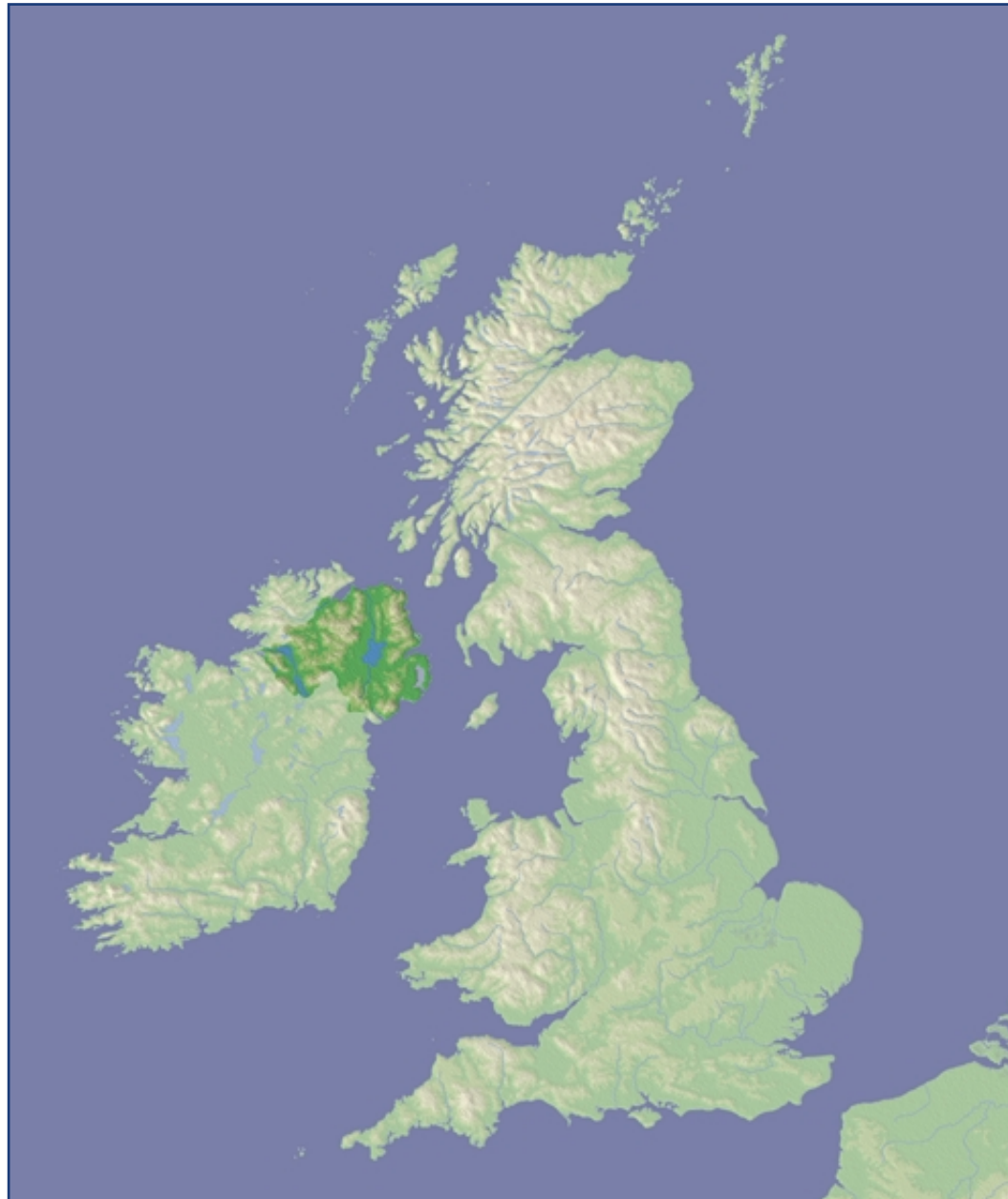


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A NEW BEGINNING:  
POLICING IN NORTHERN IRELAND

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THE REPORT OF THE INDEPENDENT COMMISSION  
ON POLICING FOR NORTHERN IRELAND

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ON POLICING FOR NORTHERN IRELAND

SEPTEMBER 1999

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## **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’”<sup>1</sup>. 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

<sup>1</sup> 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”<sup>2</sup>. 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:

<sup>2</sup> 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 ipsos 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”<sup>3</sup>. 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”<sup>4</sup>; 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”<sup>5</sup>.

**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”<sup>6</sup>, it is unfair to blame

<sup>3</sup> “The Brixton Disorders – Report of an Inquiry”, The Rt. Hon. The Lord Scarman, HMSO, London 1981

<sup>4</sup> R v Commissioner of Police for the Metropolis, ex parte Blackburn [1968] 2QB 118

<sup>5</sup> Weitzer, R., “Policing under Fire”, State University of New York Press, Albany 1995

<sup>6</sup> “Composition, Recruitment and Training of the RUC”, Report of the Northern Ireland Affairs Committee, House of Commons, The Stationery Office, London 8 July 1998

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”<sup>7</sup>. 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

<sup>7</sup> “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”<sup>8</sup>. 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”.

<sup>8</sup> McGarry, J., and O’Leary, B., “Policing Northern Ireland: Proposals for a New Start”, Blackstaff Press, Belfast 1999

## 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 Síochána 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 Victimization 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%)<sup>1</sup>. 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.

<sup>1</sup> 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<sup>2</sup>, 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

<sup>2</sup> O’Mahony, D., McEvoy, K., Geary, R., Morrison, J. and Brogden, M., “The Northern Ireland Communities Crime Survey”, Queen’s University, Belfast 1997

\* NB. Because of the general nature of much of the correspondence, all these figures are approximate.

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.<sup>1</sup>

- 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 policing<sup>2</sup>. 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

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

<sup>2</sup> 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.

### 1 – 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.

\* The Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up within the Council of Europe and signed on 4 November 1950, more commonly referred to as the European Convention on Human Rights.

- 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 1999<sup>3</sup> 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).*

<sup>3</sup> “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 Crawshaw<sup>4</sup>). 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.

<sup>4</sup> Crawshaw, R., *op.cit.*

## 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<sup>1</sup>.
- 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

<sup>1</sup> Marshall, G., “Police Accountability revisited”, Butler, D. and Halsey, A.H. (eds) *Policing and Politics*, Macmillan, London 1978. Marshall refers to these as the two “modes” of accountability

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"<sup>2</sup>. 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

<sup>2</sup> 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).

## 6

### 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<sup>1</sup> 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

<sup>1</sup> 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<sup>2</sup>, 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<sup>3</sup> 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.*

<sup>2</sup> 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.

<sup>3</sup> "The Stephen Lawrence Inquiry: Report on an Inquiry by Sir William MacPherson of Cluny". The Stationery Office, London February 1999

**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)<sup>4</sup> 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

<sup>4</sup> 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”.

- 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 coterminous 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<sup>5</sup> 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*

<sup>5</sup> 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”<sup>6</sup>. 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<sup>7</sup>. 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

<sup>6</sup> Stenning, P., “Review of Part 9 (Complaint Procedure) of the British Columbia Police Act as amended by Section 36 of SBC 1997, c.37”

<sup>7</sup> 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<sup>1</sup>

**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).

<sup>1</sup> Banton, M., “The Policeman in the Community”, Tavistock, London 1964

## 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.

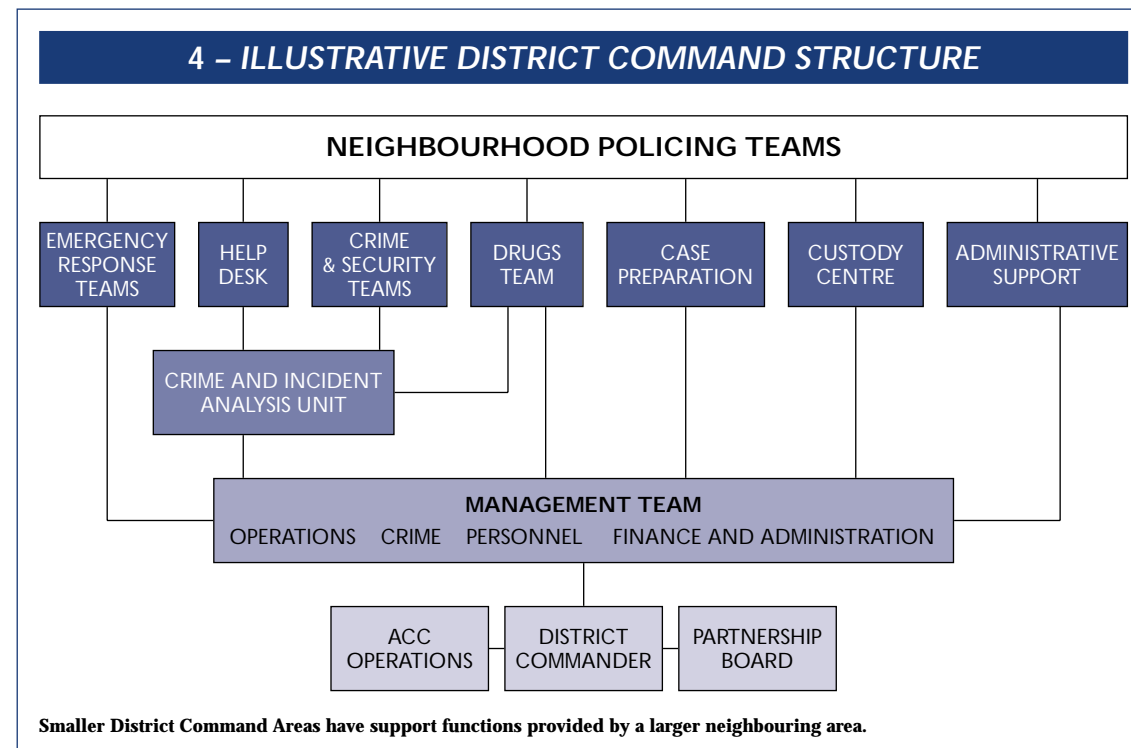
The elements of the team's success are common to successful community policing projects elsewhere in the world. They include:

- 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 sub-division 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.



**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"<sup>2</sup>. 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, ie. 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 techniques<sup>3</sup>.

<sup>2</sup> Bratton, W., "Turnaround", Random House, New York 1998

<sup>3</sup> "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.

## 8

### 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 obtrusively, 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.*

**8.10** 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**

**8.11** 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.*

**8.12** 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**

**8.13** 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"<sup>1</sup>. 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 incomplete<sup>2</sup>.

<sup>1</sup> McGarry, J., and O'Leary, B., *op.cit.*

<sup>2</sup> The Stephen Lawrence Inquiry, *op.cit.*

**8.14** During the course of this Commission’s work, the British Government issued a consultation paper on “Legislation Against Terrorism”<sup>3</sup>, 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**

**8.15** 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*.

**8.16** 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**

**8.17** 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 Síochána. 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

<sup>3</sup> “Legislation Against Terrorism: A Consultation Paper”. The Stationery Office, 1999, CM 4178

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<sup>1</sup>. 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 practicable, 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<sup>2</sup>.

<sup>1</sup>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.

<sup>2</sup> 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.*

## 6 – NON-LETHAL EQUIPMENT OPTIONS FOR USE IN PUBLIC ORDER POLICING

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:

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

**9.16** *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<sup>3</sup>. 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.*

<sup>3</sup> 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 Andrews<sup>1</sup>

#### 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 Constabulary<sup>2</sup> 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*

<sup>1</sup> Bratton, W., and Andrews, W. "What we've learned about policing". City Journal (New York), Spring 1999

<sup>2</sup> 1998/99 Inspection, op.cit.

*programme for change, to be presented to the Policing Board and reviewed periodically by the Board. The efficiency and effectiveness of each chief officer should be judged on the basis of, among other things, their capacity to introduce and adapt to change.*

**10.4** 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**

**10.5** There are many layers of management in the RUC (a point also noted in the recent HMIC report)<sup>3</sup>. 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.

**10.6** 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.

**10.7** 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*

<sup>3</sup> 1998/99 Inspection, op.cit.

*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.

## **Civilianisation**

**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.

**10.23** Civilianisation needs to go much deeper than this. The civilianisation 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 civilianisation which have never been met. In 1993 HMIC issued guidance to police on the categories of posts which should be civilianised. 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 civilianisation, 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 civilianisation 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 civilianised. Given the figures above it is not unreasonable to envisage that up to 1,000 posts could be civilianised. *We recommend a rigorous programme of civilianisation 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.

**10.24** 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**

**10.25** 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**

**10.26** In March 1999 the Audit Commission produced a highly critical report on the police estate in England and Wales<sup>4</sup>. The report found that the estate as a whole was in poor shape; many

<sup>4</sup> "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<sup>1</sup> 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.

<sup>1</sup> 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, was

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

integrated systems, including those of other criminal justice agencies such as the probation service, prison service and prosecution agencies. This is the product of not only technical hardware but also of a range of information sharing agreements between the police and other agencies. These systems are supplemented by easy access to Internet and – for internal communication – intranet facilities. The advantages of a properly integrated, well resourced and effectively managed IT strategy are self-evident. This is the vision we have for using IT in policing for Northern Ireland.

- 11.13** *We recommend an urgent, independent, and in-depth strategic review of the use of IT in policing. It should benchmark the Northern Ireland police against police services in the rest of the world and devise a properly resourced strategy that places them at the forefront of law enforcement technology within 3 to 5 years. It should be validated by independent assessment. The strategy should deliver fully integrated technology systems that are readily accessible to all staff, and should take advantage of the best analytical and communications systems currently available. Users of the technology should play a key part in devising the strategy, and in assessing its implementation.* We recognise that implementing this recommendation will have significant resourcing implications. We are confident, however, that investment of this kind will more than repay itself in terms of increasing the effectiveness of policing and the efficient use of policing resources.

## STRUCTURE OF THE POLICE SERVICE

### A structure to fit the role

- 12.1** The structure of the police organization should reflect the role that the police are asked to perform. In the preceding chapters we have made proposals for a police service which is working in partnership with the community at the neighbourhood level and at the level of the local district commander. We have recommended an approach in which policing with the community is the core function of the police, and where decision-making is devolved as far as possible to those responsible for delivering services to the community.
- 12.2** The present organisational structure of the police is the product of decades of security policing. Historically police forces were organized on military lines, and the RUC has retained more traces of this than most, at least in part because of its close working relationship with the military. Headed by the Chief Constable, it has an establishment of two Deputy Chief Constables (although only one post is currently filled) and 12 Assistant Chief Constables or civilian equivalents. Northern Ireland is divided into 3 regions (headed by Assistant Chief Constables, each of whom has a Chief Superintendent deputy), 12 divisions (headed by Chief Superintendents, each of whom has a Superintendent deputy) and 38 sub-divisions (headed by Superintendents). “Community Affairs”, as we have noted before, comes within the purview of the Assistant Chief Constable responsible for “Operational Support”, not within that of the Assistant Chief Constables responsible for the regions, divisions and sub-divisions. (There are also “Community Affairs Units” within sub-divisions, which again shows that, as we observed in Chapter 7, community work is seen as a distinct, specialist activity.) Special Branch, headed by its own Assistant Chief Constable, comprises more than one tenth of all regular RUC officers, and has its own support services including even an aircraft.
- 12.3** This is a police force with a complicated and multi-layered command structure, the development of which has been driven much more by the response to security threats than to the demands of community policing or management efficiency. Many submissions received by this Commission, and many serving or retired police officers, have suggested to us that the structure should be flattened and streamlined, as has been the trend in police services (and other organizations) elsewhere. Her Majesty’s Inspector of Constabulary has recommended repeatedly in his annual reports that the RUC should move to a “Basic Command Unit”<sup>1</sup> structure, removing the divisional tier from the force structure. The RUC’s own “Fundamental Review” of 1996 also envisaged the removal of the divisional layer from the command structure, and the reduction of the number of sub-divisions from 38 to 24. We too believe that substantial restructuring is necessary and, unlike the “Fundamental Review”, we believe that much of it should happen with immediate effect.
- 12.4** *We recommend that there should be one district command for each District Council area.* We have already recommended in Chapter 6 that there should be one District Policing Partnership Board for each District Council and police district. Making local government, local police and local

<sup>1</sup> A Basic Command Unit is a geographically based unit, large enough to be broadly self-sufficient, reporting direct to the chief officer team at police headquarters.

policing partnership board boundaries coterminous should strengthen the relationship between the police and an identifiable community, and enhance the responsiveness of the police to the community's concerns and priorities. Because of its size, the Belfast Council district should be split into four sections – North, South, East and West, as noted in Chapter 6, with one police district command and one District Policing Partnership Board sub-committee for each section. But otherwise the police district commands should match the council areas. There would therefore be 29 district commands, unless it is decided to reduce the number of district councils. We have heard a suggestion that the Assembly may in time decide on somewhere between 10 and 15 councils. Should this happen, the police district commands should also be brought into line.

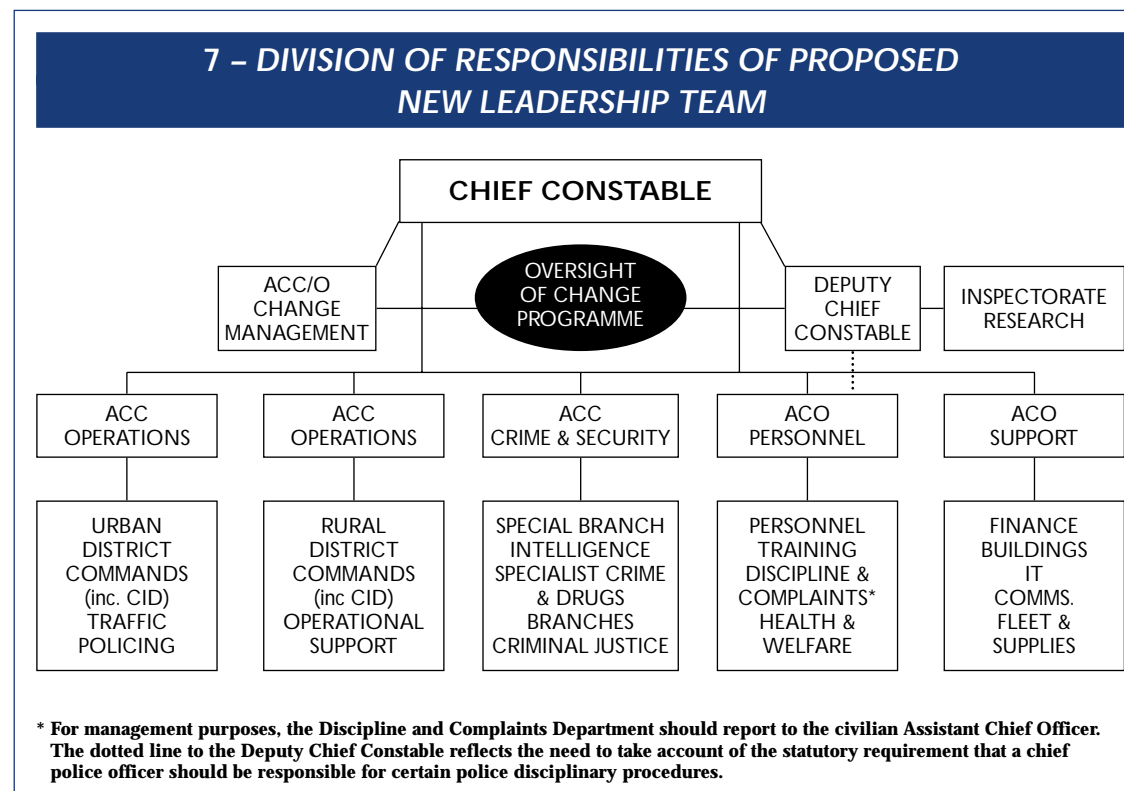
- 12.5** Matching the police district to the District Council areas does not make perfect sense in terms of resource management in those council areas which have a small population, such as Moyle (pop. 15,000). In Great Britain the trend is now towards Basic Command Units covering areas with populations in the range of 70,000 – 200,000. However, while in the longer term, particularly if the number of District Councils is reduced, it would be right for each police district to become a Basic Command Unit, we believe that in present circumstances the greater need is for robust arrangements for accountability at the local level. For this reason we have recommended that police districts should correspond to District Council areas, although it is of course unrealistic to expect every district to have a self-sufficient command unit, including CID and other specialist police functions. *In general we recommend that each district command should be headed by a Superintendent and resourced sufficiently to be self-contained for day-to-day policing purposes and capable of marshalling strength to cope with most unexpected demands. However, in the districts with small populations we recommend that the commander should be a Chief Inspector, and that the districts should draw on assistance from larger neighbouring district commands for functions in which it is not feasible for a small command to be self-sufficient.*
- 12.6** The district commanders will give the best service to their local communities if they are empowered to take decisions locally and if they report directly to police headquarters. *We therefore recommend the removal of the divisional layer of management and the regional headquarters, and that there should be a direct reporting line from each district commander to the appropriate Assistant Chief Constable at central police headquarters. District commanders in smaller council areas, whatever their rank, should have such a direct reporting line, reflecting the accountability arrangements recommended in Chapter 6. We also recommend much greater delegation of decision-making authority to district commanders than is the case now with sub-divisional commanders, including control over a devolved budget and all police resources in their district.*
- 12.7** Some respondents suggested to us that there should be a number of separate regional police services, or that “community policing” might be delivered by one or more services operating at the local level while certain other policing tasks should be performed by a higher level or central police service (sometimes called “two-tier” policing). We have considered these options but reached the clear view that a decentralised but unified police service is greatly to be preferred. There are several reasons for this.
- 12.8** We recognise the useful role played by wardening services employed by District Councils or other agencies, as well as part-time reservists and neighbourhood watch initiatives. These are supplementary to, and supportive of, the role of neighbourhood police officers as we conceive them and will continue to be so. We do not favour separating “community policing” from other

policing tasks. It is a central theme of this report that policing with the community should be the core function of the entire police force. We would certainly reject any idea of an upper tier of policing superior to neighbourhood police officers, and implicitly excused from community policing obligations. Moreover, an arrangement whereby community-based police services dealt with local or lower-level matters, while a centralised police force without local credentials intervened to deal with heavier tasks, would seem likely to exacerbate the divisions in Northern Ireland society rather than heal them – the very opposite of what the Agreement and this Commission are seeking to do. There are also salutary experiences elsewhere in the world of localising police services to the point of fragmentation. The Dutroux report, for example, found that problems of communication between police departments in Belgium had contributed to the appalling paedophile atrocities there. We learned, on a visit to the Basque region of Spain, of serious problems arising from poor coordination between the three police services operating in that area. Northern Ireland is a small area with a population smaller than that served by many constabularies in Great Britain or by the Garda Síochána in the Republic of Ireland. A multiplicity of police services would not lead to effective or efficient policing.

## **Police Headquarters**

**12.9** *We recommend a slimmer structure at police headquarters – one that reflects the shift of focus towards community policing and the delegation of responsibility to district commanders, and permits a more rigorous and strategic approach to management. Specifically, we recommend:*

- a. that there should be no more than one Deputy Chief Constable.* We have considered whether a Deputy is necessary at all, as opposed to a designated senior Assistant Chief Constable who could deputise for the Chief Constable when necessary. For the moment, not least because of the need for strong, dedicated change management over the next few years to implement the proposals in this report, we have concluded that a Deputy position is justified.
- b. that the number of Assistant Chief Officers be reduced to six from the present twelve.* The reduction from 38 sub-divisions to 29 area commands, coupled with greater autonomy for area commanders, should allow the number of regional Assistant Chief Constables to be reduced from three to two. Special Branch (see paragraph 12.10) and Crime Branch should, we believe, be made responsible to a single Assistant Chief Constable. “Community Affairs” should no longer be a part of a separate Assistant Chief Constable command but should be the mainstream of the work of the regional and area commands. We doubt that the remaining elements of the “Operational Support” command justify an Assistant Chief Constable position in the longer term. But for the next few years there will need to be sufficient command resilience at police headquarters to implement the extensive programme of change recommended in this report. So we recommend that an Assistant Chief Officer post be retained for this purpose. As we recommend in paragraph 10.3, the post should be filled by a specialist in change management, who could be either a police officer or a civilian. The Assistant Chief Constables currently responsible for support services should, however, be replaced by civilian equivalents (see also Chapter 10 on Management and Personnel) and two such “Assistant Chief Officers” should in our view be sufficient to handle all support services – one in charge of all personnel issues, including occupational health and safety issues, and one in charge of finance and administration (box 7 shows the division of responsibilities between the six ACCs/ACOs).



c. *that the position of “Deputy Assistant Chief Constable” should be deleted forthwith.* These posts, which are peculiar to the RUC, are held by people with the personal rank of Chief Superintendent. Superintendents, in charge of district commands or headquarters departments, should report directly to Assistant Chief Constables or Assistant Chief Officers and not, as at present, indirectly through layers of Chief Superintendents and Deputy Assistant Chief Constables.

d. *that the rank of Chief Superintendent be phased out* and positions now held by Chief Superintendents be held in future by Superintendents (except of course for those Chief Superintendent positions, such as divisional commands, which we have recommended for deletion).

## Special Branch

**12.10** Special Branch consists of about 850 officers, some 10% of a regular force strength of 8,500. It has its own support units, including 280 uniformed officers, a training unit of 90 and even an aircraft. Several respondents have described it to us as a “force within a force”, and RUC officers, serving and retired, have made similar comments to us, a common observation being that sub-divisional commanders often know very little about the activities of the Branch in their areas. We noted in the preceding chapter that Special Branch has enjoyed priority in the deployment of IT systems, while CID officers have had no direct access to computers at all.

**12.11** Special Branch has played a crucial role in countering security threats over the years and preventing or intercepting terrorist attacks. Officers from several other law enforcement agencies – including the Metropolitan Police, the Garda Síochána and the FBI – have emphasised the importance of Special Branch’s counter-terrorist capabilities being maintained. Recent events have made it clear that it will be a number of years before a confident judgment can be made as to whether the security threat in Northern Ireland is in long term decline. The police service must

remain equipped to detect and deal with terrorist activity, and for this they will need a good intelligence capability. Intelligence work requires special procedures. (See also paragraphs 6.43 to 6.45.) On the other hand, we do not think it healthy to have, in either reality or perception, a “force within a force”, and we do not believe that the present size of the Special Branch establishment is fully justified.

- 12.12** *We recommend that, as a first step, Special Branch and Crime Branch be brought together under the command of a single Assistant Chief Constable.* We understand that a good proportion of Special Branch work is already done in support of crime investigations rather than on security matters. Experience elsewhere has shown that a decrease in paramilitary-related crime is frequently offset in a peaceful situation by a growth in other types of organised crime, often involving violence. There are therefore good arguments of both effectiveness and efficiency for linking Special Branch and Crime Branch. It is also common practice in other British constabularies, and in the Garda Síochána, to have a “Crime and Security” command.
- 12.13** *We recommend that there should be a substantial reduction in the number of officers engaged in security work in the new, amalgamated command.*
- 12.14** We do not believe it would be practical to give full management responsibility for security policing to district commanders, but *we do recommend that security officers be required to keep their district commanders well briefed on security activities in their districts, and that district commanders should be fully consulted before security operations are undertaken in their district.*
- 12.15** *We further recommend that the support units of Special Branch be amalgamated into the wider police service.* The residual establishment of what would then be the security section of the crime and security command should be kept under review. Further reduction would depend on developments in the security environment.
- 12.16** Finally – a point which is not so much a matter of organizational structure, but rather of personnel management and culture – *we recommend that officers should not spend such long periods (15, 20 years or more) in security work as has been common in the past.* We have recommended in Chapter 10 that a tenure policy should be introduced. After five years or so, an officer should be posted elsewhere in the police service, and it should be the rule for all specialist police officers either to begin their careers as part of a patrol team or at least to experience neighbourhood policing at some stage in their career. The point is that all police officers should understand that neighbourhood policing is the core function of the police, and should regard themselves first and foremost as part of a community police service regardless of their current assignment.

## **Reserves**

- 12.17** At present the officer strength of the RUC is almost 13,000, including a regular force of 8,500, a Full Time Reserve of 2,900 and a Part Time Reserve of 1,300. The Full Time Reserve is a direct result of the security situation of the last thirty years with officers engaged on three-year contracts to support the regular force in security-related policing work. Over the years they have become an integral part of the RUC, and have carried out the same duties and borne the same risks as their regular colleagues. The RUC’s own Fundamental Review in 1996 proposed that, in the event of a sustained improvement in the security situation, the Full Time Reserve should be disbanded.

*We recommend that the future police service should not include a Full Time Reserve. This is in no way a judgment on the calibre and commitment of the reservists and, as we make clear later, we do envisage that there should be an opportunity for them to apply for the regular service. It is purely a question of how the police should be structured and resourced. In Chapter 13 we discuss the implications for the size of the police service and we make recommendations as to the arrangements to be made for those officers now serving in the Full Time Reserve.*

**12.18** The Part Time Reserve is a locally recruited body. It has had very low recruitment from Catholic/Nationalist areas and is therefore overwhelmingly Protestant in composition. It does, however, have a much larger proportion of women officers – 35% – than the police service as a whole. We see great advantage in a part time reserve locally recruited from every neighbourhood in Northern Ireland, including a large proportion of women officers, enhancing the connection between the police and the community. As we noted in Chapter 9, we also envisage that part time reservists should substitute for regular officers who may need to be redeployed temporarily to deal with public order policing demands. *We recommend an enlarged Part Time Reserve of up to 2,500 officers, the additional recruits to come from those areas in which there are currently very few reservists or none at all.*

## 13

### SIZE OF THE POLICE SERVICE

- 13.1** As we noted in Chapter 12, the RUC currently has close to 13,000 officers – a regular force of 8,500, a Full Time Reserve of 2,900 and a Part Time Reserve of 1,300 – and some 3,000 (full time equivalent) civilians. For a population of 1.675 million this is a large police service. A comparable geographical area with a comparable population elsewhere in the United Kingdom would, according to the Home Office model, have a police service of about 4,300 officers and 1,700 civilians. Before the present Troubles began, the RUC was even smaller than that.
- 13.2** We found virtually no dissent from the view that, if the Agreement holds and Northern Ireland becomes a more peaceful society, police numbers should be substantially reduced. This view is held across the political spectrum, across the communities and among the police and experts in policing. There are differences as to how far numbers should be reduced, and how soon it would be wise or safe to reduce them, but nearly everyone expects the police service of the future to be significantly smaller than it is now.
- 13.3** It is difficult if not impossible to be scientifically precise about the size of the police establishment that will be required. But we believe it is possible to reach an objective estimate based on the security situation in Northern Ireland as we have observed it over the past 17 months since the Agreement, on the level of crime, and on the role of the police, style of policing and structure of the police service that we have recommended in this report.
- 13.4** The security situation since the Agreement, although greatly improved in comparison with the situation before the ceasefires, has by no means yet come to resemble the situation faced by other police services in the United Kingdom, the Republic of Ireland or most of the other countries we have visited during our work. Box 8 shows the paramilitary activities in the fourteen months from 1 June 1998. The worst single atrocity since the Troubles began occurred in Omagh in August 1998, when a bomb in a crowded shopping street killed 29 people. All the main paramilitary groups remain in being, with their weapons still not decommissioned, and while this is so the threat of a return to the levels of terrorist violence seen in the past cannot be confidently ruled out. Meanwhile paramilitary assaults (sometimes known as punishment beatings) continue unabated, often resulting in serious injuries or deaths.

<b>8 – PARAMILITARY ACTIVITIES</b>		
<b>1 JUNE 1998 – 31 JULY 1999</b>		
	<b>ATTRIBUTABLE TO LOYALIST GROUPS</b>	<b>ATTRIBUTABLE TO REPUBLICAN GROUPS</b>
Shooting Incidents	96	64
Bombing Incidents	122	14
Deaths	9	34
Injuries from Shootings	48	39
Injuries from Other Assaults	114	70

**Source: RUC statistics, August 1999.**

- 13.5** Public order policing remains a large demand on police resources. As we have noted in Chapter 9, Drumcree alone has required numbers of officers ranging from a few hundred to 2,500 at a time since July 1998, and one officer has lost his life during that operation. We are unable to predict with any confidence when problems of this sort will be consigned to history, and they must therefore be included in planning policing commitments for the time being. As we argued in Chapter 9, we believe that the capacity to deal with these commitments must exist within the Northern Ireland police, so as to avoid too much reliance on the army and in the absence of available help from other police services.
- 13.6** Non-terrorist crime in Northern Ireland is at relatively low levels compared with the rest of the United Kingdom. Many people have expressed to us the fear that crime levels may increase in the future – a perverse sort of “peace dividend”. The latest statistics bear this out; total recorded crime in 1998/99 was up 28% on the previous year, with crimes against the person up by 33%<sup>1</sup>. Terrorism is thought in some respects to have suppressed ordinary criminality, because it has involved some people who might otherwise have turned to crime, and because it has resulted in higher levels of security alert which deter the ordinary criminal. A more normal security environment might therefore lead to more “normal” criminality. The growth of the drug problem in Northern Ireland – still small by the standards of Dublin or Edinburgh but growing fast – was mentioned to us time and again in our consultations of public opinion. There are also concerns that some terrorist groups, or members of groups, may turn from terrorism to drugs or other forms of organized criminal activity. These are speculations, but we take them seriously enough not to base our calculations of future policing commitments on an assumption that Northern Ireland’s level of crime will remain as low as it is now.
- 13.7** We have recommended a new style of policing which involves much more active partnerships with the community, and a more visible and regular police presence on the streets. Community-based policing demands manpower. We have been told several times over the past year that some police services in England and Wales find it difficult to meet the demands of community policing because they have cut numbers by too much. It is beyond our remit to make a judgment about that, but we note that in the United States a national commitment to community policing entailed the recruitment of substantial numbers of additional police officers. So we must be wary of setting too much store by policing levels in other countries, and not only because of the differences in the security situations and in public order requirements. We also need to take account of the need – explained in detail in Chapter 16 – for extensive training and retraining of all officers in the new style of policing described in Chapters 7 to 11. This will involve several hundred officers being in training at any given time.
- 13.8** These considerations lead us to the view that it would be wrong in the foreseeable future to reduce police numbers in Northern Ireland to a level comparable with the rest of the United Kingdom. We believe that the full-time officer strength should be substantially above the 4,300 suggested by the Home Office model for England and Wales (one officer per 390 head of population). But we also believe that it should be substantially below the present level of 11,500 (one officer per 140 head of population). We believe that the changes already seen in the security situation are sufficient to permit some downsizing; and our observations suggest to us that many police officers are now routinely under-employed. The more streamlined structure for the police service that we

<sup>1</sup> Report of the Chief Constable 1998/99, June 1999

recommend in Chapter 12, with fewer layers of management and fewer district commands, should result in substantial savings of personnel. In Chapter 10 we have recommended the civilianisation of as many as 1,000 jobs now being done by police officers.

**13.9** *We recommend that, provided the peace process does not collapse and the security situation does not deteriorate significantly from the situation pertaining at present, the approximate size of the police service over the next ten years should be 7,500 full-time officers.* We stress that this is approximate. This cannot be a precise science, and it is an important proposition of this report that the Chief Constable should have some discretion as to the precise numbers and ranks of officers and civilians who should be employed within the budget at his/her disposal; so the figure of 7,500 is a notional one, which we believe should form the basis of the budget given to the Chief Constable. We would find it difficult to justify a figure much higher than that, and we would consider it rash to go for one much lower unless and until Northern Ireland can be judged with confidence to have become a permanently peaceful society. The figure we propose (at one officer per 220 head of population) is high compared with the rest of the United Kingdom and Ireland, but it is comparable with that in New York, where the NYPD has overall about one officer per 200. The numbers should be reviewed in due course, but our judgment at this stage is that a consolidation period of ten years would be sensible. It would be both dangerous and expensive to cut the police service by more than we propose only to find that this was a mistake.

**13.10** We have worked with a team of consultants on a possible model for the establishment of the police over the ten year period. The model covers the downsizing of the police service over an initial three year period, and a change in the composition of the service by means of a new recruitment strategy over the course of the full ten years (the composition and recruitment aspects are covered in Chapters 14 and 15).

**13.11** As far as the size of the service is concerned our model assumes that:

- all early retirements from the regulars will be on a voluntary basis, as they must be in law
- the normal early retirement age for regular police officers will be 50 years
- management will be able to decline to allow an officer to take early retirement if his/her skills need to be retained
- an estimated 80% of regular officers aged 50 and above will take up the early retirement offer
- the Full Time Reserve will be phased out over three years, after a reasonable notice period, as officers' contracts expire
- an early retirement package will also be offered to officers under 50 years of age who have more than five years service and some 800 of them might opt to take it
- recruitment will be increased to 370 new officers per year (see Chapters 14 and 15).

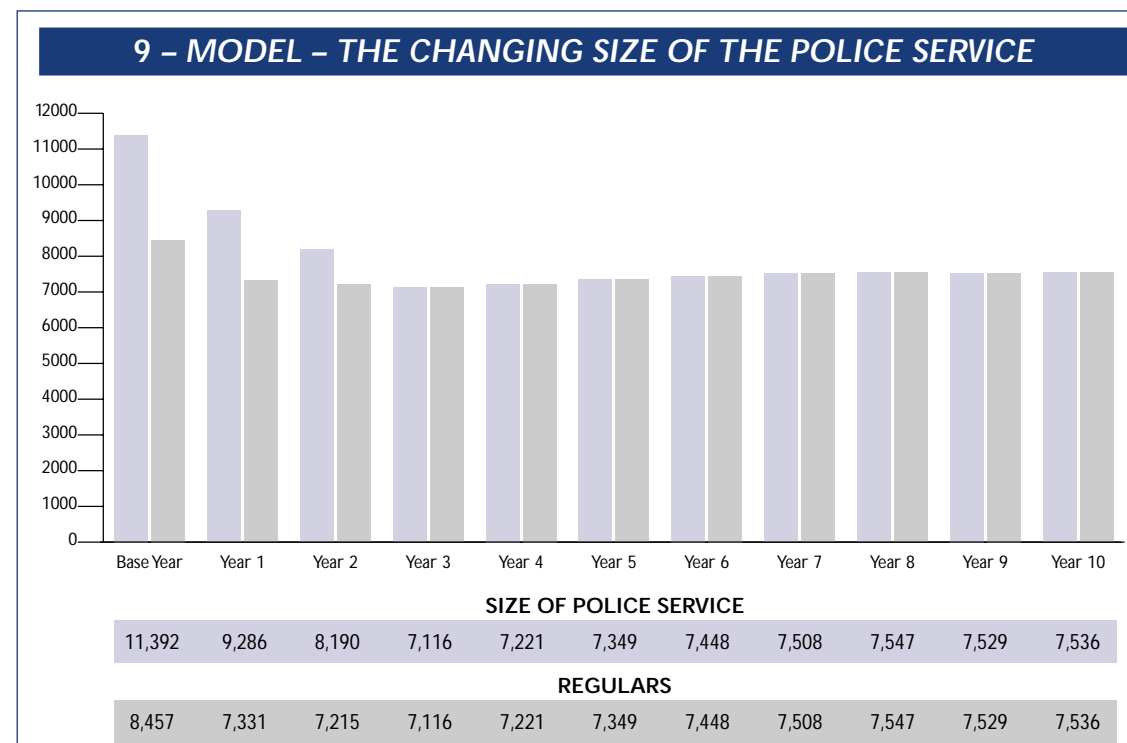
**13.12** *We recommend that the early retirement or severance package offered to regular officers and full time reservists aged 50 or above should include a generous lump sum payment according to the length of service, pension enhancement of up to five years, early payment of pension commutation entitlement and payment in lieu of pension until pensionable age is reached. We also recommend that full time reservists should be treated as far as possible in the same way as regular officers.* Although full time

reservists serve on three year contracts, many of them have served for much longer. They have shared the dangers faced by regular colleagues. As we have said in Chapter 12, our recommendation that a full time reserve will no longer be necessary as part of the new policing arrangements is in no way a reflection on the individuals who serve in the reserve. Some of these officers may choose to apply for regular service and will have valuable skills and experience to contribute.

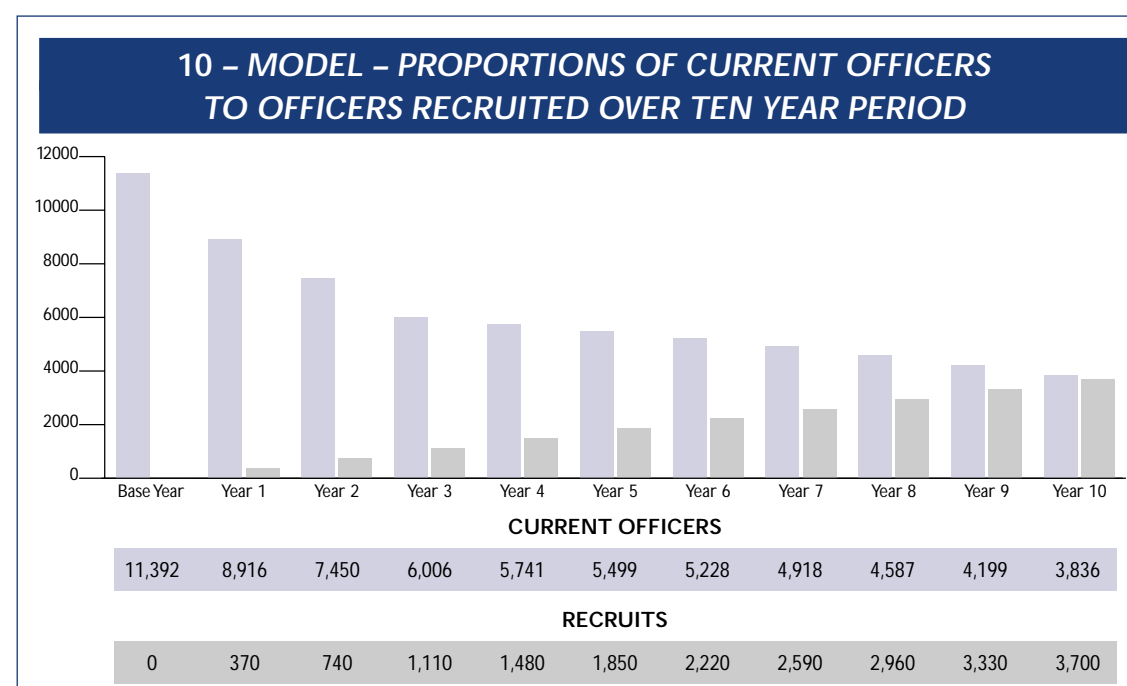
**13.13** We also recommend a substantial lump sum payment for regular officers with more than five years service and all full time reservists, leaving the police service before the age of 50. In their case their pensions would be preserved and would come into payment at the normal retirement age.

**13.14** The purpose of our modelling exercise was not to prescribe early retirement severance packages in detail. That must be a matter for negotiation with the staff associations. But we considered it necessary to examine in general terms the sort of scheme that might be appropriate, given the undertakings already made to the police by government and the need to attract sufficient numbers of officers to opt for early retirement. The order of magnitude we have used in our model for the lump sum payments – which we stress is illustrative not prescriptive – is that officers would receive sums rising to a maximum of the equivalent of three years salary for those with more than twelve years service.

**13.15** The assumptions made in paragraph 13.11 about the numbers who will opt for these packages cannot be precise. The figures we have used for the packages are also estimates. But we would not consider that we had fulfilled our terms of reference properly if we did not give some indications of how we expected the establishment of the police service to develop over the next few years, how generously retiring police officers should be rewarded for years of service in very difficult circumstances, and how much the entire process might cost. As the chart in box 9 shows, we would expect the size of the police service to fall rapidly in the first three years, reaching a low of just over 7,100 in year 3, and stabilising after that at about 7,500.



As box 10 shows, at the end of the ten year period nearly 50% of police officers would have been recruited since the new arrangements began, and slightly over 50% would be officers already serving when they began.



**13.16** The overall cost of financing the change would also occur in the first three years, with net savings to be made from year 4 onwards, and the entire process being cost neutral over the ten year period. Beyond ten years, the cost of funding a police service of 7,500 or less, will of course be much less than the cost of a service of 11,400 (full time). But the transitional process, as we warned in Chapter 1, will not be cheap (see box 11).

**11 – MODEL – INDICATIVE COST IMPLICATIONS OF PROPOSED DOWNSIZING AND RECRUITMENT PROGRAMME OVER TEN YEAR PERIOD**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	TOTAL
<b>Exit Costs</b> £ million	206	135	134	57	56	63	73	82	94	95	<b>995</b>
<b>Savings</b> £ million	58	87	111	110	107	104	102	101	101	101	<b>982</b>
<b>Net Cost</b> £ million	148	48	23	-53	-51	-41	-29	-19	-7	-6	<b>13</b>

**13.17** Many officers, particularly Full Time Reservists but also those opting to retire, will wish to find other employment. Some will need help over training to learn new skills, or advice as to how to set up businesses or search for a job. Such help is currently provided by the Police Retraining and Rehabilitation Trust (PRRT), but the PRRT resources will be insufficient to deal with the much larger number of officers who will need assistance as a result of the proposals above. The Training and Employment Agency in Northern Ireland has extensive experience of developing support measures for people looking for new jobs when large employers restructure their organizations. *We recommend that the Training and Employment Agency should develop measures for police officers (and civilians) seeking other employment, in consultation with police management and the*

*staff associations. The Police Retraining and Rehabilitation Trust should have a role in this programme, and should have enhanced staffing and funding to enable it to deal with a substantially larger workload.*

**13.18** We do not wish to be prescriptive about the exact measures that the Training and Employment Agency should put in place. Broadly we believe that there should be a scheme similar to the successful ones offered by organizations such as the Army and by British Telecommunications plc. Typically such schemes include:

- Professional career consultancy and advice with financial assistance
- Specialist assessment of business proposals for those considering self-employment
- Time allowed for job hunting and interviews
- Grant aid for training
- New lifestyle advice for the over 50s
- A career bridge for those wishing to work in the community before starting a new career
- Familiarisation attachments offering a few days work experience with potential new employers.

**13.19** Some members of the full time reserve may wish to resume their policing career elsewhere, perhaps in police services in Great Britain such as the Metropolitan Police. *We recommend that police recruiting agencies in Great Britain should take full account of the policing experience of former RUC reservists in considering applications for employment in police services in Great Britain.*

**13.20** *We also recommend that the British government should offer former reservists the opportunity to participate in British policing contingents in United Nations peacekeeping operations (see also paragraph 18.20). Their skills, including firearms knowledge, could well be in demand in such operations.*

**13.21** We have already recommended, in Chapter 12, an enlarged Part Time Reserve of up to 2,500 officers (compared with the present 1,300), recruiting in particular from those areas where there are currently very few reservists or none at all. The total police officer strength would therefore be 7,500 regulars and 2,500 locally-based part-timers.

## COMPOSITION OF THE POLICE SERVICE

- 14.1** The parties to the Agreement believe it essential that the police service should be “representative of the society it polices”. The RUC is not representative. Only about 8% of its officers are Roman Catholics (see box 12), while more than 40% of the population of Northern Ireland is Roman Catholic (in the most recent census in 1991, 43% of those aged between 20 and 59 who declared their religion were Catholics, and 50% of those aged below 20). Only 12.6% of its officers are women (a third of whom are in the Part Time Reserve). We received many submissions from all parts of the community arguing that there should be more Catholics/Nationalists and more women in the police. The RUC is widely seen as overwhelmingly Protestant and male. We also received submissions arguing that there should be more officers from ethnic minorities, more gay and lesbian officers, and more officers from “working class” backgrounds.
- 14.2** We take the view that, as we said in Chapter 1, real community policing is impossible if the composition of the police service bears little relationship to the composition of the community as a whole. The MacPherson report on the investigation of the murder of Stephen Lawrence<sup>1</sup> in London made a similar point. McGarry and O’Leary argue in their book about policing in Northern Ireland that “effective policing requires strong links between the police and the people they serve, and .... it is impossible to create these if the police are overwhelmingly from one community, so more Catholics, especially nationalist Catholics, are needed on efficiency grounds”<sup>2</sup>. We agree that this is a matter of the efficiency and effectiveness of policing; it is not just a matter of fairness, although that too is important. The police service in Northern Ireland needs to include appropriately large numbers of nationalists, including republicans, if it is to be fully effective.
- 14.3** Nor is it a matter of having Catholic police officers to police Catholic people, or Chinese officers to police the Chinese community. Indeed we would regard that sort of balkanisation of policing as unhealthy. And the observation was made to us that it is no more pleasurable for a Catholic to be arrested by a Catholic officer than by a Protestant. The point is that communities as a whole should see themselves as having a stake in the police service as a whole. If all communities see the police as their police, there will be a better, cooperative partnership between community and police, and therefore more effective policing.
- 14.4** It is the imbalance between the number of Catholics/Nationalists and Protestants/Unionists which is the most striking problem in the composition of the RUC. The under-representation of women is a problem for police services everywhere. The proportions in the rest of the United Kingdom, North America and continental Europe are not much higher, and in the Republic of Ireland the percentage is significantly lower. The American police departments we visited had been unable to find a way to get the proportion of women beyond about 15%, and in some departments – even with women chief officers as role models – they were experiencing a retreat from this figure. This problem goes well beyond Northern Ireland (and there is a specific complication regarding

<sup>1</sup> “The Stephen Lawrence Inquiry”, *op.cit.*

<sup>2</sup> McGarry, J. and O’Leary, B. *op.cit.*

European Union law which we describe in detail in paragraph 15. 11), but we are convinced that a much higher proportion of female officers would enhance the effectiveness of policing and we should like to see Northern Ireland leading the way in this area. In the next chapter, on recruitment, we make a number of proposals as to how this might be achieved.

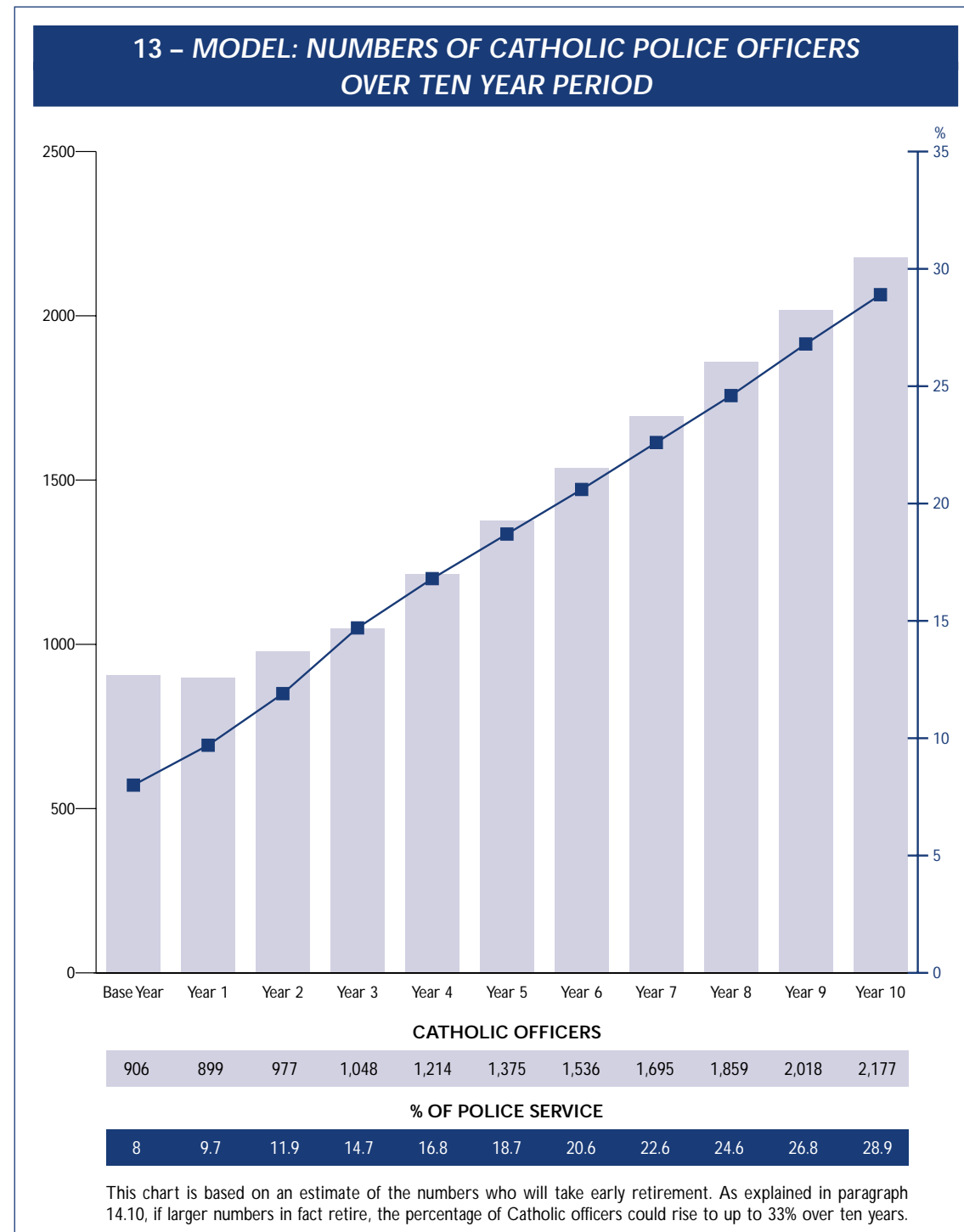
<b>12 – COMPOSITION OF THE RUC BY RELIGIOUS BACKGROUND AT 31 DECEMBER 1998</b>			
	<b>REGULARS</b>	<b>FULL TIME RESERVE</b>	<b>TOTAL</b>
<b>Protestant</b>	7,470 (88.3%)	2,568 (87.5%)	10,038 (88.1%)
<b>Catholic</b>	704 (8.3%)	202 (6.9%)	906 (8.0%)
<b>'Other'</b>	283 (3.4%)	165 (5.6%)	448 (3.9%)
<b>All officers</b>	8,457 (100%)	2,935 (100%)	11,392 (100%)

Source: RUC

- 14.5** We do not set specific target percentages for the proportion of women officers because, on the one hand, the experience elsewhere cautions against setting them too high and, on the other hand, since women are half the population it is hard to justify setting them much lower than that. But, some idea of what may be achievable can be gathered from the fact that 35% of the Part Time Reserve is female (and 58% of those below 35 years old), and also from the fact that 37% of the first RUC recruit intake of 1999 was female. These figures indicate an encouraging level of female interest in police work. The proportion of women in the RUC below the age of 35 is 19%, after which age it declines rapidly. A key problem is therefore retention, and part of the answer lies in providing opportunities for job sharing, flexible working arrangements and career breaks. Since many women are also attracted by part time police work, there is a very important argument for retaining and developing the Part Time Reserve, as we have recommended in Chapter 12. But a determined effort needs to be made to attract women into full time police work, not only in Northern Ireland but in policing worldwide.
- 14.6** Ethnic minorities comprise less than 1% of the population. Half of these are Chinese. Although there have been one or two Chinese officers in the RUC, there is not at present a strong interest among the Chinese community in joining the police (the same applies in the United States). Nevertheless, we believe that every effort should be made to recruit from the ethnic minorities and we make proposals to this effect in the next chapter. But we do not set specific target figures, which we believe would be unrealistic given the small populations involved.
- 14.7** Groups representing gays and lesbians did not favour targets for the proportion of gays and lesbians in the police, and we agree that this would be impractical and intrusive. But we believe that it should be clear that people of various sexual orientations are equally welcome to join the police, and we make proposals to this effect in the next chapter.
- 14.8** We also take account in our proposals on recruitment of the perception in some quarters that police officers are predominantly middle class. A great many of the officers we have met would not describe themselves as coming from a middle class background, but the perception nevertheless exists. It would of course be absurd to try to set composition targets based on criteria as subjective as “class”, but all our proposals are designed to achieve a police service which is an integral part of all the communities in Northern Ireland.

- 14.9** As we have said before, the Catholic/Nationalist – Protestant/Unionist imbalance is a case apart, and here we do make proposals which include recruitment and composition targets. We have worked intensively on this, with the help of consultants, taking account of the following factors:
- Overall size of the police service. As we argued in the previous chapter, we believe that a service of 7,500 regular officers is justified by the policing requirements of Northern Ireland. A larger service might provide scope for a more rapid transformation of the composition, but would be extremely costly and, being too large for the policing task, inefficient and wasteful. A smaller service, which some submissions favoured, would provide extremely limited scope for new recruitment.
  - The early retirement of regular police officers must in law be on a voluntary basis. We have therefore had to make estimates of the numbers who would volunteer, and the number of positions that would consequently become available to be filled by recruits.
  - The importance of merit as a criterion for recruitment, a point made to us strongly from all parts of the community.
  - The inequity, as we judged it, of recruiting more Catholics/Nationalists than Protestants/Unionists over a period of years. We have opted for a recruitment profile of 50% Protestant, 50% Catholic over a ten year period (which reflects the demographic breakdown of people now in their twenties, or who will reach the age of recruitment over that period). An imbalance in recruitment now would result in an imbalance in the composition of the police in the future.
- 14.10** The model we have developed would lead to the proportion of Catholic officers more than doubling within four years, to between 17% and 19% (depending on the take-up rate of the early retirement option for existing officers), and quadrupling within ten years to 29-33% (see box 13). We believe that this is a very substantial increase within a reasonable timeframe (by comparison, it took the New York Police Department 25 years to move from 12% ethnic minority officers in 1974 to 33% in 1999). It quickly gets into the range of “critical mass” estimates that experts have given us (between 15% and 30%), as the level needed to ensure that a minority does not find itself submerged within a majority organizational culture.
- 14.11** We have not taken our model beyond ten years. As we have said in the previous chapter, we would expect the question of the size of the police service to be revisited by that time. In the light of recruitment experience and other developments between now and then, a judgment would need to be made as to whether special measures were still needed to achieve a police service representative of the community or whether this could now be expected to develop naturally. Either way we envisage that the composition of the police should continue to move towards a closer resemblance to that of the community as a whole.
- 14.12** At present the Part Time Reserve is the component of the RUC with the lowest proportion of Catholics – less than 5%, as opposed to 7% in the Full Time Reserve and 8% of the regular officers. Whole areas of Northern Ireland which are predominantly Catholic/Nationalist are unrepresented in the Part Time Reserve. We believe that this needs to be rectified, not least for operational reasons. A Part Time Reserve that drew police officers from these areas, hopefully including as large a proportion of women as there is in the present Part Time Reserve, would make a substantial contribution to community policing not least because, by definition, part time officers live in or

close to the neighbourhoods they police. At the same time it would give a significant boost to the overall composition balance in the police service. We have recommended a target of some 1,000 new reserve police officers to be recruited from Catholic/Nationalist areas. Unlike recruitment to the regular police service, where numbers will be constrained by the take-up rate for early retirement, these new positions could in principle be filled rapidly. If these new reservists were recruited within, say four years, this would mean that regular and part time Catholic police officers combined would be over 22%, nearly treble the present percentage, and the figure after 10 years would be 40%.



## Civilians

**14.13** It is important that the same principle of a balanced and representative workforce should also apply to the civilian staff. It would be illogical to argue for diversity in the officer ranks while

leaving the civilian staff unchanged – especially if many jobs now held by officers are to be progressively civilianised.

**14.14** Returns prepared by the Police Authority for the Fair Employment Commission and the Equal Opportunities Commission suggest that while the proportion of women in the civilian staff is 66%, the proportion of Catholics is only 12%. In part this might be explained by a reluctance of those living in nationalist areas to work in a police environment, or fear for their safety if they were to do so. However, it is clearly at variance with the general policy in the Northern Ireland Civil Service and urgent steps should be taken to secure a distribution which reflects the religious balance.

**14.15** Since most of the civilian staff are members of the Northern Ireland Civil Service, and have been concerned to retain their status as civil servants and transferability to other Departments, there is no need to develop the additional schemes for early retirement and voluntary severance which we recommend for the police officers. Some may indeed wish to avail themselves of facilities for early retirement which are generally available in similar circumstances across the Civil Service. It should also be possible to effect early and substantial change by encouraging staff to transfer to other Departments, making full use of the payments available for relocation and other inducements.

**14.16** *We recommend that the Northern Ireland Civil Service management should facilitate transfers to other Northern Ireland Departments and should cooperate with the Policing Board and the Chief Constable in achieving a balanced and representative civilian workforce.* New civilian entrants to the combined police service should be recruited in the same way and by the same process as we recommend for officers in the next chapter.

### **Policing Board and other policing bodies**

**14.17** This chapter has so far addressed only the composition of the police service itself, but it is important that all official bodies involved with policing should be reflective of the community as a whole. This has not been the case in the Police Authority and we have the strong impression that it has not been so in the Northern Ireland Office Police Division. *We recommend that every effort should be made to ensure that the composition of the staff of the Policing Board, the NIO Police Division (or any successor body), and the office of the Police Ombudsman should be broadly reflective of the population of Northern Ireland as a whole, particularly in terms of political/religious tradition and gender.*

## 15

### RECRUITMENT

- 15.1** We have noted before that the main problem facing policing in Northern Ireland has been the political divide between Protestants/Unionists and Catholics/Nationalists and the identification of the police with unionism and the British state in the minds of many nationalists. This has undoubtedly had some effect on the rate of application to join the police from the Catholic/Nationalist community, as has the active discouragement, sometimes including intimidation, which many potential recruits from that community have experienced.
- 15.2** The Agreement is an opportunity to move decisively away from this problem. The Agreement includes agreed constitutional arrangements for Northern Ireland, and an agreed polity provides a basis for agreed policing. In this report we have recommended a new police service working closely with, and responsive to the local communities it serves. The key to making that police service representative of those communities – indeed the key to the successful implementation of nearly everything in this report – is that the leaders of communities now actively encourage their young people to apply to join the police service. *We therefore recommend that all community leaders, including political party leaders and local councillors, bishops and priests, schoolteachers and sports authorities, should take steps to remove all discouragements to members of their communities applying to join the police, and make it a priority to encourage them to apply.* We cannot stress this recommendation too strongly. Unless it is implemented, the following recommendations will have limited effect. *We specifically recommend that the Gaelic Athletic Association should repeal its rule 21, which prohibits members of the police in Northern Ireland from being members of the Association.* The continued existence of this rule in the light of our recommendations can only be a deterrent to the recruitment of Catholics, or a factor in separating those Catholics who do join the police from an important part of their culture.
- 15.3** The police have tried numerous ideas to increase the recruitment of Catholics and women. It is difficult to gauge how successful these measures have been. The percentage of Catholic applicants rose from 12% to 21% after the IRA ceasefire in 1994, and fell back when the ceasefire ended. It rose again in 1998 to 20%. The number of women recruits in the 1998 intake was 37%. These increases would appear to owe more to perceptions of an improving political and security situation than to anything else. Programmes such as schools liaison, one week work experience attachments for students, familiarisation days and open days must have had some impact. But the overall relationship between schools and the police is not all that it should be; the police have been unable to establish liaison with some 25% of schools in Northern Ireland, and those schools are in precisely those areas where communities are least well represented in the police (and some of the schools with which the police are in contact are only prepared to meet police officers on the premises of other schools).
- 15.4** *We recommend that liaison be established between all schools and universities and the police service in Northern Ireland immediately, and that work experience attachments and familiarisation days be organized with active support and encouragement from community leaders and teachers.*
- 15.5** We were impressed by the beneficial effect that police cadet schemes had had in the United States,

both in improving the relationship between the police and young people from under-represented communities, and also in improving recruitment from those communities. The Chicago Police Department's cadet scheme, for example, had been responsible for encouraging many black recruits into a department that had very few black officers thirty years ago. The New York Police Department has a large cadet programme, with 1,200 recruits enrolling in the current year. Many US police departments also have "Police Explorer" schemes, sometimes jointly run by the police and youth organizations, which offer activity programmes for teenagers, particularly aimed at those from lower-income neighbourhoods. The Explorer programmes are not recruitment exercises, but they help contribute to a cooperative relationship between police and community which undoubtedly improves the prospects for broader recruitment from the community.

- 15.6** The recommendations we have made for community policing should create such a cooperative relationship, but we believe that serious thought should be given to setting up a police cadet scheme in Northern Ireland and activity programmes akin to the Explorer programmes in the United States. These schemes should be open to all young people, but targeted particularly in those areas where the relationship between police and community needs most development. Schemes like this could only work, however, if there was active support and encouragement from political and community leaders, churches and teachers (see paragraph 15.2). Provided such support was forthcoming, and there was no risk to young people involved, *we recommend that pilot cadet schemes should be set up.* We have been told of proposals for high school programmes in the United States to prepare young people from inner city areas for a career in public service, including the police. We would suggest that a scheme on these lines be considered by the education authorities in Northern Ireland.
- 15.7** Although the Chief Constable should remain responsible and accountable for recruitment, we are not persuaded that the technical work of recruitment should be done by police officers or within the police service itself. We believe that it should be done by human resources professionals and *we recommend that the police should contract out the recruitment of both police officers and civilians into the police service. We also recommend that there should be lay involvement, including community representatives, on recruitment panels.*
- 15.8** We also think that advertising needs a more professional approach. We have not been impressed by the recruitment advertisements we have seen. *We recommend that the recruitment agency should advertise imaginatively and persistently, particularly in places likely to reach groups who are under-represented in the police.* As at present the advertisements should make it clear that the police service wants to attract more Catholics and women. But every effort should be made to get this message across, through local newspapers, magazines, club and community centre noticeboards and any other way that can be found to reach the target groups directly. Gays and lesbians, and ethnic minorities, should also hear through their own clubs, magazines and newspapers that their applications to join the police would be positively welcomed. *We recommend that the agency should advertise beyond Northern Ireland, in the rest of the United Kingdom and in the Republic of Ireland.*
- 15.9** Merit must remain a critical criterion for selection for the police service. We do not propose that religious or cultural identity, gender or ethnicity should be treated as a makeweight for merit. *We recommend that all candidates for the police service should continue to be required to reach a specified standard of merit in the selection procedure. Candidates reaching this standard should then enter a pool from which the required number of recruits can be drawn.* The procedure should apply both to officer and civilian recruitment.

- 15.10** *We recommend that an equal number of Protestants and Catholics should be drawn from the pool of qualified candidates.* This broadly reflects the religious breakdown of the population in the normal age range for recruitment (see Chapter 14). Our model (Chapter 13, boxes 9 and 10) envisages that 370 officer recruits will be taken each year on average (the maximum would be 440). 185 of these would be Catholic and 185 would be “Protestant or undetermined” (the present categories used by the RUC)<sup>1</sup>. This would, incidentally, be a slightly higher level of Protestant recruitment than at present (172) as well as a much higher level of Catholic recruitment. We believe that the ratio of recruits should be kept to 50:50, at least for the ten years of the model. In the event that the level of Catholic application does not initially produce enough qualified candidates – which we hope will not happen, but it may take a year or two for interest and confidence to build up – it may be necessary to aggregate the numbers over two or three years.
- 15.11** We have consulted the Fair Employment Commission about the proposal above and we have taken an opinion from counsel on the legal position. We are advised that, although the proposal would require an amendment to domestic legislation, it is not incompatible with European legislation, so it is possible to make the requisite amendment to the law. Regrettably, the legal position is not the same in respect of recruitment of women, where European legislation clearly rules out such a proposal. We are, however, encouraged by the most recent level of female recruitment and our concern is more with retaining women in the service once they have been recruited. Every effort should be made to ensure that women are offered as many opportunities for a fulfilling full time career as men. We are concerned that so few women are promoted to the middle, let alone the senior ranks. The RUC has also been slower than other police forces to introduce flexible working arrangements, as Her Majesty’s Inspector of Constabulary observed in February 1998<sup>2</sup>. *We recommend that priority be given to creating opportunities for part time working and job-sharing, both for police officers and police service civilians. We also recommend that career breaks be introduced.* The Royal Canadian Mounted Police allow any officer – male or female – to take a career break of up to five years, for any reason. Some women may decide to resign rather than take a career break. We suggest that, in such cases, an effort should be made to contact them after, say, five years, to ask them to consider rejoining the police, and that they should be able to do so without reapplying afresh. The Ontario Provincial Police have done this, with some success. A number of female police officers have raised the problem of child care with us, and *we recommend that child care facilities be introduced where practicable, or child care vouchers and flexible shift arrangements offered.*
- 15.12** Two points about the present recruiting process have been put to us as contributory factors to the low level of recruitment of people from Catholic/Nationalist and/or lower income areas. The first is the length of the recruitment process, which although now shorter than it was two years ago still takes up to a year. HMIC judges that some good candidates are bound to be lost because they withdraw during this period. Peer group pressure, second thoughts or impatience may lead them to change their mind. *We recommend that the process should be reduced to no more than six months.*
- 15.13** The second point is that the RUC has stricter eligibility criteria than other police services in that relatively minor police records can disqualify a candidate from further consideration. Young

<sup>1</sup> The RUC do not at present ask candidates their religion. Assumptions are made on the basis of what school a candidate attended. If a candidate attended a school outside Northern Ireland, no determination is made.

<sup>2</sup> HMIC evidence to House of Commons Northern Ireland Affairs Committee, recorded in report published in July 1998, op.cit.

people from communities alienated from the police are more likely than others to have had minor run-ins with the police, and those communities are precisely the ones from which more recruits are needed. We emphatically do not suggest that people with serious criminal or terrorist backgrounds should be considered for police service but *we do recommend that young people should not be automatically disqualified for relatively minor criminal offences, particularly if they have since had a number of years without further transgressions, and that the criteria on this aspect of eligibility should be the same as those in the rest of the United Kingdom. We also recommend that there should be a procedure for appeal to the Police Ombudsman against disqualification of candidates.* There must be no predisposition to exclude candidates from republican backgrounds.

**15.14** We received several submissions from people who felt that members of a police service should not be members of loyal orders or secret societies. The main organizations mentioned in this connection, although not the only ones, were the Orange Order and the Freemasons, both of which are clearly associated with the Protestant faith. The Orange Order is also explicitly associated with unionism, and has a constitutional position within the Ulster Unionist Party. The Orange Order were unable to tell us how many of their members were in the police service. In our (anonymous) cultural audit, less than 1% of police officers said they were members of the Orange Order, 8% said they were Masons, 88% said they were members of no such organizations, and 3% did not say whether they were or not. We cannot estimate how many of those who did not respond to our survey may be members of organizations, but from the large sample of 6,267 who did it would appear that the number of Orange Order members in the police service is small. The number of Masons is somewhat larger, and some former members of the police have remarked to us that Masons have in the past been present in relatively large numbers in the Special Branch.

**15.15** Police officers, like everyone else, are entitled to their private views, and to join legal organizations that reflect those views. The key issue is whether membership of such organizations affects officers' ability to discharge their duties effectively and impartially. We would prefer that public servants were not members of secret societies or organizations perceived to be sectarian such as the Orange Order or the Ancient Order of the Hibernians; and we note that the Chief Constable has himself said that he would strongly prefer that members of the police service did not belong to Orange lodges<sup>3</sup>. But a ban on members of such organizations joining the police would exclude a significant percentage of the community (Orange Order membership is well over 60,000), and it is a primary aim of this report that there should be no section of society which feels excluded from policing. Provided it is clear that an officer's primary and overriding loyalty must be to the police service and to the values of that police service (a point on which we received clear assurances from the leaders of the Orange Order), we do not believe that membership of any legal organization should render someone ineligible to join the police. The new oath we have recommended (in paragraph 4.7) is drafted with this point in mind. All officers should in our view swear to "accord equal respect to all individuals and to their traditions and beliefs". This undertaking should have precedence over any oaths or qualifications associated with other organizations to which an officer may belong. It should continue to be the case that police should not participate in demonstrations or other public displays which may be perceived as influencing their impartiality.

**15.16** If the problem of loyal orders and exclusive societies is largely one of perception, this owes much to the mystery as to who is a member and who is not. We believe that this is unhealthy in a police

<sup>3</sup> Sir Ronnie Flanagan, evidence to House of Commons Northern Ireland Affairs Committee, 18 March 1998. Committee report *op.cit.*

service and incompatible with the openness and transparency that we have advocated throughout this report. *We recommend that all officers – those now in service as well as all future recruits – should be obliged to register their interests and associations, and that the register should be held both by the police service and by the Police Ombudsman.*

**15.17** We have so far concentrated on entry-level recruitment to the police service. The targets we have set would bring about a substantial change in the composition of the police service in the lower ranks within a few years. It would, however, take longer before the proportions in the senior ranks began to change as a result of what we have proposed. In fact the proportion of Catholics in the senior ranks – Superintendent and above – is over twice the proportion in the RUC as a whole (ie. over 16%). But we should like to see that proportion at least doubled in as short a time as possible. The only way to do this is to encourage more Catholics to apply for the senior positions. Selection must be on the basis of merit. One way that has occurred to us to broaden the pool of applicants is to contact Catholic police officers from Northern Ireland serving in police services elsewhere. We understand that there is no register of Northern Ireland Catholics serving in other United Kingdom police services, but we have met some and understand that there are quite a few others. We also understand that there are officers from Northern Ireland, some indeed still living in Northern Ireland, who serve in the Garda Síochána. These are Catholics who wanted to be police officers but, for one reason or another, were unable or unwilling to serve in Northern Ireland. *We recommend that the recruitment agency should seek to identify such officers, contact them and encourage them – particularly those in more senior ranks – to apply for positions in the Northern Ireland police.*

**15.18** Regardless of religion, *we also recommend that lateral entry of experienced officers from other police services, and secondments or recruitments from non-police organizations should be actively encouraged.* We believe that any police service can benefit from the infusion of diverse talent and experience from elsewhere.

## 16

### TRAINING, EDUCATION AND DEVELOPMENT

- 16.1** In the preceding chapter we have made recommendations for radical transformation of the policing service in Northern Ireland. The training, education and development of police officers and civilian staff will be critical to the success of this transformation. Until now, recruit training has been geared primarily to the security-related policing which has dominated the work of the RUC. More than ten per cent of the curriculum has been taken up with drill in the military style; and it is symbolic of the militaristic nature of the training that the head of the training establishment has had the title of “Commandant”.
- 16.2** During the life of this Commission, the police introduced a new recruit training curriculum, which entered into effect in June 1999. This represents a significant advance from the previous curriculum and puts the police in step with changes in training elsewhere in the world, with, for example, more focus on developing personal communication and negotiation skills, scenario-based problem-solving exercises, self assessment and peer assessment. It also has a less military flavour; however, although the drill component has been cut by half, it is – at 33 hours – still a large proportion of the total 580 hours of the curriculum and, as we noted in an earlier chapter, contrasts strikingly with the less than 2 hours devoted to human rights. We believe that recruit training needs to be much more radically transformed.
- 16.3** In April 1999 HMIC produced a report on police training in England and Wales<sup>1</sup> which contained several serious criticisms of the way in which training was managed and delivered. Very few police services had any real idea of the cost of their training programmes; training estates were inadequately managed; only a handful of police services had training strategies, or linked training requirements to police objectives; and almost none of them had systems for evaluating the success or failure of the training courses they were running. Many of the observations made by the Audit Commission in that report could also be applied to training in the RUC. In-service training and development is not integrated into corporate planning. The setting of objectives is not accompanied by a training programme to equip officers to accomplish those objectives. Several officers told us that they had received little or no training to support stated policy objectives, for example in community awareness or in human rights. And some officers involved in community work expressed frustration that they had not had access to sufficient training in subjects they would find useful, such as domestic violence or drug abuse.

#### Strategy

- 16.4** The objectives set out in this report are extensive. We have envisaged a police service dedicated to the protection of human rights and respect for human dignity; a police service that is accountable, responsive, communicative and transparent; a new policing style based on partnerships with the community; a decentralised police service with decision-making responsibilities devolved to beat teams and to district commanders; more flexible management and personnel practices and many other changes. These objectives need to be matched by a training, education and development strategy, both for recruits and for officers already in place. *We recommend that a training,*

<sup>1</sup> “Managing Learning: A Study of Police Training”, HMIC. London 1999

*education and development strategy should be put in place, both for recruit training and for in-service training, which is linked to the aims of this report and to the objectives and priorities set out in the policing plans. We further recommend that these plans should incorporate training and development requirements.*

## **Funding**

**16.5** At the moment there is no comprehensive training and development budget. As the Audit Commission observed in its recent report, this is also the case in several English and Welsh police services. This is indicative of the low priority given to training and development, which is not seen as an integral part of police business. It also makes the funds available for training vulnerable to raiding for other purposes if pressing needs arise, as they do frequently in Northern Ireland. *We recommend that a total training and development budget should be established, covering all aspects of training, and that this should be safeguarded against transfers to other sub-heads.*

## **A new police college**

**16.6** The RUC's Training Centre at Garnerville has cramped and inadequate accommodation. A new facility has been under discussion for years. Classroom space is very limited. The residential accommodation is poor. There are no specialist rooms for IT training, interview training, custody suite or courtroom training. There are no proper library facilities. The physical training suite is also inadequate, and there is no swimming pool. On every one of these points the Training Centre is inferior to the Garda Siochana's training centre at Templemore. *We recommend that the Northern Ireland police should have a new purpose-built police college and that the funding for it should be found in the next public spending round.* Garnerville is not a good site for redevelopment, and in any case its facilities will continue to be required while a new college is being built. We see advantage in having the college located away from other police facilities, ideally in an area convenient for links to be established with a university (see paragraph 16.10). We also envisage that the college should outsource some training modules to other educational establishments (social science subjects for example), which would also favour a location close to such an establishment.

## **Formulating new training**

**16.7** We do not intend to give detailed prescriptions for the sort of training that should be given either to recruits or to officers already in service. The police service itself should do a detailed analysis of needs as part of the strategy we have recommended. Responsibility for this analysis will lie at every level in the police service. At the most senior levels, police managers should be aware of the extent to which the officers under their command have the skills needed to do their jobs and meet service objectives, or need training to acquire those skills. All line managers will have to identify the mix of skills needed in their own commands, and then work with individual officers to prepare personal development plans as part of the performance appraisal management system.

**16.8** Some elements of training and education should be common to all police officers – such as training in basic police procedures, IT, human rights, community awareness, key aspects of the law, and democratic accountability – but many will be relevant only to officers in specialist departments, or appropriate only when an officer reaches management level, and it may well be that different district commands will have variations in the skills they require of their officers.

*We therefore recommend that there should be service level agreements between police districts/departments and the police Training Branch, setting out what the Branch is expected to deliver to the district or department concerned.*

## **Recruit training**

- 16.9** Without seeking to prescribe in detail what training curricula should comprise, we believe that there are a number of aspects of recruit training which need to be addressed. The new curriculum introduced in 1999 is an improvement over the old, but problems remain. First – and this is a point which applies to many police services apart from the RUC – there is very little civilian input into recruit training. Police recruits are trained exclusively with other police recruits, in a police training centre co-located with other police institutions, primarily by police officers. We recognise that much of what recruits need to learn is specific to police officers and needs to be taught by police officers; but there is also much that they need to know which need not, and arguably should not, be taught by police officers or at least not exclusively by police officers. We also understand – and this is a point put to us by several other police services – that it is important for recruits to be instilled with a sense of police teamwork, loyalty and camaraderie; but we would also consider it vital that police recruits should continue to consider themselves, and the police service as a whole, to be an integral part of the community.
- 16.10** *We recommend that there should be a high degree of civilian input into the recruit training programme. We recommend that the director of the training centre (and the new college when this is opened) should have both academic qualifications and management expertise, and that civilian instructors be employed, or brought in as necessary, to conduct as many elements of the training programme as possible. We further recommend that some modules of recruit training should be contracted out to universities and delivered on university premises, ideally together with non-police students;* instruction in constitutional matters, human rights, and aspects of the criminal justice system are examples of what we have in mind.
- 16.11** *We recommend that civilian recruits to the police service should also attend the police college, and do some of their training together with police officer recruits.* The reason for this is to instil a sense of common purpose and teamwork between officers and civilians, an area where our cultural audit identified deficiencies.
- 16.12** An important recent change has been that the RUC Training Centre has become an accredited training centre, and qualifications acquired there can therefore be counted as credits towards academic qualifications. We welcome this. *We recommend that recruits who do not already have degrees should be encouraged to acquire appropriate academic qualifications during the first two years of their career,* with the recruit training course counting as the first module towards such a qualification. *We also recommend that encouragement be given to those officers who wish to go on to study for further relevant qualifications.* The police service as a whole should see itself as an organization that values education.
- 16.13** At present recruits are attested as constables on the first day of their training course. They therefore have the status and powers of constables – albeit as probationers – before they have received any training. In other jurisdictions – Canada and the Republic of Ireland, for example – attestation does not take place until the end of the initial training period. The failure rate in the

RUC recruit training course is zero. However good a recruitment process may be, one would expect some degree of failure. Taking the Canadian example again, failure rates are typically around 10%. We believe that the successful completion of the training course should be a meaningful achievement, not a foregone conclusion, and that attestation should mark graduation from the training course. *We recommend that attestation as a police officer should take place only upon successful completion of the recruit training course; that a sufficiently rigorous standard be required for success in that course; and that the completion of the course be marked by a graduation ceremony, (rather than by a “passing-out parade” as at present).*

**16.14** We have already noted that drill remains a relatively large component in the recruit course – 33 hours, which is nearly twice as much as in other United Kingdom police services or elsewhere. *We recommend that the hours spent on drill be considerably reduced.*

**16.15** One of the overseas police training programmes that impressed us was developed by the Royal Canadian Mounted Police (RCMP) – a community policing, problem-solving model named CAPRA (clients – analysis – partnership – response – assessment). From the beginning of their basic training, RCMP recruits are taught to: define a problem in the light of their clients’ needs; acquire and analyse information; consider how partnership with others can help resolve the problem; then develop their response; and finally assess and evaluate the outcome. This model is deployed in scenario exercises incorporating the various dilemmas and decisions that confront police officers and the values that they are expected to uphold. CAPRA training precedes the more technical aspects of police procedure in the RCMP course.

**16.16** There are other problem-solving models: we have mentioned SARA, used by the Thames Valley Police among others, in an earlier chapter. Again, we do not want to be too prescriptive: and the Northern Ireland police service should develop its own approach as others are doing. But *we do recommend that problem-solving and partnership approaches should be central to the recruit training course, and that scenario exercises be further developed as training tools.* We also underline the importance – recognized in both the models we have mentioned – of assessment and evaluation after police action has been taken.

**16.17** Community awareness training has been a feature of RUC recruit training for some years. It has involved clergy, politicians, journalists, community representatives and members of voluntary groups, and is widely seen as a useful initiative although, as the police themselves recognize, it is a work in progress and needs to be developed much further. The training seminar witnessed by this Commission in our view understated the extent and depth of the difficulties that the recruits would face in their work with some communities. One problem is that it has not been possible to get representatives from certain significant sections of the community to work with the police to educate their recruits. We repeat our observation that, if the police service is to be transformed in the way envisaged in this report, it is vital that community leaders – politicians, clergy, schoolteachers and all others with influence – should actively assist in that transformation. *We therefore recommend that community awareness training for police recruits be developed to include representatives of all the main political and religious traditions in Northern Ireland. Moreover, community awareness should not be seen as a stand-alone element of recruit training; it should be integrated into all aspects of training.* People from each of the main communities should have ample opportunity to learn about the history, traditions and outlook of the other. Those wishing to learn the Irish language, and for that matter other languages, should be helped to do so.

Racism awareness (see also the MacPherson report<sup>2</sup>) and awareness of the concerns of the gay and lesbian community (including the phenomenon of homophobic crime) should also be part of community awareness training.

**16.18** Unlike police services in the rest of the United Kingdom and in North America, the police in Northern Ireland have not until very recently had a system of “tutor constables” or “field training officers” to whom recruits are attached for their first assignments after completing their recruit training. The purpose of this is to continue the recruit’s training on the job, under the guidance of an experienced officer skilled in the task. UK and US police services are now developing the system further, by training the tutor officers rather than simply relying on natural qualities for the task, and in some cases by offering financial incentives to the tutors. We note the recent introduction of a rudimentary tutoring scheme in Northern Ireland but believe this needs to be further developed. *We recommend that the Northern Ireland police should introduce a comprehensive tutor officer scheme, and that the tutor officers should be carefully selected, according to their commitment and adaptability to the new style of policing, and trained.*

### **In-service training**

**16.19** What we have said about not wishing to be prescriptive in detail applies even more strongly to the training of officers already in service than to that of recruits. The police service itself must analyse its needs and form a strategy to meet them; and individual officers and line managers should have opportunities to bid for the training to meet their own personal development objectives. But the following general elements will, we believe, be necessary.

**16.20** First, every officer and civilian in the transformed police service will need to have a full understanding of the impact on policing of the new constitutional arrangements in Northern Ireland, the new policing arrangements as set out in this report, and the reforms of the criminal justice system that result from the review of that system being conducted at the same time as this review. *We recommend that, as soon as possible, every member of the police service should have a course for this purpose.*

**16.21** *We also recommend, as a matter of priority, that all members of the police service should be instructed in the implications for policing of the Human Rights Act 1998, and the wider context of the European Convention on Human Rights and the Universal Declaration of Human Rights.* Human dignity training, along the lines of that offered by John Jay College in New York to the New York Police Department and police services from some fifty countries, should also be provided. Like community awareness training, human rights and human dignity should not be seen as an add-on to training, but as a consideration affecting all aspects of training.

**16.22** We have envisaged a substantially different style of management within the Northern Ireland police. Middle managers will have more authority devolved to them, including responsibility for budgets; as the RCMP pointed out to us, it is not sensible to devolve budgets without giving the necessary training to those who are to be responsible for them. At more senior levels, managers will need to delegate much more than they have been accustomed to delegating in the past. A senior US police commander told us how difficult this had been for him and his colleagues – “climbing to the top of the organization only to find the game had changed”; it had taken some

<sup>2</sup> “The Stephen Lawrence Inquiry”, *op.cit.*

getting used to, but eventually the benefits of having senior management focussed on strategy rather than detail had become evident. *We recommend that all police managers should have management training, as appropriate, and that every manager should at some stage of his/her career do a management course in a non-police environment, such as a business school or university. We also recommend the use of management workshops, so that managers can discuss and develop with each other how best to reshape the police organization.* This technique has proved successful in Boston, where the police have an organizational psychologist in their command team.

**16.23** Having recommended a substantial upgrading of information technology (IT) in the Northern Ireland police, *we recommend that every officer and civilian in the service should undergo adequate training in IT.* Training in specific police applications may need to be conducted in the police college (though not necessarily by a police officer), but some IT training – such as data analysis – may be better done elsewhere, and *we recommend that opportunities be taken for joint training with civilian analysts, and members of other police services.*

**16.24** Neighbourhood policing could be a difficult transition for officers who have known only security policing in their careers so far. It has proved a difficult transition in police services which have not experienced anything like the security threat faced by the police in Northern Ireland. In Boston, the police department has begun a programme of bringing each neighbourhood “beat team” in for training, the team being trained as a unit and with input coming from other neighbourhood police officers with proven records of success. We mention this as an example rather than a prescription, but *we recommend that the Northern Ireland police should draw on the success of neighbourhood policing in such places as the Markets area of Belfast in developing a neighbourhood policing training programme for all members of the police service.* There may be some merit in inviting input from successful neighbourhood police officers from other police services, and at any rate exchanges of ideas with some of the more advanced police services in this area would be sensible. *We recommend that standard training for neighbourhood officers should include modules on such community problems as domestic violence, child abuse, rape, drugs and youth issues, and that this training should be updated as necessary.*

## **Transparency**

**16.25** *We recommend that the training curricula for the police service should be publicly available, and easily accessible, eg. on the Internet.*

**16.26** *We recommend that some training sessions should be open to members of the public to attend, upon application, priority being given to members of the Policing Board or District Policing Partnership Boards, Lay Visitors, or other bodies, statutory or non-governmental, involved in working with the police.* It is important that people joining such bodies should be able to learn more about police work, and desirable that other interested members of the public should be able to get to know their police better if they wish. Several police departments in the United States have “citizens academies”, running evening courses of 6 – 12 weeks for the public. These courses familiarise members of the public with police procedures, explain the legal environment in which the police operate and the constraints placed upon them, and show how community-police partnerships can work to best effect and how a citizen can be actively involved in policing. *We recommend that the new police college should offer a pilot citizens course, to assess demand in Northern Ireland.*

**16.27** The training of part time reservists should reflect that given to their regular colleagues. There may well need to be more training than in the past, particularly if the demands on the Part Time Reserve are to include substitute duties for regular officers during large-scale public order incidents.

## CULTURE, ETHOS AND SYMBOLS

- 17.1** The culture and ethos of an organization include both the way in which it sees itself and manages itself internally and the way in which it sees and interacts with its clients and others outside the organization. Culture and ethos are hard to gauge and judgments made about the culture and ethos of others are inevitably subjective. We have tried to be as comprehensive and as objective as we can in our approach to this aspect of our terms of reference. We have consulted widely within the RUC and within different communities in Northern Ireland as to how the police see themselves and how they are seen by others. We conducted a cultural audit of the entire police establishment, officers and civilians, and over 6,250 or almost 40% responded (a high response rate for exercises of this kind). We also gained valuable insights from the project (begun in 1997) which is being conducted with the police by Mediation Network.
- 17.2** Many of the findings of these researches have been mentioned in earlier chapters of this report. The police in Northern Ireland pride themselves on their professionalism and on the way they have faced up to the security challenges of the past thirty years. The security environment has pitted them against elements from both the republican and loyalist communities, and the effect of these clashes and the risk to police officers of living in or delivering normal policing services in some areas has created a gulf between the police and many neighbourhoods in Northern Ireland. The pervasive security threat against police has extended right across Northern Ireland and, to protect themselves from attack, the police have resorted to methods of policing that have separated them from the community to some extent even in areas where the local residents are not themselves hostile to the police. Partly because of all this, the RUC has remained somewhat militaristic and hierarchical compared with other police services, and has been slow to move towards the culture of customer service, public consultation and openness, problem-solving community-based policing, and devolved management that many other police services are now well into the process of developing. Like many other police services it has also done little to instil a human rights-based culture.
- 17.3** The recommendations we have made in preceding chapters should address many of these problems. We have recommended a programme to reorient policing onto a human rights-based approach. We have recommended community accountability mechanisms at local and central levels, and a policy of complete transparency about police work except when the public interest would be damaged. We have recommended, subject to the security situation, that policing in and with the community should become the main focus of police work, delivered in a more flexible and accessible manner than in the past. We have recommended a transformation of management style, civilianisation of up to 1,000 posts at all levels of the organization, and a determined effort to alter the composition of the police service so that it is more representative of the population. If implemented, these recommendations would inevitably bring about dramatic change to the culture and ethos of the police organization. As we noted in Chapter 10, our cultural audit showed that an encouragingly large proportion of police said they would welcome change.
- 17.4** Many people in Northern Ireland from the Irish nationalist and republican tradition regard the name, badge and symbols of the Royal Ulster Constabulary as associating the police with the

British constitution and state. This contributes to the perception that the police are not their police. On the other hand, many people in Northern Ireland from the unionist tradition consider it perfectly natural that a service provided and funded by the state should signal its provenance. The problem is that the name of the RUC, and to some extent the badge and the uniform too, have become politicised – one community effectively claiming ownership of the name of “our” police force, and the other community taking the position that the name is symbolic of a relationship between the police and unionism and the British state. The argument about symbols is not an argument about policing, but an argument about the constitution.

**17.5** Where a police service operates in part of a country in which virtually all of the people share the same constitutional allegiance, there is no real difficulty when the police adopt a name or symbols reflecting that allegiance. But in Northern Ireland, where the constitutional aspirations of the inhabitants conflict, the use of words or symbols perceived to associate the police with one side of the constitutional argument must inevitably go some way to inhibiting the wholehearted participation in policing of those who espouse the other side of that argument.

**17.6** In Chapter 1 we quoted the reference in the Agreement to “the opportunity for a new beginning to policing Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole”. In our judgment that new beginning cannot be achieved unless the reality that part of the community feels unable to identify with the present name and symbols associated with the police is addressed. Like the unique constitutional arrangements, our proposals seek to achieve a situation in which people can be British, Irish or Northern Irish, as they wish, and all regard the police service as their own. *We therefore recommend:*

- *that while we have not accepted the argument that the Royal Ulster Constabulary should be disbanded, it should henceforth be named the Northern Ireland Police Service*
- *that the Northern Ireland Police Service adopt a new badge and symbols which are entirely free from any association with either the British or Irish states (we note that the Assembly was able to adopt a crest acceptable to all parties)*
- *that the Union flag should no longer be flown from police buildings*
- *that, on those occasions on which it is appropriate to fly a flag on police buildings, the flag flown should be that of the Northern Ireland Police Service and it, too, should be free from association with the British or Irish states.*

**17.7** We are conscious that in some quarters in Northern Ireland our recommendations may be seen as some sort of repudiation of the sacrifice and service of thousands of RUC officers who have not only performed their duties with professionalism and fortitude but who have also faced, and on many occasions suffered, death and injury. Such a view would be profoundly mistaken. We do not recommend the disbandment of the RUC, which would in any case be impractical. Our recommendations are designed to achieve a transformation of policing in Northern Ireland to meet the requirements agreed by the parties to the Agreement and endorsed by the people of Northern Ireland in a referendum. We consider it important that the link between the RUC and the new Northern Ireland Police Service be recognized and to this end *we recommend that the colour of the current police uniform be retained*. However, we have been persuaded by the Police Federation and individual officers who commented on the present uniform that it is somewhat outdated and *we recommend that a new, more practical style of uniform be provided to police officers*.

- 17.8** Consistent with our recognition of the dedication and sacrifice of officers of the Royal Ulster Constabulary and of the continuity between the past and the future we emphasise that our proposed changes do not extend to existing memorials in police stations. *We recommend that such memorials should remain as they are and where they are.*
- 17.9** Employers are required under Northern Ireland's fair employment legislation to create and sustain a neutral work place. The creation of a neutral working environment, both for police officers and civilians and for members of the public and others visiting police buildings, goes much deeper than symbols. Our cultural audit showed that, although most police officers and civilians from minority groups do not feel under threat or intimidation in the workplace, more than half have experienced incidents of harassment or offensive behaviour at some time over the past five years. The statistics are not alarmingly high – it would be a rare organization where nothing of this sort occurred over a five year period. But they show that there is a problem here to be taken seriously, especially because it is our intention that the police service should become much more diverse over a short period of time. The aim must be that the police service should recruit not only more Catholics, but nationalists (of whom there are some but not many at the moment) and republicans (of whom there are almost certainly none now); and that there should be many more women, and, we hope, also more members from ethnic minorities and greater tolerance of sexual diversity. So the challenge of maintaining a neutral working environment will be more important than at present. *We recommend that the maintenance of a neutral working environment should become an assessed management responsibility at all levels of management.*

## COOPERATION WITH OTHER POLICE SERVICES

- 18.1** Our terms of reference asked us to make proposals concerning the “scope for structured cooperation with the Garda Siochana and other police forces”. We inquired into the cooperation that exists at present, and also consulted police services elsewhere about their relationships with police in neighbouring countries.
- 18.2** The present relationship between the RUC and the Garda Siochana is regarded by both police services as very good, indeed officers from each service went so far as to tell us it could hardly be better. Each service expressed a high regard for the professionalism of the other. Our judgment is nevertheless that a great deal more could be done to exploit the “scope for structured cooperation”, and we make several specific recommendations below. We believe that these proposals would greatly enhance the effectiveness of crime prevention and detection in the island of Ireland, where much crime already has a cross-border dimension, a phenomenon which we would expect to grow in significance.
- 18.3** The RUC also has numerous links with other police services, particularly with those in Britain, but also with North American agencies and others elsewhere in the world. Again, we found that the professionalism of the RUC is held in high esteem by those like the Metropolitan Police or the Federal Bureau of Investigation who have had close dealings with it over the years. However we found, not surprisingly, that a high proportion of these dealings have been in the counter-terrorism field, and cooperation across the broader range of police activities has been less developed than one would expect between a major United Kingdom police service and other services in the United Kingdom, North America, Europe and elsewhere.
- 18.4** We believe that this needs to be remedied, both because the globalisation of crime requires police services around the world to collaborate with each other more effectively and also because the exchange of best practice ideas between police services will help the effectiveness of domestic policing. We make a number of recommendations below with these objectives in mind.

### Cooperation with the Garda Siochana

- 18.5** First, the Garda Siochana. We accept that the present relationship between the Garda and the RUC is, as both services described it to us, a good one. There are frequent meetings, both regular and ad hoc, at various levels from the operational level to the top ranks. There has long been a good exchange of information and good operational cooperation, particularly against terrorism.
- 18.6** When we looked, however, at the cooperation between Kent County Constabulary and its neighbours in France and Belgium, we found that much was being done there which is not being done between the RUC and the Garda; and that the cooperation there was more structured, whereas that in Ireland was more ad hoc and dependent on personal relationships. Kent police have signed several protocols with police services across the Channel; they participate in an annual Cross Channel Intelligence Conference with police services from France, Belgium and Holland, which has working groups dealing with such issues as smuggling, vehicle crime,

organized crime and crime trends; they are able to work with counterparts in mainland European jurisdictions, in evidence gathering, including interviewing witnesses on both sides of the channel; and there are Kent police officers based in France, and vice versa, to facilitate liaison. Exchanges between police services also benefit from European Union funding.

- 18.7** All these arrangements strike us as sensible cooperation between neighbouring police services in separate sovereign jurisdictions, designed to achieve more effective policing in the interests of both sides. Yet comparable arrangements do not exist between the two parts of Ireland, even though the scale of cross-border criminal activity is at least as great as that between Kent and France or Belgium and probably rather larger. *We recommend that the two police services should have written protocols covering key aspects of cooperation.*
- 18.8** *We also recommend that the present pattern of meetings between the police services in Northern Ireland and the Republic should be enhanced by an annual conference, designed to drive forward cooperation in areas of common concern.* These areas might include drugs, smuggling, financial crime, paedophile rings, or any other subject identified by the conference, and working groups might be set up to deal with each. We would see some attraction in extending participation in the conference to other police services in the British Isles, such as the Metropolitan Police and Strathclyde, with whom the Irish and Northern Ireland police have well developed connections, provided there was a solid policing case for doing so and both the Irish and Northern Ireland police services agreed.
- 18.9** Cooperation between police services, particularly neighbouring ones, can be greatly facilitated by personnel exchanges. These help to familiarise services with the way their neighbours work, and to build up personal links between different services. Exchanges also help disseminate new ideas and best practice. Surprisingly few exchanges take place even between the Northern Ireland police and other United Kingdom police services, and none between the RUC and the Garda Siochana.
- 18.10** *We recommend that there should be a programme of long-term personnel exchanges, such as fixed-term secondments, between the Northern Ireland police and the Garda, in specialist fields where cooperation between the two services is most needed, such as drugs, and in areas such as training.* (We do not envisage exchanges of patrol officers.) *We also recommend that consideration be given to posting liaison officers from each service to the central headquarters and/or border area headquarters of the other.* Liaison officers should not become a substitute for direct regular communication between the police services at the local or operational level, but could be useful to deal with new or unusual business where cooperative channels have not already been established.
- 18.11** Joint training opportunities would also be valuable in building up a framework of cooperation between the Northern Ireland police and the Garda. There have been almost none in the past. *We recommend that there should be structured cooperation between the two police services in training,* which we believe would bring a number of benefits, including the development of personal relationships between police officers of the two services, the sharing of expertise and possibly economies of scale.
- 18.12** We were surprised to discover that there are no joint exercises between the RUC and the Garda. There has been no joint disaster planning, in the event for example of a train or aircraft crash on

the border. *We consider this to be a serious omission and recommend that it be rectified immediately; there should be joint disaster planning and the plans should be tested by regular joint exercises.*

**18.13** We were informed by Kent police that, in the event of a disaster taking place on one side of the Channel with a substantial cross-Channel dimension – for example the Heysel stadium disaster of May 1985 – it is standard and automatic procedure for officers of the other country or countries involved to be dispatched immediately to the area of the disaster to work with the local police as part of the investigating team. We were struck that, although there was undoubtedly close cooperation between the Garda and the RUC immediately after the bomb in Omagh in August 1998, such an exchange of officers did not take place. *We recommend that consideration be given to establishing a provision for an immediate exchange of officers and pooling of investigative teams after major incidents with a substantial cross-border dimension, akin to the arrangements which exist between Kent and the police services of France and Belgium.*

**18.14** Joint planning and exercising would greatly enhance the effectiveness of the police response to major incidents and also in the fight against cross-border crime. This could be further enhanced by improving the inter-operability of the communications systems of the two police services. We discovered from talking to border police officers in both the Garda and the RUC that the radio links between them are not always effective. Their information technology systems are incompatible. *We recommend that every effort should be made to ensure that fast, effective and reliable communications are established between the Garda and the Northern Ireland police, both through improved radio links and through compatible IT systems.* We should like to see the RUC and the Garda coordinate their IT strategies closely. The main purpose would be to facilitate operational links, but we see no reason why there might not also be savings from joint training courses or joint research projects in IT.

**18.15** Compatible IT systems would permit the development of common or shared databases (subject to data protection legislation), which could greatly assist the police services of both Northern Ireland and the Republic in dealing with cross-border crime. *We recommend that joint database development be pursued as a matter of priority in all the main areas of cross-border criminality, such as drugs, smuggling, vehicle theft and terrorism.*

### **Cooperation with other police services**

**18.16** The need for close cooperation is greatest in the case of the Garda Siochana, as it would be between any two neighbouring police services sharing a long and open land boundary. But much of what we have said above applies also to police services elsewhere, particularly in Great Britain. The RUC has had personnel exchanges with police services in Great Britain, but on a much smaller scale than police services elsewhere in the United Kingdom have had with each other. There are reasons for this, not least the reluctance of many police officers in Great Britain to consider moving to Northern Ireland during the Troubles. But our impression is that these are only a partial explanation and that exchanges have not been pursued as a matter of much priority. This is a pity. We believe strongly that any police service, or non-police organization for that matter, can benefit from extensive interchange and contact with other organizations. Moreover it is normal in Great Britain for police officers to serve in more than one police service before reaching chief officer rank (Assistant Chief Constable or above); but most chief officers in the RUC

do not have this wider experience. *We recommend that a determined effort be made to develop exchanges, and long-term secondments, between the Northern Ireland police and police services in Great Britain.*

- 18.17** Training links between the RUC and police services in Great Britain have tended to be limited to senior officers, and contacts generally are much more developed at the level of chief officers. For the same reasons that joint training with the Garda may be useful, so we also believe that training links would be beneficial with other police services. *We therefore recommend that there should be training exchanges and some joint training between the Northern Ireland police and police services in Great Britain. We further recommend that consideration be given to structured links between the four principal police training establishments in the British Isles, namely Bramshill (England), Templemore (Republic of Ireland), Tulliallan (Scotland) and Garnerville or the proposed new police college in Northern Ireland, perhaps in the form of periodic meetings rotating around the four venues.*
- 18.18** The RUC has developed contacts with police services further afield, notably with the Federal Bureau of Investigation in the United States. Recently the FBI organized a joint training visit for officers from both the RUC and the Garda Síochána. We welcome this development and believe that overseas exposure of this kind is useful for any police service. *We recommend that international training exchanges be further developed, focussing in particular on matters where the police in Northern Ireland need overseas police cooperation and on best practice developments in policing worldwide. We also recommend cooperation with other police services in the field of research.*
- 18.19** We believe that exchanges of this kind will benefit all participants. Northern Ireland police officers have much to give as well as much to gain. The RUC has internationally recognized expertise in a number of areas of policing, not only in matters resulting from the security situation in Northern Ireland but also in such areas as child abuse and rape (CARE). A number of European countries have sought and received CARE training from the RUC. *We recommend that the police should develop opportunities to provide more training for overseas police services in their areas of excellence.*
- 18.20** Police in any jurisdiction benefit from serving alongside colleagues from other countries in United Nations peace-keeping operations. Several police services from Great Britain have participated in such operations in recent years, as has the Garda Síochána. The RUC has not participated in the past, yet it has many skills which would be valuable in such situations. *We recommend that the Northern Ireland police should be ready to participate in future United Nations peace-keeping operations and we express the strong hope that they be invited to do so* (see also paragraph 13.20). We would also encourage the Northern Ireland police to seek out other international policing opportunities, for example secondments to Interpol and Europol.

## OVERSEEING CHANGE

- 19.1** The Agreement described policing as a central issue in any society and, as we noted in the first paragraphs of this report, the role of Northern Ireland's police service, and general questions of policing policy and practice, are central to the principles of the Agreement itself and to its implementation. We have been very conscious of this during our work and the recommendations in this report are our unanimous conclusions, reached after exhaustive consultations over the past year and much careful thought. We believe they reflect not just what people want for policing in Northern Ireland, but also what they want for Northern Ireland society – a new beginning based on reconciliation and tolerance, respect for human rights and human dignity, partnership, peace and democracy. One of our focus group members said that “the police should not reflect our society, but what we want for our society; society should always attempt to get better”. We agree. The transformation of policing proposed in this report is, we believe, an integral part of the process of transforming Northern Ireland in the way that the great majority of people want it to be transformed.
- 19.2** We therefore consider it vital that the recommendations in this report should be implemented comprehensively and faithfully. No individual and no commission can claim omniscience and we do not contend that every recommendation in our report is correct in every particular (indeed we have deliberately avoided being too prescriptive of matters of detail for this reason), but we do firmly believe that the essentials of our recommendations represent a package which must be implemented comprehensively if Northern Ireland is to have the policing arrangements it needs. The separate chapters of this report represent different aspects of an integral whole; they are all inter-related. We advise in the strongest terms against cherry-picking from this report or trying to implement some major elements of it in isolation from others.
- 19.3** Implementation of the recommendations in this report requires changes not only within the police service itself but also in other bodies that have responsibility for policing. We have proposed an entirely new Policing Board, and a network of District Policing Partnership Boards. The Police Ombudsman, although the outcome of an earlier report, is an institution coming into being only now as this report issues, and several of our recommendations concern the role of the Ombudsman. We believe that a mechanism is needed to oversee the changes required of all those involved in the development of the new policing arrangements, and to assure the community that all aspects of our report are being implemented and being seen to be implemented.
- 19.4** We have considered carefully how best to meet this objective. We have been impressed by the success achieved in difficult circumstances in the past in Northern Ireland by eminent people from outside, with support from both the unionist and nationalist communities, an obvious recent example being the role played by American Senator George Mitchell in the negotiation of the Agreement. *We recommend that an eminent person, from a country other than the United Kingdom or Ireland, should be appointed as soon as possible as an oversight commissioner with responsibility for supervising the implementation of our recommendations.* We envisage that the commissioner should have perhaps two colleagues, and a small staff in Northern Ireland. The Commissioner and his/her colleagues might review progress with the police command team, the Policing Board

(and DPPBs), the Police Ombudsman and the government three or four times a year. The commissioner would, we believe, be a useful validator of the implementation process, not least in the context of the discussions about the process between governments and parties provided for in the Agreement (paragraphs 6 and 7 of the section on Policing and Justice).

**19.5** The oversight commissioner would provide more than a stocktaking function. The review process would provide an important impetus to the process of transformation. *We recommend that the government, the police service, and the Policing Board (and DPPBs) should provide the oversight commissioner with objectives (with timetables) covering their own responsibilities, and that they should report on the progress achieved at the periodic review meetings, and account for any failures to achieve objectives.* All will need to demonstrate to the commissioner their commitment to the objectives of transforming policing, and the commitment of their members and staff. *We recommend that the commissioner should in turn report publicly after each review meeting on the progress achieved, together with his or her observations on the extent to which any failures or delays are the responsibility of the policing institutions themselves or due to matters beyond their control.* If, for example, some changes are judged to be impossible to implement within a certain time frame because of continuing security threats, this should be reported to the oversight commissioner and covered in the commissioner's report.

**19.6** *We recommend that the oversight commissioner should be appointed for a term of five years.* Whether there is a need for a further appointment beyond that time will depend on the progress made. We hope that, at that point or soon after, it will be possible to have responsibility for policing in Northern Ireland vested entirely with the people of Northern Ireland, where it belongs.

## SUMMARY OF RECOMMENDATIONS

The following is a list of all the recommendations in this report:

### Human Rights

- 1 There should be a comprehensive programme of action to focus policing in Northern Ireland on a human rights-based approach. [para. 4.6]
- 2 There should be a new oath, 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.”** [para. 4.7]
- 3 A new Code of Ethics should replace the existing, largely procedural code, integrating the European Convention on Human Rights into police practice. 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. [para. 4.8]
- 4 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. The human rights dimension should be integrated into every module of police training. [para. 4.9]
- 5 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. [para. 4.10]
- 6 A lawyer with specific expertise in the field of human rights should be appointed to the staff of the police legal services. [para. 4.11]
- 7 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. [para. 4.12]

### Accountability

- 8 An entirely new Policing Board should be created, to replace the present Police Authority. [para. 6.2]
- 9 The statutory primary function of the Policing Board should be to hold the Chief Constable and the police service publicly to account. [para. 6.3]
- 10 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. [para. 6.5]

- 11** 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. [para. 6.6]
- 12** 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. [para. 6.7]
- 13** 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. [para. 6.8]
- 14** The Board should have the 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) 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. [para. 6.9]
- 15** 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. [para. 6.10]
- 16** 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. [para. 6.11]

- 17** The nine independent members of the Board should 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 scrutinise different areas of police performance, from management of resources to the safeguarding of human rights. 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. [para. 6.12]
- 18** The independent members should 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. [para. 6.13]
- 19** A Board member of high quality and standing in the community should be appointed by the Secretary of State to be the first chairman of the Board, with the agreement of the First Minister and the Deputy First Minister, for an initial term of four years. [para. 6.14]
- 20** Responsibility for policing should be devolved to the Northern Ireland Executive as soon as possible, except for matters of national security. [para. 6.15]
- 21** 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, should in no way be diminished when the government role in the tripartite arrangement passes to the Northern Ireland Executive. [para. 6.15]
- 22** The provisions of the Police (Northern Ireland) Act 1998 should be simplified so that the respective roles of the Secretary of State (or successor), the Policing Board and the Chief Constable are clear. [para. 6.16]
- 23** The provision, in Section 39 of the Police (Northern Ireland) Act 1998, that the Secretary of State may issue guidance to the police as to the exercise of their functions, should be repealed. [para. 6.18]
- 24** 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. [para. 6.21]
- 25** 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. 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. [para. 6.22]

- 26** 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. [para. 6.23]
- 27** 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. The chair of the DPPB should be held by an elected member, with rotation between parties from year to year. [para. 6.26]
- 28** The District Policing Partnership Board in Belfast should have four sub-groups, covering North, South, East and West Belfast. [para. 6.27]
- 29** There should be 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. 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. [para. 6.30]
- 30** The DPPB should submit an annual report to the District Council, and publish it. [para. 6.31]
- 31** The approved administration costs of the DPPB should attract a 75% grant from the Policing Board, the remaining 25% to be funded by the District Council. [para. 6.32]
- 32** 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. [para. 6.33]
- 33** It should be the aim of every police beat manager to have a consultative forum in his or her patrol area. [para. 6.34]
- 34** 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. [para. 6.35]
- 35** The Policing Board should meet in public once a month, to receive a report from the Chief Constable. [para. 6.36]
- 36** District Policing Partnership Boards should 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. [para. 6.37]
- 37** The police service should take steps to improve its transparency. 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. [para. 6.38]

- 38** 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. 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 should work with the police to address issues emerging from this data. He/she should have a dynamic cooperative relationship with both the police and the Policing Board, as well as other bodies involved in community safety issues. He/she 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. [para. 6.41]
- 39** New legislation on covert policing should be fully compliant with the European Convention on Human Rights and should have the same application in Northern Ireland as in the rest of the United Kingdom. [para. 6.43]
- 40** There should be a commissioner for covert law enforcement in Northern Ireland. [para. 6.44]
- 41** 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. [para. 6.45]
- 42** There should be 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. [para. 6.46]
- 43** 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. [para. 6.47]

### **Policing with the Community**

- 44** Policing with the community should be the core function of the police service and the core function of every police station. [para. 7.9]
- 45** Every neighbourhood (or rural area) should have a dedicated policing team with lead responsibility for policing its area. [para. 7.10]
- 46** Members of the policing team should serve at least three and preferably five years in the same neighbourhood. They should wear their names clearly displayed on their uniforms, and their uniforms should also bear the name of the locality for which they are responsible. [para. 7.11]

- 47** All probationary police officers should undertake the operational phases of their probationary training doing team policing in the community. [para. 7.12]
- 48** Where practicable, policing teams should patrol on foot. [para. 7.13]
- 49** Neighbourhood policing teams should 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. [para. 7.14]
- 50** 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. All police officers should 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 they should be regularly appraised as to their performance in doing so. [para. 7.16]
- 51** DPPB members and other community leaders should be able to attend police training courses in problem-solving techniques. [para. 7.17]

### **Policing in a Peaceful Society**

- 52** 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. [para. 8.5]
- 53** Existing police stations should – subject to the security situation in their areas and to health and safety considerations – be progressively made less forbidding in appearance, more accessible to public callers and more congenial for those working in them. The public reception areas inside police stations should be made more welcoming, and civilian receptionists could replace police officers. [para. 8.6]
- 54** 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. [para. 8.7]
- 55** Police cars should continue to be substituted as patrol vehicles in place of armoured Landrovers, and the use of armoured Landrovers should be limited to threatening situations. [para. 8.8]
- 56** As soon as possible (that is, as soon as the incidence of deployment ceases to be regular) armoured Landrovers should be moved to depots, to be kept in reserve for use in public order policing for as long as this contingency may be required. [para. 8.9]
- 57** The word “Police” should be painted onto the sides of all Landrovers. [para. 8.10]
- 58** The role of the army 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. [para. 8.11]
- 59** 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. [para. 8.12]

- 60** Provided the threat of terrorism in Northern Ireland diminishes to the point where no additional special powers are necessary to combat it, legislation against terrorism should be the same in Northern Ireland as in the rest of the United Kingdom. [para. 8.14]
- 61** In the meantime, with immediate effect, records should be kept of all stops and searches and other such actions taken under emergency powers. [para. 8.14]
- 62** The three holding centres at Castlereagh, Gough barracks and Strand Road should be closed forthwith and all suspects should in future be detained in custody suites based in police stations. [para. 8.15]
- 63** Video recording should be introduced into the PACE custody suites. [para. 8.16]
- 64** Responsibility for inspecting all custody and interrogation suites should rest with the Policing Board, and Lay Visitors should 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). [para. 8.16]
- 65** The question of moving towards the desired objective of a routinely unarmed police service should be periodically reviewed in the light of developments in the security environment. [para. 8.19]

### **Public Order Policing**

- 66** 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. [para. 9.6]
- 67** It should be a condition for the approval of a parade that the organizers should provide their own marshals, and 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. [para. 9.9]
- 68** 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 practicable, 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. [para. 9.10]
- 69** An immediate and substantial investment should be made in a research programme to find an acceptable, effective and less potentially lethal alternative to the Plastic Baton Round (PBR). [para. 9.15]
- 70** The police should 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/her disposal which might reduce reliance on, or defer resort to, the PBR. [para. 9.16]

- 71** 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. [para. 9.17]
- 72** Officers' identification numbers should be clearly visible on their protective clothing, just as they should be on regular uniforms. [para. 9.18]
- 73** 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. [para. 9.19]
- 74** Guidance governing the deployment and use of PBRs should be soundly based in law, clearly expressed and readily available as public documents. [para. 9.20]

### **Management and Personnel**

- 75** The Northern Ireland police leadership team should include specialists in change management. These may be either civilians or police officers, preferably both. The leadership team should produce a programme for change, to be presented to the Policing Board and reviewed periodically by the Board. The efficiency and effectiveness of each chief officer should be judged on the basis of, among other things, their capacity to introduce and adapt to change. [para. 10.3]
- 76** District commanders should 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. They should reach service level agreements with all headquarter support departments. [para. 10.7]
- 77** It should be a high priority of management to ensure that the appraisal system is fully effective. This system should be used as part of the promotion and selection process. An officer's capacity for change should be assessed and should also be taken into account in the promotion and selection process. [para. 10.10]
- 78** District commanders should 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. [para. 10.11]
- 79** An automated trend identification system for complaints should be introduced. [para. 10.12]
- 80** The use of trend information should be followed up by management, and as appropriate by the department responsible for discipline, and guidance should be drawn up to help managers use this information effectively. [para. 10.13]

- 81** Police managers should use random checks as a way to monitor the behaviour of their officers in dealings with the public and their integrity. [para. 10.14]
- 82** Police management should use all the tools at its disposal, including when necessary the administrative dismissal process, to ensure that high professional and ethical standards are consistently met. [para. 10.15]
- 83** There should be a tenure policy, so that officers do not have inordinately long postings in any specialist area of the police. [para. 10.16]
- 84** Officers injured on duty should be treated as a separate category for sickness recording purposes. [para. 10.17]
- 85** A new policy should be formulated for the management of long-term sickness absence, incorporating appropriate arrangements for medical retirement, career counselling and welfare support. A system of rewards, as well as sanctions, should be introduced as part of the sickness management policy. [para. 10.19]
- 86** There should be a more detailed review of sickness absence, to establish underlying causes and to make recommendations to address them. [para. 10.19]
- 87** A substantial fund should be set up to help injured police officers, injured retired officers and their families, as well as police widows. [para. 10.20]
- 88** The Widows Association should be given an office in police premises, free of charge, and a regular source of finance adequate to run their organization. [para. 10.21]
- 89** 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. [para. 10.22]
- 90** There should be a rigorous programme of civilianisation 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. [para. 10.23]
- 91** The Policing Board and the police service should 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 management buy-out contractors should be offered a secure contract for at least three years to enable them to establish themselves before having to tender for renewal. [para. 10.25]
- 92** The police should commission a comprehensive audit of the whole police 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. [para. 10.28]

## **Information Technology**

- 93** There should be an urgent, independent, and in-depth strategic review of the use of information technology (IT) in policing. It should benchmark the Northern Ireland police against police services in the rest of the world and devise a properly resourced strategy that places them at the forefront of law enforcement technology within 3 to 5 years. It should be validated by independent assessment. The strategy should deliver fully integrated technology systems that are readily accessible to all staff, and should take advantage of the best analytical and communications systems currently available. Users of the technology should play a key part in devising the strategy, and in assessing its implementation. [para. 11.13]

## **Structure of the Police Service**

- 94** There should be one district command for each District Council area. [para. 12.4]
- 95** In general, each district command should be headed by a Superintendent and resourced sufficiently to be self-contained for day-to-day policing purposes and capable of marshalling strength to cope with most unexpected demands. However, in the districts with small populations the commander should be a Chief Inspector, and the districts should draw on assistance from larger neighbouring district commands for functions in which it is not feasible for a small command to be self-sufficient. [para. 12.5]
- 96** The divisional layer of management and the regional headquarters should be removed, and there should be a direct reporting line from each district commander to the appropriate Assistant Chief Constable at central police headquarters. District commanders in smaller council areas, whatever their rank, should have such a direct reporting line, reflecting the accountability arrangements we have recommended. There should be much greater delegation of decision-making authority to district commanders than is the case now with sub-divisional commanders, including control over a devolved budget and all police resources in their district. [para. 12.6]
- 97** There should be a slimmer structure at police headquarters – one that reflects the shift of focus towards community policing and the delegation of responsibility to district commanders, and permits a more rigorous and strategic approach to management. There should be no more than one Deputy Chief Constable. The number of Assistant Chief Officers should be reduced to six from the present twelve. The position of “Deputy Assistant Chief Constable” should be deleted forthwith. The rank of Chief Superintendent should be phased out. [para. 12.9]
- 98** Special Branch and Crime Branch should be brought together under the command of a single Assistant Chief Constable. [para. 12.12]
- 99** There should be a substantial reduction in the number of officers engaged in security work in the new, amalgamated command. [para. 12.13]
- 100** Security officers should be required to keep their district commanders well briefed on security activities in their districts, and district commanders should be fully consulted before security operations are undertaken in their district. [para. 12.14]

- 101** The support units of Special Branch should be amalgamated into the wider police service. [para. 12.15]
- 102** Officers should not spend such long periods in security work as has been common in the past. [para 12.16]
- 103** The future police service should not include a Full Time Reserve. [para. 12.17]
- 104** There should be an enlarged Part Time Reserve of up to 2,500 officers, the additional recruits to come from those areas in which there are currently very few reservists or none at all. [para. 12.18]

### **Size of the Police Service**

- 105** Provided the peace process does not collapse and the security situation does not deteriorate significantly from the situation pertaining at present, the approximate size of the police service over the next ten years should be 7,500 full time officers. [para. 13.9]
- 106** The early retirement or severance package offered to regular officers and full time reservists aged 50 or above should include a generous lump sum payment according to length of service, pension enhancement of up to five years, early payment of pension commutation entitlement and payment in lieu of pension until pensionable age is reached. Full time reservists should be treated as far as possible in the same way as regular officers. [para. 13.12]
- 107** Regular officers with more than five years' service and all full time reservists, leaving the police service before the age of 50, should receive a substantial lump sum payment. [para. 13.13]
- 108** The Training and Employment Agency should develop measures for police officers (and civilians) seeking other employment, in consultation with police management and the staff associations. The Police Retraining and Rehabilitation Trust should have a role in this programme, and should have enhanced staffing and funding to enable it to deal with a substantially larger workload. [para. 13.17]
- 109** Police recruiting agencies in Great Britain should take full account of the policing experience of former RUC reservists in considering applications for employment in police services in Great Britain. [para. 13.19]
- 110** The British government should offer former reservists the opportunity to participate in British policing contingents in United Nations peacekeeping operations. [para. 13.19]

### **Composition and Recruitment of the Police Service**

- 111** The Northern Ireland Civil Service management should facilitate transfers of civilian members of the police service to other Northern Ireland departments and should cooperate with the Policing Board and the Chief Constable in achieving a balanced and representative civilian workforce. [para. 14.16]
- 112** Every effort should be made to ensure that the composition of the staff of the Policing Board, the NIO Police Division (or any successor body), and the office of the Police Ombudsman should be broadly reflective of the population of Northern Ireland as a whole, particularly in terms of political/religious tradition and gender. [para. 14.17]

- 113** All community leaders, including political party leaders and local councillors, bishops and priests, schoolteachers and sports authorities, should take steps to remove all discouragements to members of their communities applying to join the police, and make it a priority to encourage them to apply. [para. 15.2]
- 114** The Gaelic Athletic Association should repeal its rule 21, which prohibits members of the police in Northern Ireland from being members of the Association. [para. 15.2]
- 115** Liaison should be established between all schools and universities and the police service in Northern Ireland immediately, and work experience attachments and familiarisation days should be organized with active support and encouragement from community leaders and teachers. [para. 15.4]
- 116** Provided there is active support and encouragement from local political and community leaders, pilot police cadet schemes should be set up. [para. 15.6]
- 117** The police should contract out the recruitment of both police officers and civilians into the police service. There should be lay involvement, including community representatives, on recruitment panels. [para. 15.7]
- 118** The recruitment agency should advertise imaginatively and persistently, particularly in places likely to reach groups who are under-represented in the police. [para. 15.8]
- 119** The agency should advertise beyond Northern Ireland, in the rest of the United Kingdom and in the Republic of Ireland. [para. 15.8]
- 120** All candidates for the police service should continue to be required to reach a specified standard of merit in the selection procedure. Candidates reaching this standard should then enter a pool from which the required number of recruits can be drawn. [para. 15.9]
- 121** An equal number of Protestants and Catholics should be drawn from the pool of qualified candidates. [para. 15.10]
- 122** Priority should be given to creating opportunities for part time working and job-sharing, both for police officers and police service civilians, and career breaks should be introduced. [para. 15.11]
- 123** Child care facilities should be introduced where practicable, or child care vouchers and flexible shift arrangements offered. [para. 15.11]
- 124** The recruitment process should be reduced to no more than six months. [para. 15.12]
- 125** Young people should not be automatically disqualified from entry into the police service for relatively minor criminal offences, particularly if they have since had a number of years without further transgressions. The criteria on this aspect of eligibility should be the same as those in the rest of the United Kingdom. There should be a procedure for appeal to the Police Ombudsman against disqualification of candidates. [para. 15.13]

- 126** All officers – those now in service as well as all future recruits – should be obliged to register their interests and associations. The register should be held both by the police service and by the Police Ombudsman. [para. 15.16]
- 127** The recruitment agency should seek to identify Northern Ireland Catholic officers in other police services, including the Garda Síochána, contact them and encourage them – particularly those in more senior ranks – to apply for positions in the Northern Ireland police. [para. 15.17]
- 128** Lateral entry of experienced officers from other police services, and secondments or recruitments from non-police organizations should be actively encouraged. [para. 15.18]

### **Training, Education and Development**

- 129** A training, education and development strategy should be put in place, both for recruit training and for in-service training, which is linked to the aims of this report and to the objectives and priorities set out in the policing plans. These plans should incorporate training and development requirements. [para. 16.4]
- 130** A total training and development budget should be established, covering all aspects of training, and this should be safeguarded against transfers to other sub-heads. [para. 16.5]
- 131** The Northern Ireland police should have a new purpose-built police college and the funding for it should be found in the next public spending round. [para. 16.6]
- 132** There should be service level agreements between police districts/departments and the police Training Branch setting out what the Branch is expected to deliver to the district or department concerned. [para. 16.8]
- 133** There should be a high degree of civilian input into the recruit training programme. The director of the training centre (and the new college when this is opened) should have both academic qualifications and management expertise. Civilian instructors should be employed, or brought in as necessary to conduct as many elements of the training programme as possible. Some modules of recruit training should be contracted out to universities and delivered on university premises, ideally together with non-police students. [para. 16.10]
- 134** Civilian recruits to the police service should also attend the police college, and do some of their training together with police officer recruits. [para. 16.11]
- 135** Recruits who do not already have degrees should be encouraged to acquire appropriate academic qualifications during the first two years of their career. Encouragement should be given to those officers who wish to go on to study for further relevant qualifications. [para. 16.12]
- 136** Attestation as a police officer should take place only upon successful completion of the recruit training course. A sufficiently rigorous standard should be required for success in that course; and completion of the course should be marked by a graduation ceremony. [para. 16.13]

- 137** The hours spent on drill should be considerably reduced. [para. 16.14]
- 138** Problem-solving and partnership approaches should be central to the recruit training course, and scenario exercises should be further developed as training tools. [para. 16.16]
- 139** Community awareness training for police recruits should be developed to include representatives of all the main political and religious traditions in Northern Ireland. Community awareness should not be seen as a stand-alone element of recruit training; it should be integrated into all aspects of training. [para. 16.17]
- 140** The Northern Ireland police should introduce a comprehensive tutor officer scheme. Tutor officers should be carefully selected, according to their commitment and adaptability to the new style of policing, and trained. [para. 16.18]
- 141** Every member of the police service should have, as soon as possible, a course on the impact on policing of the new constitutional arrangements for Northern Ireland, the new policing arrangements set out in this report, and the reforms of the criminal justice system. [para. 16.20]
- 142** As a matter of priority, all members of the police service should be instructed in the implications for policing of the Human Rights Act 1998, and the wider context of the European Convention on Human Rights and the Universal Declaration of Human Rights. [para. 16.21]
- 143** All police managers should have management training, as appropriate, and every manager should at some stage of his/her career do a management course in a non-police environment, such as a business school or university. Use should be made of management workshops, so that managers can discuss and develop with each other how best to reshape the police organization. [para. 16.22]
- 144** Every officer and civilian in the service should undergo adequate training in information technology. [para. 16.23]
- 145** Opportunities should be taken for joint training with civilian analysts, and members of other police services. [para. 16.23]
- 146** The Northern Ireland police should draw on the success of neighbourhood policing in such places as the Markets area of Belfast in developing a neighbourhood policing training programme for all members of the police service. Standard training for neighbourhood officers should include modules on such community problems as domestic violence, child abuse, rape, drugs and youth issues and this training should be updated as necessary. [para. 16.24]
- 147** The training curricula for the police service should be publicly available, and easily accessible, eg. on the Internet. [para. 16.25]
- 148** Some training sessions should be open to members of the public to attend, upon application, priority being given to members of the Policing Board or District Policing Partnership Boards, Lay Visitors, or other bodies, statutory or non-governmental, involved in working with the police. [para. 16.26]

**149** The new police college should offer a pilot citizens course, to assess demand in Northern Ireland. [para. 16.26]

### **Culture, Ethos and Symbols**

**150** While the Royal Ulster Constabulary should not be disbanded, it should henceforth be named the Northern Ireland Police Service. [para. 17.6]

**151** The Northern Ireland Police Service should adopt a new badge and symbols which are entirely free from any association with either the British or Irish states. [para. 17.6]

**152** The Union flag should no longer be flown from police buildings. [para. 17.6]

**153** On those occasions on which it is appropriate to fly a flag on police buildings, the flag flown should be that of the Northern Ireland Police Service and it, too, should be free from associations with the British or Irish states. [para. 17.6]

**154** The colour of the current police uniform should be retained, but a new, more practical style of uniform should be provided to police officers. [para. 17.7]

**155** Police memorials in police buildings should remain as they are and where they are. [para. 17.8]

**156** The maintenance of a neutral working environment should become an assessed management responsibility at all levels of management. [para. 17.9]

### **Cooperation with other Police Services**

**157** The Northern Ireland police and the Garda Siochana should have written protocols covering key aspects of cooperation. [para. 18.7]

**158** The present pattern of meetings between the police services in Northern Ireland and the Republic should be enhanced by an annual conference, designed to drive forward cooperation in areas of common concern. [para. 18.8]

**159** There should be a programme of long-term personnel exchanges, such as fixed-term secondments, between the Northern Ireland police and the Garda, in specialist fields where cooperation between the two services is most needed, such as drugs, and in areas such as training. [para. 18.10]

**160** Consideration should be given to posting liaison officers from each service to the central headquarters and/or border area headquarters of the other. [para. 18.10]

**161** There should be structured cooperation between the two police services in training. [para. 18.11]

**162** There should be joint disaster planning between the Northern Ireland police and the Garda Siochana and the plans should be tested by regular joint exercises. [para. 18.12]

- 163** Consideration should be given to establishing a provision for an immediate exchange of officers and pooling of investigative teams after major incidents with a substantial cross-border dimension, akin to the arrangements which exist between Kent and the police services of France and Belgium. [para. 18.13]
- 164** Every effort should be made to ensure that fast, effective and reliable communications are established between the Garda and the Northern Ireland police both through improved radio links and through compatible IT systems. [para. 18.14]
- 165** Joint database development should be pursued as a matter of priority in all the main areas of cross-border criminality, such as drugs, smuggling, vehicle theft and terrorism. [para. 18.15]
- 166** A determined effort should be made to develop exchanges, and long-term secondments, between the Northern Ireland police and police services in Great Britain. [para. 18.16]
- 167** There should be training exchanges and some joint training between the Northern Ireland police and police services in Great Britain. [para. 18.17]
- 168** Consideration should be given to structured links between the four principal police training establishments in the British Isles, namely Bramshill (England), Templemore (Republic of Ireland), Tulliallan (Scotland) and Garnerville or the proposed new police college in Northern Ireland. [para. 18.17]
- 169** International training exchanges should be further developed, focussing in particular on matters where the police in Northern Ireland need overseas police cooperation and on best practice developments in policing worldwide. There should be cooperation with other police services in the field of research. [para. 18.18]
- 170** The police should develop opportunities to provide more training for overseas police services in their areas of excellence. [para. 18.19]
- 171** The Northern Ireland police should be ready to participate in future United Nations peace-keeping operations. [para. 18.20]
- 172** An eminent person, from a country other than the United Kingdom or Ireland, should be appointed as soon as possible as an oversight commissioner with responsibility for supervising the implementation of our recommendations. [para. 19.4]
- 173** The government, the police service, and the Policing Board (and DPPBs) should provide the oversight commissioner with objectives (with timetables) covering their own responsibilities, and should report on the progress achieved at the periodic review meetings, and account for any failures to achieve objectives. [para. 19.5]
- 174** The commissioner should in turn report publicly after each review meeting on the progress achieved, together with his or her observations on the extent to which any failures or delays are the responsibility of the policing institutions themselves or due to matters beyond their control. [para. 19.5]
- 175** The oversight commissioner should be appointed for a term of five years. [para. 19.6]

# ANNEX 1

## TERMS OF REFERENCE OF THE INDEPENDENT COMMISSION ON POLICING FOR NORTHERN IRELAND

(as set out in the Agreement of 10 April 1998)

Taking account of the principles on policing as set out in the agreement, the Commission will inquire into policing in Northern Ireland and, on the basis of its findings, bring forward proposals for future policing structures and arrangements, including means of encouraging widespread community support for those arrangements.

Its proposals on policing should be designed to ensure that policing arrangements, including composition, recruitment, training, culture, ethos and symbols, are such that in a new approach Northern Ireland has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole.

Its proposals should include recommendations covering any issues such as re-training, job placement and educational and professional development required in the transition to policing in a peaceful society.

Its proposals should also be designed to ensure that:

- the police service is structured, managed and resourced so that it can be effective in discharging its full range of functions (including proposals on any necessary arrangements for the transition to policing in a normal peaceful society);
- the police service is delivered in constructive and inclusive partnerships with the community at all levels with the maximum delegation of authority and responsibility;
- the legislative and constitutional framework requires the impartial discharge of policing functions and conforms with internationally accepted norms in relation to policing standards;
- the police operate within a clear framework of accountability to the law and the community they serve, so:
  - they are constrained by, accountable to and act only within the law;
  - their powers and procedures, like the law they enforce, are clearly established and publicly available;
  - there are open, accessible and independent means of investigating and adjudicating upon complaints against the police;
  - there are clearly established arrangements enabling local people, and their political representatives, to articulate their views and concerns about policing and to establish publicly policing priorities and influence policing policies, subject to safeguards to ensure police impartiality and freedom from partisan political control;
  - there are arrangements for accountability and for the effective, efficient and economic use of resources in achieving policing objectives;
  - there are means to ensure independent professional scrutiny and inspection of the police service to ensure that proper professional standards are maintained;
- the scope for structured co-operation with the Garda Síochána and other police forces is addressed; and
- the management of public order events which can impose exceptional demands on policing resources is also addressed.

The Commission should focus on policing issues, but if it identifies other aspects of the criminal justice system relevant to its work on policing, including the role of the police in prosecution, then it should draw the attention of the Government to those matters.

The Commission should consult widely, including with non-governmental expert organisations, and through such focus groups as they consider it appropriate to establish.

The Government proposes to establish the Commission as soon as possible, with the aim of it starting work as soon as possible and publishing its final report by Summer 1999.

## **ANNEX 2**

### **POLITICAL PARTIES, BUSINESS AND TRADE UNION GROUPS, AND OTHERS WHO GAVE ORAL SUBMISSIONS TO THE COMMISSION IN PUBLIC SESSION**

Alliance Party  
Northern Ireland Committee of Irish Congress of Trade Unions  
Confederation of British Industry (Northern Ireland)  
Democratic Unionist Party  
Institute of Directors  
Northern Ireland Women's Coalition  
Progressive Unionist Party  
Relatives for Justice  
Sinn Fein  
Social Democratic and Labour Party  
Ulster Unionist Party  
United Campaign Against Plastic Bullets  
United Kingdom Unionist Party  
Workers Party

### **ORGANISATIONS AND INDIVIDUALS WHO MET THE COMMISSION IN MEETINGS NOT OPEN TO THE PUBLIC INCLUDED\*:**

Amnesty International  
Ardoyne Community Association  
Association of Police Authorities  
Blom-Cooper, Sir Louis – Commissioner for Holding Centres  
Campbell, Mrs Rosemary, and sons  
Catholic Bishops of Northern Ireland  
Catholic Head Teachers Association  
Church of Ireland  
Committee on the Administration of Justice  
Community Dialogue  
Council of Europe  
Cumaraswamy, Dato' Param, UN Special Rapporteur  
Disabled Police Officers Association  
Equal Opportunities Commission  
Evergreens  
Fair Employment Commission

\* This is not a complete listing of all those who were consulted by or who provided submissions to the Commission. A great many groups and individuals were seen outside the context of formal Commission meetings, by the Chairman and Commissioners either collectively or individually. These were private meetings, and in some cases confidentiality was specifically requested.

Families Acting for Innocent Relatives (FAIR)  
Families Against Intimidation and Terror (FAIT)  
Faul, Monsignor Denis  
Free Presbyterian Church  
Grand Orange Lodge of Ireland  
Family of Robert Hamill  
Home Office  
Housing Executive  
Human Rights Watch (New York)  
International Commission on Decommissioning  
Irish Department of Foreign Affairs  
Irish Department of Justice, Equity and Law Reform  
Lawyers Committee on Human Rights (New York)  
Methodist Church  
Northern Ireland Association for the Care and Resettlement of Offenders  
Northern Ireland Council for Ethnic Minorities  
Northern Ireland Gay Rights Association  
Northern Ireland Office  
Northern Ireland Unionist Party  
Pat Finucane Centre  
Police Authority for Northern Ireland  
Police Retraining and Rehabilitation Trust  
Presbyterian Church in Ireland  
Royal Black Preceptory  
RUC Widows Association  
Society of Friends  
Standing Advisory Commission on Human Rights  
Ulster Democratic Party

**ANNEX 3**  
**PUBLIC MEETINGS ORGANIZED BY THE COMMISSION\***

<b>VENUE</b>	<b>LOCATION</b>	<b>DATE</b>
Argyle Business Centre	Shankill Road, Belfast	14 October 1998
Whiterock College of F.E.	West Belfast	4 November 1998
St Silas' Hall, Cliftonville Road	North Belfast	5 November 1998
Seaview Presbyterian Church	North Belfast	6 November 1998
Town Hall	Ballymena	30 November 1998
Town Hall	Coleraine	30 November 1998
St Columb's Park House	Londonderry	1 December 1998
Calgach Heritage Centre	Londonderry	1 December 1998
Fir Trees Hotel	Strabane	2 December 1998
College of Further Education	Limavady	2 December 1998
Town Library	Omagh	2 December 1998
Killyhevlin Hotel	Enniskillen	2 December 1998
Rainey Endowed School	Magherafelt	2 December 1998
Community Centre	Crossmaglen	3 December 1998
Town Hall	Ballymoney	3 December 1998
Town Hall	Kilkeel	3 December 1998
Mayor's Parlour, Sheskburn House	Ballycastle	3 December 1998
Mourne Country Hotel	Newry	3 December 1998
Glenavon House Hotel	Cookstown	4 December 1998
Ashgrove Community Centre	Portadown	4 December 1998
Craigavon Civic Centre	Portadown	4 December 1998
Leisure Centre	Dungannon	4 December 1998
St Patrick's Trian	Armagh City	7 December 1998
East Antrim Institute	Newtownabbey	7 December 1998
Forum Leisure Centre	Antrim	7 December 1998
Beechlawn House Hotel, Dunmurry	Lisburn	8 December 1998
Castle Leisure Centre	Bangor	8 December 1998
Friends School	Lisburn	8 December 1998
Dundonald Ice Bowl	Castlereagh	8 December 1998
Queen's Hall	Newtownards	9 December 1998
Down County Museum	Downpatrick	9 December 1998
Boardroom, Enterprise Centre	Banbridge	9 December 1998
Town Hall	Carrickfergus	10 December 1998
Leisure Centre	Larne	10 December 1998
Poleglass Youth Club	Twinbrook/Poleglass	29 March 1999
Park Avenue Hotel	East Belfast	29 March 1999
Whitla Hall	South Belfast	30 March 1999
Town Hall	Ballyclare	30 March 1999
Leisure Centre	Comber	29 June 1999
Marine Court Hotel	Bangor	30 June 1999

\* Commissioners also participated in a number of meetings organized by others, and attended by people invited by the organizers.

**ANNEX 4**  
**POLICE AND AFFILIATED ORGANIZATIONS**  
**CONSULTED BY THE COMMISSION**

**UNITED KINGDOM & IRELAND**

Association of Chief Police Officers  
Garda Siochana  
National Police College, Bramshill  
HM Inspectorate of Constabulary  
Kent County Constabulary  
Police Federation for Northern Ireland  
Police Federation of England and Wales  
Royal Ulster Constabulary  
South Wales Police  
Superintendents Association RUC  
Surrey Police  
Thames Valley Police

**USA & CANADA**

Atlanta Police Department  
Boston Police Department  
Charlotte-Mecklenburg Police Department  
Chicago Police Department  
Federal Bureau of Investigation  
Glendale Police Department (California)  
Los Angeles Police Department  
Royal Canadian Mounted Police  
Ontario Provincial Police  
Philadelphia Police Department  
Santa Ana Police Department (California)  
Toronto Metropolitan Police  
Washington Metro Police Department

**OTHER**

Ertzaintza (Basque Police)  
Madrid National Police Force  
South African Police Service  
Zuid-Holland-Zuid Police

## **ANNEX 5**

### **ACPO DRAFT CODE OF ETHICS 1992**

As a member of the Police Service, I will:

- Act with fairness, carrying out my responsibilities with integrity and impartiality.
- Perform my duties with diligence and a proper use of discretion.
- In my dealings with all individuals, both outside and inside the Police Service, display self control, tolerance, understanding, and courtesy appropriate to the circumstance.
- Uphold fundamental human rights, treating every person as an individual and display respect and compassion towards them.
- Support all my colleagues in the performance of their lawful duties and in doing so, actively oppose and draw attention to any malpractice by any person.
- Respect the fact that much of the information I receive is confidential and may only be divulged when my duty requires me to do so.
- Exercise force only when justified and use only the minimum amount of force necessary to effect my lawful purpose and restore the peace.
- Act only within the law, in the understanding that I have no authority to depart from due legal process and that no one may place a requirement on me to do so.
- Use resources entrusted to me to the maximum benefit of the public.
- Accept my responsibility for self development, continually seeking to improve the way in which I serve the community.
- Accept personal accountability for my own acts and omissions.

## NOTES

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