Volume 5 Issue 1 June 2023

International Journal of Criminal Justice

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KICJ Korean Institute of Criminology and Justice

JOURNAL DESCRIPTION

The primary research areas of the journal are change of human behaviors, community response, and social system in the field of criminal law, criminology, criminal justice and psychology. We welcome research contributions that achieve: (a) improving knowledge and understanding of the etiology and trends of crime (b) utilizing theoretical frameworks and research methodologies in evaluation of criminal legislations and policies in different jurisdictions and (c) undertaking analysis and research on enacting and amending the criminal codes and legislations in response to changing or evolving crime trends with an eye towards improving the effectiveness of the judicial system and criminal policies.

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Contents

Recorded interviews as evidence in child sexual exploitation and abuse – Barnahus model in Finland and Sweden 3

Jani Hannonen

Post-Patten Policing in Northern Ireland: Outcomes, Challenges and Lessons 33

Juneseo Hwang, Marina Caparini

Comparative Study of IPA Techniques in Biased Cases: Developing Improvement Plans for Electronic Supervision Investigation(ESI) Team 67

Danee Lee, Yoori Seong

Recorded interviews as evidence in child sexual exploitation and abuse – Barnahus model in Finland and Sweden

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Abstract

The Nordic Barnahus model promotes child-friendly criminal procedure. An important aspect of the Barnahus model is that child victims of sexual exploitation or physical abuse do not testify in court, but an interview recorded in the pre-trial investigation is used as evidence instead. The article analyzes how the Barnahus model is implemented in Finland and Sweden using a comparative method.

The criminal procedure in child sexual exploitation and abuse is very similar in Finland and Sweden. The children are interviewed conclusively in the pre-trial investigation, and they are not present in the trial. Ensuring the suspect's right to cross-examination in the pre-trial phase is a prerequisite for using recorded interviews as evidence. There is no direct contact between the defense and the child victim because the defense's questions are presented by the interviewer.

The Finnish and Swedish Barnahus variations differ mostly in the legislative stance towards recorded interviews and the organization of Barnahus activities. In Finland, using recorded interviews is strictly legislated whereas in Sweden the approach is more flexible case-by-case discretion. In Finland, forensic psychologists interview young children and older children are interviewed by police officers trained in child forensic interviews. In Sweden, trained police officers conduct all interviews.

Keywords: recorded interview, evidence, child sexual exploitation and abuse, Barnahus, Nordic law

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Received 5 December 2022; Revised 30 January 2023; Accepted 23 May 2023
INTERNATIONAL JOURNAL OF CRIMINAL JUSTICE, Vol. 5 Issue 1, June 2023, 3-31

The author is a Finnish Doctoral Researcher at the University of Turku. The article was written together with the Korean Institute of Criminology and Justice (KICJ) during a research visit in October – December 2022. The author expresses his gratitude to three anonymous reviewers and colleagues Inka Lilja and Dr. Julia Korkman for their valuable comments.

1. Introduction

In this article, a *recorded interview* refers to an audio and video recording of the victim's interview in the pre-trial investigation in which the victim testifies on the alleged crime. In the Korean criminal procedure, it is possible to use recorded interviews of child victims of sexual crime if the defendant confesses to the crime.

According to Article 30 (6) of the Korean Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes: "If a victim of a sexual crime is under the age of 19, the statements made by a victim in a video recording may be admitted as evidence only

When they are duly authenticated by a statement of the victim himself/herself, a person in a relationship of trust with the victim who was present in the investigative process, or an intermediary on a preparatory hearing date or a hearing date". However, according to a recent ruling by the Korean Constitutional Court (23/December/2021, 2018 헌바 heunba524), it is currently unclear if recorded interviews can be used as evidence if the defendant does not confess to the crime.

Therefore, Korean child victims often have to testify physically in court. I argue that this is not in the best interest of the child or beneficial for reaching the material truth in criminal procedure. Firstly, children are an especially vulnerable group of victims and a full-scale criminal procedure can be a traumatizing experience. Children have to be protected from further trauma. Secondly, from a legal psychological perspective, the quality of evidence is better if the interview is recorded as soon as possible after the alleged crime has occurred because the child's memory is more reliable compared to hearing the child in court after several months. Thirdly, the questions to the child should be presented by trained professionals in child forensic interviews instead of criminal justice professionals. Utilizing special expertise decreases the risk of unintentional improper influence such as leading questions which may even lead to the development of false memories (See la Rooy et al., 2016 about the legal psychological perspective of interviewing children; see also Väisänen & Korkman, 2014, pp. 729–732 and referred literature).

Using recorded interviews of children as evidence in criminal proceedings is an established practice in the European legal regime, especially in the Nordic countries (Iceland, Denmark, Norway, Sweden, and Finland). The rights of the defendant have traditionally been at the core of criminal law, and for a good reason. However, in recent decades the rights of the victims have drastically improved. The Nordic legal systems have produced functional solutions to balancing the rights of the defendant and victim protection measures. This article aims to facilitate discussion in South Korea by presenting the Nordic Barnahus model[1] to a Korean audience by analyzing how the Barnahus model is implemented in two Nordic countries, Finland and Sweden. The focus is on describing the legal framework and practice of using recorded interviews of children as evidence in criminal proceedings.

Bragi Guðbrandsson, the head of the Icelandic Government Agency for Child Protection and "father of the Barnahus model", describes the concept well in the foreword of the 2017 Barnahus book (Johansson et al., 2017a, pp. v–xii). According to Guðbrandsson, the Barnahus model (Children's House in Icelandic) establishes child-friendly service centers for child victims of sexual exploitation and abuse. He further elaborates that the Barnahus model aims to make the procedure as easy as possible for the child victim by gathering all services from criminal justice professionals to social and medical workers in the same facility. This is based on the realization that the needs of the child victim are not fulfilled only by facilitating the criminal procedure, but smooth cooperation with child protection and medical services is crucial for the well-being of the child. The Barnahus units are not necessarily separate buildings, and it is important to highlight that child-friendly furniture and toys are not the point of the Barnahus model. Instead, the concept refers to established cooperation structures.

Guðbrandsson explains that the idea behind this multidisciplinary approach is originally from the United States (National Children's Advocacy

1 I have chosen to use the concept "Barnahus model" to refer to Nordic approaches to child-friendly criminal procedure in cases of child sexual exploitation and abuse. The Barnahus concept is nowadays commonly used in Nordic countries and increasingly in the European context as well. I acknowledge the fact that the practice of using recorded interviews has slightly different historical backgrounds in all Nordic countries and the practice predates the Barnahus concept. Furthermore, I am aware that the term is not commonly used in Finland.

Centre in Huntsville, Alabama), but it was further developed in Iceland since the mid-'90s. Guðbrandsson points out that the Barnahus model differs from the US predecessor in one important aspect: recording the children's interviews in Barnahus units is an official institutional practice and embedded in the criminal procedure and therefore, the child does not have to testify again in court. According to Guðbrandsson, the Barnahus model spread from Iceland, first to other Nordic countries and then further to Europe in the 2000s.

In recent years there has been much development on a European level. The PROMISE[2] Barnahus Network consisting of local Barnahus units in European countries was founded in 2019. PROMISE divides the Barnahus Model into four components often referred to as rooms: Child Protection, Criminal Justice, Physical Wellbeing and Mental Wellbeing (PROMISE Barnahus Network Website, 2022). The European Barnahus Quality Standards, which set out minimum requirements and guidelines for Barnahus activities, have been developed in the framework of the PROMISE projects (for more information in English see the original report by Lind Haldorsson, 2017).

Barnahus Quality Standard 6 is titled Forensic Interview and it gives guidance on how to conduct the interview in a child-friendly manner while also safeguarding the procedural rights of the suspect. The child's interview is video recorded for future use in the trial and the suspect's right to a fair trial is respected by providing a possibility of cross-examination in the pre-trial investigation. The standard requires that the interviews are carried out according to evidence-based practice by specialized staff members and the interview is adapted to the child's developmental stage. Other professionals follow the interview through a video connection. Recording the child's interview is important because multiple hearings are potentially traumatizing for the child and according to research, the quality of the child's story weakens as evidence if it has to be told numerous times. (Lind Haldorsson, 2017, pp. 76–88)

The article starts with a methodology section in Chapter 2. The results

2 PROMISE is an acronym for "Promoting child-friendly multi-disciplinary and interagency service". In addition to the Network, it has also been the name of three EU-funded projects between the years 2015 and 2022.

of the comparative study are described in Chapter 3. First, the obligations set out by European law are examined. Then, the Finnish and Swedish Barnahus models are analyzed in detail. The results of the study are followed by discussion and conclusions in Chapter 4.

2. Methodology

The study utilizes a comparative method. I draw upon the thoughts of Finnish comparatist Jaakko Husa concerning the methodology of comparative law. According to Husa (2014), comparative law is essentially a hermeneutic process that aims to understand the research subject and make justifiable conclusions based on this understanding. Husa (2014, p. 66) notes that it is important to avoid bias even though it may not be possible to completely prevent the subconscious influence of the author's own legal culture. Therefore, it is worth mentioning explicitly that the author's native legal culture is Finnish.

In comparative law, it is important to explain and reason the author's methodological choices. All Nordic countries have implemented the Barnahus model but there are differences in how this is done in practice (for information on Barnahus approaches of different Nordic countries see Johansson et al., 2017a, pp. 353–371; Kaldal, 2020). Finland and Sweden were selected as objects of study mainly due to the author's language skills and the fact that the author is most familiar with these two legal systems. One further reason is the fact that both of these countries are member states of the European Union (for example Norway and Iceland are not). Therefore, examining the European law dimension is important because it is an inseparable part of the Finnish and Swedish legal order and hierarchically above national law. The comparison is conducted on the same horizontal level (i.e., country – country). The vertical European law dimension does not change this setting because it affects both comparison countries equally.

Finland and Sweden also provide an interesting starting point for comparison because the countries have taken very different legislative stances toward increasing the use of recorded interviews in criminal procedures. In

Sweden, the modernization reforms of the criminal procedure have shifted the focus of criminal procedure towards the pre-trial phase by widely accepting recorded interviews (Swedish Government Bill, 2020), whereas in recent Finnish modernization reforms the stance has been more reserved and recorded interviews are seen as carefully legislated exceptions to hearing the victim in court (Finnish Ministry of Justice, 2020, pp. 61–63).

A desk research approach was chosen instead of an empirical approach because there are recent interview studies available in both Finland (Lilja & Hiilloskivi, 2022) and Sweden (University of Linköping, 2019). The source material of this research consists of European, Finnish, and Swedish legislation and, when necessary, preparatory material and guidance issued by government authorities. Furthermore, academic research (especially the extensive Barnahus anthology in English: Johansson et al., 2017a) and Barnahus evaluations are utilized to describe how the Swedish and Finnish procedures work in practice.

3. Results

3.1. European law

3.1.1. European Union

The European Union (EU) is a unique regional organization that enhances economic cooperation and harmonizes legislation in its member states. The EU has 27 member states in total including both Finland and Sweden (European Union Website, 2022). The EU harmonizes criminal law and criminal procedure of the member states mostly by using directives. EU directives set out goals that the member states have to fulfill but the means to achieve these goals are left to the member states' discretion.

The Barnahus model has wide support in EU law. There are provisions for using recorded hearings as evidence in the 2012 Victim Directive[3] (Article

3 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

24) and the 2011 Child Sexual Abuse and Exploitation Directive[4] (Article 20). In short, EU legislation requires that it is possible to use recorded interviews of under-18-year-old child victims as evidence in all member states. The scope of the Child Sexual Abuse and Exploitation Directive is limited to sexual crime, but according to the Victim Directive, the child may be heard conclusively in the pre-trial investigation of other crimes as well. It is further elaborated in the Victim Directive that the procedural rules for the recorded interviews and their use shall be determined by national law.

The Victim Directive (Articles 23 and 24) and the Child Sexual Abuse and Exploitation Directive (Article 20) also include other victim protection measures that the child victims may benefit from that both Finland and Sweden have implemented. These measures include securing a representative and/or an own lawyer for the child if there is a conflict of interest with the child's guardians. During criminal investigations, the interviews should be carried out on premises designed or adapted for that purpose by trained professionals and all interviews should be conducted by the same persons. In cases of sexual violence and violence in close relationships, the interviews should be carried out by a person of the same sex as the victim if the victim so wishes (for example by having a female interviewer for a girl victim). The interviews should take place without unjustified delay and the number of interviews should be as limited as possible.

The Victim Directive also includes protective measures for the trial phase. If the child would for some reason testify in court visual contact between the victim and defendant should be avoided (for example by setting a screen to block visual contact). The victim could also be heard without being physically present in the courtroom by using communication technology and/or the case could be tried without the public. All unnecessary questioning concerning the victim's private life should be avoided in criminal proceedings.

4 Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.

3.1.2. Council of Europe and the European Court of Human Rights

The Council of Europe (COE) is a European organization that promotes human rights and has 46 member states including Finland and Sweden. Most of the Council of Europe member states are also EU member states. However, the Council of Europe has more member states in Eastern Europe and also Iceland and Norway are member states (Council of Europe Website, 2022).

The Barnahus model has strong support in the 2007 Lanzarote Convention[5]. All member states of the Council of Europe have ratified the Lanzarote Convention which requires the contracting states to ensure that it is possible to use recorded interviews of child victims as evidence (Article 35).

The European Convention of Human Rights[6] is the most important human rights instrument in Europe. Both Finland and Sweden have ratified the Convention which is a prerequisite for joining the Council of Europe. The Convention is interpreted by the European Court of Human Rights (ECHR) in Strasbourg, France. Individuals may take cases to the ECHR after they have exhausted national appeal mechanisms. The ECHR does not change the judgment of the national court, but the ECHR evaluates if there has been a breach of human rights. Therefore, the jurisprudence of the ECHR greatly shapes the interpretation of the law in the contracting states. Article 6 of the Convention establishes the right to a fair trial.

According to the case law of the ECHR, recorded interviews do not prejudice the right to a fair trial provided that the suspect is reserved a chance to present questions to the victim in the pre-trial investigation (Fredman et al., 2020, pp. 455–459; Johansson et al., 2017b, p. 11 and cited literature; Kaldal, 2020, p. 4). In the landmark case of S.N. v. Sweden (July 2nd, 2002), the applicant S.N. filed an application to the ECHR to contest the Swedish practice of using recorded interviews as evidence. S.N. was suspected and later found guilty of sexual abuse of a 10-year-old child, whose interview was recorded in the pre-trial investigation by the police. During the pre-trial

5 The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse 25.10.2007 (CETS No. 201).

6 The Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms 4.11.1950 (CETS No. 005).

investigation, S.N.'s lawyer did not participate in the interview in real-time, but the lawyer was allowed to ask questions to the child by presenting the questions to the interviewer before the interview. S.N.'s lawyer was satisfied that the questions were answered when listening to the recording afterward (para 12). In his application to the ECHR, S.N. argued that he had not been able to exercise his right to cross-examination because there was no direct contact between his lawyer and the child victim. He further argued that the Swedish system where the police present the defense's questions to the child was unreasonable and it hampered the possibility of critically questioning the child (para 39–42).

The ECHR found that the recorded interview was indeed decisive evidence in adjudicating the case (para 46). The court argued that the defendant has to be given "an adequate and proper opportunity to challenge and question a witness" at the time when the statements are made or in a later phase of the procedure. However, the court stated that the defendant does not have "an unlimited right to secure the appearance of witnesses in court" (para 44). The court accepted the use of victim protection measures as long as they can be reconciled with "an adequate and effective exercise of the rights of the defense" (para 47). The ECHR ruled that the Swedish procedure was not in violation of the right to a fair trial (para 54). Therefore, in the European legal regime, it is possible to secure the right to cross-examination without direct contact between the defendant or the defendant's lawyer and the child victim.

3.2. Finland

3.2.1. Legislation on using recorded interviews as evidence

In Finland, the pre-trial investigation is regulated by the Criminal Investigation Act (esitutkintalaki 805/2011, ETL). The court proceedings are regulated in the Code of Judicial Procedure (oikeudenkäymiskaari 4/1734, OK) and the more specific Criminal Procedure Act (laki oikeudenkäynnistä rikosasioissa 689/1997, ROL). The provisions on using evidence are found in Chapter 17 of the Code of Judicial Procedure and they apply to both criminal and civil cases.

The police are in charge of the pre-trial investigation in most cases (ETL 2:1–2). The prosecutor decides to prosecute or waive prosecution based on written material delivered by the police (ROL 1:6–8). There are also provisions for cooperation between the police and the prosecutor (ETL 5:1–3). The prosecutor must be informed of crimes involving the sexual abuse of children. The prosecutor may also order the police to conduct a pre-trial investigation or gather more evidence on a specific issue.

In Finland, the main rule is to receive all evidence orally during the trial (OK 17:24). However, it is possible to use recorded interviews of victims as evidence in the trial phase if the conditions of the Code of Judicial Procedure (OK 17:24) and the Criminal Investigation Act (ETL 9:4) are met. It is of paramount importance that the suspect is given a chance to present questions to the victim during the pre-trial investigation. In addition to legislation, there is Police Guidance (2019) on the treatment of children in pre-trial investigations and the recent Police Handbook (2022) on child investigations which contain more specific instructions.

According to Finnish law, recorded interviews are permissible in all crimes for child victims (and witnesses) who are under 15 years old. The Criminal Investigation Act requires that the interview is filmed if hearing the person in a trial would probably cause him or her harm due to the person's young age (ETL 9:4.1). Therefore, recorded interviews must be used as evidence when the case involves young children. In practice, recordings are routinely used for children under 15 years of age.

The use of recorded interviews is more restricted for child victims between 15 and 17 years. Recorded interviews are permissible as evidence in most sexual crimes such as rape and sexual abuse that are invasive in nature.[7] The only other requirement is that the 15 to 17-year-old child victim does not

7 At the time of writing, the list of sexual crimes does not include sexual harassment, pandering, enticing a child for sexual purposes or crimes concerning the dissemination of sexual material depicting a child. However, recorded interviews may be used as evidence in these situations if the child between 15 and 17 years has specific protection needs. The Finnish parliament has enacted legislation that extends the permissibility of recorded interviews by default to victims of human trafficking or pandering and minors who are offered compensation for a sexual deed in March 2023 (Finnish Government Bill, 2022, pp. 135–136). The new legislation enters into force October 1st 2023.

want to testify in court but the child may testify if he or she wants to. The recorded interviews are also permissible in other crimes than sexual exploitation if the child victim between 15 and 17 years has specific protection needs (for example victims of hate crime or violence in close relationships). When evaluating the victim's specific protection needs the personal situation of the victim and the quality of the crime shall be taken into consideration (Finnish Government Bill, 2014, p. 84).

In Finland, the use of recorded interviews is not strictly restricted to children. Also, adult victims may benefit from recorded interviews in most sexual crimes if testifying in court would harm their health or would cause other significant harm. Therefore, not wanting to testify in court is not enough for adult victims.

3.2.2. Organization of Barnahus activities

In Finland, no law extensively regulates Barnahus activities. However, in 2008 the Act on Organizing the Investigation of Sexual and Assault Offences against Children (laki lapseen kohdistuneen seksuaali- ja pahoinpitelyrikoksen selvittämisen järjestämisestä 1009/2008) was enacted. According to the Organization Act, university hospitals are tasked with organizing interviews and examinations of child victims of sexual and physical abuse. There are five Child Forensic Psychology Units in university hospitals (sometimes referred to as Barnahus units) in Helsinki, Turku, Tampere, Oulu, and Kuopio. The units are responsible for providing services in their respective districts which cover the whole country. The Barnahus activities are coordinated by the Finnish Institute for Health and Welfare.

In Finland, the name Barnahus (or Barnahus project) has been used more since 2019 to describe the cooperation between authorities. Nonetheless, there were similar practices in place already in 2014 such as the interdisciplinary LASTA screening model. The LASTA screening model has been developed to facilitate the transfer of information between Finnish police, prosecution, child protection, and healthcare authorities which is crucial for investigating the crime. There is a standardized template for gathering information such as medical history and possible child protection measures. The information is

gathered from different systems manually by a LASTA coordinator who may, for example, be a trained social worker. LASTA screening is followed by a meeting between relevant authorities where the child's situation is discussed and the authorities decide together which actions to take. The LASTA screening may be initiated, for example, by child protection services if they are concerned about the child's welfare. There are regional differences in the procedures (Johansson et al., 2017a, pp. 363–364; Lilja & Hiilloskivi, 2022, pp. 16–23; Police Handbook, 2022, pp. 27–34).

There is some recent research on the Finnish variation of the Barnahus model available in English. Julia Korkman, Tom Pakkanen, and Taina Laajasalo (Korkman et al., 2017) have explained the forensic interview procedure in detail in the Barnahus book. More recently, an analysis of legal psychological research and authorities' training needs was released (Mäenpää et al., 2022). Inka Lilja and Miina Hiilloskivi (2022, pp. 4–6) have recently studied Finnish procedural legislation on child abuse in line with the Barnahus model by analyzing the relevant legislation and conducting interviews with 23 professionals. According to Lilja and Hiilloskivi (2022, pp. 11–32), the legislation on authorities' right to information should be made clearer. They argue that enacting a specific Barnahus law could be a possible way to improve the system (Lilja & Hiilloskivi, 2022, pp. 48–55).

3.2.3. Barnahus target group

In Finland, the Barnahus target group is small because in practice only young child victims of sexual or physical abuse are referred to Barnahus units. Lilja and Hiilloskivi (2022, pp. 10–11) point out that there is no legal obligation for the police to refer the case to Barnahus units. They further observe that according to the Organization Act, all children under 16 years (and even children aged 16–18 for a specific reason) could be referred to the Barnahus units.

According to the study by Lilja and Hiilloskivi (2022, pp. 34–39; see also Police Handbook, 2022, p. 78), the police usually request that the Barnahus units conduct the interview only for children under 7 years old or children with developmental disabilities due to a lack of resources. In practice, children

from 7–17 years are usually interviewed at the police station by police officers trained in child forensic interviews. According to Lilja and Hiilloskivi (2022, pp. 38, 45–46), it is problematic that not every child is referred to the Barnahus units, because Barnahus units provide better access to therapy services. Most importantly the quality of evidence tends to be better if forensic psychologists from Barnahus units are involved in the interview.

3.2.4. Representation of the child victim

Children are not legally competent to represent themselves in the criminal procedure due to their young age and therefore the legal guardian has to take care of the child's interests. Yet, the guardians of the child victim may not always be suited to act in the best interest of the child in the criminal procedure. For example, this can be the case if one of the victim's parents is the suspect.

In certain cases, the police officer in charge of the investigation has an obligation to apply for a legal guardian for the criminal procedure to ensure that the interests of the child are taken seriously. The legal guardian is usually a social worker. The guardian is wholly in charge of representing a child under 15 years old, but children over 15 years have shared competence with the guardian. The child may be appointed a personal legal aid counsel. (Police Guidance, 2019, pp. 19–21; Police Handbook, 2022, pp. 39–47) Legal aid for a victim of sexual exploitation is free of charge regardless of income (ROL 2:1a). The child's legal aid counsel and the child's legal guardian (or appointed guardian in case of conflicting interests) have the right to be present during the interview of the child (ETL 7:12 and 7:14).

The cooperation between the legal guardian and the legal aid counsel is referred to as the tandem model. Lilja and Hiilloskivi (2022, pp. 8–10) point out that the guardian supervises the best interests of the child, and the legal aid counsel is responsible for representing the child in the criminal procedure. The legal aid counsel ensures that all relevant evidence is gathered and makes claims for damages. According to Lilja and Hiilloskivi, both the legal guardian and the legal aid counsel should be appointed as early as possible, and the police are responsible for ensuring that they have been applied for (see also Police Guidance, 2019, pp. 19–21; Police Handbook, 2022, p. 41).

3.2.5. Interview and cross-examination

There is some regulation concerning the process of conducting the interviews in the Criminal Investigation Act (ETL 9:4). Before starting the interview, the child must be informed that the interview is being recorded. The police may decide that the interview is conducted by another person than the police (Barnahus expert who is usually a forensic psychologist) under the supervision of the police. The child's developmental stage must be taken into consideration when deciding the methods and circumstances of the interview and the number of participants.

In Finnish Barnahus units, experts in forensic psychology conduct the interviews of young children because they are the most challenging. The Barnahus experts may also support police officers in police-conducted interviews by working together as a pair, reviewing the interview plans, or giving feedback. (Police Handbook, 2022, pp. 90–91) Lilja and Hiilloskivi (2022, pp. 40–41) highlight the importance of the police officer's participation in the planning of the interview if it is conducted by a Barnahus expert. The process of recording interviews is essentially the same even though the interview would be conducted by a Barnahus expert or by a specialized police officer. The police remain in charge of the investigation. The legal guardian or possible court-appointed guardian is responsible for taking the child to the interview. In some cases, it is also possible to take the child to the interview without the parents knowing about it. Only the interviewer and the child are physically in the same room and the other participants follow the interview from a separate room by using a video connection (Police Handbook, 2022, pp. 74–84).

The place of the interview is not strictly regulated, but it has to be suitable for interviewing children and there has to be adequate video-recording equipment (Police Guidance, 2019, p. 30). According to the study by Lilja and Hiilloskivi (2022, pp. 38, 45–46), some Barnahus units prefer to interview the child in their child-friendly premises and some units prefer to travel to the child victim and conduct the interview, for example, in a local police station. Lilja and Hiilloskivi point out that even though some police stations have premises designed for interviewing children, not every police station is suited for children.

Before the actual interview, a practice interview is conducted to get the

child to relax and gain experience in communicating in a way that the real interview requires. The child may be asked to tell about some mundane event, for example, a day at school (Police Handbook, 2022, p. 75). The NICHD protocol is used as the basis of the interview (for more on the protocol see Baugerud & Sinkerud Johnson, 2017). The semi-structured protocol is based on empirical research. It is used by both police officers and Barnahus experts and it is individually modified for each case (Police Handbook, 2022, p. 79). According to Korkman et al. (2017, p. 146), the hypothesis testing approach is a unique trait of the Finnish Barnahus model. Korkman et al. explain that in the hypothesis testing approach, different hypotheses are carefully formulated before the interview, and then it is tested which hypothesis gains support in the interview. The hypotheses can, for example, be the following: A) the child was sexually abused by a parent, B) the other parent has repeatedly instructed the child to lie about sexual abuse due to a custody dispute and C) the child has been misunderstood or the child has not understood the sexual nature of the words he or she has used.

The prerequisite for using recorded interviews as evidence is that the suspect is given a chance to ask questions from the victim (OK 17:24). The suspect's right to cross-examination is further stipulated in the Criminal Investigation Act (ETL 9:4). According to the Police Handbook (2022, p. 87), the suspect should be provided with a lawyer to properly comprehend the meaning of cross-examination and counter possible claims for infringements of the suspect's procedural rights. Also, the prosecutor must be reserved a chance to participate in the interview and ask questions (ETL 9:4.3).

The interview is usually conducted in two parts. First, the victim is asked to tell about the situation in his or her own words. Then, in the second part of the interview, all parties are allowed to ask questions of the victim. (Fredman et al., 2020, p. 455; Korkman et al., 2017, pp. 149–150) Usually, the suspect is not personally present in the adjacent room, but the suspect's lawyer is in charge of securing the right to cross-examination. The defense is usually not allowed to follow the first interview in real-time but instead the defense is allowed to get acquainted with the recording and transcription of the first interview. The suspect has to be reserved a chance to ask relevant questions

to the victim, but the suspect does not have to exercise this right. The suspect's lawyer often presents the questions on behalf of the suspect and the questions should be prepared preferably in written form. The defense does not have the right to ask irrelevant or harmful questions. This is supervised by the police who routinely decide that the defense's questions are presented to the victim by the interviewer. The interviewer may formulate the questions in another way that is more suitable for children of that age. Therefore, the suspect's right to ask questions may be secured without direct contact between the victim and the suspect (Police Guidance, 2019, pp. 33–35; Police Handbook, 2022, pp. 84–89).

There are two major reasons why the defense's questions are asked by the interviewer. Firstly, direct contact with the possible offender should be avoided because it could be traumatizing for the child. Forming a good connection between the interviewer and the child is crucial to getting the child to speak. It is easier for the interviewer to ask the questions because they already have a deeper connection. Secondly, interviewing children requires special expertise because children are especially vulnerable to leading questions. If the defense's question is not leading, irrelevant, or harmful it can be conveyed as such to the child. The interviewer does not change the essential content of the defense's question but makes it more understandable to the child or formulates the question in a less-leading form. Open questions such as "What happened?" are preferred. This directly affects the quality of the child's interview. It is possible to ask further questions if the suspect's lawyer is following the interview in real-time. However, in practice, the suspect's lawyer does not always follow the second interview in real time but instead approves the cross-examination by watching the recording afterward.

According to Korkman et al. (2017, p. 151), the interview of a child victim is often evaluated by a Barnahus expert who gives a statement in which the credibility of the abuse hypothesis is weighed against other hypotheses at the request of the police, prosecution or the court. Korkman et al. explain that these statements are used in court proceedings as evidence, but they are not binding on the court.

In addition to the interview, a medical examination is usually conducted

to gather evidence of physical or mental signs of crime. The medical examination is conducted in university hospitals. For victims of sexual exploitation over 16 years the examination is conducted in SERI support centers where they also receive support services (Police Guidance, 2019, pp. 33–35; Police Handbook, 2022, pp. 84–89).

3.2.6. Trial phase

Child victims of exploitation or abuse are not present during the trial. A 15 to 17-year-old victim may participate in the trial if the victim so wishes. In these cases, the child may be heard as a witness and the recorded interview is not used as primary evidence. The prosecutor, defendant, and the defendant's lawyer are present in the trial and the child's legal aid counsel participates if the child has compensation claims. The case is heard without the public if it involves sexual violence towards children (15 § laki oikeudenkäynnin julkisuudesta yleisissä tuomioistuimissa 370/2007). The video of the child's interview is played in the courtroom and the parties are allowed to comment on the evidence. Experts that have participated in the interview of the child may be heard in court. The defendant and possible witnesses are heard in the trial. The procedure is the same in appellate courts if they arrange a hearing (Fredman et al., 2020, pp. 452–459).

According to legal psychological research, recorded hearings are reliable evidence because they are taken up shortly after the alleged crime. The recordings should be made as soon as possible after the alleged crime because memories fade rather quickly, and the risk of false memories increases when time passes. (Väisänen & Korkman, 2014, pp. 729–732 and referred literature). However, from a strictly legal perspective, it may be harder for the prosecutor to win a sexual crime case if the victim does not testify in court. This is because new issues may be raised in the trial phase and the procedural safeguards are in favor of the defendant. This problem is articulated in the recent Finnish Government Bill (2022, p. 135) on changing the Act on Criminal Investigations. For example, the prosecutor might need to ask new questions from the victim to undermine the defendant's arguments, but this is not possible because the interview was recorded. Therefore, the

victim does not always know what refusing to testify in court may mean in practice.

The problem is more relevant for adult victims of sexual crime. The presence of young children would not make it easier to secure a conviction because they would not be able to answer the prosecutor's questions properly in a court setting. Consequently, this highlights the need to conduct the recorded interview properly and the prosecutor's active participation in the pre-trial investigation.

3.3. Sweden

3.3.1. Legislation on using recorded interviews as evidence

In Sweden, the most important procedural piece of legislation is the Code of Judicial Procedure (Rättegångsbalk 1942:740, RB). There are provisions on pre-trial investigations in Chapter 23 of the Code of Judicial Procedure and the Statute on Pre-trial Investigation (Förundersökningskungörelse 1947:948, FuK).

The main rule is to receive all evidence in the trial (RB 35:8). Since January 2022 it has been possible to even use recorded interviews of adults as evidence in criminal cases provided that it is deemed appropriate by the court (RB 35:15). There is no specific legislation on recorded interviews of child victims. Nevertheless, the practice is deeply embedded in Swedish legal culture. Susanna Johansson et al. (2017b, pp. 11–12) point out that the Swedish supreme court ruled already in 1963 that audio recordings of child victims could be used as evidence. Therefore, the Swedish legal system is very open to using recorded interviews as evidence provided that the suspect's right to cross-examination is secured.

In Sweden, the prosecutor leads the pre-trial investigation when the victim is under 18 years of age (Prosecutor's Handbook, 2019, pp. 14–15). According to the Prosecutor's Handbook (2019, pp. 24–25), the interviews of children under 15 years old shall be recorded in the pre-trial investigation and this recording shall be used as evidence in the trial. The Handbook also states

that there is no legal obstacle that prevents using recorded interviews of children aged 15–17 years as evidence. The use of recorded interviews is not limited to sexual exploitation or abuse, but it is permitted in all crimes as long as it is deemed appropriate.

3.3.2. Organization of Barnahus activities

In 2006, the Swedish Ministry of Justice started a pilot with six Barnahus Units. Currently, there are over 30 Barnahus units in total. Barnahus activities are not legislated but they are based on established cooperation practices. Therefore, it is not mandatory to refer cases to Barnahus units. (Johansson et al., 2017a, pp. 356–358) However, in 2009 the National Police Board, together with the National Prosecution Authority, the National Board of Forensic Medicine, and the National Board of Health and Welfare, issued national guidelines for Barnahus cooperation (National Police Board, 2009). Furthermore, the National Prosecutor Authority has issued a Prosecutor's Handbook (2019) for crimes against children.

In Sweden, the Barnahus activities are decentralized and therefore, the local authorities are supposed to make a specific contract on Barnahus cooperation (National Police Board, 2009, pp. 10–12). The Barnahus units are mostly funded by the municipalities. NGOs, such as Save the Children, play an important role in coordinating Barnahus activities on a national level. (Johansson et al., 2017b, p. 15) However, there is much variation in local practices, and not every municipality is connected to a Barnahus unit, especially in Northern Sweden (Kaldal, 2020, p. 9; University of Linköping, 2019, pp. 25–26 and map on p. 13). In municipalities that are not connected to a Barnahus unit, the cooperation between the prosecutor, police, social services, and health care shall be organized in another way (Prosecutor's Handbook, 2019, p. 9).

The main role of the Barnahus is to coordinate the parallel criminal and social welfare investigations (Johansson et al., 2017b, p. 20; National Police Board, 2009, p. 8). According to the guidance issued by the National Police Board (2009, pp. 8, 10–11), the authorities should arrange a coordination meeting with the police, prosecutors, social workers, and medical professionals when

the authorities receive information about possible child abuse. The coordination meeting is called by the Barnahus Coordinator, who works in the local Barnahus unit.

In Sweden, there is much research and many evaluations of Barnahus activities. The University of Linköping (2019, pp. 11–14) conducted an evaluation of Swedish Barnahus units in 2018–2019 with an extensive literature review of previous evaluations conducted in 2006–2007, 2010, and 2013 by different Swedish universities. According to the 2018–2019 evaluation, the overall quality of Barnahus units was good, but there is still room for improvement. Some of the identified development needs were providing the children better access to healthcare services in Barnahus units and connecting every municipality to a Barnahus unit. According to the evaluation, there is a need for Barnahus legislation on a national level that would make the Barnahus activities mandatory. There is a need for clearer legislation on authorities' right to information because the current restrictions hamper the exchange of information. (University of Linköping, 2019, pp. 57–62) There is also research available in English about the Swedish Barnahus model in the Barnahus book (Johansson et al., 2017a).

3.3.3. Barnahus target group

In Sweden, the Barnahus target group is wide. According to the Barnahus Guidelines (National Police Board, 2009, pp. 9–10), it consists of children under 18 years old who are suspected to be victims of sexual exploitation, violence, crimes against freedom (such as human trafficking), female genital mutilation and even witnesses of violence in close relationships. However, Anna Kaldal (2020, p. 12) points out that in practice the target group varies greatly between local Barnahus units. According to the evaluation by the University of Linköping (2019, p. 58), children between 15–18 do not always get access to Barnahus units.

3.3.4. Representation of the child victim

Representation of the child is described in the Prosecutor's Handbook (2019, pp. 17–22). The child is primarily represented by the child's guardians.

In these cases, the child has a right to legal aid counsel. However, if one of the child victim's parents is the suspect the child may be appointed a special representative who acts simultaneously as the legal counsel and the guardian of the child in the criminal procedure. The representatives are regulated in the Act on Special Representatives for Children (lag om särskild företrädare för barn, 1999:997). In practice, the special representatives are lawyers with experience in child cases. The prosecutor applies for a special representative from the district court if it is deemed necessary. It is possible to appoint a special representative without hearing the parents (In English see Forsman, 2017, pp. 231–236).

3.3.5. Interview and cross-examination

There are provisions for interviewing children in the Statute on Pre-trial Investigation. The interview shall be conducted in such a manner that it does not cause harm to the child and the number of interviews should be kept to a minimum (FuK 17 §). The interviews of children shall be conducted by trained professionals (FuK 18 §) who are police officers. An expert in child or witness psychology shall assist in the interview or give an opinion of the child's interview if the child's age and developmental stage or the nature of the crime so require (FuK 19 §).

The interviews of children are conducted in Barnahus units. The child's guardian shall take the child to the Barnahus unit for a forensic interview. If a special representative is appointed he or she is responsible for taking the child to the interview. In Sweden, the authorities may take the child to the Barnahus unit without the parents knowing about it. For example, the child is taken from school or kindergarten to a Barnahus unit by the special representative. The child should also be accompanied by a person the child knows, such as the child's teacher, kindergarten worker, or social worker (In English see Forsman, 2017, pp. 236–237; and in Swedish Prosecutor's Handbook, 2019, p. 20).

The interviews of children are usually conducted by specifically trained police officers (Lind Haldorsson, 2017, pp. 16–17; Mycklebust, 2017, p. 109). The interviewer is the only person directly in contact with the child while other participants follow the interview from another room through a video connection.

The aim is to ensure the quality of the child's testimony by creating trust and preventing suggestive interview techniques. The NICHD protocol and a practice interview are also used in Sweden (Prosecutor's Handbook, 2019, pp. 8–10). In Sweden, psychologists do not conduct interviews, but their expertise may be used in the process. A psychologist may also give an opinion on the child's interview for court proceedings (FuK 19 §). According to the Barnahus evaluation by the University of Linköping (2019, pp. 45–47), it is problematic that psychologists do not attend the interview regularly. Their role is more consultative instead.

The prosecutor is in charge of the investigation, but the prosecutor is not in direct contact with the child. The prosecutor follows the interview from an adjacent room and has the power to decide who is present in the interview through the video connection. The child's guardian or special representative shall also be present (National Police Board, 2009, pp. 8, 11; Prosecutor's Handbook, 2019, pp. 24–25). In Sweden, the child's interview in the pre-trial phase does not only focus on the criminal investigation, but instead it is a joint interview with the social welfare investigation. The idea is to avoid the child telling the same things twice. Therefore, a representative of social services should be present to facilitate the parallel investigations (Prosecutor's Handbook, 2019, p. 26). According to the evaluation by the University of Linköping (2019, pp. 45–46), the cooperation between criminal justice professionals and social services works well in practice. However, according to Johansson (2017, p. 268), the social welfare investigation is in practice subordinate to the criminal investigation due to the underlying criminal law-oriented logic.

In Sweden, the right to cross-examination is ensured without direct contact between the child and the suspect or the suspect's lawyer. According to the Prosecutor's Handbook (2019, pp. 42–44), the suspect's right to cross-examination is ensured by giving the suspect an opportunity to ask questions from the victim. It is important that the suspect is provided with a defense lawyer. The Handbook states that the suspect or the defense lawyer is never allowed to ask questions directly from the victim, but they are presented through the interviewer instead. It is further explained that the interview is conducted in two parts and in the second interview the suspect's defense

lawyer is allowed to follow the child's interview from another room through a video connection and ask questions. The defense is allowed to see the recording of the previous interview and the questions should be given to the lead investigator in advance. According to the Handbook, the exercise of the right to cross-examination shall be carefully documented in a written memorandum. During the interview, the prosecutor and the special representative (or the child's legal aid counsel) are also allowed to ask questions from the victim through the interviewer (National Police Board, 2009, pp. 8, 11; Prosecutor's Handbook, 2019, pp. 24–25).

In addition to the interview a forensic medical examination is conducted when necessary, preferably in the Barnahus facilities (National Police Board, 2009, pp. 11–12, 14; Prosecutor's Handbook, 2019, pp. 27–29). In practice, every Swedish Barnahus unit is not able to provide medical examination services and then the examination is conducted in a local hospital (Kaldal, 2020, p. 13; University of Linköping, 2019, pp. 49–50).

3.3.6. Trial phase

If a child's interview has been recorded in the pre-trial investigation the court may decide that the recording is played in court (RB 35:14). In this case the child is not present in court.

However, according to the Prosecutor's Handbook (2019, pp. 24–27, 37), hearing older children in court can increase the quality of evidence. Therefore, the prosecutor shall consider if it would be possible to hear the child in court. The prosecutor shall discuss this with the child's guardians or special representative. The Code of Judicial Procedure stipulates that the court shall consider if a person under 15 years of age may be heard as a witness (RB 36:4). The Prosecutor's Handbook states that this is analogically applied to child victims as well. Therefore, the prosecutor may appoint the child to testify, but the court decides if it is appropriate to hear the child in court.

It must be noted that the Prosecutor's Child Handbook was given before the 2022 law reform, according to which recorded interviews may be used as evidence in criminal cases provided that it is deemed appropriate by the court

(RB 35:15). The recorded interview can be used as separate evidence even though the person would be heard in court. The interview is played and the parties may ask questions from the victim (The procedure is described in detail in Swedish on the National Prosecution Authority Website, 2022). The victim protection measures stipulated in the Victim Directive, such as hearing the case without the public, allowing the victim to testify through a video connection, or setting a screen to block visual contact between the victim and the defendant, are also available in Sweden.

4. Discussion and Conclusions

The Barnahus model is widely accepted in Europe, and it has strong support in European law. European law imposes obligations on states to ensure the permissibility of recorded interviews of child victims as evidence in the trial phase. According to the European Court of Human Rights, the defendant's right to a fair trial is not prejudiced if the suspect is given the opportunity to ask questions from the victim in the pre-trial investigation. The conditions and details of the procedure are regulated by national legislation.

The core function of the Barnahus model is very similar in Finland and Sweden. In both countries under 18-year-old victims of sexual exploitation and abuse may be conclusively heard in the pre-trial investigation in most cases. The suspect's right to cross-examination is ensured in the pre-trial phase by providing the suspect with the possibility to ask questions from the victim through the interviewer. Therefore, there is no direct contact between the victim and the offender at any phase of the criminal procedure because the child does not testify in court.

There are also differences in the Finnish and Swedish Barnahus variations. The first difference is the legislative approach toward using recorded interviews as evidence. In Finland, the use of recorded interviews is a clearly legislated exception to the general rule of receiving all evidence orally in the trial phase. In Sweden, the approach is more flexible and based on case-by-case discretion because recorded interviews are permissible if the

court deems it appropriate. However, in both countries, the general rule of an immediate trial where all parties are simultaneously present is starting to crumble (Hiilloskivi & Lilja, 2022).

The second difference is the representation of a child victim if the child's guardian is not suited to represent the child in the criminal procedure. A unique trait of the Swedish model is that the child may be represented by a special representative who is both the guardian and the legal aid counsel. In Finland, the guardian and the legal aid counsel are two separate people with separate duties.

The third difference is the organization of Barnahus activities. Johansson et al. (2017b, p. 22) point out that in Finland the Barnahus activities are closely tied to the healthcare system because they are arranged by university hospitals (Child Forensic Psychology Units). In Finland, forensic psychologists are tasked with conducting interviews with young children at the request of the criminal justice authorities. According to Korkman et al (2017, p. 159), harnessing forensic psychological expertise in conducting interviews and using the hypothesis testing approach is perceived as the major strength of the Finnish model. However, in practice, the Barnahus target group is narrow because only the interviews of under-7-year-old child victims of sexual or physical abuse are conducted in Barnahus units. The interviews of older children are conducted at police stations by specifically trained police officers.

In Sweden, the Barnahus activities are more decentralized and based on local contracts between police, prosecutor, social services, and healthcare. The key task of the Swedish Barnahus units is coordinating the criminal investigation and the social welfare investigation. The interviews are conducted in Barnahus units by specifically trained police officers. In Sweden, the Barnahus target group is considerably wider than in Finland because it covers children under 18 years old and more crime types, such as human trafficking (National Police Board, 2009, pp. 9–10). However, in practice, there is much variation between different Barnahus units, and children 15–18 years old do not always get access to Barnahus (University of Linköping, 2019, p. 58). In conclusion, the Finnish Barnahus activities are closely tied to Child Forensic Psychology Units while the Swedish Barnahus units focus on coordinating parallel

criminal and social welfare investigations.

Johansson et al. (2017b, pp. 1–4) state that the development of the Barnahus model is closely tied to the context of the Nordic welfare state. According to the researchers, comparative knowledge about Nordic Barnahus variations is also valuable in implementing a child-friendly approach to criminal procedures outside Nordic countries. Even though the legal status of using recorded interviews is clear in Nordic countries, it is not certain that the suspect's or the child victim's rights are always adequately respected in practice. The proper implementation of the Barnahus model while respecting the rights of the defendant requires consistent efforts and the work is not yet done in either Finland or Sweden. Nevertheless, I argue that the Barnahus model guides the development in the right direction. As Bragi Guðbrandsson states (in the foreword of Lind Haldorsson, 2017, pp. 5–6): "the Barnahus is never a fixed model but rather an evolving practice, ready to adapt to the complex needs of children who are victims or witnesses of violence." Therefore, I invite Korean scholars and criminal justice professionals to discuss if the Barnahus model or a similar practice could be applied to South Korea and what form could the multidisciplinary cooperation take.

References

Baugerud, G. A., & Sinkerud Johnson, M. (2017). The NICHD Protocol: Guide to Follow Recommended Investigative Interview Practices at the Barnahus? In S. Johansson, K. Stefansen, E. Bakketeig, & A. Kaldal (Eds.), *Collaborating against child abuse: exploring the Nordic Barnahus model* (pp. 121–144). Palgrave MacMillan.

Council of Europe website. (2022). https://www.coe.int/en/web/portal/home.

European Union website. (2022). https://european-union.europa.eu/index_en.

Finnish Government Bill. (2014). *HE 46/2014 vp. Hallituksen esitys eduskunnalle oikeudenkäymiskaaren 17 luvun ja siihen liittyvän todistelua yleisissä tuomioistuimissa koskevan lainsäädännön uudistamiseksi*.

Finnish Government Bill. (2022). *HE 217/2022 vp. Hallituksen esitys eduskunnalle laeiksi pakkokeinolain ja esitutkintalain muuttamisesta sekä niihin liittyviksi laeiksi.*

Finnish Ministry of Justice. (2020). *Suullisen todistelun vastaanottaminen tallenteelta: Videotallennustyöryhmän mietintö*.

Forsman, M. (2017). The Swedish "Special Representatives for Children" and Their Role in Barnahus. In S. Johansson, K. Stefansen, E. Bakketeig, & A. Kaldal (Eds.), *Collaborating against child abuse: exploring the Nordic Barnahus model* (pp. 227–248). Palgrave MacMillan.

Fredman, M., Kanerva, J., Tolvanen, M., & Viitanen, M. (2020). *Esitutkinta ja pakkokeinot* (6th revised edition). Alma Talent.

Hiilloskivi, M., & Lilja, I. (2022). Etäkuuleminen keinona suojella rikoksen uhria. *Oikeus*, 51(1), 141–148.

Husa, J. (2014). Research Designs of Comparative Law – Methodology or Heuristics? In M. Adams & D. Heirbaut (Eds.), *The Method and Culture of Comparative Law: Essays in Honour of Mark Van Hoecke*. (pp. 53–68). Hart Publishing.

Johansson, S. (2017). Power Dynamics in Barnahus Collaboration. In S. Johansson, K. Stefansen, E. Bakketeig, & A. Kaldal (Eds.), Collaborating against child abuse exploring: the Nordic Barnahus model (pp. 251–271). Palgrave MacMillan.

Johansson, S., Stefansen, K., Bakketeig, E., & Kaldal, A. (Eds.). (2017a). *Collaborating against child abuse: exploring the Nordic Barnahus model. Palgrave MacMillan*.

Johansson, S., Stefansen, K., Bakketeig, E., & Kaldal, A. (2017b). Implementing the Nordic Barnahus Model: Characteristics and Local Adaptions. In S. Johansson, K. Stefansen, E. Bakketeig, & A. Kaldal (Eds.), *Collaborating against child abuse: exploring the Nordic Barnahus model*. (pp. 1–31). Palgrave MacMillan.

Kaldal, A. (2020). *Comparative Review of Legislation Related to Barnahus in Nordic Countries*. Council of Europe.

Korkman, J., Pakkanen, T., & Laajasalo, T. (2017). Child Forensic Interviewing in Finland: Investigating Suspected Child Abuse at the Forensic Psychology Unit for Children and Adolescents. In S. Johansson, K. Stefansen, E. Bakketeig, & A. Kaldal (Eds.), *Collaborating against child abuse exploring the Nordic Barnahus model* (pp. 145–164). Palgrave MacMillan.

la Rooy, D., Heydon, G., Korkman, J., & Myklebust, T. (2016). Interviewing Child Witnesses. In G. Oxburgh, T. Myklebust, T. Tim Grant, & R. Milne (Eds.), *Communication in Investigative and Legal Contexts: Integrated Approaches from Forensic Psychology, Linguistics and Law Enforcement* (pp. 57–78). John Wiley & Sons Ltd.

Lilja, I., & Hiilloskivi, M. (2022). *Legal review analysis of Finnish legislation concerning child sexual exploitation and abuse cases*. Finnish institute for health and welfare. https://www.coe.int/en/web/children/-/roundtable-to-discuss-legal-and-training-gap-analysis-in-the-context-of-barnahus-takes-place-in-helsinki.

Lind Haldorsson, O. (2017). *Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence*. PROMISE Project Series. www.childrenatrisk.eu/promise.

Mäenpää, M., Ovaska, A., Santtila, P., & Korkman, J. (2022). *Analysis of current practices and identification of training gaps and needs of target groups.* Finnish institute for health and welfare.

Mycklebust, T. (2017). The Nordic Model of Handling Children's Testimonies. In S. Johansson, K. Stefansen, E. Bakketeig, & A. Kaldal (Eds.), *Collaborating against child abuse: exploring the Nordic Barnahus*

model. (pp. 97–120). Palgrave MacMillan.

National Police Board, Sweden. (2009). *Delredovisning av regeringsuppdrag avseende gemensamma nationella riktlinjer kring barn som misstänkts vara utsatta för brott och kriterier för landets barnahus* 22.9.2009.

National Prosecution Authority website, Sweden. (2022). https://www.aklagare.se/nyheter-press/aktuellt-pa-aklagarmyndigheten/valkommen-lagandring-tidiga-forhor-tillats-som-bevis/.

Police Guidance, Finland. (2019). *Lapsi poliisitoiminnassa ja esitutkinnassa 23.12. 2019.*

Police Handbook, Finland. (2022). *Käsikirja lapsiin kohdistuvien väkivalta- ja seksuaalirikosten tutkintaan* (M. Lehtinen & M. Rossi, Eds.). Poliisihallitus. https://poliisi.fi/seksuaalirikokset.

PROMISE Barnahus Network website. (2022). https://www.barnahus.eu/en/.

Prosecutor's Handbook, Sweden. (2019). *Brott mot barn – Åklagarens barnhandbok.*

Swedish Government Bill. (2020). *Prop. 2020/21:209 – Utökade möjligheter att använda tidiga förhör*.

University of Linköping. (2019). *Slutrapport: Utvärdering av Barnahus*. Barnafrid – Nationellt centrum för kunskap om våld mot barn.

Väisänen, T., & Korkman, J. (2014). Eräitä todistajan kertomuksen arviointiin liittyviä kipukohtia oikeuspsykologisen tiedon valossa. *Defensor Legis*, 5, 721–739.

Post-Patten Policing in Northern Ireland: Outcomes, Challenges and Lessons

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Abstract

Since the signing of the Good Friday Agreement, Northern Ireland reformed the Royal Ulster Constabulary (RUC) to make its police service more inclusive, representative, and legitimate. Inaugurated with its new name, the Police Service of Northern Ireland (PSNI), the Northern Irish police introduced several reforms, such as a quota policy and community policing arrangements. Yet, over almost 25 years of its history, the PSNI is still receiving negative, sometimes antagonistic, feedback from the post-conflict society, especially lacking public confidence. Using different statistical data and interrogating governmental documents, this paper analyses the outcomes and future challenges that the PSNI is currently facing. It highlights that while the institutional cornerstones for civil policing have been properly in place, the PSNI lacks effective strategies and resources to gain public confidence as much as it aims. It is not only because policing remains still a polarising issue in Northern Ireland, but also the police reform was initially ill-designed and failed to address its trajectory of human rights abuses during the Troubles. Lessons for police reform and policing in other post-conflict societies are provided, focusing on workforce diversity, the de-politicisation of policing through public engagement, and justice-sensitive security sector reform (JSSR).

Keywords: Northern Ireland, Patten Commission, police reform, The Troubles, Police Service of Northern Ireland

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http://dx.doi.org/10.36889/IJCJ.2023.002
Received 10 March 2023; Revised 29 May 2023; Accepted 16 June
INTERNATIONAL JOURNAL OF CRIMINAL JUSTICE, Vol. 5 Issue 1, June 2023, 33-65

I. Introduction

Police are acknowledged to be the most visible manifestation of state authority, by virtue of their regular day-to-day interaction with members of the public, and their control over the legitimate use of force in their actions to serve the well-being of individuals and communities (Bayley, 2001, p. 13). Whose security the police serves and which laws they enforce in a society are profoundly political and symbolic questions, and in deeply divided societies where intercommunal violence has taken place, the role of the police is one of the most difficult questions to resolve during a peace process. In states with continuing inter-communal tensions, such as Northern Ireland, police confront challenges in being perceived as neutral or impartial actors by all parties (Powell, 2014, pp. 166–167).

Between 1969 and 1998, Northern Ireland experienced sectarian conflict that resulted in over 3,500 deaths (Cunningham and Gregory, 2014). Instigated by demands and reactions to the civil rights movement, the roots of 'the Troubles' lay in the 1921 partition of Ireland into two polities, which resulted in a struggle between mostly protestant 'unionists' who supported continued membership of Northern Ireland in the United Kingdom, and mostly catholic 'nationalists' who advocated Northern Ireland joining the Republic of Ireland. After years of efforts to find a political solution to the conflict, a major step towards peace was made on 10 April 1998 when the Good Friday Agreement (GFA), also known as the Belfast Agreement, was reached. The GFA is acknowledged to be the bedrock political agreement that has enabled the building of a generally sustained, if imperfect peace, including a marked decline in turmoil and sectarian violence.

The GFA set out a new basis for relations between Northern Ireland, the Republic of Ireland, and the UK, and introduced wide-ranging governance reforms within Northern Ireland. Recognising the central role of policing in the conflict, a key objective of the peace process was to fundamentally transform the relationship of the police to society. Despite the continuing resistance of anti-GFA unionists, the police reform was steadily implemented, and Northern Ireland's police reform has been held up as a model for other

societies emerging from conflict (Bayley, 2008; Southern, 2018, p. 252).

Beneath the surface, however, are signs of certain unabating problems: the deadly Omagh bombing by the Real IRA, a dissident republican group, occurred only three months after the signing of the GFA; disagreement dogged the process to decommission weapons held by paramilitary groups; a subsequent agreement was necessary to resolve outstanding issues on devolution; and low-level violence has persisted in summer marching season attacks and intra-communal vigilantism (Knox, 2001; Rickard and Bakke, 2021). Intertwined with these problems, the PSNI's legitimacy is contested, especially in nationalist Catholic communities, and its workforce is imbalanced, not reflecting the society's composition. As the UK's withdrawal from the European Union approaches, the PSNI is witnessing the strengthening of the traditional fault line and ethno-nationalist perceptions that have traditionally fuelled sectarian conflict between Catholic-Nationalist-Republican (CNR) and Protestant-Unionist-Loyalist (PUL) communities.

This paper considers the evolution and state of the peace process in Northern Ireland today through the lens of policing. The establishment of an effective and legitimate police is closely linked to the legitimacy of the state and is fundamental to the resolution of conflict within deeply divided societies. The paper takes stock of the key reforms that were implemented as a result of the peace process to establish a more politically impartial, representative, responsive and accountable police service. It will then consider the challenges posed by the lingering impact of civil conflict on societal trust in and legitimacy of the police. The concluding discussion identifies four lessons emerging from the experience of Northern Ireland on how to strengthen police legitimacy in divided societies.

II. Aspects of Policing during the Troubles

Militarised Policing vs. Precarious Civil Policing

Soon after the Partition of Ireland in 1921, the Royal Irish Constabulary (RIC) was disbanded and replaced by the Royal Ulster Constabulary in

Northern Ireland. Initially, a quota for Catholics in the workforce of the RUC was proposed, but it was never adopted. As a consequence, despite transferring senior-ranked Catholic RIC figures to the RUC, the new Northern Ireland police was almost completely led by Protestants. According to one study, the overall Catholic percentage of the RUC workforce never exceeded twenty per cent (Doherty, 2012, pp. 22–23). Policing became a highly controversial issue during the Troubles for the way in which it epitomized the fault-lines in Northern Ireland which ran through the state, identity, political affiliation, as well as issues of safety and security (Mulcahy, 2016, p. 261). This fact was enough for the IRA to gain community-wide support for its militant campaign against the police force of the British state that it branded illegitimate. As the Irish paramilitaries directly targeted the RUC, it was not a surprise that the police, which is expected to politically impartial and respond to the community's needs, prioritised its counterinsurgency role to maintain the state-centred order over civil policing. The police force naturally came to the frontline of the conflict at expense of losing its legitimacy and public trust from republican communities.

The security situation during the Troubles led INTERPOL to describe Northern Ireland as the 'most dangerous place' to serve as a police officer (Ryder, 1997 quoted in Select Committee on Northern Ireland Affairs, 1998). The RUC officers, supported by the British Army, were armed with heavy weapons and patrolled streets with armoured Land-Rovers. In addition to ordinary officers, the RUC reserve, the Ulster Special Constabulary, also called 'B Specials', consisted of police officers specialised in conducting military operations against the IRA. The more intense the conflict became, the more that policing was militarised. As a result, republican Irish resentment against the British state developed into hostility to the RUC, which they saw as an everyday manifestation of oppression (Weitzer, 1985). Shortly after the Sunningdale Agreement to establish a power-sharing government in Northern Ireland was signed in 1973, the RUC faced a unionist insurgency marked by the 1974 Unionist Workers' Council strike. The police could not contain the social disorder and their inability led the UK government to reconsider its 'police primacy' policy. Soon after, the military became the primary security provider for the province.

Although these power relations were reversed in 1978, the militant style of policing had by then changed the ethos and internal culture of the police force. The relationship between the RUC and Irish communities, which were main targets of the security policing, was broken. Due to ambush attacks by the IRA, the police had to use helicopters to reach their local stations in remote areas. In turn, the RUC implemented a 'shoot-to-kill' policy against suspected paramilitary members, which seriously damaged their relationship with Catholics (Murphy, 2013, p. 15). Militarised policing and republican paramilitary attacks on the RUC fuelled the vicious cycle of sectarian violence and mutually enforced and justified their hostility against each other. In the meantime, security gaps widened, undermining the building of peace over the long term.

As indicated by public perceptions, police in Northern Ireland were undergoing a crisis of legitimacy. Between 1986 and 1994, the percentage of Catholics who felt police unfairly discriminated against their communities outnumbered that of Protestants by thirty-five per cent (Mulcahy, 2005, p. 68). Paradoxically, the RUC allocated much of its resources to policing Catholic communities, except for 'no-go' zones due to security threats. Considering the ethos of militarised policing, this contrast suggests that while the RUC endeavoured to contain IRA-related attacks, it failed to provide Catholic communities with police service equal to what Protestant counterparts were receiving. In addition to militarised policing, this 'political policing' was another problematic style of policing that contributed to communities' distrust in the RUC's capacity and will to protect and serve (Hearty, 2018). 'Under-protection' paradoxically was highlighted by 'over-policing' in Catholic communities and was pervasive in working-class communities. Non-paramilitary crimes in the minority communities were particularly not treated as serious and sometimes not investigated at all.

This lack of security provision was caused and constantly aggravated for two reasons. The first factor was the RUC's reluctance to take serious actions against crime in some Catholic communities. The police neither went to a crime scene after being informed nor showed its commitment to prevent crimes in the communities. This negligence of Catholic communities' needs was sometimes justified as being motivated by concern for the safety of police

officers. As such, from the police's point of view, a supposed crime could be a trap devised by Republican paramilitaries (Mulcahy, 2005, pp. 77–78). However, the failure of police to show up to investigate a crime would be seen as a dereliction of duty by the affected community. Despite efforts by the British government to enhance the quality of community-oriented policing in Northern Ireland, everyday delivery of community safety and law enforcement by police remained poor (Ellison, 2001).

The RUC's legitimacy crisis was also brought on by its arbitrary practice of criminal justice. Along with the development of oppressive measures against 'suspected civilians', the RUC held non-jury courts, which were also known as 'Diplock' courts (Smyth, 1999). The image of a police that had abandoned its duty was strengthened by the fact that the police sometimes offered criminals a plea bargain on condition that they serve as spies against the paramilitaries (Mulcahy, 2005, p. 76). The unaccountable practices of policing, including discharging lawbreakers in exchange for their future service to the police, incurred significant costs. Self-policing began to take root in marginalised Catholic communities. Sinn Féin, which campaigned for a united Ireland and denounced the RUC as an illegitimate force of the British Empire, notably tried to act as the guardian of communities by operating its own crime response centres (Mulcahy and Ellison, 2001). Behind the scenes, paramilitaries' self-policing propaganda gained more and more community endorsement from communities which the RUC in turn failed to secure (Jarman, 2007).

Policing Environment

The security gaps and legitimacy crisis of the RUC were to a greater extent brought on by the UK government, whose security priority was to maintain the constitutional status of Northern Ireland at the expense of the community's policing needs. However, one should not underestimate how the absence of an effective, independent and credible institution to govern the police also contributed to the failure of security provision in Northern Ireland. When local government was replaced by British direct rule in 1972, policing

matters were decided by the UK government. There was no institutionalised dialogue channel that could bridge the police and the minority community.

According to the 1970 Police Act, the Policing Authority for Northern Ireland (PANI) was established to hold the RUC accountable and answerable to the communities it served. To uphold its mandate, support from Catholic communities was vital. However, the oversight institution was in a quandary from the very beginning. In addition to having its members appointed by the UK government (Rea and Masefield, 2014, p. 33), and standing as an ally of the police (Weitzer, 1985), two other problems weakened the PANI's efforts to promote and oversee accountable policing.

First, the power of the policing authority, which was already limited, was offset by a bitter backlash from the RUC. The Chief Constable of the police force had options, power and even willingness to circumvent requests from the PANI. For example, the head of the police could directly report to the Secretary of State, dismissing further investigations by the supervisory institution (Rea and Masefeld, 2014, p. 89). Senior-rank police figures followed a similar path. Members of the police authority suffered from lack of information provided by the police when they tried to investigate cases of suspected misconduct by RUC officers (Mulcahy, 2005, pp. 40–41). Second, the lawfulness and credibility of the PANI was widely rejected by Catholic communities. Along with opposition from Sinn Féin, the Social Democratic and Labour Party (SDLP), a moderate Irish nationalist party, believed the police authority was unable to implement the principles of impartiality and bipartisanship and thus refused to fill their seat on the authority. Their position stemmed from scepticism regarding the police authority's power to make substantial changes (McGarry, 2000). For the IRA, members of the PANI were also 'legitimate' targets, who were seen as serving the British state's interests (Wright and Bryett, 2000, pp. 53–54).

Although professionalism grew over time and the police tried to become perceived as a neutral party in the divided society, excluded communities were still sceptical on the legitimacy of the post-Patten police (Marijan and Guzina, 2014). In fact, a shift from militarised policing to community policing, which became the ethos of post-GFA policing, was already suggested as a solution

for the police force to gain community support during the Troubles. One of the serious obstacles was the name of the police and the association of the RUC with politicised, arbitrary policing, police were unlikely to be able to reconstruct relations with the Catholic community. In response to mounting antagonism from Catholic communities that led to 'the fateful split' between them and the police, the UK government established the Advisory Committee on Police in Northern Ireland in 1969 to seek applicable police reform in the conflict setting. The report from the committee, also known as the Hunt Report, proposed a comprehensive plan to neutralise the RUC from the bottom, which included recommendations to disarm the police, establish an independent Police Authority and dissolve and transfer the B Specials to the British Army (Advisory Committee on Police in Northern Ireland, 1969). Despite the endorsement of the British government, police reform was eventually undermined by the security situation.

Moreover, relations between the RUC and Northern Ireland's communities did little to create a momentum for police reform. During this time, the police had a triangular relationship with Irish Nationalist and Republican communities and their unionist and loyalist opponents. In addition to the Catholic and Republican hostility towards the police mentioned in the previous section, the normally supportive unionists and loyalists also clashed at times with the police. In fact, the first death of an RUC officer during the Troubles was caused by a loyalist gun attack in 1969 (Powell, 2014). The signing of the Anglo-Irish Agreement in 1985 fuelled loyalist disillusionment with Westminster and thus grievances against the local police which tried to contain the social disorder. Being suspicious of the police's capacity to protect their communities, loyalist paramilitaries established their own self-policing system, some of which remain in operation today.

III. Legal-Political Guarantees of Police Reform

Cornerstones of Police Reform

Just before the onset of the new century, parties to the Troubles, including the United Kingdom and the Republic of Ireland, signed the Belfast

Agreement generally known as the Good Friday Agreement. This peace agreement sought to ensure fair representation and equal treatment of communities across all social sectors of Northern Ireland. The major role of the peace deal in police reform was to introduce new core values of policing. Accordingly, the ethos of the police reform was set to create a police organisation 'that can enjoy widespread support from, and is seen as an integral part of, the community as a *whole* [emphasised by the authors]' (The Belfast/Good Friday Agreement). Political neutrality, accountability, representativeness, and inclusion were endorsed as guiding principles of policing in the peace agreement. To uphold those values and implement police reform, the agreement led to the establishment of an independent committee mandated to review the existing policing system and publish recommendations for reform. The committee was also requested to consider a strategy for effective and efficient cross-border cooperation with *An Garda Síochána*, the police service of the Republic of Ireland.

One year after the agreement, the Independent Commission on Policing for Northern Ireland, also known as the Patten Commission, published a report that contained 175 recommendations for police reform. Major recommendations included: removal of British symbols from the police service and renaming the RUC; implementation of a 50:50 recruitment policy for Catholics and Protestants for at least ten years; and establishment of a new Policing Board and Police Ombudsman that would hold the police accountable. Soon after, the newly established Policing Board included representatives appointed by political parties.

When the RUC was replaced by the *Police Service of Northern Ireland*, so too was the Police Authority for Northern Ireland replaced by the *Northern Ireland Policing Board (NIPB)*. The Patten Report emphasised a new oversight institution was 'vital to the beginning for policing and to the success of all the new policing arrangements' (Independent Commission on Policing for Northern Ireland, 1999, p. 30). To guarantee its credibility and representativeness, unlike its predecessor, this new oversight institution included seats by ten Members of the Local Assembly and nine independents. However, Sinn Féin, a hard-line Republican party which became the biggest power within its ethnic

bloc, refused to endorse the legitimacy of the PSNI and did not fill its seats on the Policing Board. On the other hand, pro-British critics of the Good Friday Agreement, represented by the Democratic Unionist Party (DUP), were not satisfied with the 50:50 rule, criticising it as 'anti-protestant' (Beirne, 2001; Gordon, 2008).

Some reform actions could not be fully implemented or remained challenging due to the legacy of the Troubles. Moreover, despite the institutional reforms, the legitimacy of the PSNI remains contested particularly in Republican-dominated areas. While the post-agreement police has increased its efforts and resources to pave a new pathway for policing, to some extent, the shadow of the RUC still follows the PSNI (Hearty, 2017, pp. 184–185). Due to the continuing presence of paramilitaries, disarming the police was not implemented and PSNI officers today carry a gun in contrast to most of police services in other regions of the UK. Also, lack of cross-community consensus on police reform remains a critical challenge in fully executing the ethos of community policing.

Consolidating the Power of the PSNI

The legitimacy deficit of the PSNI was finally resolved, after about ten years of police reform, by the St. Andrews Agreement. The background to this agreement was the suspension of Stormont in 2002, triggered by the PSNI's investigation of Sinn Féin's party office at Stormont due to party staff allegedly conducting intelligence on behalf of the IRA. The largest party in the Irish bloc criticised the reformed police for lacking political neutrality, but British unionists denounced their coalition partner for not being willing to decommission and withdrew from the power-sharing government. As a consequence, British direct rule was introduced again after only three years of devolution. To restore the Northern Ireland Assembly, the hard-line Irish Nationalist party finally accepted a demand from its British counterparts to endorse the PSNI and participate in the NIPB, which signalled the consolidation of police legitimacy in Northern Ireland (Murphy, 2013, pp. 132–133). This course of actions contributed to consolidating the authority and power of the

PSNI and led to the next step of the police reform process – the devolution of policing and justice. Meanwhile, this agreement provided a backdrop to the dropping of the 50:50 recruitment principle as it was agreed to be terminated 'when the Patten target [30 per cent – added by the authors] for Catholic officers has been achieved' (St Andrews Agreement, 2006, p. 13).

Upon the cross-community endorsement of the PSNI, the UK government and parties in Northern Ireland, with the Republic of Ireland, commenced a procedure to completely devolve the controlling power of policing and justice to Stormont. As a result, the Hillsborough Castle Agreement established a new Department of Justice that, in cooperation with the Policing Board, assumed the responsibility to administer PSNI operations. To guarantee the political impartiality of the Department, it was agreed that the Justice Minister would be appointed on the basis of cross-community consent, which is an exception from the power-sharing principle of Stormont. Replacing the UK government's role in policing governance with a new department of Stormont suggested the fading of 'Britishness' from the organisational structure of the PSNI. Through the course of police reform initiated by the Good Friday Agreement and complemented by two other agreements, the PSNI gained institutional and political assurances for its existence. Nevertheless, another issue remained of how the police has conducted its operational missions – policing communities under the core principles of effectiveness, neutrality, inclusion and accountability while securing legitimacy from the community as a whole.

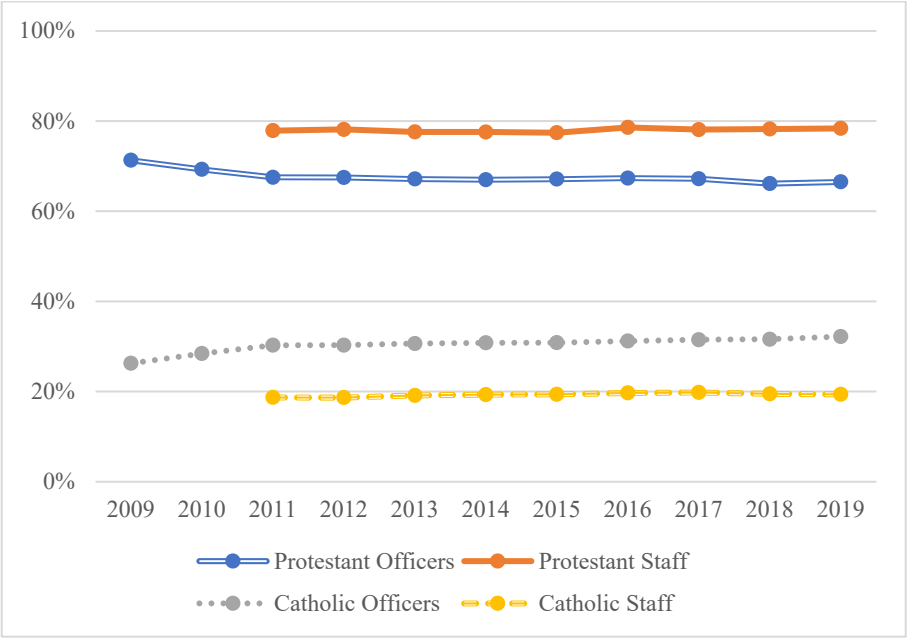
IV. Outcomes and Future Challenges of Post-Patten Policing in Northern Ireland

Changes in the Post-Patten Policing

Organisational Diversity

The Patten Commission suggested that diversity in the police force that reflects the composition of the society is key for neutrality and representativeness. The 50:50 recruitment rule, recommended by the Commission to ensure such diversity, was introduced in 2001, when only 8 per cent of the police organisation

was identified as Catholic. Since then, personnel composition became more diversified with an increasing number of Catholic officers and thus became more representative, especially in nationalist Catholic communities which had been marginalised or treated differently in policing. When the ratio of Catholic officers in the PSNI reached 30 per cent in 2011, the UK government decided to retract the 50:50 rule as agreed in the St. Andrews Agreement. Owen Patterson, then Northern Ireland Secretary of State, commented that affirmative action 'could no longer be justified' (*BBC*, 2011). As expected, responses to the government's decision were divided by communities. Whereas Nationalists emphasised the Patten Commission's recommendation to maintain the rule for at least ten years, Unionists praised the action as a solution to 'reverse discrimination' against them (Northern Ireland Assembly, 2010, p. 48).



Source: Police Service of Northern Ireland Annual Reports and Accounts, 2009–19.

Figure 1. Proportion of police officers and staff by perceived community background, 2009–19[1]

1 Percentages may not add up to 100 since some respondents identified themselves as 'other'.

Figure 1 above shows the ratio of Catholic officers in the workforce has increased very slowly since the 2011 retraction of the 50:50 rule. On the one hand, the engagement of Catholic communities in the police force has been sustained despite the cessation of the affirmative recruitment policy. On the other hand, the 70:30 ratio of Protestant to Catholic police officers has become frozen and is now the status quo, while the Catholic Irish population in Northern Ireland has increased to become similar in size to the Protestant population. Between 1990 and 2016, Northern Ireland's population ratios shifted from 56% to 44% Protestants, and from 38% to 42% Catholics (The Executive Office, 2016, p. 3). While the PSNI rejected the reintroduction of the 50:50 rule (*News Letter*, 2019), it still lacks a genuine solution to the current impasse.

Although more Catholics are encouraged to join the police force even without the quota policy, being a police officer for them may entail greater risks to life due to their being vulnerable to paramilitary attacks and familial opposition which includes, in extreme cases, becoming alienated from their families (Gethins, 2013, p. 146; *Belfast Telegraph*, 2018a). The composition of police staffs, which was not an exception from the Patten target, is worse than that of police officers. Therefore, despite the achievement of the Patten target in police officer recruitment, it will not completely redress the image of a Protestant-led PSNI in the near future. Recruiting working-class Catholics, who tend to be strong supporters of Irish nationalism, remains particularly challenging. A Deloitte investigation commissioned by the PSNI identified 'cold spots' where fewer Catholics apply to become police officers. Among the cold spots are West Belfast, Derry and Newry, districts which happened to be the major theatres of the conflict. These former areas of conflict correspond exactly to significantly deprived areas in Northern Ireland (Deloitte, 2016). As long as these areas lack local participation in the police workforce, the PSNI will need to go beyond the Patten target. While the recruitment quota policy yielded a positive outcome as seen in the growth of Catholic officers up to thirty per cent, it did not achieve true diversity and representation. While not all Catholics are Nationalists, most of the growing number of Catholic police officers are mainly from the Catholic middle-class but not from working-class communities, which have long been marginalised in the police (Hearty, 2017, pp. 186–188).

Community Engagement

Along with independent oversight institutions such as the Northern Ireland Policing Board (NIPB) and the Ombudsman, the PSNI has implemented community-centred policing to make itself more representative and inclusive in the community. Supported by the NIPB and PSNI, Policing and Community Partnerships (PCSPs) are independent local establishments that bridge policing institutions and local people and reflect on community needs in delivery of justice, leading bottom-up community policing. Local inputs constitute key components of policing, particularly identifying crime hotspots and delivering police service in marginalised areas. The NIPB recognises addressing such community needs is a process of engendering public confidence and thus has developed an annual policing plan that includes close partnership with PCSPs (Northern Ireland Policing Board, 2019a, p. 66). According to an assessment of the PSNI performance in 2018, this multi-agency policing service has already produced some positive outcomes to protect vulnerable groups (Northern Ireland Policing Board, 2019c).

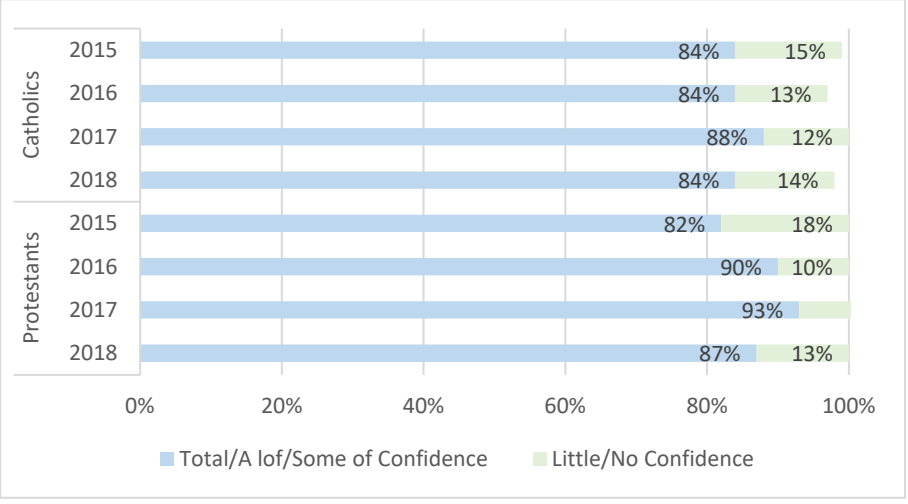


Figure 2. Percentage of public confidence in the police's ability to provide everyday policing service for all the people of Northern Ireland[2]

2 Percentages may not add to 100% due to rounding. 'Don't Know' was omitted from the graph. See Northern Ireland Policing Board (2018).

Beneath the surface, there is a different story. When asked whether the police's daily service is accountable and inclusive for all sections of society, throughout the past four years Protestants agreed slightly more than did Catholics, though Catholic support is high. Nevertheless, both communities' confidence in everyday policing practices declined in the year of the latest survey. PSNI also discovered that only one-third, compared to 44 per cent in the previous year, responded that they were aware of the PCSPs (Northern Ireland Policing Board, 2018).

The police service, in close partnership with the oversight institutions and communities, developed an all-encompassing community policing policy which received positive reviews. However, the NIPB discovered that lack of coherence between departments inside the PSNI caused a gap between inputs and outputs of its community policing programme. In assessing the PSNI's performance in promoting 'confidence in policing in areas where it was identified as being lower' with communities, the oversight institution commented that the PSNI's Policing with Community (PwC) Branch was not fully engaged in implementing PwC programmes, which became solely policing Districts' responsibilities (Northern Ireland Policing Board, 2019b). The central police service monitors neither the actual progress of the community policing programmes nor changes in public confidence in target areas. To tackle this issue, the police needs to be more systematic in its operation, and visible and inclusive in everyday policing. It is particularly important to recruit more police officers from marginalised Catholic communities where residents are subject to vigilantism and self-policing by paramilitaries.

Organisational Professionalism

After the ceasefire curtailed security-related attacks in the province, the PSNI was able to shift its overall direction toward the normalisation of policing. This process involved the professionalisation of policing, which aimed to enhance the quality of professional police service with ethical standards that respect human rights (Independent Commission on Policing for Northern Ireland, 1999, p. 60). This development is crucial to prevent future

human rights violations in the post-conflict environment. Two years after its creation, the NIPB published a Code of Ethics for police operations, which included a comprehensive list of attitudes and behaviours of police officers to uphold human rights and integrity. This document embraces domestic human rights laws as well as the European Convention on Human Rights (Northern Ireland Policing Board, 2008). To oversee the quality of professional policing, not only internal misconduct procedures were arranged in the Code of Ethics, but also the NIPB annually reviews the PSNI's performances in relation to its human rights responsibilities and publishes recommendations.

According to a survey, Northern Ireland respondents selected professionalism as the most important factor in policing (Byrne, Topping and Martin, 2014, p. 26). So far, the PSNI has seemingly answered this demand by developing its guidelines and implementing NIPB's recommendations. Statistical data are supportive of the police. Although complaints of 'incivility' of PSNI officers increased by nine per cent in 2018/19 compared to the previous year, in contrast to a decrease in other categories of complaints, this number is still lower than previous years which recorded more than 300 cases of incivility (Northern Ireland Policing Board, 2019b, p. 72). However, in a recent survey by the Police Federation for Northern Ireland (2019, p. 40), 92 per cent of the respondents said low morale permeated the police agency. The organisation warned this alarming situation could lead to degrading the quality of professionalism in the PSNI as well as individual officers' well-being.

Future Challenges towards a Safer and Inclusive Society

Cross-border Organised crime

Although the PSNI can point to a decreasing crime rate for more than a decade (PSNI Statistics Branch, 2019a), cross-border organised crime, which is believed to involve paramilitaries, remains a problem in the region. Two surveys conducted by the Northern Ireland government in consecutive years suggested that fear of organised crime across communities is widespread and escalating (Duncan and Ramsden, 2017; Duncan, 2018). The same studies have also indicated failure to deter organised criminals would lead to declining

public confidence in law enforcement (Duncan and Ramsden, 2017). Hardships of countering criminal activities across the Irish border are predicted to be exacerbated by the upcoming Brexit. Although the future of Brexit, whether with or without an agreement with the EU, is still unknown, the security situation is likely to deteriorate. Northern Ireland, as suggested by the Organised Crime Task Force, is particularly vulnerable to a post-Brexit security gap in which organised criminals would pursue benefits from 'increased levels of tariff evasion, smuggling, VAT fraud and non-compliance and excise fraud' (Organised Crime Task Force, 2019, p. 8). In case of a no-deal Brexit, the crime response agency further warned of spill-over effects of illegal activities into new sectors.

The OCTF identified organised criminal groups as also exploiting Northern Ireland as a transit location of the aforementioned criminal activities. A challenge to halt the flow of illegal activities rests on the fact that they have connections to other international criminal networks based in Africa and South East Asia as well as Europe (Organised Crime Task Force, 2016, p. 7). Transnational organised crime requires cross-border law enforcement measures, but concerns arise about post-Brexit security cooperation between the United Kingdom and the rest of the European Union, particularly the Republic of Ireland where leading figures of the criminal networks in Northern Ireland are known to reside. This security threat, although it may not directly jeopardise the legitimacy of the police force, has a greater potential to compromise the effectiveness of the PSNI's counter-crime operations. If local communities are silenced by fear of chronic organised crime which can grow as a result of the creation of a post-Brexit border, partnership between the PSNI and communities, a crucial element of community policing, in crime prevention and investigation will be at stake. Indeed, according to a survey published by the Department of Justice, a majority of respondents answered that fear of revenge was the most serious concern that prevent them from reporting crime (Northern Ireland Department of Justice, 2018, p. 10).

Paramilitarism

To extremist factions of paramilitaries, especially republican groups, the

police has continuously been seen as a symbol of oppression and thus a target for sectarian violence, as the RUC had been. Although the PSNI announced that the number of paramilitary attacks from April 2018 to March 2019 decreased after a surge in 2017, the security situation is still worrying, including possible negative effects which will result from Brexit. According to the Assistant Chief Constable in Northern Ireland, paramilitary attacks regularly take more sophisticated forms (*The Independent*, 2019). Improvised explosive devices are a major mode of such attacks and are believed to implicate Continuity IRA and New IRA, the latter being responsible for the recent death of Lyra McKee, a journalist in Derry/Londonderry.

Paramilitary punishments are another manifestation of the existing security gap in Northern Ireland. The PSNI classifies such 'self-policing' into two types depending whether or not a firearm was used—paramilitary style assaults and paramilitary style shootings. Although Republican and Loyalist paramilitaries employ different punishments to maintain order in their communities, the resulting casualties of such self-policing measures continue to be found in the northern part of the region including two major cities, Belfast and Derry (PSNI Statistics Branch, 2019b).

It is more likely that the activities of remaining paramilitaries will widen the security gap, particularly in communities where attacks against police officers and arbitrary punishments by paramilitaries are pervasive. This situation could snowball to imperil the rule of law and force the police service to transfer more resources to 'counterinsurgency' policing from 'civilian' policing. This would further undermine the ability of the PSNI to secure public confidence as it is already suffering from considerable budget cuts that led to personnel cuts in the police service and criticisms for poor quality of service delivery (*Belfast Telegraph*, 2018b).

The dispersion of paramilitarism across under-protected sections of the divided society undermines the rule of law and may result in the police service transferring more resources from 'civilian' policing to 'counterinsurgency' policing. Concern about the security situation is likely to grow if a post-Brexit border is created with a physical infrastructure, such as customs checkpoints. Although the Chief Constable rejected the idea of policing 'any of 300

crossings' on the Northern Ireland border, he conceded the deployment of police officers on the occasion of the potential threat of '[paramilitary] attack' (*BBC*, 2019). The draining of policing resources to counter paramilitaries would further undermine the ability of the PSNI to secure public confidence, which is already affected by budget cuts to the police and resulting criticisms for poor quality of service delivery (Byrne an Monaghan, 2008).

Policing the Past

Admittedly, policing the past remains a highly contested issue in the post-ceasefire period which continued without a formal truth process (Lawther, 2010). This is because not only different memories of the Troubles are shared within communities, but also the past is continuously reproduced by cultural and social practices, such as marches and parades, in particular those organised by Loyalist communities. While the PSNI are struggling to adhere to a neutral position by preventing marchers from both communities from clashing with their opponents, the political class is encouraging free expressions of identity (Byrne, Topping and Martin, 2014, p. 10). This contrast renders an image of the police being particularly oppressive to Unionist communities, which are not satisfied with their 'concessions' in the 1998 peace deal (McAuley, 2003). Further, the PSNI's limited will and capacity to investigate unsolved killings during the Troubles has led to the de facto re-politicisation of policing (Grech, 2017). Despite two decades that have passed since the signing of the Good Friday Agreement, 1,186 of more than 3,200 deaths (almost forty per cent) remain cold cases (*The Detail*, 2018). In 2005, the PSNI established the Historical Enquiries Team, which the then Chief Constable described as 'an imaginative attempt to bring some form of resolution to families of victims of the Troubles' (Orde, 2006). However, the ambitiously mandated team was resisted by former police officers and eventually dissolved as a result of financial pressure after ten years of operation, leaving one of the most painful legacies of the Troubles to fester (Aiken, 2010; *BBC*, 2014).

Notwithstanding the disbandment of the team, the police's dealing with the past continued, but provoked distrust and grievances in its commitment to truth recovery. This was evident especially when evidence was to be provided

by the PSNI to investigate killings committed by security institutions, namely the RUC and the British Army. One prominent example was criticism of the PSNI as well as other state agents for not providing all essential information to the Police Ombudsman who investigated unsolved deaths of five people in the 1992 Loyalist gun attack (Relatives for Justice, 2012). Although justice was delivered in some cases, for many bereaved families of victims of state violence justice was frustratingly slow or non-existent (Rolston, 2013).

Given that transitional justice requires a holistic approach to human rights in order to guarantee the non-recurrence of social conflict and abuses, the police cannot be the only state actor which deals with the past (Northern Ireland Human Rights Commission, 2013, p. 12). A wider lack of governmental support for truth recovery was another constraining factor in Northern Ireland's truth-seeking process. The Good Friday Agreement lacked a formal truth recovery process followed by the establishment of an overarching institution for truth, such as a truth and reconciliation commission (Lawther, 2015). This explains why so many documents and cases were left in the hands of the PSNI. Second, the PSNI resisted undertaking investigations of collusion between governmental security agencies including MI5 and loyalist paramilitaries (McGovern, 2013). This underscores the fact that the British government maintained control over policing in Northern Ireland in spite of the 1998 devolution and as a result, the Northern Ireland police was able to exercise limited authority in transitional justice. As long as the UK government allowed MI5 and the National Crime Agency instead of the PSNI undertake investigation of 'national security issues' (whose scope is not clearly defined), the local judicial procedure to investigate unsolved deaths during the Troubles has been impeded (Holder, 2013). Recently, it was revealed that the British intelligence service confiscated evidence collected by an independent committee that was investigating security forces' involvement in Patrick Finucane's death in 1989 (*The Guardian*, 2019).

V. Conclusions and Lessons

Conclusions

Compared to the Troubles era, the comprehensive police reform process stemming from the Good Friday Agreement has achieved considerable success in securing greater police legitimacy and rebuilding relationships with conflict-affected communities. From changing symbols of the police including name of the police, its badges and logo to embracing principles of inclusion, impartiality, accountability and effectiveness and the implementation of community policing as the ethos of policing, the newly created PSNI reformed its image from the oppressive British RUC force. This transformation could not have been achieved without the substantial lessening of security concerns that followed the ceasefire, or the progressive institutional guarantees and political endorsements that created a favourable environment.

This year marked the 25th anniversary of the signing of the Good Friday Agreement in Northern Ireland. The peace agreement has been championed as a model for global peacebuilding and so has the police reform (Ellison and O'Reilly, 2008). Certainly, the police reform that followed the peace accord was successful to some extent. From rebranding to the promotion of organisational diversity and more public engagement through community policing, the new police service has struggled for restoring public confidence that was eroded during the Troubles. Our study suggests that the PSNI has performed well in gaining and maintaining public confidence in general. However, there some concerns that the number does not explicitly say. Achievements of the police reform in Northern Ireland may be compromised by several challenges.

The review of policy documents produced by the NIPB and PSNI suggested significant developments of community policing that involved comprehensive plans and multi-level security governance. However, the actual delivery of justice in day-to-day policing remained challenged by the PSNI's internal inconsistency in policy implementation and worsening resource deficits driven by budget cuts. The growth of internationalised organised criminal networks and continuing paramilitary attacks on the police challenge the PSNI and undermine public confidence in tackling these threats.

Furthermore, as Brexit, perhaps the most divisive current issue in Northern Ireland, is looming, and as traditional fault lines re-emerge, the police risk being drawn again into political policing.

To tackle upcoming challenges that may test the PSNI's capability to maintain the post-GFA order and security in the community as a whole, cross-community engagement is crucial. As hard-line Republicans' residual distrust and weaker presence of the Catholic population in PCSPs suggested, the police has had limited success so far in this regard. Discussions about how the PSNI can strengthen its legitimacy focus on strengthening police-community relations. Therefore in addition to an effective and systematic monitoring process, community policing arrangements, such as PCSPs, should be more visible and open to all sections of the society, particularly to traditionally marginalised communities. Further, the political challenges of consolidating trust and legitimacy of the police in the eyes of society as a whole are linked to fundamental political considerations of post-conflict state legitimacy and distribution of power and are likely to require efforts to confront the past and initiate reconciliation.

Lessons to strengthen police legitimacy in divided societies

Although contexts may differ, lessons from Northern Ireland's experience may help to inform police reform processes in other societies emerging from conflict.

Transforming Organisational Culture by Workforce Diversity

Promoting the representation of marginalised communities in policing has been actively adopted in many countries, especially the United States. This policy is understood as a basic step to build stronger social cohesion by lessening the latent and explicit tensions between the police and local communities. However, even in the United States, the police service has largely remained a 'white-male' agency (Wilson and Grammich, 2022). Recent clashes between the US police and black communities, such as the

Black Lives Matter (BLM), suggest that the long-term conflict and antagonism between the 'white' police and 'black' American communities have not been ameliorated. Yet, this shall not be understood as the workforce diversity policy is of no use. Rather, to meaningfully increase workforce diversity in the police service, our study suggests that more public engagement with marginalised communities should be pursued first.

Developing more representative and inclusive police is crucial to improve police-community relations and secure more cooperation from communities (Riccucci, van Ryzin and Layena, 2014). By creating an inclusive culture of policing, the more diverse the workforce is likely to become, and the more answerable the police before active community engagement (Gordon, 2008). In this vein, the Patten target should be seen as an affirmative action to promote equal, inclusive and representative culture inside the police, rather than 'sectarian discrimination' that simply prioritises people with a certain background in the police service. Therefore, the reintroduction of the 50:50 rule to promote the increase in the proportion of Catholic police personnel to reflect the increased population share held by Catholics should be considered once again, in particular with efforts to attract applicants from Catholic working-class communities. This would uphold the core principles of policing underscored by the Good Friday Agreement.

Detaching the Police from Polarised Politics

The depoliticization of the police service is an important driver of public confidence between the state and the public in divided societies. Police reform programmes in many conflict-affected regions, like the West Balkans, post-socialist countries, and African countries, thus contain pledges to depoliticise the police. The question is how and to what extent the police can be depoliticised. The Northern Ireland case suggests that institutional reform may not be sufficient to prevent the re-politicisation of policing in a post-conflict environment. The police is vulnerable to criticism in a polarised, divided society due to the question of its political neutrality. The situation can worsen if some aspects of policing and justice are still controlled by the state which was involved in the conflict. For example, even after the Hillsborough Castle

Agreement, it was the government in London which decided to cease the application of the 50:50 rule to police recruitment in Northern Ireland. In an extreme case, problematic ownership of the police can lead dissident factions like the paramilitaries to identify the police as a 'legitimate target'. This, in turn, can raise security risks so that the normalisation of policing is disrupted as the police maintain its focus on countering insurgent groups. Therefore, building a political consensus is essential to ensure political neutrality of the police and its governance structure. Achieving cross-community consent on the appointment of the Minister for Justice can be an appropriate mechanism. However, given the shadow of British direct rule in the context of the absence of a functioning government in Northern Ireland, there should be further mechanisms to ensure the political neutrality of the police.

Depoliticization of the police does not equate to the institutional reformation of the state control of the police. According to Flinders and Buller (2006), depoliticization can take at least three dimensions: institutional, rule-based, and preference-shaping. The public ownership of the PSNI through the establishment of the NIPB only meets the first dimension of depoliticization. In terms of rule-based depoliticization, the Northern Ireland government should arrange more open and transparent decision-making processes that even antagonistic communities to the PSNI, often ex-combatants and republican communities, can be involved. Furthermore, the portrayal of the police as a security provider for the British state should be revisited in the context in the ethos of the Good Friday Agreement. That means the PSNI does not only exist for the social stability in Northern Ireland (as a British territory) but also for common prosperity across the Irish border. This rhetoric and discursive change shall be resonated by its counterpart in the Republic of Ireland.

To do this effectively, the community policing policy that the PSNI has implemented should be revisited. Building sustainable relationships with conflict-affected communities not only strengthens resilience of the police to withstand political pressure, but also improves the quality of governance of crime. Since policing with the community (PwC) became the ethos of the PSNI in post-Agreement Northern Ireland, there is growing evidence that police-community relations have become considerably stronger compared to

the time of the RUC. However, one of the lingering problems in the PwC is the imbalanced participation of Protestant and Catholic communities in community policing arrangements. The police needs to provide more assurances that voices of marginalised groups will be heard in setting policing priorities and identifying security gaps in their living environment. This is obviously not straightforward, especially in Republican communities which still hold strong opposition to the police from their experience with and memories of the RUC. One way to deal with the past in collective memories is for the police to deliver justice to those communities by seeking truths of past crimes and human rights abuses from the time of the Troubles, to lay a foundation for reconciliation.

Justice-Sensitive Security Sector Reform (JSSR)

The police often play a coercive role in domestic and international conflicts, often as a perpetrator of atrocities and human rights violations. Even if police reform programmes are implemented after violent conflict, it is less visible that the police will investigate its own past wrongdoings. Sometimes it systematically resists truth-seeking processes. The blindness to past wrongdoings by the police and organisational resistance against truth recovery from the police itself may impede social reconciliation and risk eroding social cohesion (McAlinden, 2013; Chun and Han, 2017). Yet, truth-seeking investigations into the police may discourage police officers who fear the authority of the police being deteriorated. Truth-seeking processes are not linear; it involves progresses and setbacks. What should be emphasised in this thorny road is that institutional human rights violations shall not be tolerated anymore. In the aftermath of truth recovery investigations in the police, loyalty among police officers may decrease in the short term. However, that should be accepted as a payable price to restore public confidence among the wider population, which is the long-term goal of policing.

A final lesson can be drawn from the concept of justice-sensitive security sector reform. This approach encompasses four core values – integrity, legitimacy, accountability, and empowerment of people – and highlights the necessity of dealing with the past in building inclusive and legitimate post-

conflict security governance (Caparini, 2013). In this vein, a newly established police service should be mandated to deliver both retributive and restorative justice for past atrocities to foster legitimacy and reconciliation in conflict-affected communities. An encouraging development is UK government's recent motion to establish a new, independent commission to deal with the crimes and abuses committed throughout the conflict (Northern Ireland Office, 2018, p. 6). However, as demonstrated in Northern Ireland, long-term success cannot be guaranteed if the local police's commitment and capability for the truth recovery process is still in question. The PSNI's internal resistance, intertwined with evasion by other security agencies, has already undermined progress in bringing truth and justice to victims of the Troubles and their families. Therefore, as much as it is important to involve all parts of government and partnerships with victim-based groups in a truth process, so is it vital to legally instruct and hold the police and other state bodies accountable for the implementation of transitional justice.

References

Advisory Committee on Police in Northern Ireland (1969). *Report of the Advisory Committee on Police in Northern Ireland*. Belfast: Her Majesty's Stationery Office. Retrieved from https://cain.ulster.ac.uk/hmso/hunt. htm#2.

Aiken, N. T. (2010). Learning to Live Together: Transitional Justice and Intergroup Reconciliation in Northern Ireland. *The International Journal of Transitional Justice*, 4(2), pp. 166–188.

Bayley, D. (2001). *Democratizing the Police Abroad*. Washington: United States Institute of Peace.

Bayley, D. (2008). Post-conflict Police Reform: Is Northern Ireland a Model?. *Policing*, 2(2), pp. 233–240.

BBC (2011). *Police 50-50 recruiting system is to end*. Retrieved from https://www.bbc.com/news/uk-northern-ireland-12876127.

BBC (2014). *PSNI agency post cuts spell end of Historical Enquiries Team*. Retrieved from https://www.bbc.co.uk/news/uk-northern-ireland-29425 544.

BBC (2019). *Brexit: PSNI 'won't police customs checkpoints', says Chief Constable'*. Retrieved from https://www.bbc.co.uk/news/uk-northern-ireland-49925239.

Beirne, M. (2001). Progress or placebo? The Patten report and the future of policing in Northern Ireland. *Policing and Society*, 11(3-4), pp. 297–319.

Belfast Telegraph (2018a). *Catholic police officer cuts ties with some family members and home city of Derry for the job*. Retrieved from https://www. belfasttelegraph.co.uk/news/northern-ireland/catholic-police-officer-cuts -ties-with-some-family-members-and-home-city-of-derry-for-the-job-37632598.html.

Belfast Telegraph (2018b). *Relationships between police and community in west Belfast have "deteriorated"*. Retrieved from https://www.belfastte legraph.co.uk/news/northern-ireland/relationships-between-police-and-community-in-west-belfast-have-deteriorated-37667148.html.

Byrne, J., & Monaghan, L. (2008). *Policing Loyalist and Republican Communities: Understanding key issues for local communities and the PSNI*. Belfast: Institute for Conflict Research.

Byrne, J., Topping, J., & Martin, R. (2014). *Northern Ireland Policing Board: Confidence in policing Research: 'The key drivers of public confidence in NI'*. Belfast: Northern Ireland Policing Board.

Caparini, M. (2013). *Research Brief: Ensuring Long-Term Protection: Justice-Sensitive Security Sector Reform and Displacement*. New York: International Center for Transitional Justice.

Chun, J., & Han, J. (2017) Delayed Reconciliation and Transitional Justice in Korea. *Asian Journal of Social Sciences*, 45, pp. 294–315.

Cunningham, N., & Gregory, I. (2014). Hard to miss, easy to blame? Peacelines, interfaces and political deaths in Belfast during the Troubles. Political Geography, 40, pp. 64–78.

Deloitte (2016). *Understanding barriers affecting police officer recruitment: Final report*. London: Deloitte.

Doherty, R. (2012). *The Thin Green Line: The History of Royal Ulster Constabulary GC 1922–2001*. Barnsley: Pen & Sword Military.

Duncan, L. (2018). *Perceptions of Organised Crime in Northern Ireland: Findings from the October 2017 Northern Ireland Omnibus Survey*. Belfast: Northern Ireland Department of Justice.

Duncan, L., & Ramsden, R. (2017). *Perceptions of Organised Crime and Human Trafficking in Northern Ireland: Findings from the October 2016 Northern Ireland Omnibus Survey*. Belfast: Northern Ireland Department of Justice.

Ellison, G., & Mulcahy, A. (2001). Policing and Social Conflict in Northern Ireland. *Policing and Society: An International Journal*, 11(3-4), pp. 243–258.

Ellison, G., & O'Reilly, C. (2008). From Empire to Iraq and the "War on Terror": The Transplantation and Commodification of the (Northern) Irish Policing Experience. *Police Quarterly*, 11(4), pp. 395–426.

Flinders, M. and Buller, J. (2006) Depoliticisation: Principles, Tactics and Tools. *British Politics*, 1, pp. 293–318.

Gethins, M. (2013). *Catholic police officers in Northern Ireland: Voices out of silence*. Manchester: Manchester University Press.

Gordon, J. (2008). Post-conflict Transformation: The Process of Institutional Legitimation of the Police in Northern Ireland. *Ethnopolitics*, 7(1), pp.

137–157.

Grech, O. (2017). *Human Rights and the Northern Ireland Conflict: Law, Politics and Conflict*, 1921–2014. London: Routledge.

Hearty, K. (2017). *Critical Engagement: Irish republicanism, memory politics and policing*. Liverpool: Liverpool University Press.

Hearty, K. (2018). Discourses of Political Policing in Northern Ireland. *Critical Criminology*, 26(1), pp. 129–143.

Holder, D. (2013). Police accountability, the Irish peace process and the continuing challenge of society, *Race & Class*, 54(3), pp. 77–86.

Independent Commission on Policing for Northern Ireland (1999). *A New Beginning: Policing in Northern Ireland*. Belfast: Independent Commission on Policing for Northern Ireland.

Jarman, N. (2007). Vigilantism, Transition and Legitimacy: Informal Policing in Northern Ireland. In D. Pratten & A. Sen (Eds.), *Global Vigilantes: Anthropological Perspectives on Justice and Violence* (pp. 319–348). London: Hurst.

Knox, C. (2001). The 'Deserving' Victims of Political Violence: 'Punishment' Attacks in Northern Ireland. *Criminology & Criminal Justice*, 1(2), pp. 181–199.

Lawther, C. (2010). 'Securing' the Past: Policing and the Contest over Truth in Northern Ireland. *The British Journal of Criminology*, 50(3), pp. 455–473.

Lawther, C. (2015). Criminal Justice, Truth Recovery and Dealing with the Past in Northern Ireland. In A. McAlinden & C. Dwyer (Eds.), *Criminal Justice in Transition: The Northern Ireland Context* (pp. 27–45). Oxford: Hart Publishing.

Marijan, B., & Guzina, D. (2014). Police reform, civil society and everyday legitimacy: A lesson from Northern Ireland. *Journal of Regional Security*, 9(1), pp. 51–66.

McAlinden, A. M. (2013) An inconvenient truth: Barriers to truth recovery in the aftermath of institutional child abuse in Ireland. *Legal Studies*, 33(2), pp. 189–214.

McAuley, J. M. (2003). Unionism's Last Stand? Contemporary Unionist Politics and Identity in Northern Ireland. *The Global Review of Ethnopolitics*,

3(1), pp. 60–74.

McGarry, J. (2000). Police reform in Northern Ireland. *Irish Political Studies*, 15(1), pp. 173–182.

McGovern, M. (2013). Inquiring into Collusion? Collusion, the State and the Management of Truth Recovery in Northern Ireland. *State Crime*, 2(1), pp. 4–29.

Mulcahy, A. (2005). *Policing Northern Ireland: Conflict, Legitimacy and Reform*. Devon: Willan Publishing.

Mulcahy, A. (2016). Trajectories of Policing in Ireland: Similarities, Differences, Convergences. In D. Healy, C. Hamilton, Y. Daly & M. Butler (Eds.), *Routledge Handbook of Irish Criminology* (pp. 261–279). Abingdon, UK: Routledge.

Mulcahy, A., & Ellison, G. (2001). The Language of Policing and the Struggle for Legitimacy in Northern Ireland. *Policing and Society: An International Journal*, 11(3-4), pp. 383–404.

Murphy, J. (2013). *Policing for Peace in Northern Ireland: Change, Conflict and Community Confidence*. Basingstoke: Palgrave Macmillan.

News Letter (2019) *PSNI chief says 50/50 recruitment should be 'last resort'*. Retrieved from https://www.newsletter.co.uk/news/crime/psni-chief-says-50-50-recruitment-should-be-last-resort-1-9059355.

Northern Ireland Assembly (2010). *Hansard on Monday 1 March 2010*. Belfast: Northern Ireland Assembly.

Northern Ireland Department of Justice (2018). *Perceptions of Organised Crime in Northern Ireland: Findings from the October 2017 Northern Ireland Omnibus Survey: Research and Statistical Bulletin 11/2018*. Belfast: Northern Ireland Department of Justice.

Northern Ireland Human Rights Commission (2013). *Dealing with the Northern Ireland's Past: Towards a Transitional Justice Approach*. Belfast: Northern Ireland Human Rights Commission: Belfast.

Northern Ireland Office (2018). *Addressing the Legacy of Northern Ireland's Past: Analysis of the consultation responses*. London: Northern Ireland Office.

Northern Ireland Policing Board (2008*). Police Service of Northern Ireland Code of Ethics 2008*. Belfast: Northern Ireland Policing Board.

Northern Ireland Policing Board (2018). *Public Perceptions of the Police, PCSPs, the Northern Ireland Policing Board and the NCA*. Belfast: Northern Ireland Policing Board.

Northern Ireland Policing Board (2019a). *Annual Policing Plan for Northern Ireland 2019-20*. Belfast: Northern Ireland Policing Board.

Northern Ireland Policing Board (2019b). *Annual Report and Accounts For the Period of 1 April 2018 – 31 March 2019*. Belfast: Northern Ireland Policing Board.

Northern Ireland Policing Board (2019c). *Policing Board Assessment of the PSNI Performance Against the Policing Plan 2017-18*. Belfast: Northern Ireland Policing Board.

Orde, H. (2006). Policing the Past to Police the Future. *International Review of Law, Computers & Technology*, 20(1-2), pp. 37–48.

Organised Crime Task Force (2016). *Cross Border Organised Crime: Threat Assessment 2016*. Belfast: Organised Crime Task Force.

Organised Crime Task Force (2019). *Annual Report & Threat Assessment 2018–19*. Belfast: Organised Crime Task Force.

Police Federation for Northern Ireland (2019). Police Remuneration Review Body Submission. Belfast: Police Federation for Northern Ireland.

Powell, B. M. (2014) Policing Post-war Transitions: Insecurity, Legitimacy and Reform in Northern Ireland', *Dynamics of Asymmetric Conflict*, 7(2-3), pp. 165–182.

PSNI Statistics Branch (2019a). *Police Recorded Crime in Northern Ireland: Update to 31 May 2019*. Belfast: Police Service of Northern Ireland.

PSNI Statistics Branch (2019b). *Police Recorded Security Situation Statistics. 1 April 2018 to 31 March 2019*. Belfast: PSNI Statistics Branch.

Rea, D., & Masefield, R. (2014). *Policing in Northern Ireland: Delivering the New Beginning?*. Liverpool: Liverpool University Press.

Relatives for Justice (2012). *Sean Graham Bookmakers Atrocity: Wednesday 5th February 1992*. Belfast: Relatives for Justice.

Riccucci, N. M., van Ryzin, G. G., & Lavena, C. F. (2014). Representative Bureaucracy in Policing: Does It Increase Perceived Legitimacy?. *Journal of Public Administration Research and Theory*, 24(3), pp. 537–551.

Rickard, K., & Bakke, K. M. (2021). Legacies of wartime order: Punishment attacks and social control in Northern Ireland. *Security Studies*, 30(4), pp. 603–636.

Rolston, B. (2013). Dealing with the Past in Northern Ireland: The Current State of Play. *Estudios Irlandeses*, 8, pp. 143–149.

Ryder, C. (1997). *The RUC 1922-1997: A Force Under Fire*. Singapore: Mandarin.

Select Committee on Northern Ireland Affairs (1998). *Third Report: Composition, Recruitment and Training of the RUC*. London: UK House of Commons.

Smyth, J. (1999). Policing Ireland. *Capital & Class*, 22(69), pp. 101–123.

Southern, N. (2018). *Policing and Combating Terrorism in Northern Ireland: The Royal Ulster Constabulary GC*. Basingstoke: Palgrave Macmillan.

St Andrews Agreement (2006). Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/136651/st_andrews_agreement-2.pdf.

The Belfast/Good Friday Agreement (1998). Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/136652/agreement.pdf.

The Detail (2018). *New figures reveal scale of unsolved killings from the Troubles*. Retrieved from https://www.thedetail.tv/articles/new-figures-reveal-scale-of-unsolved-killings-from-the-troubles.

The Executive Office (2016*). Labour Force Survey Religion Report*. Belfast: The Executive Office.

The Guardian (2019). Pat Finucane murder: "MI5 destroyed investigation files into alleged collusion" Retrieved from https://www.theguardian.com/uk-news/2019/oct/08/pat-finucane-mi5-destroyed-investigation-files-into-alleged-collusion.

The Independent (2019). *Dissident republicans are making 'concerted effort'*. Retrieved from https://www.independent.co.uk/news/uk/home-news/northern-ireland-republican-border-ira-derry-bomb-police-a9099946.html.

Weitzer, R. (1985). Policing a Divided Society: Obstacles to Normalization in Northern Ireland. *Social Problems*, 33(1), pp. 41–55.

Wilson, J. M., & Grammich, C. A. (2022) Staffing composition in large, US

police departments: benchmarking workforce diversity. *Policing: An International Journal*, 45(5), pp. 707–726.

Wright, J., & Bryett, K. (2000). *Policing and Conflict in Northern Ireland*. Basingstoke: Palgrave Macmillan.

Comparative Study of IPA Techniques in Biased Cases: Developing Improvement Plans for Electronic Supervision Investigation(ESI) Team*

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Abstract

To ensure efficient implementation of the system, appropriate improvement measures and policies must be established. This requires an investigation into the practical difficulties and problems, followed by careful selection of the items to be improved. In this study, we propose using important-performance analysis (IPA) as a method to identify requirements by the subject. IPA is a visual method used to evaluate the need for improvement of each item by analyzing the degree of performance and the degree of importance for various items constituting a system or policy.

In Korea, most studies conducted have used only IPA using the data-centered quadrant model (DCQM). However, this model may not be suitable for a biased case where the degree of performance is generally below average and the importance is above average. In such situations, the analysis results using DCQM may not be applicable for actual system improvement. Therefore, in this study, we performed the Important-Performance Gap analysis (IPGA) and DCQM to diagnose the improvements that need to be made for effective team operation targeting the Electronic Supervision Investigation Team of the special judicial police system newly established in October 2021. As a result, IPGA is appropriate in the biased case.

Keywords: IPGA, IPA, Electronic Supervision Investigation Team, Prioritizing improvements

* The data in this paper is based on the 2021 research report by the Korean Institute of Criminology and Justice, 'A Study on the Implementation and Improvement of the Electronic Supervision Special Judicial Police System'. If you have any further questions about the Electronic Supervision Special Judicial Police System and Electronic Supervision Investigation Team, refer to the report.

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http://dx.doi.org/10.36889/IJCJ.2023.003
Received 15 March 2023; Revised 9 June 2023; Accepted 27 June 2023
INTERNATIONAL JOURNAL OF CRIMINAL JUSTICE, Vol. 5 Issue 1, June 2023, 67-86

Introduction

IPA and IPGA

The analysis technique that can determine priority among various matters is ranked multiple response analysis, which involves respondents ranking items in the survey stage. Alternatively, multi-criteria analysis determines priority among multiple alternatives by applying multiple evaluation criteria. There are various decision-making techniques available, such as Analytic Hierarchy Process (AHP; Saaty, 1980) and Analytic Network Process (ANP; Saaty, 1996). Important-Performance Analysis (IPA), the tool highlighted in this study, is a method developed to evaluate elements of marketing programs. It interprets issues that need to be improved first (Martilla & James, 1977). IPA is easy to apply, and the importance and performance level of each item can be visually checked, making the interpretation of results intuitive. IPA has been widely used in various research and practice fields, including evaluating customer satisfaction with services and products as well as in landscaping, forestry, tourism, medical and scientific fields, technology, education, and social sciences (Evans & Chon, 1989; Go & Zhang, 1997; Dolinsky, 1991; Dolinsky & Caputo, 1991; Markazi-Moghaddam, Kazemi, & Alimoradnori, 2019; Hansen & Bush, 1999; Ford, Joseph, & Joseph, 1999; Ahn, Kim, & Lim, 2018).

The traditional IPA evaluates respondents' needs, satisfaction, and improvement needs based on information about the importance-performance level coordinates of each item, which are located on a matrix centered on the median of importance (Y-axis) and performance level (X-axis). This is known as the middle of the scale - Scale Centered Quadrant Model (SCQM), and the IPA matrix is the figure that visually analyzes the response results based on two axes (Martilla & James, 1977). The IPA matrix intuitively confirms the priority or direction of a product or policy, depending on which quadrant each investigated item is located in one of the four quadrants (Martilla & James, 1977). In general, the first quadrant of the matrix is the ‘Keep up the good work’ area, where items with high relative importance and a high degree of performance are located. In this area, although some achievements or

implementations have already been made, there are items that are still socially and practically important and need to be maintained and further strengthened. Quadrant II is the 'Concentrate here' area, where items with high relative importance but a low degree of performance are located and require focused improvement. The third quadrant is a 'Low priority' area, where items with low relative importance and a low level of performance are located. Both the degree of performance and importance are low; gradual improvement is needed. Finally, the fourth quadrant is a 'Possible overkill' area, where items of relatively low importance but a high performance level are located. They were generally located in the 'Keep up the good work' area in the past, but over time their importance decreases, and they move into the 'Possible overkill' area. In the case of items in this area, depending on the case, it is necessary to continue and maintain the current level of performance, or gradually reduce or eliminate the item.

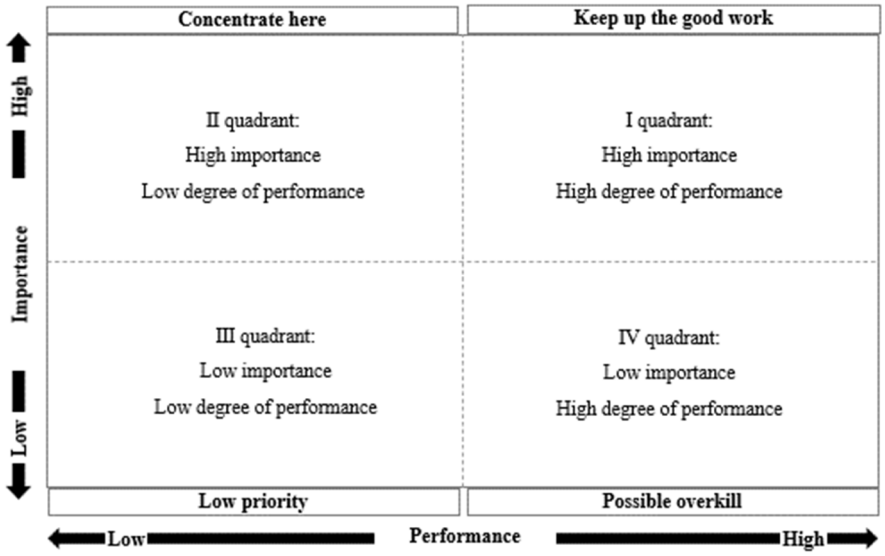

Figure 1. IPA Matrix

The issue with traditional IPA is that it may not always be an appropriate analytical technique for every situation. Several researchers have highlighted

situations and problems where SCQM may not be suitable (Matzler et al., 2004; Abalo, Varela, & Manzano, 2007). One of the challenges is that it is an effective technique only when the evaluation items are distributed evenly (Choi & Park, 2001). In other words, if the importance or performance level or both dimensions contain biased information or measure items with relatively similar importance and performance, the traditional IPA matrix can result in clustering most of the outcomes in one quadrant, leading to erroneous judgments (Rial, Rial, Varela, & Real, 2008). For instance, when evaluating which items should be prioritized for improvement in a new system, most of the items may have very little or no implementation. In such situations, when analyzing using traditional IPA, the coordinates for most of the items are likely to be located in the second and third quadrants, making it challenging to identify the items that require improvement first. To address this problem, researchers have proposed a data-centered quadrant model (DCQM) that generates a matrix using the average values of importance and performance (Hollenhorst, Olson, & Fortney, 1992; Martilla & James, 1977; Rial et al., 2008). Currently, many studies in Korea have employed this DCQM in IPA analysis (Kong, 2006; Ahn, Kim, & Lim, 2018; Seong, Um, & Kim, 2016; Park, 2009; Ryu & Park, 2006, etc.). This method is ideal for analyzing data where the importance or performance level of the item to be measured is uniformly distributed because it allows for a detailed analysis between biased response values.

However, DCQM also has its own set of problems. Firstly, it is observed that even minor shifts in factors can lead to significant changes in priorities (Bacon, 2003; Tontini, Picolo, & Silveira, 2014). Another challenge is that it is difficult to distinguish priorities when the factors to be measured have similar levels of importance and performance. For example, if the items to be measured are generally significant, but the level of performance is insufficient, the content is evenly distributed in the quadrants when using the modified IPA. Even though the content should be located in the area of focus or gradual improvement, the modified IPA may provide misleading results. While the modified IPA may be useful for classifying maintenance, reinforcement, improvement, progressive improvement, and continuous maintenance among the items to be measured, it may not be useful if one intends to select priorities

while reflecting the actual reality in items that are seldom implemented. Also, if a significant number of items are gathered and distributed in a particular area, such as focused improvement or gradual improvement, IPA does not provide a method to select the issues to be solved first among them. To tackle this problem, researchers have developed analysis methods that use the gap between importance and performance (Feng, Mangan, Wong, Xu, & Lalwani, 2014; Rial et al., 2008; Lin, Chan, & Tsai, 2009). The importance-performance gap analysis (IPGA) was the focus of Lin et al. (2009). IPGA generates an IPA matrix by using the difference between importance and performance level measurements, and it is useful because it can derive a major priority among the IPGA matrix, is characterized by providing a (0, 1) cross axis (Lin et al., 2009).

Electronic Supervision Special Judicial Police System and Electronic Supervision Investigation Team

The electronic supervision system was introduced in 2008 to prevent recidivism among sexual violence offenders. Since then, the subject of electronic supervision has been expanded to include sexual assault offenders, abductors of minors, murderers, and robbers. In 2020, the scope of electronic supervision was further extended to cover parole and conditional release under electronic monitoring. As the number of electronic supervision cases increased significantly, various policies were implemented to establish a 24-hour response system and a dedicated department. However, sanctions for violations related to immediate electronic supervision were rarely enforced. For instance, if a person wearing an electronic anklet damages the electronic device or violates the prohibition of going out, the electronic device sounds an alarm and goes through the Electronic Supervision and Control Center. The e-supervision staff, crime prevention team, and local police are contacted to take action. Immediate sanctions are imposed if a subject commits a crime after damaging an electronic device or going out at night. In the past, investigations were frequently delayed because police officers were not proficient with the electronic monitoring system or underestimated the potential risks associated with violations related to electronic supervision.

To address this issue, the 'Electronic Supervision Special Judicial Police System' was introduced. This system enables special judicial police with expertise in the electronic supervision system to investigate violations and ensure prompt and professional investigations. However, in the same year, an incident ('Kang Yun-Seong case') occurred in which a person subject to electronic surveillance murdered two people before and after damaging electronic devices. The Kang Yun-Seong case underscored the critical need for rapid investigation by the special judicial police with electronic supervision. The Electronic Supervision Investigation Team was launched in October 2021 across 13 headquarters, with 82 personnel working 24 hours a day. The team was selected from among the existing electronic supervisory staff. The investigation period for violations of electronic supervision rules was shortened to less than 16.1 days for two months in 2021 after the launch of the Electronic Supervision Investigation Team compared to over 34 days in 2020. This represents that the investigation by the Electronic Supervision Investigation Team is progressing more rapidly than in the past when the investigation was conducted by contacting the local police (Choi, Seong, Kim, & Kim., 2021). However, the initial stage of the establishment faced limited support resources, such as no desks or PCs at the headquarters or rooms for each member of the Electronic Supervision Investigation Team to work.

To enhance the efficient performance of the electronic supervision special judicial police system and the Electronic Supervision Investigation Team, in-depth interviews were conducted with relevant stakeholders, including electronic supervision staff, the police, the prosecution, and administrative practitioners at the Korean Institute of Criminology and Justice (Choi et al., 2021). The study identified the priority items that must be addressed for the successful operation of the Electronic Supervision Investigation Team, including individual competency, system improvement, support system and facility security, and awareness improvement. The Importance-Performance Gap Analysis (IPGA) was used to prioritize these items rated as the degree of performance generally below while the importance was above average.

Although several papers and policy research reports inside and outside

of South Korea use DCQM among IPA techniques to check priorities, there are few research reports and papers using IPGA in South Korea. This study aimed to explore whether the use of IPGA rather than modified IPA is suitable for prioritizing improvement in biased cases.

Method

Research Subject

A survey was administered to all members and team leaders of the Electronic Supervision Investigation Team, and their responses were analyzed using both IPA and IPGA techniques. Out of 64 individuals who responded to the questionnaire, 63 were included in the analysis after excluding one non-respondent. Among the 63 individuals, two did not provide personal information and were excluded from the analysis, resulting in a final sample size of 61 individuals who were all male (as all members of the Electronic Supervision Investigation Team were male) with an average age of 42.4 years (range: 31-52 years). Of the respondents, 10 were team leaders while 51 were team members.

Measuring Tool

First, 20 items necessary for the successful establishment of the Electronic Supervision Investigation Team were selected through advisory meetings and in-depth interviews with experts at the working level. Each item covers a variety of contents, from basic office space to reward systems, authority setting, capacity building, support systems, and awareness improvement. The selected 20 priorities can be broadly divided into four categories, and the specific questions are as follows: 5 questions related to individual competency improvement (e.g., work skills of the Electronic Supervision Investigation Team, investigation education such as investigation and material tracking techniques, effective forced investigation, etc., support for physical training and education, legal system education such as criminal law, objective compensation such as job evaluation or performance rewards), 6 items related

to system improvement (such as appropriate authority, creation of a stable work environment through position and career management, independence from the protection series of electronic supervision, operating as an independent team by granting service authority to the team leader, selecting volunteer-oriented team members, distinct role boundaries), 6 items related to support systems and securing facilities (such as independent office space, specific work guidelines, Kicks system to support police investigation procedures, close cooperation system with dedicated staff, close cooperation system with cooperation-oriented police station, and general programs used by the police for investigation), 3 questions related to awareness improvement (such as the probation officers' positive perception towards the Electronic Supervision Investigation Team awareness, the police, prosecutors, and judges' perception of the seriousness of the subject's violation, and the public's awareness of the work of the Electronic Supervision Investigation Team). The Electronic Supervision Investigation Team and team leaders responded to each item on a 7-point scale, indicating ‘the degree to which it is currently being implemented’ and ‘the degree of importance’.

Analysis Method

The modified IPA calculation method comprises the IPA matrix with the average value of importance and performance of all items as the center of the matrix. The IPGA is a bit more complicated to calculate. In this study, the IPGA calculation method introduced by Tsai, Lin, & Chan (2011) was used.

First, a paired-sample t-test is performed with the importance and performance values to check whether there is a significant difference between the two values. If the difference between the importance and degree of performance is not significant, the distance is not analyzed even if the matter is located in the second quadrant. Next, the relative importance (RI) and relative performance (RP) are calculated using the values evaluated for the importance and performance level. Relative importance is determined by dividing the average importance of j by the average importance of all items. Relative performance is calculated by dividing into three situations. If the

performance average of j is larger than the importance average of j, it is calculated by dividing the performance average of j by the overall or region performance average. Conversely, if the performance average of j is smaller than the importance average of j, the value obtained by dividing the performance average of j by the overall or region performance average is squared by -1 and multiplied by -1. The third situation is when there is no significant difference between importance and performance values in the paired-sample t-test. In this case, RP is 0.

In this study, since the degree of performance for all items was lower than the importance level, the relative level of performance was calculated by dividing the average of the level of performance of each item by the average of the level of performance of all items, multiplied by -1 multiplied by -1 squared. Finally, the RI-RP coordinates were placed on the matrix using a matrix with relative performance as the X-axis and relative importance as the Y-axis. The distance (Dq(j)) from the midpoint (0, 1) of the matrix was then calculated.

Results

The importance and level of implementation of the 20 items necessary for the successful operation and stabilization of the Electronic Supervision Investigation Team were evaluated based on the perceptions of team members. According to the survey results, the item deemed most important by the team members was the “Work skill of the Electronic Supervision Investigation Team” (6.66 out of 7). This high value suggests that team members are concerned about adapting to new tasks. The items with the next highest importance values were “Investigation Education” (6.55), “Independent Office Space” (6.48), and “Awareness of the Police, Prosecutors, and Judges on the Seriousness of Violations of the Subject” (6.45). On the other hand, the item deemed least important was the “Probation Series and Separate Electronic Supervision Series” (4.91).

In terms of implementation, “Independent Office Space” (4.83) was the item with the highest level of implementation by the Electronic Supervision

Investigation Team, followed by "Specific Work Guidelines" (4.32), "Appropriate Authority" (4.25), and "Composition of a Close Cooperation System with Dedicated Staff" (4.16). Even for items with a high level of implementation, the level was only slightly higher than the median value. The items with the lowest level of implementation were "Support for Physical Training and Education Such as Self-defense Skills" (1.97), "Objective Compensation Such as Work Evaluation and Performance Rewards" (2.83), and "Legal System Education Such as Criminal Law" (2.92).

Table 1. Average importance and performance level of the 20 items evaluated by the ESI team

No.	Items	Importance	Performance
1	Work skill of the Electronic Supervision Investigation Team	6.66	3.71
2	Investigation Education (investigation, material tracking technique, effective forced investigation, etc.)	6.55	3.29
3	Support for Physical Training and Education Such as Self-defense Skills	5.47	1.97
4	Legal System Education Such as Criminal Law	6.00	2.92
5	Objective Compensation Such as Work Evaluation and Performance Rewards	6.02	2.83
6	Appropriate Authority	5.88	4.25
7	Creating a stable work environment through position and career management	6.28	3.60
8	Probation Series and Separate Electronic Supervision Series	4.91	3.00
9	Operate as an independent team by giving the team leader the right to serve	5.70	3.75
10	Selection of team members based on applicants	5.73	3.60
11	Clear scope of work	6.19	3.90
12	Independent Office Space	6.48	4.83
13	Specific Work Guidelines	6.38	4.32
14	Support the investigation process of the Kicks system	6.27	3.81
15	Composition of a Close Cooperation System with Dedicated Staff	6.33	4.16
16	Composition of Close Cooperation System with Cooperation-Oriented Police Station	6.17	3.73
17	Various programs used by the police for investigation	5.95	2.95

No.	Items	Importance	Performance
18	Positive perception of all probation officers towards the Electronic Supervision Investigation Team	6.09	3.55
19	Awareness of the Police, Prosecutors, and Judges on the Seriousness of Violations of the Subject	6.45	3.56
20	Public Perception of Electronic Supervision Investigation Team Work	6.03	3.37
	All	6.08	3.56

Modified IPA vs. IPGA

Modified IPA

The results of the modified IPA matrix preparation are presented in Figure 2. The intersection point of the modified IPA matrix in Figure 2 is the average value of importance (6.08) and the average value of performance (3.46), and it is observed that 20 items are evenly distributed in the fourth quadrant. Among the 20 items, nine items are located in the maintenance and reinforcement area, which is the I quadrant, such as the task skill of the Electronic Supervision Investigation Team (1), creation of a stable work environment through position and career management (7), distinct role boundaries (11), independent office space (12), specific work guidelines (manual) (13), support for the investigation procedure of the Kicks system (14), close cooperation with dedicated staff (15), close cooperation with the cooperation-oriented police station (16), and recognition of the seriousness of the subject's violations by police, prosecutors, and judges (19). Moreover, appropriate authority (6), which had already been sufficiently implemented and had lower importance, was given to the area of continuous maintenance in quadrant IV, where the team leader was given service authority to operate as an independent team (9) and volunteer-oriented team member selection (10) were located. However, only two items were located in Quadrant II, an area that needs improvement first, namely investigative education (investigation, location tracking techniques, effective forced investigation, etc.) (2) and positive perceptions of all probation officers toward the Electronic Supervision Investigation Team (18).

IPGA

Table 2 presents the results of the IPGA matrix, including the paired sample t-test outcomes and the calculated values of relative importance and degree of performance. There are only 2 items in the second quadrant in the IPA analysis, whereas 11 items are located in the IPGA analysis. Eleven items were located in the second quadrant and marked with blocks due to their significant interpretation and a considerable distance (Dq(j)) from the midpoint (0, 1). All improvement needs showed a significant difference between the degree of implementation and importance as a result of the paired sample t-test.

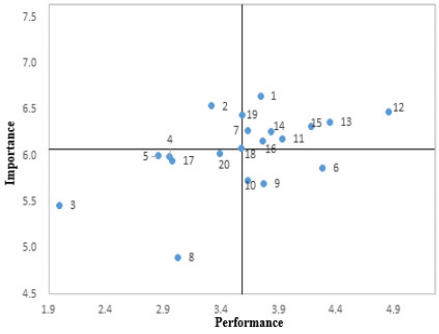

Figure 2. Modified IPA Matrix

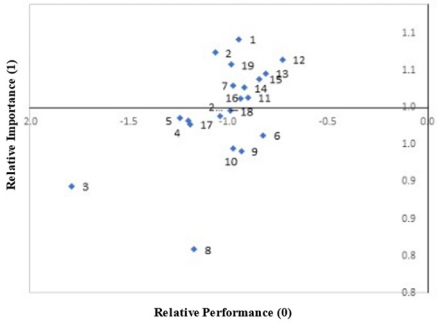

Figure 3. IPGA Matrix

Table 2. Result of difference analysis (IPGA) of importance-performance level for Electronic Supervision Investigation Team improvement needs

Need for Improvement	Performa-nce Importance	t	Relative Performa-nce	Relative Importa-nce	Quadr-ant	*Dq(j)*
Work skill of the Electronic Supervision Investigation Team	-2.94	-14.71***	-0.95	1.09	2	0.95
Investigation Education (investigation, material tracking technique, effective forced investigation, etc.)	-3.25	-15.42***	-1.07	1.07	2	1.07
Support for Physical Training and Education Such as Self-defense Skills	-3.48	-15.77***	-1.79	0.89	3	1.79
Legal System Education Such as Criminal Law	-3.06	-12.98***	-1.21	0.98	3	1.21

Need for Improvement	Performa-nce Importance	t	Relative Performa-nce	Relative Importa-nce	Quadr-ant	*Dq(j)*
Objective Compensation Such as Work Evaluation and Performance Rewards	-3.18	-12.42***	-1.24	0.99	3	1.24
Appropriate Authority	-1.60	-7.49***	-0.83	0.96	3	0.83
Creating a stable work environment through position and career management	-2.67	-13.18***	-0.98	1.03	2	0.98
Probation Series and Separate Electronic Supervision Series	-1.92	-7.04***	-1.17	0.81	3	1.19
Operate as an independent team by giving the team leader the right to serve	-1.98	-7.01***	-0.94	0.94	3	0.94
Selection of team members based on applicants	-2.14	-7.22***	-0.98	0.94	3	0.98
Distinct role boundaries	-2.27	-9.23***	-0.90	1.01	2	0.90
Independent Office Space	-1.65	-7.56***	-0.73	1.06	2	0.73
Specific Work Guidelines	-2.05	-10.28***	-0.82	1.05	2	0.82
Support the investigation process of the Kicks system	-2.44	-12.02***	-0.92	1.03	2	0.92
Composition of a Close Cooperation System with Dedicated Staff	-2.16	-11.23***	-0.85	1.04	2	0.85
Composition of Close Cooperation System with Cooperation-Oriented Police Station	-2.43	-10.54***	-0.94	1.01	2	0.94
Various programs used by the police for investigation	-3.00	-12.70***	-1.19	0.98	3	1.19
Positive perception of all probation officers towards the Electronic Supervision Investigation Team	-2.52	-11.12***	-0.99	1.00	2	0.99
Awareness of the Police, Prosecutors, and Judges on the Seriousness of Violations of the Subject	-2.89	-14.00***	-0.99	1.06	2	0.99
Public perception of Electronic Supervision Investigation Team work	-2.65	-11.42***	-1.04	0.99	3	1.04

* Note 1: *Dq(j)* = the distance between the need for improvement in each area and the midpoint.
* Note 2: *** p <.001
* Note 3: In each area, the items that need improvement and the items with the greatest distance between the midpoints are indicated in bold.

The results of the paired sample t-test and the calculated values of relative importance and degree of performance for the IPGA matrix are presented in Table 2. Items located in the second quadrant, where significant interpretation is possible, and those with a distance (D$q(j)$) far from the midpoint (0,1), are marked with blocks. The paired sample t-test shows a significant difference between the degree of implementation and the importance of all improvement needs.

To check the location of each item, it is recommended to refer to the distance from the origin of each item calculated in Table 2. By checking the IPGA matrix in Table 2 and Figure 3, it can be confirmed that all items need improvement since they are located in either the main improvement area (second quadrant) or the gradual improvement area (third quadrant). Considering that the degree of performance for each item by the Electronic Supervision Investigation Team is generally insufficient, the IPGA matrix distribution with no items located in "keep up the good work" and "possible overkill" can be interpreted as appropriate.

The advantage of IPGA is that it provides prioritization based on the distance from the midpoint (0,1) of what needs improvement. The urgent matters for improvement provided by IPGA analysis and IPGA matrix were investigative education, such as investigation, location tracking techniques, and effective forced investigation (D$q(j)$=1.07). The second priority was the positive perception (D$q(j)$=0.99) of the probation staff as a whole for the Electronic Supervision Investigation Team and the perception of the police, prosecutors, and judges about the seriousness of the subject's violation (D$q(j)$=0.99). Next, improvement was found to be necessary in the order of creating a stable work environment through position and career management (D$q(j)$=0.98), the work skill of the Electronic Supervision Investigation Team (D$q(j)$=0.95), and the formation of a close cooperation system with the cooperation-oriented police station (D$q(j)$=0.94).

Discussion

This study aimed to identify an appropriate IPA technique for selecting

necessary improvements in a newly introduced policy, such as the electronic supervision special judicial police system. At the time of the investigation, some of the Electronic Supervision Investigation Team did not have an independent office space, and the specific work instruction manual was also insufficient, with each Electronic Supervision Investigation Team preparing their own. Hence, it can be confirmed that most of the items distributed in the area of maintenance and reinforcement of DCQM were not realized during the investigation. Therefore, it is inappropriate to use DCQM for prioritization in a biased case, and items located in the possible overkill area in the current Electronic Supervision Investigation Team situation where everything is lacking indicate that DCQM is not suitable for cases with biased distribution.

In IPGA, no items were applicable to the maintenance and reinforcement areas or possible overkill. Improvements are needed in the order of investigation education, positive perception of the probation staff towards the Electronic Supervision Investigation Team, and the perception of the police, prosecutors, and judges about the seriousness of the subject's violation. Considering that the actual Electronic Supervision Investigation Team consisted of special judicial police investigative agents or team members with no investigation experience prior to deployment of the Electronic Supervision Investigation Team (this is the case for most electronic supervisory staff, considering that investigations were not their domain), the result that practitioners evaluate investigation education as a matter that needs improvement with the highest priority is reasonable.

Since the Electronic Supervision Investigation Team was implemented by selecting and supporting some of the dedicated staff, the workload of the dedicated electronic supervisory staff increased, and there was a burden that the Electronic Supervision Investigation Team could investigate the sanction of the dedicated staff ex officio. Hence, it can be interpreted as a result that requires a positive perception of the entire probation staff. Moreover, IPGA is used to extract the improvement priorities desired by the Electronic Supervision Investigation Team reasonably, despite the active investigation of the Electronic Supervision Investigation Team. If the perceptions of the police, prosecutors, and judges engaged in the criminal justice system about the subject's violations

do not change, there is a possibility that the Electronic Supervision Investigation Team's investigation request will not be favorable.

In fact, IPA has been criticized for problems such as the lack of a clear definition of materiality, mixing materiality with 'expectation', and the absence of research on absolute and relative importance (Oh, 2001). Since IPGA is a technique developed to compensate for these shortcomings, it is useful because it allows for the ranking of multiple items even if they are located on the same matrix plane (Cheng, Chen, Hsu, & Hu, 2012; Feng et al., 2014; Lin et al., 2009). However, when interpreting the priorities of IPGA, it should be noted that the intervals between the priorities are not interval scales. For example, the interval between the first priority (investigative education) and the second priority (the positive perception of the probation staff) derived by IPGA is not directly interpreted quantitatively with statistical significance such as p-value or odds ratio. The interval between each priority is not on an interval scale because the priority calculated by IPGA is determined by the size of the distance (D$q(j)$) from the midpoint (0, 1). Therefore, the interval between each priority can be indirectly inferred by distance. Nevertheless, IPGA has the advantage of using a quantitative methodology like IPA to visually interpret items that need improvement, so it can be used in situations where these limitations are not an issue.

The scarcity of papers and research reports using the IPGA method in Korea is expected to be due to the difficulty of the methodology. Traditional IPA and modified IPA have the advantage of providing visual analysis results with simple analysis, which is convenient for both the writer and the reader. However, in cases where data with both importance and degree of implementation (or satisfaction) are concentrated in one direction, such as selecting the policy items to be implemented first in the new system, or choosing the service to be modified first among unsatisfied services, IPGA is more suitable than IPA for finding priorities. Unlike the existing IPA, IPGA has a great advantage in that it provides a ranking of matters to be improved. Therefore, we recommend that IPGA be actively used in biased data.

This study investigated the necessary matters for the smooth operation of the newly introduced Electronic Supervision Investigation Team, targeting

only those working in the electronic supervision special judicial police system. In general, to discuss system improvement proposals, the opinions of experts as well as practitioners of the system are gathered. However, this study only checked the satisfaction or needs of members of the Electronic Supervision Investigation Team who are on duty, which did not converge the opinions of the expert group. Therefore, it is possible that the priorities selected for the stabilization of the Electronic Supervision Investigation Team proposed in this study may be different from the actual priority for the stabilization of the Electronic Supervision Investigation Team. Thus, to select clearer priorities for system improvement, it may be possible to reconfirm the matters for stabilizing the Electronic Supervision Investigation Team targeting academia and experts related to electronic supervision and policy. In addition, to confirm the change and direction of development of the Electronic Supervision Investigation Team, after the system is established, IPGA should be conducted again on the same matters for practitioners and expert groups. And a follow-up study is required, one that draws a comparison between the early and intermediate stages of implementation.

References

Abalo, J., Varela, J., & Manzano, V. (2007). Importance values for Importance–Performance Analysis: A formula for spreading out values derived from preference rankings. *Journal of Business Research, 60*(2), 115-121.

Ahn, S., Kim, S., & Lim, S. (2018). *A study on improvement plans for R&D demonstration projects from the consumer's point of view using IPA analysis*. Heunguk Science and Technology Planning and Evaluation Institute.

Bacon, D. R. (2003). A comparison of approaches to importance-performance analysis. *International Journal of Market Research, 45*(1), 55-73.

Cheng, C., Chen, C., Hsu, F., & Hu, H. (2012). Enhancing service quality improvement strategies of fine-dining restaurants: New insights from integrating a two-phase decision-making model of IPGA and DEMATEL analysis. *International Journal of Hospitality Management, 31*(4), 1155-1166.

Choi, J., Seong, Y., Kim, M., & Kim, M. (2021). *A study on the implementation and improvement of the electronic supervision judicial police system*. Korean Institute of Criminology and Justice.

Choi, K. J., & Park, S. H. (2001). Evaluation of tourist destinations using IPA: A case study of Sansan Lake. *Hotel Management Studies, 10*(1), 275-289.

Dolinsky, A. L. (1991). Considering the Competition in Strategy Development: An Extension of Importance--Performance Analysis. *Journal of Health Care Marketing, 11*(1), 31-36.

Dolinsky, A. L., & Caputo, R. K. (1991). Adding a competitive dimension to importance-performance analysis: An application to traditional health care systems. *Health Marketing Quarterly, 8*(3-4), 61-79.

Evans, M. R., & Chon, K. S. (1989). Formulating and Evaluating Tou Rism Policy Using Importance-Performance Analysis. *Hospitality Education and Research Journal, 13*(3), 203-213.

Feng, M., Mangan, J., Wong, C., Xu, M., & Lalwani, C. (2014). Investigating the different approaches to importance–performance analysis. *The Service Industries Journal, 34*(12), 1021-1041.

Ford, J. B., Joseph, M., & Joseph, B. (1999). Importance-performance analysis as a strategic tool for service marketers: the case of service quality perceptions of business students in New Zealand and the USA. *Journal of Services marketing. 13*(2), 171-186.

Go, F., & Zhang, W. (1997). Applying importance-performance analysis to Beijing as an international meeting destination. *Journal of Travel Research, 35*(4), 42-49.

Hansen, E., & Bush, R J. (1999). Understanding customer quality requirements: Model and application. *Industrial Marketing Management, 28*(2), 119-130.

Hollenhorst, S. J., Olson, D., & Fortney, R. (1992). Use of importance-performance analysis to evaluate state park cabins: the case of the West Virginia state park system. *Journal of Park and Recreation Administration, 10*(1), 1-11.

Kong, K. Y. (2006) Evaluation of Leisure Activity using the IPA method. *Korean Journal of Tourism Research, 20*(3), 285-303.

Lin, S. P., Chan, Y. H., & Tsai, M. C. (2009). A transformation function corresponding to IPA and gap analysis. *Total Quality Management, 20*(8), 829-846.

Markazi-Moghaddam, N., Kazemi, A., & Alimoradnori, M. (2019). Using the importance-performance analysis to improve hospital information system attributes based on nurses' perceptions. *Informatics in Medicine Unlocked, 17*, 100251.

Martilla, J. A., & James, J. C. (1977). Importance-performance analysis. *Journal of Marketing, 41*(1), 77-79.

Matzler, K., Bailom, F., Hinterhuber, H. H., Renzl, B., & Pichler, J. (2004). The asymmetric relationship between attribute-level performance and overall customer satisfaction: a reconsideration of the importance–performance analysis. *Industrial Marketing Management, 33*(4), 271-277.

Oh, H. (2001). Revisiting importance–performance analysis. *Tourism Management, 22*(6), 617-627.

Park, K. H. (2009). A study on the evaluation of ecotourism attractiveness using the IPA technique. *Tourism Research, 24*(2), 1-20.

Rial, A., Rial, J., Varela, J., & Real, E. (2008). An application of importance-

performance analysis (IPA) to the management of sport centres. *Managing Leisure, 13*(3-4), 179-188.

Ryu, J., & Park, Y. (2006) Airline selection attribute evaluation using IPA: domestic airline as an example. *Tourism Research Journal, 20*(2), 157-171.

Saaty, T. L. (1980). *The analytic hierarchy process*. New York: McGraw-Hill.

Saaty, T. L. (1996). *Decision making with dependence and feedback: The analytic network process* (Vol. 4922, No. 2). Pittsburgh: RWS Publications.

Seong, M. K., Um, W. Y., & Kim, Y. H. (2016). Educational needs analysis of private university college students' learning competency through Importance-Performance Analysis (IPA). *The Korean Journal of Education Research, 37*(2), 73-96.

Tontini, G., Picolo, J. D., & Silveira, A. (2014). Which incremental innovations should we offer? Comparing importance–performance analysis with improvement-gaps analysis. *Total Quality Management & Business Excellence, 25*(7-8), 705-719.

Tsai, M. C., Lin, S. P., & Chan, Y. H. (2011). Service failures identification: The involvement of the interrelation effect in service practices. *African Journal of Business Management, 5*(6), 2301.

International Journal of Criminal Justice

114 Taebong-no, Seocho-gu, Seoul, 06764, Republic of Korea
https://www.kicj.re.kr/international/

Printed in Seoul, Korea
30 July, 2023

ISSN 2713-5152

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9 772713 515003 09
ISSN 2713-5152