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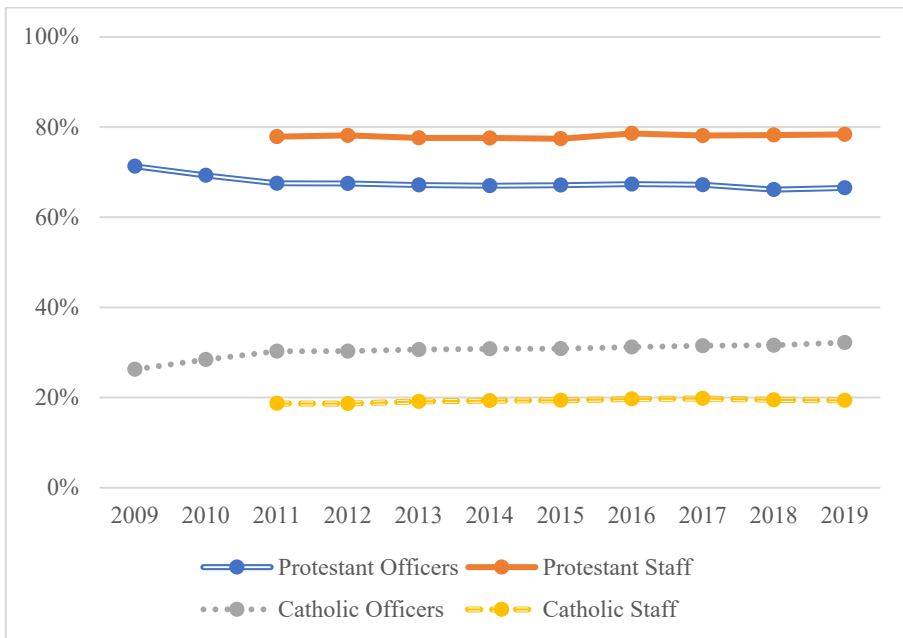
Source: Police Service of Northern Ireland Annual Reports and Accounts, 2009–19.

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

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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).
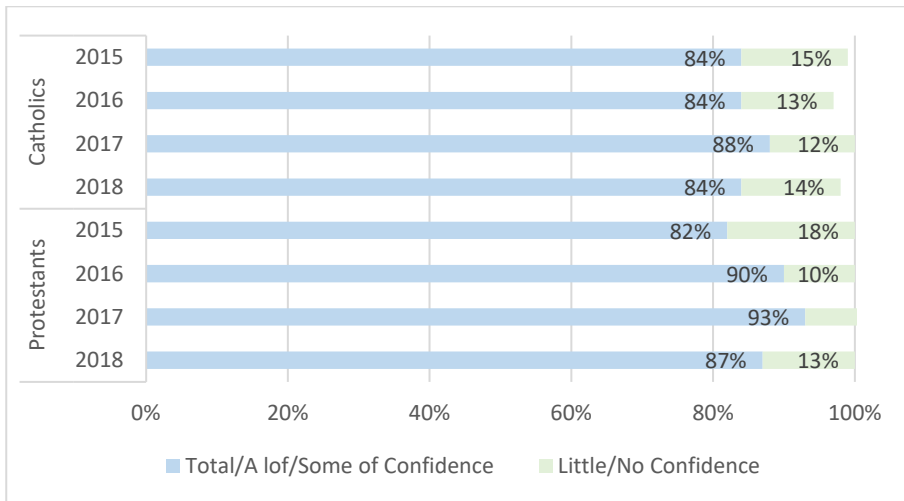

Figure 2. Percentage of public confidence in the police's ability to provide everyday policing service for all the people of Northern Ireland[2]

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.

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