
by

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A Thesis
Submitted to the
Graduate Faculty
of
George Mason University
in Partial Fulfillment of
The Requirements for the Degree
of
Master of Science
Conflict Analysis and Resolution
Master of Arts
Conflict Resolution and Mediterranean Security

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Date:  ________________________________________  Fall Semester 2016
George Mason University
Fairfax, VA
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Police Reform in the Wake of the Troubles: An Evaluation of Human Rights in the Police Service of Northern Ireland since 2001

A thesis submitted in partial fulfilment of the requirements for the degree of Master of Science at George Mason University, and the degree of Master of Arts at the University of Malta

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ACKNOWLEDGEMENTS

First and foremost I must thank my supervisor Omar Grech, without whose wisdom, guidance, patience and support I would never have been able to succeed. I am lucky to have had the chance to work with you and am grateful for the knowledge you have imparted to me.

Thank you to Paul, whose love and constant encouragement kept me sane through the most trying of times. A word of thanks also goes to Liz, Donal and Daniel. Your support, generosity and kindness will never go unappreciated.

Thank you, of course, to all the MEDAC and S-CAR instructors willing to share their wisdom with students such as myself. A very special thanks as well to Thanos Gatsias, who was our guide and savior throughout this program. Thanos’ tireless work and dedication allowed us all to have an incredible learning experience we will never forget.

Most importantly, I will be forever grateful for the love and care of my parents, who have always believed in and supported me. I could not have done any of this without them and I count myself lucky to have such a solid support system.
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LIST OF ABBREVIATIONS

DPP ................................................................. Director of Public Prosecutions
DUP ................................................................. Democratic Unionist Party
ECHR .............................................................. European Convention on Human Rights
GFA ............................................................... Good Friday Agreement
HRW .............................................................. Human Rights Watch
IPA ................................................................. International Peace Academy
IRA ............................................................... Irish Republican Army
NICRM ........................................................ Northern Ireland Civil Rights Movement
NIHRC .......................................................... Northern Ireland Human Rights Commission
NISRA ............................................................. Northern Ireland Statistics and Research Agency
NGO ............................................................... Non-Governmental Agency
PONI ............................................................ Police Ombudsman for Northern Ireland
PPS ................................................................. Public Prosecution Service
PSNI .............................................................. Police Service of Northern Ireland
RIC ............................................................... Royal Irish Constabulary
RUC ............................................................... Royal Ulster Constabulary
SDLP ............................................................. Social and Democratic Labour Party
UAS ............................................................... Unmanned Aerial Systems
ABSTRACT


Monika Fallon, M.S./M.A.

George Mason University, 2016

Dissertation Director: Dr. Omar Grech LL.D, Ph.D

The Police Service of Northern Ireland (PSNI) was created as part of the Northern Ireland Peace Agreement to overhaul the policing system in Northern Ireland and create a police service that was representative of and accountable to the people. The Independent Commission on Policing was formed and published a report outlining recommendations for policies that were consistent with human rights standards, many of which were accepted by the PSNI and put into use.

This study examines these policies in order to judge the extent to which human rights were incorporated into the policies of the PSNI since its establishment in 2001. It identifies policies that are both historically relevant and human rights-oriented, and discusses their implementation, success, and compliance with international human rights standards. Using relevant literature and a combination of methodologies, an analysis process was created to examine each policy’s effectiveness.
The history of policing during the conflict in Northern Ireland is a complex one, involving accusations of police misconduct, inquiries examining allegations of police collusion with paramilitary organizations, and a sentiment of prejudice against the Catholic minority in Northern Ireland. These were examined in detail in the course of this thesis, not only to shed light onto the need for police reform during the peace process, but also to expose a number of policies lacking proper protection for human rights so as to identify those policies in the PSNI and examine how human rights have been incorporated into them.

It was found that many of the failed policies of the RUC were in fact reframed in a human rights context by the PSNI, and that the PSNI has gone to great lengths to ensure the compliance of every aspect of the police service with international policing and human rights standards. Although this study does not have the resources or the authority to make recommendations for changes in the policies that have not been fully implemented or are not yet 100% effective, these areas were addressed in the conclusion section of this thesis as aspects that require further attention by the PSNI, the organizations it is accountable to, and the government of Northern Ireland.
CHAPTER ONE
INTRODUCTION

1.1 Historical Context

The conflict in Northern Ireland, commonly referred to as "the Troubles," consisted of over three decades of sectarian violence, both direct and structural. During this time, the Royal Ulster Constabulary (RUC) was the face of law and order in Northern Ireland — a publicly-funded police force that was often supported by both UK military and internal paramilitary forces in times of crisis. According to a 1994 Amnesty International report, approximately 350 people are reported to have been killed by "security forces" in Northern Ireland between 1969 and November 1993. Of these, about half of the victims were unarmed, and a majority belonged to the Catholic community.¹ These numbers, in addition to over two decades of uninvestigated incidents and countless unprosecuted police officers created a systemic mistrust of the RUC and United Kingdom military in Northern Ireland.

A wealth of information suggesting collusion between security forces and paramilitary organizations, in addition to evidence of a shoot-to-kill policy within the police force, is only made more suspicious by the lack of thorough or transparent investigations and subsequent prosecution of police and military personnel. Amnesty International began

investigating claims of collusion following incidents involving the murder of six unarmed people by an anti-terrorist squad within the RUC, the members of which were never convicted despite the prosecution of two. Although much of the disinformation provided in court cases and investigations was waived as in the interest of national security, the precedent of deceit had been set and confidence in the RUC, especially within the Republican community, was close to nonexistent. The inherent prejudice of having a police force funded by the United Kingdom and composed of mostly Loyalists in the midst of a sectarian conflict, along with the abuse of power against and marginalization of the Catholic community, made it apparent to policy makers that a security sector reform was necessary to the peace process.

"For the security forces to have the confidence of the public, they must be impartial and be seen to be impartial. For the government to have the confidence of the public, it has to be seen to ensure that its agents operate within the law and are accountable. For there to be accountability the government has to ensure openness and willingness to have its agents' actions scrutinized and, where necessary, that they are sanctioned for wrongdoing."

When the Good Friday Agreement (GFA) was signed, many police officers who had been accused of committing crimes during the conflict were still operating within the RUC, and public confidence in the police force to do justice was incredibly low. The GFA acknowledged the problem and created the Independent Commission for Policing in Northern Ireland to see to it. In September 1999, the Commission published a report (Patten Report) outlining in detail a number of steps to be taken in order to reform the police force as recommended by the GFA. The report addressed the topics of

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3 Amnesty International. “Political Killings. Page 42
accountability, policing with the community, policing in a peaceful society, public order policing, information technology, structure, size and composition, training, symbols, cooperation and human rights. Arguably the most important and groundbreaking part of this recommendation was the emphasis on incorporating human rights into the framework of the police. The report was partly executed in 2001 with the establishment of the Police Service of Northern Ireland, which adopted most of Patten's recommendations, set up a policing review board and implemented a number of reform policies from the start.

Since its establishment, the PSNI has been working with the government, the community and the Northern Ireland Policing Board to implement the new policies to create a functioning, representative and respected police service that will aid the Northern Ireland community in building a peaceful society. It has taken on a number of human rights-based policies including the installation of a system to ensure the police force is representative of the community, requiring direct accountability to the policing board, and the removal of Unionist symbols from PSNI gear. The purpose of this research is to discover the extent to which human rights have been incorporated into the policies of the PSNI and how well they have been implemented. I will do this by using an amalgamation of case study and program evaluation methodologies to answer the question: To what extent has the Police Service of Northern Ireland implemented a human rights-based policing policy since its establishment in 2001?

CHAPTER TWO
LITERATURE REVIEW

An emphasis on human rights in the security realm is an important part of any functional, democratic society, especially a deeply divided and post-conflict one such as Northern Ireland. Police reform can address the systematic and systemic violence and corruption that created and defined the intractable conflict in Northern Ireland, and provide a stable and just governmental organization that answers to, works with and protects the community from within.

This section will address four questions, the answers to which are essential to a well-informed analysis of the current situation regarding policing and human rights in Northern Ireland. The answer to the first question, "why is it important to study police reform?" will discuss literature that focuses on how police reform, especially in post-conflict societies, is essential to a peaceful and democratic society. The answer to the second question, "why are human rights important to policing and police reform?" will define the role of human rights in policing. The answer to the third question, "why are human rights in policing and police reform important to Northern Ireland?" will review the history of policing during the Troubles, what makes Northern Ireland a special for police reform analysis, and why human rights are so important to this particular case. The final question, "has this been done before?" will review important analyses of the police
reform in Northern Ireland and their significance to this study, while acknowledging the differences between them and this research. The answers to these four questions, found through the discussion of relevant literature, will create a foundation upon which an informed analysis of human rights in the current police policies of Northern Ireland can be constructed.

2.1 Why is it important to study police reform?

Police reform, as it will be studied and discussed in this research, is a complex and extended process. In most cases, the reform process aims to not only change the way in which police interact with the community, but also change the way the community reacts to, and interacts with, the police. Often, police reform on a national level comes with the promise of peace and reconciliation in societies that are newly post-conflict such as Iraq, Afghanistan, El Salvador and Guatemala.\(^5\) These societies are inherently unstable and seemingly unsuited for such an important undertaking as police reform, however this also makes them the societies best positioned to benefit from an overhaul of law enforcement. A policy paper, published by the International Peace Academy (IPA) in 2005 argues this point, stating that police reform, although challenging in a stable society, becomes exponentially more complex in situations such as that of Northern Ireland.

“[Police reform] is particularly challenging, however, in post-conflict situations where the police have often perpetrated serious human rights violations. Often cut off from the populations they are meant to serve and protect, many operate more like military contingents than public security officers. Transforming such police forces into rights-

respecting police services that simultaneously provide protection and fight crime has challenged local and international reformers. 6

The complexity of police reform post-conflict is one of the reasons it is important to consider specific cases on a long-term basis. Although negotiations and peace accords present a unique opportunity to introduce the topic of police reform to a society, it is important to remember that such an undertaking is more about the success of implementation than it is about deliberating over, agreeing on, or merely creating new policies. The IPA paper studies police reform attempts by the United Nations in order to assess how the international community understands the process and then extract what is yet to be understood about the complexity of police reform.7 With so few reform efforts internationally recognized as successful,8 it is important to periodically study both the success of the reform in terms of policy and internal changes as well as public opinion, the success of the peace process on society as a whole, and other external variables.

United Nations Security Council Resolution 2151, adopted in 2014, maintains that "reforming the security sector in post-conflict environments is critical to the consolidation of peace and stability ... and preventing countries from relapsing into conflict.” The IPA paper states clearly that it is important to remember that reforms should not be limited to law enforcement per se, but should extend to all forms of, and institutions relating to, justice and security.9 The reverse can therefore be argued — that

no governmental, or even civil society, change can be fully successful without a solid and positive change in law enforcement.

A 2014 article by Brenna Marea Powell in the journal *Dynamics of Asymmetric Conflict* makes a similar argument, positing that the institution of the police is invaluable to long-term resolution in post-conflict societies. The police, Powell says, have the unique potential to "resolve commitment problems and security vacuums that hamper combatant demobilization efforts because they are the primary institution that establishes the presence and authority of the state in peoples' everyday lives." Unfortunately, the police can only act on this potential with the support and confidence of society, which is often lacking in a post-conflict context. Powell emphasizes the importance of legitimacy-building in the police reform process, noting that the demobilization of armed groups is more likely to go smoothly if political and social interests are "protected by the forces of a state they perceive to be at least minimally legitimate and trustworthy." In post-conflict societies such as Northern Ireland, where paramilitary groups have been embedded and active in society for long enough to be connected to political parties and religious groups, it is unlikely that a police force that is not recognized as legitimate by these groups will be considered legitimate by civil society as a whole. Therefore, the continued success of police reform will not only reflect the increased safety of a post-conflict society, but will also reflect an increase in political stability through rising confidence in the new police presence.

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"I argue that the police provide the only viable long-term solution to the security dilemmas that face armed groups attempting to move from war to peace. However, their capacity to play this role depends upon an effective reform process that establishes some minimally legitimate police force."\textsuperscript{13} This statement by Powell serves as a succinct answer to this section's question, "why is it important to study police reform?" Assuming a successful transition from conflict to peace is the goal for any post-conflict state, periodic measurement of this transition must be taken in order to assess its trajectory.

2.2 Why are human rights important to policing and police reform?

The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in December 1948, marked the beginning of the global phenomenon of human rights awareness as it is understood today. The right to life, liberty and security; freedom from fear and want; and the freedom to choose one's own religion all are upheld by the declaration of which the United Kingdom is a signatory. Although these rights should be upheld by government organizations and institutions generally, human rights with regard to policing tend to be more specific. If police officers were to actively pursue any person infringing on every one of the rights in the UN Declaration, they would be shirking duties that are specific to police officers and possibly doing more harm than good. The United Nations has published a number of reports and training manuals regarding human rights in policing and law enforcement which outline the way in which police should understand and uphold human rights in their work. Human rights, according to a 2002 UN trainer's guide, are understood as "universal legal guarantees protecting individuals

\textsuperscript{13} Ibid.
and groups against actions by Governments that interfere with fundamental freedoms and human dignity." The guide specifies that police are the "first line of defence for human rights," that the laws police are to uphold include human rights law, and that the community is dependent upon the institution of the police to enforce these laws and protect human rights. These recommendations prove that the United Nations considers human rights a priority, especially with regard to policing. If a police reform effort hopes to be taken seriously by the international community, it must include specific internationally-approved and implementable measures to protect the rights of the citizens.

A chapter by Seumas Miller in the book "Human Rights and the Moral Responsibilities of Corporate and Public Sector Organizations," discusses the difference between rights to which all humans are inherently privy to, and those rights which the institution of the police are bound to uphold. Miller advocates for protection of human rights by the police, stating that this should be the "central and most important purpose of police work." He also refers to the fact that the moral rights for which the police are responsible are often the same rights that are upheld by both the legislative and judicial systems. The contrast between enforcing laws that uphold human rights and providing day-to-day police service, however, is one that should be addressed. This, Miller says, is a question of policing methods and the means through which police can protect the rights of civilians. The use of deadly force, for instance, is a violation of human rights, as would be imprisoning...
someone or infringing on his or her right to privacy. Police, it seems, are accepted to have a kind of moral dispensation where the violation of certain human rights are allowed in certain circumstances. If these circumstances are left ambiguous by the law, as they often are in order to review incidents on a case-by-case basis, then review boards and fair justice systems must be in place to ensure the police are only infringing upon human rights when absolutely necessary. In post-conflict societies like Northern Ireland where police have been historically accused of violating human rights without proper cause, it is especially important that these rights be protected in the structure of the institution of police.

As has been mentioned above, reform in the police and security sector often becomes an accurate indicator of social reform in a post-conflict context. One could argue that the same logic could be used for human rights within high profile and community-oriented organizations such as the police. The more police are seen to uphold a certain standard of human rights, the more human rights are upheld by civil society. Although monitoring for violations of human rights is important to a post-conflict society, often the organizations in charge of this monitoring are outside the system itself. In cases where it is already known that human rights violations are occurring, external monitoring is less important than internal action. The IPA report addresses this issue, stating that monitoring and reporting on abuses will not alone change the institutional issues, however the information from the monitoring organizations should be gathered and used to formulate

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new policies as well as judge the effectiveness of these policies in the field.\textsuperscript{18} External organizations cannot be ignored, nor can they be the sole driver in institutional change. In order to rebuild a society torn apart by violence and structural human rights abuses, change must be viewed from the outside as well as the inside. In inherently sectarian cases such as Northern Ireland, internal perspectives regarding human rights for society as a whole differ between communities.

Miller's chapter gives us the tools to judge what kind of human rights the police are responsible for, as there are many human rights that the state structure can uphold of which the police cannot logistically be in charge. This distinction allows for proper judgment of the adequacy of a police institution, such as the RUC during the Troubles, as well as proper identification of necessary changes. A 2004 "Expanded Pocket Book on Human Rights for the Police" published by the United Nations lists human rights standards and practice to be used on a daily basis. This list specifies the need for a number of principles that the RUC was infamous for not adhering to: respecting non-discrimination and proportionality principles, understanding the need for political impartiality in police operations, and ensuring that police be "representative of and accountable to the community as a whole," are only a few.\textsuperscript{19} The history of institutional human rights violations in Northern Ireland is something that cannot be ignored while assessing current police policy and how human rights are handled. If human rights are essential to a functional, democratic society, and they cannot be fully appreciated in a

\textsuperscript{18} O'Neill, "Police Reform in Post-Conflict Societies," 6.

society without first being upheld by the police, then it logically follows that human
ing. rights must be taken into account in the police reform process in order to ensure the
efficacy of the police as well as the continued improvement of civil society as a whole in
a post-conflict context.

2.3 Why are human rights in policing important to Northern Ireland?

The institution of the police is of utmost importance to any stable and democratic society
in that the police represent the value of basic moral standards. The role of the police is
then that much more important in a post-conflict society such as Northern Ireland where
the citizenry, as well as police and government organizations, have a history of violating
these rights. Northern Ireland is in many ways still newly post-conflict, — certain
branches of sectarian paramilitary organizations on both sides announced the full
decommissioning of weapons as recently as 201020 — making the task of police reform
that much more difficult and that much more essential. There are many aspects of human
rights that the RUC have been accused of ignoring or blatantly violating, and its close
involvement with the British military made citizens, especially those staunchly against
British involvement, uneasy about the police going into the peace agreement. The history
of human rights abuses by, and public sentiment of, the RUC will be discussed in a later
chapter, however to answer the question, "why are human rights in policing important to
Northern Ireland," the historical aspect must be discussed.

When the Royal Ulster Constabulary was formed in 1922, the structure was similar to that of a paramilitary force, in that officers were housed in barracks, given "wide executive powers" and had access to a wide range of weaponry if needed. The force was predominantly Protestant/Unionist and one of its main roles, in fact, was to police the rising nationalist sentiment. When violent conflict began again in the early 1960s, the precedent was set in the minds of both police and civilians: the police were present to protect Protestant citizens from republican civil rights activists. A reform attempt following the Hunt Report in 1969 was made by the British government, however the recommendations were sloppily implemented and did not address the problems of sectarianism and legitimacy that had plagued the RUC for the previous few decades.

A series of inquiries into collusion between police and paramilitary groups, disproportionate interrogation techniques, extrajudicial killings and disappearings peppered the years during the Troubles, many of which were never concluded or the perpetrators of which were never put to justice. Although it is necessary to address the past during and, in the years following, a peace negotiation, it is also important to ensure that the issues in the past will not arise again. A number of these inquiries were revisited after the peace process. The human rights violations by the Royal Ulster Constabulary have created a mistrust of the institution of police in Northern Ireland, creating the necessity for an emphasis on human rights in the current police structure. Although it has been proven that human rights are a necessity in all police services, post-conflict or

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22 Ellison and Mulcahy, "Policing and Social Conflict in Northern Ireland." 249.
otherwise, the past is what drives the need for explicit human rights policies in the new police service in Northern Ireland.

**2.4 Has this been done before?**

The Northern Ireland Policing Board monitors PSNI compliance with the Human Rights Act of 1998, as well as publishes annual reports and summaries with regard to human rights in PSNI policy. These reports monitor the PSNI's ability to implement policies within a timeline, as well as recommends timelines for further policy adoption and implementation. The Board also reports periodically on "thematic" human rights with regard to policing, including LGBT issues, domestic abuse and hate crimes. These summaries assess the implementation of recommendations for each of these sensitive issues with regard to human rights and the PSNI's responsibility to protect these rights.

An article by Maggie Beirne published in 2001 in *Policing and Society* that analyzes the Patten Report through a human rights lens assisted in forming a foundation for this research.\(^{23}\) Although Beirne critiques the recommendations rather than the reform itself, she makes a number of well-founded claims about the feasibility of such an undertaking including questioning the timing of implementation and voicing concern about the politics of the process. Overall, she praises the report for addressing human rights and public concern directly, but is able to recognize policing in a post-conflict area is a difficult task, even without an entire reform of the system. Beirne's analysis gives this

research justification by expressing concern with the feasibility of the implementation of a police reform in Northern Ireland.

Jane Gordon's 2008 article "Post-conflict Transformation"²⁴ published in the journal Ethnopolitics takes on a similar process as Beirne's, however she is able to study and analyze the process of implementation as well. Gordon presents her research in three areas of reform — accountability, human rights and representation — and discusses the progress and changes that have been made to the original Patten Report foundation. Gordon addresses the political and social roadblocks to the reform process and praises its underlining of the human rights aspect. She, like Beirne, notes that further analysis and change, in addition to institutional and community support, must occur if the program is to succeed. Both of these reviews set up the basis for this research by noting the strengths and weaknesses of the reform and its implementation, police reform's important role in conflict resolution and noting the need for further discussion of the topic. The question of whether Northern Ireland is attempting to right the wrongs of the Troubles can be answered in part by studying the progress of its policing reform.

Human rights organizations such as Amnesty International and Human Rights Watch (HRW) have assessed human rights within the PSNI and made recommendations regarding policies and organization of the reform. A 2013 publication by Amnesty International assesses the extent to which the PSNI and its affiliates are able to address the past including, but not limited to, opening old investigations, compensating families

and communities for losses and questioning the rehiring of RUC officers. Reports such as this one assess the nature of human rights in the community as a whole, or how it effects specific aspects of the state, but do not go into detail about policy or implementation.

2.5 How is this study unique?

This study differs from the aforementioned studies, articles and reports in a number of ways. Reports such as those published by the Policing Board assess how human rights are incorporated into policies, however there is little to no mention of how these policies and their inclusion of human rights are relevant to the past and represent change in the police service. This study aims to emphasize the importance of history in the police reform process of Northern Ireland and to show that the success of human rights-based policies cannot be judged without acknowledgement of past transgressions by the police, and the assurance that new policies will prevent them from taking place again.

This study is similar to Gordon’s in that it will address the past and the reform’s attempt to address past human rights violations, however Gordon focuses on how human rights and accountability policies aid the reform process and contribute to the ongoing peace process. This study focuses on how human rights have been incorporated into policing and, while not ignoring the implications this has for the overall police reform and community peace processes, examines the specifics of these changes.

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This study incorporates reports and recommendations from human rights groups such as the two mentioned above, however these reports do not focus on specific policies that mention human rights. This study investigates where human rights govern police procedures and conduct in order to judge how human rights have been incorporated into practice, ethos and day-to-day duties of the PSNI.

This study aims to incorporate aspects from each of those mentioned above in order to address all aspects of policing that are affected by the incorporation of human rights into policing policy. It addresses the history of the RUC and how past human rights violations drove the police reform. It addresses aspects of policing that are governed by human rights and the extent to which these aspects have been implemented and are successful or effective. It addresses the societal implications of having a human rights-oriented police service during an ongoing peace process, as well as how public opinion plays a role in judging the efficacy of a policy. With different aspects of each of these literary precedents, this research investigates how human rights have become incorporated into PSNI policies, and whether or not these policies have had the desired effect of creating a police service imbued with a human rights ethos.
CHAPTER THREE

METHODOLOGY

This study sets out to measure the extent to which human rights play a part in policing policy in Northern Ireland since the police reform began. Due to the lack of a concrete hypothesis, a combination of methods had to be used in order to decipher an appropriate answer to the research question. For the purpose of this research the historical relevance of data is as important as thematic relevance. In other words, a policy that prevents past human rights violations from taking place in the future but doesn’t cite a specific human rights charter or standard is just as relevant as one that explicitly mentions human rights. For this reason, merely assessing the number of human rights-based policies in the PSNI is not an accurate way to judge the effect human rights has had on the organization. However, the quantity must be taken into account in so far as to provide a wide range of possibilities for human rights awareness.

A great challenge for police reform in Northern Ireland concerns public opinion. Because of the human rights abuses historically carried out by members of the police, the PSNI has had to garner community support and trust while also undergoing challenging internal restructuring. For this reason, it is not sufficient to merely investigate the number or type of human rights-based policies that occur in the PSNI in order to judge the extent to which human rights plays a role in the organization. Social and political relevance in addition to proper implementation must also be analyzed to properly understand the
relationship between human rights and policing in Northern Ireland. For this reason, this research is an amalgamation of case study methodology and program evaluation methodology. Although both have their values singularly, neither is substantial enough by itself to answer the research question posited.

3.1 Methodology Theory

3.1.1 Case Study

With regard to the case study aspect of this research, Roland W. Scholz and Olaf Tietje's "Embedded Case Study Methods" was particularly helpful. The chapter, "Types of Case Studies," describes an embedded case study as research that involves one or more unit for analysis. This aligns with this research, which studies the PSNI as a whole but mainly focuses analysis on the subunits, which in this case are individual policies. There are no comparisons or other types of policies that will be analyzed side by side with these, making this research a single, rather than multiple, case study. It may have been possible to organize this research into a comparative case study with a country with a successfully reformed police organization, or with a country that had exemplary human rights standards in its police institution, however these did not seem to follow the goal of this research. For the former, the reasoning is quite simple: there has been no international consensus that any police reform attempt has been fully successful. Northern Ireland, as has been previously mentioned, is in fact one of the few post-conflict countries to have

implemented even a partially-successful police reform, making it difficult to find a useful comparison case. As for the latter of the two comparison options, a police force that is known for good human rights practices may not be post-conflict or have the same kind of historical or current sectarian issues that Northern Ireland has. For these reasons, the decision was made to employ a single-case method.

3.1.2 Epistemology

The epistemological status of this case study is complex as well, taking aspects from different types of case studies to produce appropriate results. Scholz and Tietje note that the most common form of a case study would be an exploratory one, meaning one without a preliminary hypothesis or a restrictive data collection method.28 This study aligns with this epistemology, as there is no hypothesis. However, there are also aspects of a descriptive case study that applies to this research as well. Scholz and Tietke define this type as using a specific model to inform the collection of data and frame the analysis. However, they also say that "in some respects, a descriptive study tests whether and in what way a case may be described when approaching it from a certain perspective."29 This aspect of a descriptive case study does apply to this research, as the approach I will be taking with regard to this research is looking at policy through a "human rights lens." Although the majority of this research will follow the path of an exploratory case study, it is worth mentioning that it will have aspects of other types.

3.1.3 Program Evaluation

28 Scholz and Tietje, "Embedded Case Study Methods." 5.
29 Ibid.
The other method that this research will be based on is policy analysis, or program evaluation. Program evaluation is the general term for the type of research; policy analysis is a subsection of this. Defined as, "the application of evaluation approaches, techniques, and knowledge to systematically assess and improve the planning, implementation, and effectiveness of programs," program evaluation will be essential to this research process, as it will inform the process of deciding not just if human rights have been incorporated into the policy of the PSNI, but the extent to which they have. This involves judging the usefulness of the policies to the Northern Ireland context, judging whether they align with the goals the PSNI, its affiliates and the government have set for human rights in policing, and assessing the success of their implementation. Chen's chapter denotes five components of a program that should be considered when interpreting its success: Inputs, outputs, transformation, environment and feedback. Inputs are described as information that comes from the programs environment such as funding, personnel and information that will inform or drive the program. Chen points out that although these are an important part of how a program functions, it is necessary for an organizing body to be present in order to properly allocate inputs. Transformation is the process between the inputs and outputs. Generally, this represents the first stages of implementation as well as necessary measures to ensure successful outputs such as increasing public awareness of the program or even priming. The output component consists of the products of inputs and transformation. Chen stresses here that the

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32 Ibid.
attainment of goals is an important part of this component, as this not only judges the program's success but also justifies its existence. Environment includes any variables that can have an effect on the program, be they positive or negative. Social, cultural, economic and political aspects of the program's environment are all important to the assessment of this component. The final of Chen's components, feedback, incorporates aspects from the other four. Feedback encompasses both internal and external opinion, research and suggestions regarding all stages of a program and is essential for its success and sustainability. It allows for the program to evolve with its environment, learn from its shortcomings and make internal changes to ensure its future.

The first three of these components — input, transformation and output — will be the main focus of this research, as they are the most important as far as public opinion. If the public's trust of the police depends on the success of its human rights policies, and increased stability and peace in Northern Ireland depend on the public's legitimization of, and cooperation with, the PSNI, then it follows that examination of the input, transformation and output components of the PSNI policy will be crucial to this research. However, the environment and feedback from it will also be strongly considered during this policy evaluation. The environment surrounding the policy will inform the relevance of many of these policies, as social and political concerns were central in driving the need for policy reform. Historical issues do need to be addressed, however it is also important that the policies associated with this reform are up to date and evolving with the changing

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34 Ibid.
35 Ibid.
state of culture, society and politics in contemporary Northern Ireland. Feedback is useful in this regard, but also important to ensure the policies are informed by the people, the government and human rights organizations that are able to provide an external view in order for the reform to be legitimized not only by the people of Northern Ireland, but also the international community.

3.1.4 Policy Analysis

It should be noted however, that indeed program evaluation and policy analysis are two different things, and that this research reflects neither of these fully. Policy evaluation, as described by the Policy Theory chapter of the "Handbook of Public Policy Evaluation," involves comparing policy alternatives rather than describing them, where policy analysis involves using either qualitative or quantitative measures to analyze methods systematically.36 The components of Nagel's policy analysis method are validity, importance, usefulness, originality and feasibility. These aspects are the structure for the analysis itself, rather than Chen's components which outline requirements for the programs themselves. Validity, according to Nagel, means the analysis should list all major goals of policymakers, consider all feasible alternatives, accurately describe relationships between alternative policies and goals, and logically and consistently conclude which policies should be put in place.37 Importance comes in two forms: social importance and theoretical importance. Social or policy importance is measured by weighing the total benefits against the total costs of the policy. Theoretical importance...

37 Nagel, "Policy Theory," 5.
refers to whether the study will be important or useful in the future with regard to method or subject matter.\textsuperscript{38} Usefulness, according to Nagel, is a continuum on one side of which are studies which are not at all referred to by policy makers and on the other side are studies which "reinforce preconceived decisions."\textsuperscript{39} Originality is also measured on a continuum, as any legitimate study will contain or result in new information. Lastly, feasibility relates not to the policy, but the study itself — whether it is cost-effective, time-efficient, within the researcher's limits functionally, etc.\textsuperscript{40} Although all of these components do not apply to this research — usefulness, for example, would not be relevant as this dissertation does not discuss policy alternatives but rather analyzes current policies through a human rights lens — Nagel's take on policy analysis is still useful in setting up the methodological structure.

The combination of case study and program evaluation/policy analysis methods will allow for this research a unique perspective on the role of human rights in PSNI policy. With Chen's case study structure, this study was be able to take an exploratory approach to an embedded case study of the extent to which human rights are incorporated into the PSNI \textit{vis-a-vis} its policies. An amalgamation of program evaluation and policy analysis methods were then used to inform the investigation into the policies themselves, and decide whether or not they were in line with the reform's initial goal of restoring the public's faith in the Northern Ireland police institution.

\subsection*{3.2 Data Collection Methods}

\textsuperscript{38} Nagel, "Policy Theory," 5-6.
\textsuperscript{39} Nagel, "Policy Theory," 6.
\textsuperscript{40} Nagel, "Policy Theory," 7.
The research process begins by enumerating the aspects of the Patten report which are directly related to human rights. Although the Patten report was criticized by a number of republican groups as being too lenient, it is widely regarded as an excellent example of how to put human rights into the foreground of policing. For this reason, the Patten report was used, not to compare current policing policies, but rather to guide evaluation. The UN handbook for human rights policing would present a similar option, however the Patten report was specifically tailored to represent the human rights issue areas in Northern Ireland, and so was more useful in judging whether or not these policies are useful to the Northern Irish context.

Next, primary source data was collected from sources that can be separated into three categories: (i) reports and publications by the PSNI, Northern Ireland Policing Board (Policing Board), and other UK and Northern Irish governmental organizations; (ii) reports and publications produced by the United Nations, European Union and other international or regional organizations, along with documents from various NGOs such as Human Rights Watch and Amnesty International; and (iii) public opinion polls conducted by both governmental and non-governmental organizations. The first category was used to discern human rights-based policies from standard police practice and policies not relevant to this research. Data from the Policing Board such as annual and thematic reports were used to judge the PSNI's human rights trajectory, as well as to understand the purpose and role of the Policing Board in driving implementation and providing advice to the PSNI. UK and Northern Irish government documents were collected in order to understand how human rights legislation changes policing policy,
strengthening the correlation between the success of police reform and the success of the peace process. Reports and publications by international or regional organizations and NGOs were used to analyze the policies themselves, as well as the international consensus on the progress of the police reform in Northern Ireland. These publications range in date from pre-Good Friday Agreement to the present in order to compare past policing methods with current. Publications such as UN handbooks and EU reports on the role of human rights in policing were used as a litmus test for the policies the PSNI has put in place — if the policy met the requirements of these, then it was deemed appropriate and sent on to the analysis stage.

3.3 Data Analysis

Once the policies deemed "human rights-based" were collected, they were then analyzed according to two questions. The first, "does this policy relate to historical policing issues?" was important in judging whether it furthers the goal of the police reform, as well as renewing public confidence lost during the Troubles. The policies were judged based on the Patten Report recommendations, information from NGOs and government documents outlining historical policing shortcomings. If the policies were seen to be attempting to address or prevent past human rights violations by the police (or among the community), then they were added to the first category. Policies that were human-rights based but did not seem to address historical issues were not overlooked or discarded, but merely left out of this particular column.
The second stage of analysis was the question of "was it implemented successfully?" The basis of analysis for this stage consisted of public polls, annual reports from the Policing Board, as well as any relevant government or NGO report regarding policy implementation. This section also borrowed methodology from Chen's program evaluation theory, where components such as input, transformation and output were considered in order to discover whether the implementation of a given policy could be considered successful. If the policies were understood to have been implemented properly, then they would be added to the second category. Policies that were not implemented properly or which had yet to be implemented at all were left out of this category. The purpose of this study was merely to understand the extent to which human rights play a part in policing in Northern Ireland currently, rather than analyze the policies individually and provide recommendations as to how they could be improved.

3.4 Limitations

There were a number of limitations to this study, the first of which is an important distinction between correlation and causation. Although the theory that police stability aids in stabilizing post-conflict societies has been presented, this does not imply or prove that an increased awareness of human rights in policing policies causes the same change in civil society. It does, however, suggest that the institution of police in Northern Ireland is moving in a positive direction and that it is making steps toward a successful reform. That being said, human rights policies are not the only things to be considered when judging whether or not a police reform is successful, nor does this study imply that the
success of this police reform hinges on implementation of human rights policies.
However, in the specific case of Northern Ireland, human rights are a significant concern
with regard to the institution of police and therefore should be a consideration when
judging its eventual success or failure. The benefit of investigating whether or not the
PSNI is focused on human rights is that it is working on gaining the tools to be a positive
model in the post-conflict society and will be able to act as a support system while
society improves and moves toward sustainable peace.

This study did not include any personal interviews or present any unique polling,
excluding it from any possible ethical considerations in that regard. As it is an
exploratory study and there is no set hypothesis, there is little possibility for researcher
bias, however great care was taken in providing an unbiased and unassuming analysis. It
was taken into consideration that much of this information was collected from
organizations with close ties to the success of human rights-based policy implementation,
creating motivation for publishing positive results. For example, organizations such as
the Policing Board are less likely to get funding for future research if they are not seen to
be making improvements. For this reason, data from multiple sources were used in order
to dilute potential bias.

Another limitation is that there may be policies that protect human rights but do not do so
overtly, and so are overlooked in this study. There may also be policies that could be in
place, or that are in place in other countries, involving human rights but are not present in
the PSNI. Although it is important to consider the steps that must be taken into
consideration to create an exemplary police service, this particular method of analysis does not have the tools needed to make recommendations for future policies.
It has been made clear in previous chapters that history cannot be ignored when discussing the current state of affairs in Northern Ireland, and policing is no exception. Although the PSNI has attempted to distance itself from its predecessor, the Royal Ulster Constabulary (RUC), it is still faced with righting its wrongs and widely considered responsible for its failures. This chapter will discuss the historical aspect of policing in Northern Ireland by examining the RUC's establishment, the changes it underwent at the outset of the Troubles, its role during the decades of sectarian violence and the subsequent inquiries it faced prior to the 1998 peace agreement. This historical analysis will not only serve to provide a context in which to later discuss policing's important role in the peace process, but will also help to explain the importance of clear and successful policies championing human rights in the PSNI.

4.1 The Birth of the RUC

The Royal Ulster Constabulary was introduced in Northern Ireland in 1922, following the disbandment of the Royal Irish Constabulary (RIC), which had been policing Ireland as a whole for over a century. As many of the former members of the RIC were reemployed by the RUC, and resentments due to the Anglo-Irish conflict (1919-1922) continued to
plague Northern Ireland, the RUC was responsible for playing both a standard law enforcement role and a paramilitary/counter-terrorism role.\textsuperscript{41} Sectarianism between Protestant unionist and Catholic nationalists caused tension and violence in society, and perceptions of partisan prejudice by the RUC against the nationalist community were only exacerbated by the predominately Protestant make-up of the force.\textsuperscript{42} The civil unrest and economic hardships of the following decades forced the RUC to continue doing the duty of both the police and the military for its formative years, creating an association that remains even now. The association between police, military and paramilitary forces is very important because it means that any wrongdoing by one aspect of state-sponsored security has an effect on the legitimacy of the other aspects as well. Powell (mentioned in Chapter One) made a similar connection between police and governing bodies which can be applied to the context of the RUC and other security forces in Northern Ireland. "For communities that question the legitimacy of the state or its government, the police who enforce that state's authority and rule of law may be considered illegitimate no matter how impartially or respectfully they carry out their duties."\textsuperscript{43} It follows then that injustices or human rights violations by the British Army, the Ulster Special Constabulary (USC) or any other government agencies, according to Powell's statement, can be linked to the RUC whether or not members of the RUC were involved. Although such incidents will be discussed in detail later in this chapter, the perceived connection


\textsuperscript{42} Ellison and Mulcahy, "Policing and Social Change in Northern Ireland," 247.

between security sector organizations in Northern Ireland should be considered when examining any part of the RUC's history.

The RUC maintained an "enforced stability" for a few decades until the IRA's 1956-62 "Border Campaign," along with the creation of the 1960's Northern Ireland Civil Rights Movement (NICRM), began a wave of civil unrest that the current RUC, whose numbers never rose above 3,500 until 1970, was unequipped to handle. The movement began in the late 1960s, mirroring the non-violent protests of the United States civil rights movement, and was formed largely of young, educated Catholics and social and political organizations championing equal rights for both Catholic and Protestant communities. The most important reforms being demanded were those of public housing allocation, gerrymandering, employment and the structure of the RUC — specifically disbandment of the USC which was made up entirely of Protestants. However, the protests brought about little response from the government, which regarded the protest as a dangerous nationalist uprising rather than a bid for equality, and the sectarianism that had long been simmering underneath the surface finally boiled over. The RUC and USC were sent to quell the protests, but this intervention — riddled with police misconduct and disproportionate use of force — served only as fuel to the fire and instead produced a number of unintended consequences that would define the role (both actual and perceived) of the RUC for the next thirty years. These consequences, according to Ellison and

Mulcahy, were threefold. First it served as proof to the Catholic/nationalist community that security forces were "defenders of the Protestant community first, defenders of the Protestant state second, and normal policemen third," deepening Catholic and nationalist resentment toward the RUC and its affiliates, leading to the second consequence of putting police reform at the forefront of the NICRM. The Catholic/nationalist quest for police reform at that point became the main civil rights issue for the movement, and remained so through the Troubles and the subsequent peace agreement. Lastly the protests, and the RUC's inability to successfully contain them, led to the indefinite suspension of the Northern Irish parliament, as well as the introduction of British military forces into Northern Irish society in 1969. As sectarian violence, civil disturbances and paramilitary engagement became increasingly common through the late 60s and into the start of the Troubles (the date and event of which are disputed), police and military responses became increasingly extreme until standard policing was merely a thing of the past.

4.2 The Hunt Report

Before discussing the events of the Troubles, however, it must be noted that society’s request for police reform was not entirely ignored by British and Northern Irish authorities. In August of 1969, the Advisory Committee on Police in Northern Ireland was appointed by the Minister of Home Affairs of the Government of the United Kingdom. The committee was charged with examining the "recruitment, organisation, structure and composition of the Royal Ulster Constabulary and the Ulster Special

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Constabulary and their respective functions and to recommend as necessary what changes are required to provide for the efficient enforcement of law and order in Northern Ireland. The report, known as the Hunt Report, was presented two months later in October of 1969 with 47 recommendations and 5 suggestions regarding the structure, organization and role of the RUC and its affiliates. The report came with a number of "General Considerations," outlining the circumstances in which the data informing the recommendations were collected as well as the circumstances in which the RUC, the USC (commonly referred to as "the B Specials), and other security forces were acting. The committee began by recognizing the report was not only produced in a relatively short period of time, but also during a time of extreme stress and violence in Northern Ireland's society. The committee goes on to note that the time constraint limits the recommendations to matters that are of immediate concern for the RUC and the Northern Irish community, possibly ignoring or glossing over changes within the police that may need to be made but were not as critical as the subjects covered in this specific report. Generally, these considerations preface the report as a way to reintroduce the RUC as a "civil police force," while acknowledging the "allegations against some police officers," that harmed the image of the RUC and resulted in "some lowering of morale among members of the force, and loss of public esteem." These incidents, the report stresses, happened during a time of instability and provocation in which any police force would be

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overwhelmed and unsure of itself and so while not condemning or excusing the disputed incidents, the committee acknowledges the need for change.

The recommendations themselves are simple and straightforward, presented as goals for the RUC to achieve rather than detailing the means to achieve them. The first recommendation states the need for a cessation of all military duties currently performed by the RUC. This shift away from any connection with the military is mirrored in recommendations 16, 17 and 24, which seek to end the general issue of firearms to police officers, remove certain weapons from the RUC altogether and remove armored cars from the RUC's equipment, respectively. These recommendations are likely to have been thought of by the committee as steps toward the civil police force mentioned in the General Consideration section. In addition to these, the committee also created a number of recommendations regarding the creation of a Police Authority, as well as an Advisory Board, civilian welfare officers, a transparent complaints procedure, and regular government inspections, in order to hold the force accountable. Force composition was also mentioned, with recommendations to address hiring women into the RUC, to reserve "a specific proportion of vacancies in the force for Roman Catholics,"52 to actively recruit Roman Catholics into the force, and to simplify — and remove religious disclosure from — application forms. The idea behind these recommendations is fairly self-explanatory; with the allegations of and evidence toward destructive discrimination from the RUC and the USC, the committee's report was an attempt to solve the more apparent issues with the policing system in Northern Ireland in order to form a stable and trusted enough

police force to keep the peace between increasingly violent communities. Lastly, the report emphasized the need for a stronger connection between the RUC and British police forces, including interchange between RUC and "mainland" forces and a closer association between both representative organizations. Unfortunately, the committee underestimated the extent to which policing had actually become part of the impetus for protest and the report's release was followed by Protestant loyalist riots which resulted in the first death of an RUC member during the Troubles, as well as the deaths of two civilians. For Protestants and loyalists a rearrangement of the RUC, specifically the removal of the USC, meant not only the loss of an organization all but sworn to protect their rights, culture and communities but also represented full concession to Catholics on very important issues. In practice, however, the report's recommendations were less than successful for the Catholic community. Many of the recommendations were not implemented and those that were quickly reverted to pre-report status in the absence of a strong overseeing body. For example, the USC was disbanded as the report recommended and replaced by the Ulster Defense Regiment (UDR) in December 1969. Although the introduction of the UDR was meant to separate the military aspects of security from the RUC's policing duties, the UDR quickly garnered a reputation similar to that of the USC due to the fact that many ex-USC members were rehired and the percentage of Catholic members remained incredibly low (13.9% in 1970). The emphasis on a strong connection between British and Northern Irish forces had an negative effect as well,

creating a deeper divide between nationalist and loyalist communities by ignoring the sectarian issues beneath the surface of the policing issues and assuming "that the problems of legitimacy, sectarianism and bad governance in Northern Ireland could be assuaged by a swift dose of common sense and sound judgment."56 As the Troubles transitioned from pockets of antisocial behavior to a state-wide conflict, the RUC grew in response to the increase of sectarian violence, terrorist attacks and general social disorder. With these changes came reports of police misconduct, mistreatment of prisoners, disproportionate responses to protests and public disturbance, active prejudice against Catholics and nationalists, and allegations of collusion with Protestant and loyalist paramilitary organizations. The sheer number of these incidents prevents them all from being examined in detail in this chapter, however the next few sections will present a few particular cases, followed by discussion of important government inquiries into police misconduct and reports from human rights organizations regarding this topic. This will allow for a sufficient understanding of the type of human rights violations the RUC was proven to have committed and will aid in justifying the importance of police reform to the peace process.

4.3 Mistreatment of Prisoners

An Amnesty International report published in 1978 noted that between 1971 and 1974, there were 1,105 complaints of RUC "assault and maltreatment," and 1,078 similar

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56 Ellison and Mulcahy, "Policing and Social Change in Northern Ireland," 249.
complaints against the Army.\textsuperscript{57} According to this report the majority of these complaints were lodged by members of the Republican movement, or members of society associated with it prior to 1977. Amnesty International reported that a feature of institutional responses to these allegations was the suggestion that they were part of a greater propaganda campaign by paramilitary organization to discredit the RUC. The RUC also responded by suggesting prisoners claiming to have been tortured in order to gain information were merely protecting their own reputations by justifying their confessions to authorities. These responses came in addition to the assurance by authorities that inquiries were being made into allegations of police misconduct during the interrogation and incarceration of prisoners, as well as a statement by the Chief Constable of the RUC that "there is no policy or toleration of ill-treatment in [the RUC]."\textsuperscript{58} Amnesty International's recommendations included the establishment of a public and impartial inquiry into allegations against security forces. This inquiry should consider the requirements of proper interrogation and detention, according to Amnesty International, as well as have unrestricted access to all pertinent data. Lastly, the organization recommended that measures be taken to prevent further allegations, including early access to legal support. A similar report published by Amnesty International in 1971 examined allegations of ill-treatment of prisoners by Army personnel.\textsuperscript{59} The report goes into detail regarding the systematic torture and humiliation of prisoners often kept in


unofficial locations, such as sections of Army barracks, rather than local prisons.

Allegations of ill-treatment of prisoners made against both the RUC and military organizations continued throughout the Troubles, including a number of very high profile cases regarding political prisoner status in the early 1980s, resulting in the deaths of ten prisoners during a hunger strike campaign. Although the British government never officially granted specific political status to certain prisoners, a majority of the protestor's demands were met.

4.4 Shoot to Kill

The early 1980s saw an excess of allegations against the RUC and its affiliates, particularly the RUC "Special Branch," which was responsible for intelligence operations in Northern Ireland. Between 1980 and 1982, 19 civilians, none of whom were associated with paramilitary organizations and only one of whom was armed, were killed by security forces.60 The end of 1982 brought with it three incidents that sparked investigation into a policy of "shoot-to-kill" within certain sections of the RUC. In these incidents, which took place between November 11 and December 12 of 1982, six people were killed by the RUC in questionable circumstances, prompting a police inquiry in 1984 led by Assistant Chief Constable of Manchester, John Stalker.61

Each incident was justified by police at the time, however contradicting witnesses and evidence — or a convenient lack of evidence in some cases — and a blatant refusal to

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61 Ellison and Smyth, "Shooting to Kill," 118.
provide information to forensic teams and investigators sparked doubt. Stalker's investigation uncovered the systematic exclusion of evidence and information by the RUC, specifically the Special Branch, and though he unsurprisingly found no clear evidence of a "shoot-to-kill' policy, he commented that "the circumstance of those shootings pointed to a police inclination, if not a policy, to shoot suspects dead without warning rather than to arrest them. Coming as those incidents did, so close together, the suspicion of deliberate assassination was not unreasonable." Stalker reported that he had discovered procedural failures in previous inquiries and found that Special Branch debriefs were often used in order to manipulate the details rather than uncover the truth. Because the Special Branch was the only section of the RUC responsible for these undercover operations, the section was also able to withhold evidence from internal investigators, making any fact checking for inquiries or trials close to impossible. Stalker discovered that not only was the Special Branch able to falsify records and accounts for its own benefit, but that it essentially was able to run on its own terms without having to answer to any other sector of the RUC: "I have never experienced, nor had any of my team, such an influence over the entire police force by one small section." No officers were prosecuted for the deaths of any of the men killed in the three incidents due to "national security" and "public interest" concerns, however it was admitted that the report found evidence proving RUC officers had "attempted or conspired to pervert the

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62 Ellison and Smyth, "Shooting to Kill," 130.
64 Ellison and Smyth, "Shooting to Kill," 128.
course of justice.”\textsuperscript{65} Stalker was removed from the investigation following his suspension from duty under what Amnesty International refers to as "suspicious circumstances,"\textsuperscript{66} but was not reinstated to the inquest once exonerated. The findings in Stalker's report have yet to be released to the public.

4.5 Collusion

Arguably the most pervasive form of misconduct by police and other security forces during the Troubles is collusion with paramilitary forces. In the case of Northern Ireland, collusion refers to any number of illicit dealings between security forces and paramilitary groups, including but not limited to the sharing of classified information, protection of members of paramilitary organizations by security forces, and cooperation between the two groups leading to extrajudicial killings. This type of relationship occurred mostly between members of the RUC and members of loyalist paramilitary groups such as the Ulster Defense Association (UDA), targeting suspected members of the IRA. According to an Amnesty International report published in 1994, only one of 21 members of the security forces prosecuted for killings while on duty was ever convicted of murder. He was released and reinstated in the army after serving a little over two years of a life sentence. Although these numbers themselves do not prove collusion between security forces and paramilitary groups, they do outline a certain structural complicity with human rights abuses committed by security forces, along with a general unwillingness to hold them accountable.

In 1989, following the leak of sensitive security documents resulting in the murder of Catholic Loughlin Maginn and public indignation, the Chief Constable of the RUC established an inquiry led by senior British police officer John Stevens to investigate the circumstances surrounding the event. This investigation, known as the Stevens inquiry, published a report and recommendations in 1990 which led to 59 people being charged or reported to the Director of Public Prosecutions (DPP).\(^{67}\) The inquiry and recommendations published in 1990, according to an Amnesty International report "Political Killings in Northern Ireland," had the potential to be influential and far-reaching however its scope was too narrow to take on collusion as a whole as it focused on security document leaking and smaller, specific issues.\(^{68}\) However, Stevens conducted two subsequent inquiries, 1993 and 1999, which focused more broadly on collusion between paramilitary and security forces in the events surrounding the death of solicitor Patrick Finucane in 1989. Stevens concluded that collusion occurred in the death of Finucane as well as the 1987 murder of Brian Adam Lambert, a Protestant student with no ties to paramilitary activity. The collusion, according to Stevens' third report, "ranges from willful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, through to the extreme of agents being involved in murder."\(^{69}\) Stevens' enquiry also found that RUC response to and handling of threat intelligence was not equal between Catholic and Protestant communities, in that republicans/Catholics

\(^{67}\) Amnesty International. “Political Killings.” 17.

\(^{68}\) Ibid.

were found to have been targeted but not given proper warning or protection by security forces.\textsuperscript{70}

Although Stevens' reports led to 144 arrests and 94 convictions,\textsuperscript{71} many allegations of collusions during the time of the Troubles were brought to the attention of the international community but were never properly investigated by the relevant authorities. The aforementioned Amnesty International report, "Political Killings in Northern Ireland" addresses allegations of RUC complicity in Loyalist killings by way of absence of police presence prior to and immediately following the incidents.

"When killings by Loyalists take place it has sometimes been claimed that just before the killing there was a heavy security presence in the immediate area but that this was then removed, thus leading to the allegation that Loyalist gunmen were assured unfettered access to and from the scene of the crime... The facility with which Loyalist gunmen raid homes in stringently monitored and controlled Catholic neighbourhoods and then leave without hindrance has contributed to the lack of confidence in the RUC to provide full protection for the Catholic community and to pursue Loyalists with the same vigour as the IRA is pursued."\textsuperscript{72}

The report also addresses the alleged refusal of the RUC to grant firearms licenses to civilians who had reason to believe their lives were in danger, and the alleged confiscation by the RUC of legally-held firearms. In a number of these cases, the removal or refusal took place prior to attempts made on the lives of these civilians and some of these licenses were denied even following direct threats or attacks to the individuals and their families.\textsuperscript{73} The uncertainty that these allegations against the RUC caused may have led to the mistrust of security forces by civilians in Northern Ireland even if they went

\textsuperscript{70} Stevens. "Stevens Enquiry," para 2.18, 4.9.
\textsuperscript{71} Stevens. "Stevens Enquiry," para 4.2.
\textsuperscript{73} Amnesty International. "Political Killings," 33.
uninvestigated or were unsubstantiated. However, the eventual proof of many of these claims due to investigations by police or external bodies ensured the total discrediting of the RUC and its affiliates, which justified the need for an overhaul of the policing system in Northern Ireland as well as a greater emphasis on human rights than the province had seen in decades.
CHAPTER FIVE
FROM PEACE TO PATTEN

5.1 The Good Friday Agreement

The Good Friday Agreement, signed in April of 1998, was a comprehensive document ending a long and arduous negotiation process and outlining a new beginning for Northern Ireland. Organized into ten sections, the agreement addressed constitutional issues, the restructuring and devolution of legislative and executive power in Northern Ireland, human rights, the decommissioning of weapons, security, policing, issues surrounding prisoners, and finally validation and implementation. Following the signing of the agreement both Northern Ireland and the Republic of Ireland held separate referenda to confirm the agreement with 71% approval in Northern Ireland and 94% approval in the Republic of Ireland. When the negotiations began, policing was such a polarizing issue that it was even then deemed to be too great an undertaking to be addressed fully in the negotiations, leading to the creation of an independent commission. Admittedly the length and lack of detail of the policing section would suggest that the subject was not such a divisive and important issue as it was in reality leading up to the negotiations,

compared to the detail into which the governance sections went. However the policing section of the agreement did lay out a number of important goals for the aforementioned independent commission, and it also addressed some of the concerns surrounding policing as well as outlined the characteristics of an acceptable policing system.

The "Policing and Justice" section of the agreement is introduced by the acknowledgement of policing as a "central issue in any society," but that the history of Northern Ireland has made it not only an important but also an emotional issue in this particular community. At no point in this section does the agreement call for a complete overhaul or replacement of the policing system in Northern Ireland, however it does note that the peace agreement provides a unique opportunity to create a new beginning for policing. The introduction also recognizes the importance of public cooperation and confidence and that an emphasis on human rights and individual professional integrity will provide a foundation for a functional system. The ideal policing structure is agreed by the participants as being "professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices, and operates within a coherent and co-operative criminal justice system, which conforms with human rights norms." The section goes on to declare the establishment of the independent commission on policing, which will have the responsibility of providing recommendations for future policing changes. These recommendations, it charges, should

address important aspects such as training, recruitment, structure, symbols and culture as well as education and professional development in order to streamline the transition. Specifically, the agreement states that the recommendations should consider six separate facets of policing: (i) structure, management and resources that enable police to perform necessary functions in a "normal peaceful society;" (ii) partnership with communities and delegated responsibility; (iii) a framework that enables the system to work impartially and adhere to internationally accepted regulations; (iv) accountability to both the law and the public, as well as transparency and availability for professional scrutiny; (v) ability to cooperate with other police forces including that of the Republic of Ireland; (vi) the management of events that put extra pressure on police resources. In addition to these requirements, the Good Friday Agreement merely advises that the commission seek advice from NGOs and create focus groups, as well as recommending the commission present its findings by Summer 1999.

Although the GFA did not offer any specifics on the reform of the RUC, it was made very clear in the agreement that policing was a hotly contested issue and the recommendations of the independent policing commission were essential to the peace process. The agreement also denotes a section for the protection of human rights, many of which are taken into account by the commission and included in the recommendations for the police. For this reason, the human rights section of the agreement will not be examined in detail in this chapter, but rather is acknowledged and should be kept in mind in the following sections.

79 “The Northern Ireland Peace Agreement,” 8:A"
5.2 The Independent Commission on Policing

The commission, chaired by Chris Patten and colloquially known as the Patten Commission, produced a report (Patten Report) in 1999 consisting of 175 recommendations separated into 13 categories: Human Rights; Accountability; Policing with the Community; Policing in a Peaceful Society; Public Order Policing; Management and Personnel; Information Technology; Structure of the Police Service; Size of the Police Service; Composition and Recruitment of the Police Service; Training, Education and Development; Culture, Ethos and Symbols; and Cooperation with other Police Services.\(^{80}\) The report begins with an overview of the Good Friday Agreement, stating that it is the belief of the commission that its recommendations are not a "provocative distraction from the task of reassembling the political pieces"\(^{81}\) but rather an important brick in the foundation of a peaceful Northern Ireland. The report goes on to discuss the role of policing in Northern Irish Society since the establishment of the RUC in 1922. The disproportionate number of Protestants/unionists in the force and the fact that the RUC reported to a Unionist government made for an inherent and structural prejudice that, although it remained latent during peace time, manifested during the Troubles in a way that was harmful both to the people of Northern Ireland and the reputation of security forces in the province. The commission goes on to recognize the stress put on the RUC during the Troubles, which led the organization to take on the role of both police


and military, putting both the community and police themselves at high risk. Most importantly, however, the report claims its goals and the means it provides are "restorative, not retributive." The clean slate provided by the commission through reform recommendations was meant to lead policing in Northern Ireland down a path to a peaceful future, not a vindicated past. Although it is recognized that events of the past need to be addressed, the report's main goal is to secure a just, respectful and respected police service that can provide stability during the difficult transition from conflict to peace.

5.3 Human Rights in the Patten Report

It should be mentioned that similar to the Good Friday Agreement, the Patten Report includes human rights themes in many of its recommendations that are not included in the "Human Rights" section of the recommendations. For example, it could be argued that many of the recommendations regarding accountability are protecting the human rights of citizens, as the lack of transparent and public accountability led to human rights violations in the past. Policies such as this will be taken into account when considering the extent to which PSNI policies are impacted by human rights, however for the sake of time as well as relevance each specific recommendation from sections such as this will not be examined in detail. Instead, the "category" as a whole will be considered and judged according to the same guidelines as the individual policies contained in the human rights recommendations.

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Chapter 4 of the Patten Report, "Human Rights," addresses the importance of an overall human rights approach to policing — particularly the events of the past that necessitate a focus on human rights in Northern Ireland — and then provides recommendations to be implemented in the reform process that will ensure the new police service's adherence to international human rights standards. "It is a central proposition of this report that the fundamental purpose of policing should be, in the words of the Agreement, the protection and vindication of the human rights of all."84 Although the protection of human rights and policing are sometimes seen as at odds, — the report cites police limiting rights of criminals by arrest for example — the truth remains that human rights are important, if not vital, to effective policing. The RUC, according to the commission, was far behind on human rights training and education, with merely 2 out of 700 training sessions for police focused on human rights. The commission found that much of the human rights awareness in police policy came from policies that were necessary for the PSNI to be compliant with the Human Rights Act of 1998. Many of these already met the requirements, although some — pre-trial procedures, covert policing, emergency preparation and custody policies being the most affected — needed to be altered.

The commission set out seven human rights-based recommendations it believed to be especially important for the new police service in Northern Ireland to consider.85

1. The first recommendation was for a comprehensive “Programme of Action.” The commission acknowledged the general nature of this first recommendation but maintained that human rights should be recognized and respected in policing as an idea, in addition to being practiced through specific actions or policies.

2. The second recommendation was for a new oath to be drafted and taken by all members of the police service, current and new. This recommendation followed a similar premise to the first, in that rather than being a recommendation of "action" it is a recommendation of intent. By having police officers voice dedication to the protection of human rights, impartiality, integrity and respect for all at the outset, the first recommendation is put into action.

3. The third recommendation was for the drafting of a new Code of Ethics, specifically one that is compliant with international human rights standards. The committee gave a draft produced by the Association of Chief Police Officers as a model for this new code, altered to reflect the Human Rights Act of 1998 as well.

4. The fourth recommendation called for more human rights training in the police force. The lack of training in community awareness and human rights in the RUC meant that although policy objectives may have been human rights-oriented, police officers did not have the proper tools to carry out these objectives. Increased training programs for current officers and recruits would provide a foundation on which all members involved in policing could build an effective, community-oriented service.

5. The fifth recommendation suggested that human rights compliance and understanding should be incorporated into individual appraisals in the police service. This recommendation addressed the issue of individual accountability with which the RUC struggled for so many years. A policy that holds police to a certain standard regarding human rights helps to prevent officers from being exempt from punishment in the event of a human rights violation against a citizen.

6. The sixth recommendation called for a human rights lawyer to be appointed to the new police service.

7. The final recommendation suggested that appraisal of human rights compliance of the entire police service should be handled by the Policing Board. The recommendations for the Policing Board's role with regard to human rights included the appointment of professionals well-versed in human rights in order to properly evaluate the organization as a whole.

As was mentioned at the beginning of the section, human rights were mentioned in other sections of the report as well as included in a number of other recommendations including those on covert policing and training, however the commission regarded these seven recommendations as key to creating a reformed police service founded on a respect for human rights. The Patten Report made recommendations for the new police force that

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87 Appendix B.
would distinguish it from its predecessor. In addition to human rights, which the Patten Commission believed should be the overarching theme of change in the PSNI, a number of other specific aspects were focused on as well.

“Accountability” followed human rights, in which the commission suggested changes such as the addition of an independent policing board and police ombudsman, as well as District Policing Partnerships. “Policing with the Community” was the next main area of change, where it was suggested the new police service take on a more active role in the community, build partnerships and be more visible locally. “Policing in a Peaceful Society” was another area of change suggested by the Patten Commission. With increased violence during the Troubles came increased military presence and the commission suggested that the police had lost sight of what traditional policing was really about. This section suggested the removal of military-style vehicles, weapons and procedures that the RUC had come to view as normal, and the return to a peaceful, community-oriented style of policing. Recommendations for changes in management, personnel and size of the police force were also made, as the violence and tension of the Troubles had created a disproportionately high number of police in the province. Recruitment, training and development changes were advocated in the Patten Report, as well as changes to the culture, ethos and symbols of the police service. These recommendations for change stemmed from issues within the RUC that the Patten Commission had identified through investigation of the RUC, discussion with human rights organizations, interest groups, political groups, religious groups, and synthesis of responses from public opinion surveys. These main changes to policing advocated by the
Patten Commission were accepted and put into action with the Police (Northern Ireland) Act 2000, creating the PSNI and with it a new beginning for policing in Northern Ireland.

5.4 Responses to Patten

The Patten Commission presented its findings and recommendations in 1999, over a year after the Good Friday Agreement was signed. As policing had been at the forefront of the conflict as well as the peace process, the report was eagerly awaited and responses from political parties, NGOs, government organizations and the like were published immediately following the report's release. The majority of these responses acknowledged that changes in policing were essential to a sustainable peace in Northern Ireland, however the extent and nature of these changes were not always agreed upon. This section will consider some responses to, and criticisms of, the Patten Report in order to better understand public opinion and international reactions to the report.

5.4.1 Political Responses

A number of main political parties connected to the Troubles published responses to the Patten Report following its release including popular nationalist groups the Social and Democratic Labour Party (SDLP) and Sinn Féin, as well as popular unionist groups the Ulster Unionist Party (UUP) and the Democratic Unionist Party (DUP). These responses are as — if not more — important than those of human rights or government organizations, because of the public support and publicity these groups garner.

The response from the SDLP was a combination of positive and negative feedback. The SDLP acknowledged the important work of the Commission and stated that the complete adoption of the report's recommendations "contains the basis for the objectives of the
Good Friday Agreement to be attained in terms of achieving a police service, which can attract and sustain the support of the whole community." The relationship between the RUC and the unionist community, and lack thereof between the RUC and the nationalist one, created a divide between the two communities that has led to the need for change. The statement lauded the Patten Report's recommendations regarding human rights, police culture and ethos, accountability, demographic balance and a number of other important issues for which the nationalist community had called prior to the Good Friday Agreement. The party did however state its disappointment in the lack of an immediate ban of plastic bullets or "baton rounds," which were responsible for the deaths of 17 civilians between 1972 and 1989, and the length of the timeline for demographic balance within the police. The SDLP's response to the report was generally positive, however acknowledged the work that is left to be done by the government, police institution and the public in order to effectively implement the Patten Report's recommendations.

Sinn Féin, another popular nationalist political party, also released a statement following the Patten Report's presentation. The party's response was less detailed than that of the SDLP, however it was much more accusatory of the RUC and stated its belief that a complete overhaul rather than a "repackaged RUC" was necessary to satisfy the needs of Northern Ireland, specifically nationalists and republicans. The statement also pointed

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out its view that the British government had already failed to implement important
sections of the Good Friday Agreement, so the position of the government with regard to
the Patten Report would be just as important as the recommendations themselves. Overall
the statement by Sinn Féin, although not specific in its response to recommendations, was
positive toward the Patten Report itself however hesitant to call it a success until its
implementation and government support were secured.

On the other side of the political spectrum, the response from Ian Paisley, then leader of
the DUP, was of a very different nature. Paisley rebuked the Patten Commission for
attempting to tear down the institution of the RUC and rejected the idea of an enforced
demographic equalization, calling it "deliberate discrimination against Protestants."91 He
continued to criticize the report by opposing the removal of the RUC without "IRA defeat
of the same,"92 and ended by suggesting the Patten report is calling for an ethnic
cleansing of Protestants. Although Paisley was known to be an incendiary speaker as well
as a radical unionist, as the leader of the DUP at the time he was nonetheless an
influential man with a wide viewership whose views were shared by many.

The UUP's response was similarly critical of the complete restructuring of the police
system in Northern Ireland, although the statement supported Catholic involvement in the
police force. The organization stated that apart from an increase in Catholic members of
the police force, no changes needed to be made to the RUC, and the recommendation that

91 "Statement by DUP Leader, Rev. Ian Paisley on the Patten Report.” Northern Ireland: Democratic
92 Ibid.
the flag, symbol and name of the institution was a "gratuitous insult." The party stated that the most substantive change in policing will come from an end to terrorist violence rather than a reform of the policing service, suggesting that the government must not allow changes in policing to occur before the security situation in Northern Ireland is more stable. Other recommendations were referred to as concerning including "local accountability, the Balkanisation of policing, and the emasculation of the police's anti-terrorist capability." Contrary to the nationalist/Catholic point of view, the UUP and DUP responses to the Patten Report are largely critical, questioning the need for police reform and accusing the report of being prejudiced against Protestant/unionists.

5.4.2 Human Rights Responses

Due to the nature of the conflict in Northern Ireland, as well as the low success rate of police reforms internationally and the inclusion of a number of international bodies in the Good Friday Agreement, the international human rights and humanitarian community was looking toward the Patten Report to produce recommendations that could provide an example of a successful police overhaul. Organizations which had been involved in documenting human rights abuses by the police during the Troubles, such as Amnesty International, the Northern Ireland Human Rights Commission and Human Rights Watch, read and commented on the report after its presentation in order to inform the people and the policy-makers of the Good Friday Agreement's progress toward peace.

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94 Ibid.
Amnesty International published a response to the Patten Report in November of 1999, providing a detailed analysis of the report's findings and recommendations. The response stated that a full implementation of all report recommendations would put policing in Northern Ireland on the path to fundamental change, however it also expressed concern at the lack of inclusion of a number of policing issues Amnesty International had previously reported on: emergency legislation, special powers for the police, confronting past issues, and accountability to name a few. The organization listed points to be considered during consultation, many of which consider investigation procedures within the police force, the development of strategies to prevent past issues such as prejudice and collusion, a stronger policy on special units within the police force, and changes in legislation regarding the use of lethal force. Amnesty International also encouraged the government to ensure that all international policing standards, not only those of the European Convention on Human Rights, were adhered to when creating new policing policies for Northern Ireland. This response to the release of the Patten Report is positive in tone, however proves that there is much room for improvement regarding human rights in the new police structure.

Human Rights Watch (HRW) produced a similar document following the Patten Report, also acknowledging the great step toward peace the report symbolizes while stating a number of important issues regarding human rights that it overlooked. The most

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important of these issues, according to HRW, was the "vetting mechanism to weed out officers currently serving in the [RUC] who have past records of human rights violations." The organization also believed that the report was remiss in not being more outspoken about legislation addressing emergency laws and banning baton rounds. Lastly, the group suggested that more emphasis should be put on policies to prevent harassment of lawyers by police, given the March 1999 murder of Rosemary Nelson, and information that had come out the same year regarding the murder of lawyer Patrick Finucane.

The Northern Ireland Human Rights Commission (NIHRC) was established in 1998 to promote and protect human rights in the province, replacing the Standing Advisory Commission on Human Rights, established in 1973. Although the NIHRC was fairly new at the time of the Patten Commission's presentation of the report, its analysis of and response to the Patten Report is important to consider. The NIHRC criticized the report for not being specific enough when suggesting that new police policies adhere to international human rights laws, and for referring to "fundamental" human rights without being specific. The group also suggested reserving spaces on the Policing Board for human rights experts in order to give professional advice when overseeing the human rights policies of the police. The response also mentioned the lack of discussion of the repeal of emergency and anti-terrorism laws. Similar to the reports from Amnesty International and Human Rights Watch, the NIHRC stated its belief that serving RUC

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97 Ibid.

officers who have been accused of human rights violations should be brought to justice. The organization suggested two options for determining eligibility of these officers into the new police service, either applicants are only judged by their qualifications for the position and no one can be "barred" from serving, or applicants must go through rigorous background checks to confirm they have not been involved in human rights violations. With regard to changing the flag, name and emblem of the police service, the NIHRC referred to past cases, such as Bosnia-Herzegovina and South Africa, where this was a positive and successful change. This report was positive in general and commended the Patten Report for being an agent of change, however the issues the organization took with the recommendations were much more detailed than those of Amnesty International and HRW. This may be because the NIHRC is a government-appointed commission or because it has more intimate knowledge of the laws and policies currently surrounding these issues in Northern Ireland. Regardless, many of the criticisms the NIHRC voiced about the Patten Report aligned with those of Amnesty International and HRW, justifying their importance to human rights-based policing. 

A number of recommendations from these organizations will be considered in the next chapter along with the Patten recommendations, however it is important to examine them alongside the responses from different political parties, as it helps to understand public opinion regarding specific issues with police as well as the reform process as a whole.

5.5 Effect of Human Rights Act 1998 on Policing

In the human rights section, the Patten Report mentioned a number of ways the Human Rights Act 1998 affected policing in the UK, specifically in the areas of pre-trial
procedures, custody of arrested persons, covert policing and emergency planning. The report acknowledged that many of the requirements set out by the act were already in effect or covered by policies in UK policing prior to its enactment, but the four listed above seem to have been affected the most.  

The effect on pre-trial procedures came in the form of the right to challenge the lawfulness of loss of liberty, resulting in police being more likely to have to disclose evidence at an earlier stage. The Human Rights Act affected custody procedures in that challenges could be made to persons detained unlawfully, as well as permitting the challenging of police who liberate an individual who goes on to commit a crime. Covert policing was mostly affected by the article governing right to privacy, in that operations were permitted provided they are “in the interests of public safety, prevention of crime or the protection or the rights and freedoms of other.” Lastly, the report mentioned emergency planning, which was affected in terms of the article that governs right to life. This would change how police plan for and handle situations that could possibly endanger lives of civilians, such as public demonstrations. Although these policies and procedures would have been changed to protect human rights in policing, claims were made that human rights, and the Act specifically, would restrict policing and make it ineffectual. An article published in the British Journal of Criminology, however, found this to be inaccurate, discovered no evidence that the act had a negative effect on policing and even reported that most officers found that the act “enabled and facilitated”

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99 Patten. “A New Beginning,” 19.
100 Ibid.
policing.\textsuperscript{102} The article also noted that police officers thought of the Human Rights Act 1998 as a mechanism for accountability, although most spoke of accountability for decision-making rather than accountability to the public. This accountability came in the form of being required to document everything, providing a mechanism whereby officers are reminded of the decisions they make to ensure compliance with human rights standards.\textsuperscript{103} The article noted that although the Human Rights Act 1998 structured procedures within the police, it did not necessarily inform police officers about human rights or make them more aware of human rights as a concept. It is for this reason that policies requiring human rights in training, individual assessment and the Code of Ethics are important. If this study were to simply list the procedures covered by regional or international human rights standards, it would not be able to assess the extent to which human rights have made an impact on the PSNI as a whole.

\textsuperscript{102} Ibid.
\textsuperscript{103} Ibid.
CHAPTER SIX
ANALYSIS OF HUMAN RIGHTS POLICIES

Eight areas of policing were identified to have been imbued with human rights sentiment since the PSNI was established in 2001. This group is a mixture of programs and policies (referred to in this chapter as policies/recommendations for the sake of clarity) however they were all gauged in the same way by considering the three main components from Chen’s model of program evaluation: input, transformation and output.¹⁰⁴ The extent of the success of these policies was to a certain extent based on a decrease in return of input necessitating transformation, as well as the PSNI’s ability to quickly transform the input into an output. In many of these, the transformation aspect was multifaceted, however examples of the function of the input-transformation-output process were provided in order to prove their functionality or identify weaknesses in the process. The areas isolated and analyzed in this research all began with initial input from the Patten Report. This was intentional, as the “policies” recommended by the Patten Commission are those that represent and embody the shift from a police force to a human rights-conscious police service. The exception to this is the Use of Force policy, which does not correlate to a

specific recommendation by the Patten Report but is governed by human rights standards, the Code of Ethics and has historical significance.

In the words of the Patten Report, "the fundamental purpose of policing should be... the protection and vindication of the human rights of all." The human rights violations by the police discussed in previous chapters made this especially true for policing in Northern Ireland and this sentiment was felt throughout the report, its transformation into the Policing (Northern Ireland) Act 2000 and its subsequent implementation. From the seven human rights recommendations made by the Patten Commission, three have been isolated to be analyzed in this section: recommendation 1, a comprehensive program of action; recommendation 2, a new oath to be taken by all police officers; and recommendation 3, a new Code of Ethics. Four of the other policies analyzed in this chapter, Covert Policing, Composition, Accountability and Training are all based on recommendations by the Patten Commission not included in its “Human Rights” chapter. The Use of Force policy, although not included in the Patten Report, was found to be both historically relevant and largely human rights-oriented, and so was included in this analysis as well.

6.1 Accountability

Police accountability to itself, its oversight organizations and the community is one of the most important and historically-relevant aspects of the PSNI. Many, if not most, of the

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human rights violations of the PSNI took place and went unchecked because of a lack of police accountability. The collusion, mistreatment of prisoners and improper use of lethal force that occurred during the Troubles may have occurred less or been avoided altogether if officers had been properly monitored and disciplined when necessary. The Patten Report made recommendations creating the two most important and influential organizations responsible for police accountability: a Policing Board and a Police Ombudsman. The acceptance of these two recommendations provided a method for the complete oversight of policing in all aspects, allowing for research, surveys and inquiries to take place outside of the PSNI itself.

“The Policing Board will, alongside the Ombudsman, have powers that are without precedent in the United Kingdom, in the Republic of Ireland, in Europe or America. It will determine objectives for the policing of Northern Ireland and it will issue the policing plan. It will be able to call for reports from the Chief Constable on matters connected with policing, including performance against the policing plan, and to initiate inquiries.”\(^{106}\)

These two bodies provide the “input” component of accountability as a program, as they are able to ensure the PSNI complies with human rights by calling for inquiries, making recommendations to policy change and holding the PSNI responsible for failure to properly uphold human rights. Different methods, such as accountability for covert policing operations and individual officer accountability will be discussed, however this section will focus on these two organizations, as well as the issue of transparency, in order to address accountability for human rights specifically. This is solidified by the

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inclusion of the Policing Board as “lead responsibility” in every one of the Patten Report’s human rights recommendations in the Updated Implementation Plan.\textsuperscript{107}

\textbf{6.1.1 The Policing Board}

The Northern Ireland Policing Board was established in 2001 in order to hold the PSNI accountable in all aspects of policing. The Policing Board is made up of 10 political members, all of whom are members of the Northern Ireland Assembly, and 9 independent members.\textsuperscript{108} The political members are appointed under the d’Hondt system, a system of highest average requiring the number of seats held by each party to be divided initially by one to find the average (the highest average gains one seat) and subsequently by the number of seats gained +1 until all seats are filled.\textsuperscript{109} Following the devolution of Policing and Justice in 2010, independent members of the Policing Board were appointed — ensuring community representativeness as far as is practicable — by the Justice Minister from a pool of applicants who have displayed “an ability to develop and maintain co-operative working relationships, contribute to and commit to decisions, display an aptitude for strategic and analytical thinking and high standards of accountability.”\textsuperscript{110}

\begin{footnotesize}
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\item \textsuperscript{107} “Updated Implementation Plan,” 1–4.
\item \textsuperscript{110} Ibid.
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In 2003 a framework document was published, committing the Policing Board to “an examination of human rights compliance in no less than twelve separate areas of the PSNI’s work.”\(^{111}\) The first Human Rights Annual Report, to monitor police compliance with the Human Rights Act 1998, was published in 2005 and has been published annually since. The 2005 report included a questionnaire, compiled by the Policing Board, containing questions regarding human rights in policing practice, the PSNI Code of Ethics, and other human rights-related concepts. The responses were then analyzed in order for the Policing Board to provide recommendations to the PSNI such as increased training in specific areas of human rights or clarification of human rights policy and practice.\(^{112}\)

The Policing Board also used the annual report as an opportunity to gain access to information that an internal organization would not be able to procure, such as details of covert operations. The ability of the Policing Board to access this information was a huge step for accountability, as historically there was little to no oversight of these sectors and many of them came under scrutiny due to allegations of misconduct during these operations.\(^{113}\)

In 2006 the Policing Board established a working group in conjunction with the PSNI to review the PSNI Code of Ethics and make amendments. Over a two year period, a series of reviews by both the Policing Board and the PSNI occurred, making additional

\(^{113}\) Amnesty International. “Political Killings,” 40.
amendments, creating explanatory notes and consulting external sources. In 2008, the Policing Board launched the new Code of Ethics which continues to govern PSNI practice and procedure.\textsuperscript{114} The Code of Ethics is examined in detail in section 6.4 of this chapter.

In 2009, the Policing Board published its first thematic review, led by the Human Rights and Professional Standards Committee alongside the Policing Board’s Human Rights Advisor. Between 2009 and 2014, the Policing Board published four annual thematic reports with a total of 73 recommendations, the majority of which have been implemented at least in part, reviewing specific areas of policing practice and response: domestic abuse; policing with and for children & young people; policing with and for LGBT individuals; and police powers to stop and search and question under the Terrorism Act 2000, chronologically.\textsuperscript{115} These thematic reports prove the adaptability of both the Policing Board and the PSNI and their commitment to a human rights agenda. With the support of the Policing Board’s input, the PSNI proved to be capable of transforming the input into effective human rights-oriented outputs enhancing the implementation of the accountability policy.

6.1.2 The Police Ombudsman


The Office of the Police Ombudsman of Northern Ireland (PONI) was established in November 2000, in order to address complaints about police officer conduct. The Ombudsman also has the authority to conduct investigations without an external complaint or referral, resulting in a report sent to the Secretary of State referred to as a Regulation 20 report. These reports contain recommendations for PSNI policy change. In the case of external complaints and allegations against the police, the PONI conducts an investigation which is then given to the Public Prosecution Service (PPS) with a recommendation as to whether or not the officer should face criminal charges. For instance, between 2003 and 2006, PONI sent 492 files to the PPS, 22 of which included recommendations to prosecute and 35 recommendations of PSNI formal disciplinary action. From these recommendations a total of 36 charges were brought.

The Ombudsman produced its first survey and report on public awareness of the complaints system in 2000, publishing reports annually thereafter. Between 2001 and 2014, the number of respondents who had heard of the PONI increased from 65% to 84%. However, the number of respondents who made a complaint after being treated

118 All PONI publications can be found on the website, [https://www.policeombudsman.org/About-Us/Publications](https://www.policeombudsman.org/About-Us/Publications).
in an unacceptable way by a police officer only increased by 4%, up to 21% in 2014 from 17% in 2001.\textsuperscript{120}

PONI began publishing an annual equality monitoring report in 2003, which provides recommendations to the PSNI on practices and procedure regarding citizens of different race, creed, age, marital status, sexuality, and ability. A report outlining appropriate police behavior in line with human rights standards, as well as statistics regarding complaints made by different demographics has been produced annually since 2003.

PONI introduced the Police Ombudsman’s Historical Investigations Directorate in 2010 in order to investigate allegations of deaths or serious criminality against the RUC during the Troubles. This allowed for the investigation of police misconduct in the past by an independent body, rather than the PSNI Historical Enquiries Team which had previously been responsible for historical cases. However, the Ombudsman produced reports regarding historical events prior to the directorate’s establishment, such as the PONI investigation into the Omagh Bombing of 1998.

The introduction of the Police Ombudsman is in line with the Patten Report’s recommendation for external accountability, and the progress PONI made between 2001 and 2014 to hold police officers and the PSNI accountable to human rights standards for all, falls in line with the Patten Commission’s vision for a police ombudsman. This organization and the Policing Board are pivotal examples of well-implemented programs, incorporating input from external sources, transforming this information into positive

\textsuperscript{120} Ibid.
change, and producing results that move the entire system of the PSNI forward. The effectiveness of these systems can be judged by the constancy of appraisal of the PSNI, effect on change and policy, and public approval. The full effectiveness and function of both of these ensure the implementation of most if not all of the human rights-oriented policies in the PSNI as they are responsible for input as well as monitoring output.

6.2 Programme of Action

The Patten Report's first human rights recommendation was the creation of a "comprehensive programme of action to focus policing in Northern Ireland on a human rights-based approach."[121] Although this recommendation did not address a specific issue faced in the past, its addition to the new police force represents an ongoing devotion to human rights in the PSNI that was arguably absent in its predecessor. With the input of the Policing Board and local human rights organizations, the PSNI was able to make changes to its policies with regard to human rights, producing "outputs" to be reviewed by the Policing Board. This process has been functioning since 2004, proving it to be well-implemented.

The Updated Implementation Plan — a government report published in 2001 acknowledging the Patten Report's recommendations and setting implementation timelines where necessary — considered this recommendation "accepted," ensuring its development and implementation, with input from a wide range of bodies and continued

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consultation following its publication.\textsuperscript{122} The timeline set the program's publication date at January 2002, a goal that was met in the form of a consultation paper and draft Programme of Action published by the PSNI. This document, according to the Policing Board's Human Rights Annual Report 2005, was comprehensive and addressed not only the human rights recommendations by the Patten Report but also a number of others including recommendation 37 which addressed transparency and 44 which addressed community policing.\textsuperscript{123}

The draft was then followed by the PSNI Programme of Action in 2004, which was separated into seven sections: basic values, staff, training, management practice, operational policing, structure and accountability. Each section laid out goals and initiatives to be implemented in the future, many of which were in line with or responses to Patten Report recommendations. For example, of the 20 “projects” laid out in the first section “Basic Values,” nine aim to fulfill Patten Report recommendations while the other eleven address additional human rights-related projects such as the auditing of policies for human rights compliance, organizing a human rights conference, developing a human rights questionnaire to assess the adoption of human rights values within the police, and proper monitoring and development of an equality scheme.\textsuperscript{124} Following 2004, subsequent Programmes of Action list PSNI implemented and outstanding

\textsuperscript{122} “Updated Implementation Plan,” 1.
\textsuperscript{123} NIPB, “Human Rights Annual Report 2005,” 22
recommendations made by the Human Rights Advisors to the Policing Board in previous years, outlining timelines for responses and describing plans for full implementation.\textsuperscript{125}

The Policing Board acknowledged the 2004 Programme of Action to be "well beyond those adopted by most other police services/forces in England, Scotland and Wales, and probably go well beyond any policing initiatives in Europe."\textsuperscript{126} The board then recommended that the PSNI publish an annual report in order to comply with the Human Rights Act, a recommendation that was accepted by the PSNI and implemented in the form of the Human Rights Programme of Action 2005-2006 in December 2005 consisting of a timeline of implementation of the Human Rights Annual Report 2005 recommendations. Although the Policing Board Human Rights Annual Report 2006 made the recommendation that the PSNI publish its Programme of Action within three months of their report, the organization declared its satisfaction that the first Patten Report recommendation had been fully implemented through the satisfying of the Policing Board's first and second recommendations in the 2005 annual report.\textsuperscript{127}

The satisfaction with the PSNI's implementation of the Patten Report's first human rights recommendation continued with 2008, 2009 and 2010.\textsuperscript{128} 2011's Policing Board report continued the trend of admiration for the PSNI's compliance, supplemented by the granting of unrestricted access for the Policing Board's human rights advisor to a PSNI

\textsuperscript{125} Programmes of Action from 2006 to present can be found on the PSNI website at https://www.psnipolice.uk/inside-psni/our-policies-and-procedures/human-rights/.
\textsuperscript{126} NIPB. "Human Rights Annual Report 2005." 23.
\textsuperscript{128} Reports from 2008 on can be found on the NIPB website, https://www.nipolicingboard.org.uk/annual-reports-0.
computer system that includes updates against recommendations by multiple organizations.\textsuperscript{129} 2012-2014 produced reports that continued to be positive regarding the PSNI's compliance with the Policing Board and its requirements with regard to Patten recommendation 1. Given the Policing Board's satisfaction with the PSNI's publications, the policy of an annual Programme of Action can be considered fully implemented so long as this trend continues.

6.3 A New Oath

The second human rights recommendation made by the Patten Commission was the addition of a new oath, taken by new and existing police officers, to uphold human rights. This policy recommendation is similar to the first, as it does not address a specific RUC issue but rather represents a move toward a more human rights-oriented policing style.

The commission suggested the text of the oath be:

"I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, and that in doing I will act with fairness, integrity, diligence and impartiality, uphold fundamental human rights and accord equal respect to all individuals and to their traditions and beliefs."\textsuperscript{130}

The suggestion of a new oath was taken into account and incorporated into the Police (Northern Ireland) Act 2000 (Police Act), however was considered only "partly accepted" by the 2001 Updated Implementation Plan. The Updated Implementation Plan details that only new recruits will be required to take the oath, as existing member of the police force


\textsuperscript{130} Patten et al. "A New Beginning," 4:7.
could not be required to take the new oath.\textsuperscript{131} The report however states that the Police Act does require the Chief Constable to make incumbent officers aware of the new oath and how it affects the duties of members of the new police service. This divergence was a cause for concern to Amnesty International, which published a response to the Police (Northern Ireland) Bill stating its disapproval regarding this, as well as the draft text of the oath which omitted the section regarding respect for all traditions and beliefs.\textsuperscript{132} The second of these concerns was assuaged by the finalized legislation, however, as the phrase in question was added to the oath. The text of the oath, mandated by the Police Act, is as follows.

\textit{"I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all individuals and their traditions and beliefs; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof according to law."}\textsuperscript{133}

The oath has been in practice since the Police Act was passed and although the doubts of organizations such as Amnesty International regarding former RUC officers taking the oath has not been addressed, the policy of a new human rights-focused oath can be considered implemented by the PSNI.\textsuperscript{134}

6.4 Code of Ethics

\textsuperscript{131} "Updated Implementation Plan," 1.
\textsuperscript{134} Amnesty International. “Policing in Northern Ireland: A New Beginning,” 2.
The Patten Report's third human rights recommendation was the drafting of a new Code of Ethics to replace the "largely procedural" code of the RUC, in order to focus the text toward human rights and incorporate the European Convention on Human Rights (ECHR) into the new police practice.\textsuperscript{135} As with the previous two policies, this recommendation is more of an effort to secure a positive future for the PSNI than to correct or prevent specific incidents that occurred during the time of the RUC. This policy received a great deal of input, which was effectively transformed into an output that has been considered acceptable since its original establishment. In line with the previous policies, this has set a clear precedent and the process is open for future input.

The Updated Implementation Plan marked this recommendation as accepted and tasked the Chief Constable with the drafting of the document, advised by the Policing Board, Human Rights Commission, Police Ombudsman, Secretary of State, Police Association and the Equality Commission.\textsuperscript{136} The report also stated the Chief Constable's responsibility for ensuring all police officers are familiar with the Code and that individual records of steps made toward this understanding are kept.

\textbf{6.4.1 Code of Ethics 2003}

The Code of Ethics was introduced to the PSNI in March 2003 containing information regarding conduct of PSNI officers both on duty and off regardless of rank, a breach of which by any police officer would lead to disciplinary action. The Preamble states that the Code of Ethics intends to "lay down standards of conduct and practice for police

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\textsuperscript{135} Patten et al. "A New Beginning," 4:8.
\textsuperscript{136} "Updated Implementation Plan," 2.
officers,” and make sure officers are aware of “the rights and obligations arising out of the European Convention on Human Rights,” as well as the Human Rights Act 1998. It is made clear in the preamble that the Code should be adhered to in all police interactions, be them between officers and the public, officers and other criminal justice professionals, officers and the organization or officers and their colleagues. The statutory authority for the Code comes from numerous sources including the Police (Northern Ireland) Act 2000, the ECHR, the United Nations Code of Conduct for Law Enforcement Officials, the European Police Code of Ethics, and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Human rights are also mentioned in six of ten articles that make up the Code, with the exception of Article 2 and 7-10. This is not to say, however, that each section of each article does not abide by international human rights norms; the entirety of the Code of Ethics is based on and compliant with international standards for human rights. The articles that do mention human rights either do so explicitly, or refer to a human rights treaty such as the European Convention on Human Rights.

Article 1, Professional Duty, mentions human rights in three sections. Section 1.1 states the duty of police officers and reminds them to “protect and uphold the human rights of all persons as enshrined in the European Convention on Human rights and other relevant international instruments.” Section 1.3 restates the PSNI Oath, which promises to uphold fundamental human rights, respect all individuals’ beliefs and traditions, and discharge

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138 PSNI. “Code of Ethics 2003,” (f)
police duties with fairness, integrity, diligence and impartiality. Section 1.4 states that police officers must not subject a person to torture, or cruel, inhuman or degrading treatment. “No circumstances whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.” Not only does this section clearly protect the rights of individuals who come into contact with police officers, but it is also cited to be sourced from the ECHR, among others.\textsuperscript{139} As previously stated, Article 2, Police Investigations, does not explicitly mention human rights, however it does reference a number of international documents that are in line with human rights standards including the European Code of Police Ethics and the United Nations Code of Conduct for Law Enforcement Officials.\textsuperscript{140}

Article 3, Privacy and Confidentiality, mentions human rights in its first section, which governs acquiring and handling information. “Police officers shall gather, retain and use information only in accordance with Article 8 of the European Convention on Human Rights. All other laws and instructions of the Chief Constable must be applied in a manner that is consistent with Article 8.”\textsuperscript{141} Article 4, Use of Force, doesn’t mention human rights explicitly, however two of its sections (4.2 and 4.4) are sourced from the European Court of Human Rights, and the remaining four are sourced from United Nations documents. Section 4.2 states that when planning operations where the use of force is a possibility, police officers must plan to minimize recourse to force, especially potentially lethal force. Section 4.4 states that the discharge of a firearm must only occur

\begin{footnotes}
\item\textsuperscript{139} PSNI. “Code of Ethics 2003,” 1:1,3,4.
\item\textsuperscript{140} PSNI. “Code of Ethics 2003,” 2:3.
\item\textsuperscript{141} PSNI. “Code of Ethics 2003,” 3:1.
\end{footnotes}
when absolutely necessary, for instance in order to save a life or prevent serious injury. Both of these address specific international human rights standards, although human rights are not explicitly mentioned.  

Article 5, Detained Persons, mentions human rights in the section 5.1, which covers arrest and detainment generally. “Police officers shall ensure that all detained persons for whom they have responsibility are treated in a humane manner and with respect for the inherent dignity of the human person. Arrest and detention shall only be carried out in accordance with the provisions of Article 3, 5 and 6 of the European Convention on Human Rights, relevant legislation and associated Codes of Practice.”

Article 6, Equality, does not mention human rights explicitly but does reference the ECHR in section 6.2 which governs discrimination. Articles 7-10 (Integrity, Property, Fitness for Duty, and Duty of Supervisors) do not mention human rights, however all are written in the spirit of, and in adherence to, them.

6.4.2 Policing Board Recommendations

Many of the policies that will be examined later in this chapter will have been judged against this code by the Policing Board, especially concerning training, the use of force and emergency powers. In 2005, the Policing Board recommended that the PSNI carefully review results of the human rights questionnaire concerning discrimination in the Code of Ethics in order to judge whether revision or clarification of the Code was

necessary.\textsuperscript{144} This recommendation was accepted by the PSNI in its 2005-2006 Programme of Action, to be completed by 2007.

The publication and adoption of the Code into the PSNI was a step in the right direction for the new police service, however full implementation of the policy recommendation requires function as well as adoption. The Code is inadequate without proper implementation, which relies on police awareness of the Code and its relevance to practice, proper oversight and accountability, and adaptability.\textsuperscript{145} In the Human Rights Annual report 2005, the Policing Board found a number of these aspects to be lacking with regard to the enforcement of the Code of Ethics. For example, in a questionnaire created by the Policing Board for PSNI officers it was found that although officers were aware of the Code and its purpose, they were unable to provide details. "The Code of Ethics was viewed as a set of 'common sense' rules but few officers could specify the exact contents. Higher-ranking officers were more familiar with the content. All officers were aware that breaches of the Code would result in disciplinary action."\textsuperscript{146} The additional recommendations made by the Policing Board in 2005 with regard to the Code of Ethics were twofold: first, that the PSNI provide evidence of the effectiveness of the Code as well as a plan of action for ensuring all police officers had explicit knowledge of the Code; and second that the PSNI consider including a test of individual knowledge of

\textsuperscript{144} Ibid.
the Code as part of performance reviews. All three of these recommendations were implemented in full over the next two years.

Between the years of 2005 and 2014, 13 recommendations were made by the Policing Board by way of Annual Human Rights reports, 10 of which were fully implemented, one of which was discharged, one of which is in process and one of which is TBD (published in 2014).

6.4.3 Code of Ethics 2008

A new Code of Ethics was drafted and published in 2008 and following its publication steps were taken annually to ensure continued awareness and understanding of its nuances by all officers. In 2009 a recommendation was implemented in full that prompted all policy makers and reviewers to declare consideration of the Code within the audit process, ensuring no new policies are adopted which are not consistent with the Code. Complaints and responses regarding officer breaches of conduct will be considered in a later section, however it is important to remember that although the existence of the Code of Ethics fulfills the recommendation of the Patten Report, it is not implemented fully or effectively without consistent efforts to spread awareness of, and complicity with, the Code throughout the PSNI. For this purpose the policy can be considered to be fully implemented, however future failures to incorporate the Code into all aspects of the PSNI could negate this.

In relation to other police forces, specifically that of England and Wales, the PSNI’s Code of Ethics was unprecedented. Until 2014, there was no single document encompassing the ethical or human rights-related implications of policing in England and Wales; ethical principles were addressed across a “confusing number of sources,” according to the United Kingdom Police Foundation.\(^{148}\) The PSNI Code of Ethics was used, along with codes from police jurisdictions such as Canada, Scotland, New Zealand and Australia, during the drafting of the UK Code,\(^{149}\) which is similar to the PSNI Code in that it outlines specific standards and practices to be followed when carrying out policing duties.\(^{150}\)

### 6.5 Training

At the time of the Patten Report's writing, only 2 in 700 police officer training sessions were dedicated to human rights.\(^{151}\) The Patten Commission's third human rights recommendation was that "all police officers, and police civilians, should be trained (and updated as required) in the fundamental principles and standards of human rights and the practical implications for policing... we recommend the human rights dimension should be integrated into every module of police training."\(^{152}\) This recommendation was accepted according to the Updated Implementation Plan, with a draft strategy for training

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\(^{151}\) Patten et al. "A New Beginning." 19.

and education to be composed and available for review by the Policing Board in 2001, and legislative provision in section 26 of the Police Act. The draft would be composed with the input of over 50 different political, religious, economic, educational and social interest organizations. 153

Between 2001 and the publication of the Policing Board Human Rights Annual Report 2005, the PSNI made a significant effort to fulfill this recommendation. A two-day seminar for PSNI training staff covered the Human Rights Act 1998 and discussed how human rights relate to law and policing. The same year a one day human rights training course was attended by all police officers, in addition to student officers and part time reserve officers. 154 The PSNI also conducted a "Course for All," attended by all police officers to familiarize them with human rights in policing in order to satisfy the Patten Report's recommendation. However, a report of this course conducted by the Northern Ireland Human Rights Commission (NIHRC) brought forward a number of concerns, specifically that the course did not address the PSNI Code of Ethics or the European Convention on Human Rights in enough depth. The Policing Board also voiced concern that a refresher for this course was not addressed, nor were any other human rights-specific courses added to PSNI training. 155 In 2005, the Policing Board made 10 recommendations with regard to police training and human rights. Three of these referred to specific police procedure (positional asphyxia, firearm training and use of force), two referred to an external evaluation of human rights in PSNI training, two referred to the

153 "Updated Implementation Plan," 3.
introduction of a bi-annual audit of training materials to ensure their compliance with human rights standards, and three referred to the monitoring and evaluation of the effectiveness of human rights training.

Between 2005 and 2014, the Policing Board made 48 recommendations to the PSNI regarding human rights in PSNI training, the number per year decreasing dramatically from 10 and 11 in 2005 and 2006 respectively to 1 in 2014. Many of these recommendations were only partly implemented for a period of two or more years, due to the nature of the recommendations or the lack of resources for the PSNI to fully implement them. There were many changes in policy between 2001 and 2014 regarding human rights in training and a number of notable, historically relevant or controversial ones have been collected in order to prove implementation for the purpose of this research.

- In 2006, the Policing Board considered the this goal partly implemented, as the human rights aspect was incorporated into firearms training but trainers did not possess the equipment or ability to assess its effect on officers.\(^\text{156}\) The recommendation was implemented fully according to the Policing Board in 2007, with the addition of a two-part refresher training course, a firearms simulator where officers respond to real-life scenarios using laser firearms, and a subsequent debrief.\(^\text{157}\) Between 2006 and 2012, the number of Police Ombudsman “Regulation 20” reports concerning claims of inappropriate discharge of a firearm dropped from 8 to 1.

- Internal human rights training courses for trainers were introduced in 2007
- A team tasked with internal evaluation of human rights training was established in 2007\(^\text{158}\)
- Officer human rights refresher training courses were fully functional by 2008.\(^\text{159}\)

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• A Human Rights Training Adviser appointed in 2006 (position vacant 2007-2009).\textsuperscript{160}
• Workshops put in place in 2011 to train officers on the 2008 Code of Ethics.\textsuperscript{161}
• A Training Strategy Steering Group was established in 2007 to "monitor the status of implementation of training recommendations made to the PSNI by a number of oversight bodies, including the recommendations contained in the Policing Board’s Human Rights Annual Reports."\textsuperscript{162}

By 2014, the Policing Board had only one recommendation for the PSNI as far as human rights in training. The measures taken by the PSNI to ensure complicity with human rights standards in training of officers, trainers and civilians, as well as the Policing Board’s commendation of and decreased number of recommendations for the PSNI proves a high level of implementation of this recommendation. This, of course, is dependent on the implementation of future recommendations by the Policing Board and NIHRC.

\section*{6.6 Composition}

At the time of the Patten Report, the number of Roman Catholic citizens in Northern Ireland was 40\% of the total population of Northern Ireland, however the RUC consisted of a mere 8\% of Roman Catholic officers. The Patten Report recommendation for the rectifying of this imbalance was that “the Northern Ireland Civil Service management should facilitate transfers of civilian members of the police service to other Northern Ireland departments and should cooperate with the Policing Board and the Chief

\begin{itemize}
\item \textsuperscript{159} NIPB. “Human Rights Annual Report 2008.” 23.
\item \textsuperscript{161} NIPB. "Human Rights Annual Report 2011," 15.
\item \textsuperscript{162} NIPB. "Human Rights Annual Report 2008," 32.
\end{itemize}
Constable in achieving a balanced and representative civilian workforce.”\textsuperscript{163} The Patten Commission stated the importance of having a proportional police service, not so that officers of a certain demographic could police citizens of the same demographic, but because a functional police service should be representative in order to be effective and efficient, not just fair.\textsuperscript{164} The recruitment model proposed by the Patten Commission consisted of a 50:50 recruitment profile, which the commission predicted would quadruple the number of Catholics in the force to 29-33\% in a period of ten years, with a target of 30\% Roman Catholic police officers.\textsuperscript{165} The recommendation for this change is a direct attempt to repair the historical failings of the RUC to be an organization that represented as well as protected the community as a whole.

The commission’s recommendation was accepted in part, and sections 44 and 46 of the Police Act provide for the appointment of an equal number of Catholics and non-Catholics where a competition for police support staff is for 6 or more posts at the same level, provided they all qualify on merit. This was introduced following the enactment of the Police Act, and a program to enhance integration was developed by September of 2001.\textsuperscript{166} The 50:50 recruitment scheme was in place until 2011, when Northern Ireland Secretary Owen Paterson ended the policy, as the PSNI had met its goal of a 30\% Roman Catholic police service.\textsuperscript{167} In August 2014, Protestant represented 67.1\% of the police

\begin{footnotes}
\item[163] Patten et al. “A New Beginning,” 14:16.
\item[164] Patten et al. “A New Beginning,” 81.
\item[166] “Updated Implementation Plan,” 45.
\end{footnotes}
officers and 70.9% of the total PSNI staff, while Catholics represented 30.7% of police
officers and 26.7% total staff (2.1% and 2.3% respectively being undetermined).
Although this meets the Patten Report’s goal of 30%, it is not quite representative of the
community as a whole, where Protestants make up 48.4% and Catholics 45.1%.168
Interestingly, this is indirectly proportional to the trend of higher-ranking members of the
PSNI: the percentage of positions of Superintendent and Chief Superintendent held by
Catholics was higher than that of regular officers in 2001, but by 2014 the percentage had
dropped significantly. According to the PSNI, this is due to the decrease in overall size of
the force.169
The number of female members of the PSNI has also increased, from 12% overall in
2001 to 27% overall in 2014, mirrored by an increase in female representation in higher
ranks between the same years.170 The Patten Report did not make any specific
recommendations for resolving the inequality of women police officers, citing an
international trend of unrepresentative police forces with regard to gender as well as the
difficulty in creating a feasible model to right this wrong.

The Patten Report addresses the issue of the underrepresentation of ethnic minorities in
the RUC, noting that at the time there was little interest among minority communities
(specifically the Chinese community) in joining the police in Northern Ireland. At the
time of the Patten Report’s publication, less than 1% of the population of Northern

168 PSNI. “The Workforce Plan — Equality Impact Assessment.” Police Service of Northern Ireland,
170 Ibid.
Ireland were of an ethnic minority background. The report suggests an effort be made to include ethnic minorities in the police force, but does not give target figures or set out specific recommendations for how this would be best achieved.\textsuperscript{171} By December 2013, very little had changed with regard to ethnic minorities in the PSNI. 0.54% of all PSNI officers were from a black or minority background, according to a BBC article published in 2013, and in 2011 only 4 out of 7,782 members of the PSNI were of Asian descent (in comparison to a total population of 12,000 residents of Northern Ireland of Asian descent).\textsuperscript{172} If a police force must be representative of its community in order to properly function, then the PSNI cannot be considered fully functional with regard to the representation of ethnic minorities in its ranks. Although the percentage of Roman Catholic officers has increased dramatically since the establishment of the PSNI due to the Patten Report’s recommendation for better representation for the two majority communities, total community representation has not been reached.

Despite a decrease in overall numbers in the PSNI, the police service reached the target goal of 30\% Roman Catholic as well as increased the number of women significantly between 2001 and 2014. The recommendation by the Patten Report was effectively implemented despite an overall decrease in police staff, reduction of funding and a global recession, however to be fully representative of the community the percentage of Catholic police officers must continue to rise and the number of ethnic minorities in the PSNI must begin to increase.

\textsuperscript{171} Patten et al. “A New Beginning.” 82.
### 6.7 Covert Policing

During the Troubles, covert operations within the RUC took place with little to no oversight or accountability. The RUC Special Branch, the organization in charge of all intelligence operations, came under intense scrutiny due to allegations of a “shoot-to-kill” policy as well as intentional withholding of information from internal investigators. John Stalker, the head of an investigation into these incidents, noted the lack of oversight of the Special Branch: “I have never experienced, nor had any of my team, such an influence over the entire police force by one small section.”

The Patten Report produced three recommendations with regard to covert policing in order to prevent a force within the PSNI from having the type of unchecked authority that the Special Branch exhibited. First, the Patten Commission recommended legislation requiring covert law enforcement techniques and agencies to be fully compliant with the European Convention on Human Rights. Second, it recommended that there should be a commissioner for covert law enforcement in Northern Ireland, to provide comprehensive and independent scrutiny of such a sensitive area of policing. Lastly, it recommended that there should be a separate complaints tribunal for covert operations, with full powers to investigate cases referred to it. These recommendations were accepted and implemented: The Regulation of Investigatory Powers Act 2000 encompasses regulation of covert operations, is compliant with the European Convention on Human Rights, and provides for a commissioner and complaints tribunal. A Surveillance Commissioner was

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appointed to have oversight responsibility for police in Northern Ireland. A Complaints Tribunal was appointed to consider complaints of police misconduct during investigations, as well as judge proportionality and necessity.\textsuperscript{175}

An important step toward increased accountability for intelligence operations was the PSNI willingness to share the reports of the Chief Surveillance Commissioner as well as responses by the PSNI, with the Policing Board for review. This, in addition to the adoption of a manual for the management of intelligence sources, procedure for dissemination of intelligence to serious crime investigators, and handling sensitive information were lauded by the Policing Board in 2005 as processes that would result in greater compliance with the Human Rights Act 1998.\textsuperscript{176}

In its Human Rights Programme of Action 2006-2007, the PSNI drafted a framework alongside the Policing Board to oversee the transfer of national security intelligence work to Security Services, in order to ensure the PSNI’s compliance with the Human Rights Act 1998. The Policing Board considered this to be a significant accomplishment and visible commitment to human rights within intelligence work. “We welcome the PSNI’s initiative in drafting the five principles set out above and in ensuring that they form part of the framework for the transfer of responsibility for national security intelligence work in Northern Ireland from the PSNI to the Security Services. The significance of this cannot be overstated.”\textsuperscript{177}

\textsuperscript{175} “Updated Implementation Plan,” 16.
\textsuperscript{176} NIPB. “Human Rights Annual Report 2005,” 15-16.
\textsuperscript{177} NIPB. “Human Rights Annual Report 2007,” 183.
2007 also saw improvement with regard to historical matters in covert policing. A Police Ombudsman report examining allegations of collusion between the RUC and paramilitary organizations in the early 1990s was published with 17 recommendations for the PSNI to implement under the supervision of the Policing Board.\textsuperscript{178} Thirteen of these recommendations were implemented in full by 2010, and a special committee was formed to oversee the “Operation Stafford” investigation to ensure its compliance with the European Convention on Human Rights by the Policing Board.\textsuperscript{179}

In 2013, the Policing Board was informed by the PSNI of an intent to acquire Unmanned Aerial Systems (UAS) in order to provide overt police support. The Policing Board granted permission to purchase UAS, however if they were to be used for covert missions, the PSNI must acquire Regulation of Investigatory Powers Act authorization due to the controversy surrounding privacy rights.\textsuperscript{180} A post-implementation review of the details surround the use of UAS in surveillance and intelligence missions was established in 2014 with the goal of being published by 2015.\textsuperscript{181}

As has been proven in this examination, the implementation of the policy for human rights in covert policing involves a functional process of input, transformation and output. The number of recommendations from the Policing Board Human Rights Annual Reports

\textsuperscript{178} Ibid.
\textsuperscript{179} NIPB. “Human Rights Annual Report 2010,” 70
dropped from nine in 2005 to zero in 2014, with only one recommendation outstanding. The organizations involved in oversight and advice for the PSNI’s covert operations provide annual reviews and recommendations on human rights in PSNI intelligence operations and policies, and monitor the implementation of these policies.

6.8 Use of Force

The Patten Report did not make a specific recommendation regarding the incorporation of human rights into policies governing the use of force in policing. The General Order on Human Rights and Police Use of Force, enacted in 2001, governs police procedure and requires that police officers should, if possible, use non-violent means before resorting to the use of force.\(^{182}\) In 2001, a mandate requiring all instances of discharge of firearms and plastic baton rounds to be automatically referred to the Police Ombudsman for investigation was enacted, in addition to the typical complaints filed to the PONI. In March 2003, the use of force policy was further regulated by the Code of Ethics, including a provision requiring police to attempt non-violent methods, exercise restraint, act in a proportionate manner, minimize danger and injury, report any incident involving use of force or firearms immediately, and secure medical aid for any injured person.\(^{183}\) The policy also includes that following an instance of lethal or potentially lethal force used by a police officer, there must be a test of necessity as set out by the European Convention on Human Rights. In 2005, the policy refers to 8 articles from the European Convention on Human Rights, and was considered by the Policing Board to be a “model


\(^{183}\) Ibid.
of its kind, which is rightly used as a core document in PSNI training material on the use of force.”

In 2007, following a process of drafting and review by the Policing Board, the PSNI released a Policy Directive on Public Order and Police Use of Force which summarizes the laws surrounding use of force and provides a practical guide for officers. The PSNI human rights legal advisor also reviewed and recommended amendments to the directive in order to ensure its compliance with human rights standards as well as the PSNI Code of Ethics.

The Policing Board’s 2008 report recommended that the PSNI regularly provide the board with statistics on all categories of use of force. Since the recommendation, the PSNI has published bi-annual reports containing statistics from 2008 onward, detailing the number of incidents of use of force per month (Appendix A). There is a general downward trend of use of force between April 2008 (when the PSNI began collecting statistics as per Policing Board recommendation), with the exception of TASER incidents, which began at 8 between April 2008 and April 2009 and have increased to 14 in 2014, peaking at 20 in 2013. The remaining categories of “use of force” — plastic bullets, police batons, CS spray (tear gas), firearms, police dogs and water cannons — have seen a general decline in use since April 2008.

6.9 Public Perceptions

Public opinions are an important mechanism through which police are able to gauge progress and effectiveness of policies and procedures. If policing is looked at as a “customer service,” then it follows logically that the perception of the “customer” with regard to policies, procedures and practice, is just as important as the perception of the police or the reality of the practice. For example, the removal of armored vehicles and other military-grade equipment from common use in the PSNI was enacted partly in order to make citizens feel that Northern Ireland was transitioning from a time of conflict to a time of peace. However, if the public perception of this removal happened to be that the police were abandoning the citizens, creating a feeling of tension and unease in civil society, then the policy will have failed. Although the perceptions examined in this section are not as specific as that hypothetical example, the theory still applies. Sometimes the perception of a policy is radically different from the reality or purpose of a policy, and it is important for police to take into account public opinion and make changes accordingly in order to achieve the desired goals.

6.9.1 Perceptions of the Policing Board

The effectiveness of PSNI accountability must also be judged with regard to public perceptions, as the PSNI is accountable not only to the Policing Board and PONI, but also to the public. The Policing Board publishes an annual Omnibus Survey, updated every few months, that collates public responses to questions regarding the PSNI and the work of the policing board. As the Policing Board and PSNI work together to create a fair

and respected policing system, it follows that public responses should also be more positive. All of the questions have not been consistent over time, however a number of them are identical or very similar and so responses can be effectively monitored over time. Four of these areas of inquiry were identified to be relevant to the effectiveness of the Policing Board and consistent between 2005 and 2014: knowledge of the board, how well the board is working, whether the board helps the PSNI, and understanding the role of the board (Appendix C and D).\textsuperscript{188} The results are discussed below.

*Have you heard of the Northern Ireland Policing Board?* In April 2005, 82\% of respondents had heard of the Policing Board. This number rose a mere two percentage points to 84\% of respondents in 2014. This seems a fairly small increase in the span of nine years, however neither number is unsatisfactory. The small increase in percentage points over this period of time could be attributed to the already high number (82\%) in 2005. At this point in time, the Policing Board had only been active for a few years but had been making significant changes with the PSNI since the establishment of both. One could suggest that a high percentage of respondents were aware of the Policing Board in 2005 because of this activity, because of the high-profile nature of policing and accountability following the peace process, or because the first Human Rights Annual Report by the Policing Board was published the same year.

What do you think is the primary role of the Policing Board? Participants were given five options for answers to this question: (a) To actively direct police operations, (b) To oversee policing and hold the Chief Constable and the PSNI publicly to account, (c) To tell the Chief Constable what to do, (d) Other, (e) Don’t know/refusal. 77% of the respondents in April 2005 responded correctly (answer b), dropping to 76% of respondents in 2014. It is important to keep these answers in mind for the following question, as perception of role affects perception of effectiveness. This relationship will be discussed further below. It is not made clear whether or not respondents who answered this question incorrectly were corrected or were given the correct answer before answering questions about the effectiveness of the Policing Board.

Do you think that the Policing Board helps ensure the PSNI do a good job? In April 2005, 64% of respondents responded yes to this question. This number made a significant jump over the nine years, with 72% of respondents answering yes in 2014. This question is arguably the most important of the four as far as public perception, as this is the main purpose of the Policing Board. It is also important, as was discussed in the previous question, because respondents who believe the role of the Policing Board to be something other than its actual role will affect whether or not those respondents believe the Policing Board to be effective. The role of the Policing Board is not to actively direct police operations, and so it may be that respondents who chose answer (a) for that question would have the perception that the Policing Board is not working effectively.
Overall, how well do you think the Policing Board is working? 75% of respondents in April 2005 answered “adequately,” “well,” or “very well.” This number dropped to 74% of respondents in 2014 who answered “adequately” or better. This response is similarly affected by perceptions of the role of the Policing Board, as respondents who were unsure or incorrect about the board’s role would not be able to accurately judge how well the board is conducting its job.

The Omnibus Survey does not include an analysis of the data, nor does it provide speculation as to the reason for significant increases or decreases in public responses. The results for 2005 were not reported by demographic, however the 2014 survey provides the percentage of Catholics and Protestants. In all four of the questions discussed above, the percentage of Catholics and Protestants to answer positively was extremely close — the biggest difference being on the question “have you heard of the Policing Board?” where 81% of Catholics and 90% of Protestants responded yes. This difference is worth mentioning considering the historical disparity between Catholics and Protestants regarding confidence in police, and it is also worth noting that in more than one of these questions, the Catholic percentage was higher than the Protestant. By 2014, around ¾ or more of respondents answered positively to questions regarding the Policing Board’s function. Although there is no pre-PSNI number to compare this to, ¾ of the public’s confidence — not to mention the confidence of the Catholic community — in a little over a decade is a commendable achievement.

6.9.2 Perceptions of the Police Ombudsman
Northern Ireland Statistics and Research Agency (NISRA) conducts an annual and independent survey regarding public awareness and perceptions of the PONI. The survey includes questions about public awareness of independence and impartiality of the Police Ombudsman, complaints procedure, and the effect of the Ombudsman on policing. Although this survey has been taking place since the Ombudsman’s establishment, 2005 will be used as the earliest year in order to maintain continuity with the other sections. In addition to community background, these surveys also include a breakdown of statistics according to gender and age, however this discussion will only include community background data for the sake of continuity. Four areas of inquiry were identified in this survey as being relevant to this research: level of awareness of PONI, level of confidence that PONI deals with complaints impartially, perception of fair treatment when making a complaint, and belief that PONI will help ensure the PSNI does a good job (Appendices E and F). The results are discussed below.

Level of awareness of the Police Ombudsman for Northern Ireland: 86% of respondents in 2005 were aware of the Ombudsman, compared to 84% in 2014. The disparity between Protestant and Catholic percentages was relatively insignificant, 88% and 83%.

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respectively in 2005 and around the same in 2014. These relatively high numbers are unsurprising, as the Police Ombudsman relies on public input to effectively do its job.

Level of confidence that the Police Ombudsman deals with complaints in an impartial way: Respondents were given the choices of (a) very confident, (b) fairly confident, (c) not very confident, (d) not at all confident, or (e) don’t know/refusal. In 2005, 78% of respondents were fairly/very confident of the impartiality of the Police Ombudsman, with 81% of Catholics and 74% of Protestants voicing this opinion. The number dropped to 75% in 2014, with the majority of both communities responding positively in an equal manner — approximately 75-80% of both Catholics and Protestants responded “fairly” or “very” confident. The similarity in numbers between communities is very significant, given the history of low confidence in police from the Catholic community.

Perception of fair treatment when making a complaint: 83% (82% of Catholics, 86% of Protestants) of respondents in 2005 believed they would receive fair treatment while making a complaint to the Ombudsman. In 2014, the number of positive responses rose to 84%, with equal percentages of Catholics and Protestants responding positively. The overall proportion, according to the 2014 report, has been “consistently high” since 2002, proving the ability of the Ombudsman to maintain the public’s confidence.

Belief that the Police Ombudsman will help ensure that the police do a good job: In 2005, 78% of respondents (81% Catholics, 77% Protestants) responded positively, compared to 81% in 2014 (community background percentages remained similar to those produced in

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190 Community background numbers are approximate for 2014 due to the nature of data presentation. Exact numbers are not provided.
2005). These numbers are higher than those relating to the Policing Board’s ability to ensure the PSNI does a good job (64% in 2005, 72% in 2014), and this could be attributed to the Ombudsman’s role within the community. Because the Ombudsman takes care of complaints coming directly from the community, whereas the Policing Board’s job is to hold the PSNI publicly accountable, civilian contact with the Ombudsman is more concrete and therefore could be perceived as more productive or as having more of an effect on police. Respondents who answered positively were asked how the office would help the police do a good job, and in both years the majority of the respondents felt that the police would treat all communities more impartially due to the Ombudsman’s influence. The next most common response for both years was that the police would “give less cause for complaint,” and the third most common was that police would “investigate crime better.”

Public perception of the Ombudsman is important, as the PONI provides the most direct way for the public to hold police accountable. If the public is confident in the ability of the PONI to effectively and impartially handle public complaints against the PSNI, then more members of the public will be willing to make complaints, producing more change within the police service. Given the historical lack of willingness to investigate complaints of police conduct, a positive perception of the process of accountability for police is a huge step in the right direction for the PSNI. With regard to public opinion, the PONI section of the program of accountability for the PSNI was successfully

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implemented, and is considered effective in this study. Although neither the questions regarding the Policing Board nor those regarding the Ombudsman specifically mentioned human rights or their role in policy, the analyses of both organizations in this chapter have proven that the proper function of both is essential to keeping a human rights agenda in the PSNI. With the addition of human rights-based policies into the PSNI, the public showed more confidence in the methods of police accountability showing the effectiveness of those methods.

6.9.3 Perceptions of the PSNI

The perceptions of the PSNI have a less direct relationship with the incorporation of human rights into policing policy as did the perceptions of the Policing Board and the Ombudsman, however they are still important to this study. First, they are important to this research in the same way as above, in that increased public support of policing as a whole means increased support in the methods used by the police. Second, they are important in that the confidence of the public is important to policing in general. If perceptions of procedural legitimacy are critical to the establishment of overall legitimacy in a police service, as Powell suggests, then it is important for the community to have a positive opinion of the police in order for positive change to continue.

The Policing Board’s Omnibus Survey has a section of questions relating to the PSNI itself, its performance, and its treatment of the public in certain circumstances. As before,

four areas of inquiry were isolated as relevant to this study: whether the PSNI does a
good job in Northern Ireland, whether the PSNI treats members of the public fairly,
whether the PSNI is able to provide an ordinary policing service, and whether the PSNI is
able to handle public order situations. The results are discussed below.\textsuperscript{193}

\textit{Do you think that the PSNI does a good job or a poor job in Northern Ireland as a whole?}

In 2005, 63\% of the respondents answered that they did believe the PSNI does a good job
as a whole.\textsuperscript{194} The percentage of Catholics and Protestants who responded was not found.
This number rose in 2014, with 71\% of respondents answering “very” or “fairly” good.
70\% of Catholics and 73\% of Protestants answered positively. This increase is significant,
and it shows the increasing success of the reform as a whole.

\textit{How satisfied are you that the PSNI treat members of the public fairly in Northern
Ireland as a whole?} In 2005, 66\% of respondents thought that the police treat everyone
equally (Catholic and Protestant numbers were not found).\textsuperscript{195} In 2014, 73\% of
respondents were “fairly” or “very” satisfied that members of the public were treated
fairly by the PSNI, with 68\% of Catholics and 77\% of Protestants answering positively.
The large disparity between Catholic and Protestant respondents to answer positively is
the most important part of this data set, even though the majority of Catholics believe the
police to be fair. The PSNI should assess the reasoning behind this disparity, as much has

\begin{footnotesize}
\begin{enumerate}
\item[193] 2014 results acquired from: OPONI. “Annual Report on Public Awareness of the Police Complaints
\url{https://www.policeombudsman.org/PONI/files/5b/5b94b709-e165-4f7a-b31e-df740cfd09dfe.pdf}
\item[194] OPONI. “Public Awareness of the System for Complaints Against the Police in Northern Ireland, 2005.”
Police Ombudsman for Northern Ireland, 2005.
\url{https://www.policeombudsman.org/PONI/files/44/448712a8-841f-41e5-89fe-007f92f3c137.pdf}
\end{enumerate}
\end{footnotesize}
been done to prevent discrimination however there still seems to be a perception in the Catholic community that the PSNI is biased.

*How much confidence do you have in the PSNI’s ability to provide an ordinary day-to-day policing service for all the people of Northern Ireland?* In 2005, 83% of respondents had “some, a lot or total confidence” in the PSNI’s ability to provide an ordinary policing service for everyone.\(^{196}\) This number increased to 89% in 2014, with 89% of Catholics and 88% of Protestants answering some/a lot/total confidence. This is a historically important area of inquiry, as prior to the Patten Report, it was widely thought that there should be less of a “‘military’ style of policing.”\(^{197}\) The increased confidence in the PSNI’s ability to conduct “ordinary” policing means the police service was working to implement Patten recommendations.

*How much confidence do you have in the PSNI’s ability to deal with public disorder situations such as riots?* 79% of respondents in 2005 answered positively, that they had confidence in the PSNI’s handing of these situations.\(^{198}\) This number dropped by 1 percentage point to 78% in 2014, with 73% of Catholics and 81% of Protestants answering some/a lot/total confidence. The disparity between the percent of Catholics and Protestants who responded with confidence in the PSNI should be taken by the police service as more important than the 1% drop between 2005 and 2014. Given the PSNI’s history of being prejudiced against the Catholic community, it is important to close the


\(^{197}\) Patten et al. “A New Beginning.” 14.

\(^{198}\) BBC, “Confidence in the PSNI.”
gap between Catholic and Protestant perceptions of PSNI procedure during tense situations such as public disorder incidents.

For all of these questions the majority of respondents answered positively, and three of the four questions saw a more than 6 percentage point increase in positive responses. These increases prove the PSNI is making positive changes to its procedures to ensure the public’s confidence. However, the disparity between Catholics and Protestants is concerning and questions the effectiveness of PSNI efforts such as a more representative workforce composition. As the Patten Report goal of a 30% Catholic police force was attained in 2011, it is obvious that proportional representation in the PSNI cannot alone repair the broken reputation of prejudiced policing in Northern Ireland.

Although public opinion cannot alone judge the effectiveness or level of implementation of a certain policy or program, it is an important aspect. For policing, public opinion is especially important as a police service cannot be effective without the confidence and respect of the citizens it polices. In the absence of a respected and trusted police force, paramilitary organizations or formerly anti-state organizations may be less likely to lay down arms, creating a more hostile environment for a post-conflict community, and in turn for police reform. 199 Public opinion is also important in term of program evaluation, where it contributes to the “environment” component of Chen’s program evaluation method, as well as the “feedback” component. Without information from the environment, evaluation of the program is impossible as often the continuation or change

199 Powell, “Policing Post-war Transition,” 173.
of a program is dependent on how the environment perceives the program’s outputs. 200 Although in the case of a number of the policies discussed in this chapter, the Policing Board and Ombudsman make up a large portion of the “feedback” component, the public’s perception of the policies is important and serves as the essential environmental response that Chen cites as part of a successful program. 201

6.9.4 Public Perceptions of UK policing

The policing structure in England and Wales is different to that of Northern Ireland, however a comparison to the Northern Irish perceptions of police may help to put them in perspective. The Crime Survey for England and Wales (CSEW) publishes public opinion surveys that ask questions about their perceptions of the local police (Appendix G). 202 Below are the results of the four areas of inquiry that most correspond to the ones asked of the public regarding the PSNI.

_The police can be relied upon when needed:_ In the year 2005/06, 47% of the respondents agreed with this statement. By 2014, the number of respondents to agree with the statement had risen to 61%.

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201 Ibid.
The police would treat you fairly: In the year 2005/06, 63% of respondents agreed that the police would treat them fairly. This number rose by two percentage points to 65% of respondents to agree fairly in 2014.

The police deal with local concerns: In the year 2005/06, 49% of respondents agreed with this statement. By 2014, the number had risen to 62% of respondents who agreed with the statement.

Overall confidence in local police: In the year 2005/06, 63% of respondents responded that they had overall confidence in the local police. By 2014, this number had risen to 76%.

Although this study cannot speculate as to why these numbers increased over time, it can compare them with the numbers from the Northern Ireland surveys. For example, the percentage of respondents to agree that police would treat them fairly was 65% in England and Wales in 2014, compared with 73% in Northern Ireland in 2014. Given the history of prejudice by the police in Northern Ireland, one might assume that the number would be lower in that province than in England and Wales. However, the number is significantly higher in Northern Ireland, possibly suggesting that the PSNI has done more work to ensure the public feels they are treated fairly and equally.
CHAPTER SEVEN
CONCLUSION

Due to the exploratory nature of this study, as well as the ongoing nature of programs and policies, the “results” are atypical and cannot be summarized in a simple table or plotted on a graph. This section will synthesize the lessons from each policy analysis and attempt to discuss the extent to which human rights have been incorporated into the PSNI up to 2014. This means not only identifying the success and effectiveness of programs by assessing input/transformation/output, but also examining the extent to which the policies discussed in this study have an effect on other policies and procedures within the PSNI.

This study does not attempt to compare the RUC with the PSNI, although it is important to understand the contrast between the two to understand the importance of human rights in the current state of affairs. One could argue that it is not necessary for the PSNI to make amends for the transgressions of the RUC, but due to the nature and gravity of many of these transgressions, it is necessary for the current police service to assure the public that they will not occur again. This discussion will also take this consideration into account when examining the policies.

7.1 Accountability
The two main processes for police accountability discussed were the Northern Ireland Policing Board, and the Police Ombudsman for Northern Ireland. These two organizations were established to fulfill Patten Report recommendations, and have been in operation since the PSNI was established. The Policing Board’s role with regard to human rights in the PSNI is one of complete oversight — the board has the authority to investigate, audit and make recommendations regarding any aspect of policing that it feels does not comply with regional/international human rights standards, or any area of policing that does not adequately take human rights into account. This is carried out by a Performance Committee, assisted by the Human Rights Advisor to the Policing Board.\footnote{“Human Rights.” \textit{Northern Ireland Policing Board}, n.d. \url{https://www.nipolicingboard.org.uk/human-rights}.}

The Police Ombudsman is responsible for oversight of police conduct, and handles all complaints made by the public against the PSNI. The Ombudsman also has the power to investigate incidents that have not been brought to its attention externally, but that it deems relevant or to be in the interest of the public.\footnote{NIPB. “Human Rights Annual Report 2005,” 8.}

The topic of accountability in policing is historically relevant in that many officers of the RUC were not held accountable for actions that were unlawful, and in that there was little oversight for certain sections of the RUC, such as those involved with covert operations. The latter will be discussed on its own, but the former is relevant here. The Police Ombudsman provides a fair and unbiased means through which officers in the PSNI can be held accountable, something the RUC was unable to offer.\footnote{Patten. “A New Beginning,” 23.} In the RUC, these issues were handled internally, that is to say by an organization that was not independent of the
police. The Policing Board takes on a similar role in providing accountability that was not present in the RUC.

The accountability policy of the PSNI functions smoothly, with the Policing Board and Police Ombudsman providing the input necessary for the PSNI to make changes within its structure to make it compliant with human rights standards. Both organizations provide this input to the PSNI regularly and publicly, and the recommendations made by both groups change over time and with respect to community changes. For instance, the Policing Board’s thematic review addressing police and LGBT issues was published following an increase in negative experiences reported by people who identify as LGBT, as well as an increase in hate crimes. Both organizations also monitor the transformation of this advice by the PSNI, as well as the implementation and effectiveness of these outputs. This policy was implemented effectively, and its role in the incorporation of human rights into PSNI policy is considered effective.

As was shown in the previous chapter, public opinion of both is high, with around ¾ of respondents in public opinion surveys answering positively about the role, impartiality and effect on policing of both the Policing Board and the Police Ombudsman in 2014. These numbers have all stayed fairly consistent since 2005, and one can assume that this constancy helps to prove the ongoing effectiveness of the accountability mechanisms in the PSNI.

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206 Patten, “A New Beginning.” 37.
7.2 Programme of Action

The initial implementation of the PSNI Human Rights Programme of Action was in 2004 but, as was noted in the previous chapter, became an annual occurrence at the behest of the Policing Board. The Programme of Action lists the PSNI’s goals for incorporating human rights into the PSNI framework, which are typically responses to recommendations by the Policing Board. This policy works effectively, taking input from the Policing Board and delegating tasks to specific sectors of the PSNI to more accurately focus policing on a human rights-based approach, as was recommended in the Patten Report.208 The program then documents the transformations made by the PSNI and judges the implementation of these recommendations, noting partial implementation and making further recommendations where necessary. In this way, the PSNI’s Human Rights Programme of Action is not only fully effective in fulfilling its duties but is also effective in assisting in the incorporation of human rights into all of PSNI policy.

The historical element of the Programme of Action is similar to that of the Policing Board and Police Ombudsman, in that it adds a level of accountability to the PSNI that the RUC was lacking. The Patten Report referred to the concept of the programme as the “core of this report,” as it transcends specific actions taken by the PSNI and represents a “philosophy of policing” that constantly orients the institution toward human rights.209 While the Programme of Action may not be as historically relevant as some of the other

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policies to be discussed, it is an annual step away from the RUC and toward a police service that the people of Northern Ireland can respect and have confidence in.

7.3 A New Oath

The recommendation of the creation of an oath to be taken by all new members of the PSNI was accepted and implemented prior to the PSNI’s official establishment in 2001. The new oath requires officers to pledge their devotion to protecting the rights of all citizens of Northern Ireland without prejudice and with equal respect for all. This policy is not as far-reaching as the others in terms of promoting human rights throughout PSNI procedure, but it does remind officers of the human rights ethos within the police service. It may not be as practically effective as some of the other policies, but it is effective in supporting the ethos of human rights the PSNI has adopted.

Historically, the oath of the RUC was taken as an oath of allegiance to the crown, where officers would swear to “well and truly serve” the Sovereign.\(^\text{210}\) The new oath recommended by the Patten Report represents a police service that is not accountable to, owned by or managed by the state or the sovereign, but by the people. The oath of the PSNI does not swear allegiance to anyone or anything, but rather declares acknowledgement of the proper way in which policing should be carried out.

The concern, however, is that the oath does not need to be taken by every police officer, only those who were sworn into the PSNI after its establishment. This means that former

RUC officers who were already employed when it shifted to the PSNI did not have to take the oath, nor will they ever. This proved to be contentious when the Policing Act was enacted,²¹¹ as it undermines the idea that the entire institution of the police has made a commitment to change. For this policy to be truly implemented and effective in terms of promoting human rights throughout the PSNI, every police officer should be required to take the new oath as it is presented in the Police (Northern Ireland) Act 2000.

7.4 Code of Ethics

The Code of Ethics lays out procedural standards to which all police must adhere. The Code is not a representation of human rights ethos, like the oath, but is a collection of ways in which human rights and ethics can be practiced in day-to-day policing. The Code is also not an “ongoing” process in the way that accountability in the PSNI is, but adherence to and understanding of the Code are both continuous processes. These will be addressed in the “Training” section of this discussion.

The Code is effective, in that police are given an outline for procedure and a constant reminder of their duty to uphold human rights for all. It increases awareness of the European Convention on Human Rights for officers and its public availability allows for the public to be informed about the way in which police are required to treat them and handle situations. The Code of Ethics plays a very important role in incorporating human rights into police policy and in this way is fully effective. However, although the Code

has been implemented and updated, it is ineffective without proper training and officer awareness.

**7.5 Training**

As stated above, the effectiveness of the Code of Ethics and human rights training go hand-in-hand. Without the emphasis on human rights in procedure that the Code provides, training would be incomplete. Without consistent training for police officers, the Code of Ethics would be adhered to less and therefore ineffective. Since the first Human Rights Annual Report in 2005, the Policing Board has been assessing the extent and impact of human rights training on officers in the PSNI. The Human Rights Training Advisor to the PSNI works with the Performance Committee of the Policing Board to ensure that human rights are incorporated into training procedure, and focuses on “contextualizing human rights considerations in operational policing scenarios to make training more effective in practice.” The PSNI also ensures that trainers are well-versed in human rights and the Code of Ethics, and that they receive refresher courses.

The PSNI, together with the Policing Board has worked to incorporate human rights into all aspects of PSNI training sessions. This differs greatly from human rights training in the RUC, which consisted of two sessions, dedicated to human rights alone, out of 700 training sessions. The PSNI learned from the lesson of the RUC that “human rights should not be taught in a discrete stand-alone lesson,” and is making a constant effort to ensure all officers get proper training in human rights-based policing. Because of the

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213 Patten. “A New Beginning,” 19.
ongoing nature of training programs, constant assessments of effectiveness and the need for refresher courses, it is difficult to discern whether or not training policies are fully implemented or effective. However, so long as the PSNI and the Policing Board continue to work together to update training programs and ensure they address and are compliant with the Code of Ethics and the ECHR, it is fair to conclude that PSNI training has increased the extent to which human rights standards are incorporated into policy and adhered to by officers.

7.6 Covert Operations

The policies surrounding Covert Policing have changed dramatically since the days of the RUC. The RUC “Special Branch” was in charge of covert operations during the Troubles and had little to no oversight or accountability to the public or to the law.214 Because of the controversy surrounding this branch of the RUC with regard to allegations of collusion and evidence tampering or destruction, the Patten Report recognized the need for a change and made recommendations for human rights to be considered in Covert Policing.

As far as accountability, the Policing Board now has access to all sensitive information that would have previously been kept confidential for national security reasons.215 Covert policing policies are now compliant with the ECHR, and the Police Ombudsman has the authority to investigate these cases whether or not they have been referred by a citizen.

The Human Rights Advisor to the Policing Board also has access to memoranda and

\(^{214}\) Amnesty International. “Political Killings.”

protocols relating to covert operations, and ensures they are ECHR compliant and “human-rights-proofed.”\textsuperscript{216}

The nature of covert policing requires the possibility of the infringement on certain human rights such as the right to privacy. The PSNI has ensured that the probability for unlawful infringements is very low, and that these infringements only occur when absolutely necessary. The incorporation of human rights into covert policing is not only comprehensive but also effective, and in 2014 the Human Rights Advisor reported no issues of PSNI non-compliance with human rights in cases of covert policing.\textsuperscript{217}

\textbf{7.7 Use of Force}

The use of deadly or disproportionate force was also a historically contentious issue for the RUC. Allegations and evidence of improper use of force by police officers were common during the Troubles, even raising the question of a possible “shoot-to-kill” policy within the RUC.\textsuperscript{218}

In order to avoid incidents such as those during the RUC, the PSNI has made a point of including a discussion of human rights in policies governing the use of force, as well as incorporating proper use of force into the Code of Ethics. This includes incidents surrounding the discharge of firearms, of which there were zero between 2014 and 2015.\textsuperscript{219} All use of force procedures are covered by UN or EU human rights principles,

\begin{itemize}
\item \textsuperscript{216} NIPB, “Human Rights Annual Report 2014,” 79.
\item \textsuperscript{217} NIPB, “Human Rights Annual Report 2014,” 80.
\item \textsuperscript{218} Ellison and Smyth, “Shooting to Kill,” 130.
\item \textsuperscript{219} PSNI, “Use of Force Statistics,” 7.
\end{itemize}
and the PSNI has mechanisms in place to ensure PSNI accountability in all scenarios.\textsuperscript{220} Human rights incorporation into use of force policies in the PSNI has been efficient and effective.

\subsection*{7.8 Composition}

The policies for proportional workforce composition have been implemented and proven as effective in making the PSNI a force that is representative of both Protestant and Catholic communities. However, there have been no policies implemented to create a force that is proportional in terms of gender, race or ethnic background. The PSNI has not been effective in recruiting or incorporating minorities in this capacity, and one could argue that the PSNI will never be able to fully consider or adhere to human rights without a fully representative force.

\section*{CONCLUSION}

The aim of this study was to assess the extent to which human rights have been incorporated into the policy of the PSNI since its establishment in 2001. This research has shown the importance of human rights in policing, especially with regard to post-conflict societies such as Northern Ireland, as well as the importance of police reforms in these societies. Through an examination of historically-relevant and human rights-related policies in the PSNI, it was shown that human rights are present in every aspect of policing in Northern Ireland, especially in those aspects that are particularly historically relevant. The oversight of the PSNI by the Policing Board and the Ombudsman, in

\textsuperscript{220} NIPB “Human Rights Annual Report 2014,” 68.
addition to the Code of Ethics and human rights training of officers, all ensure that human rights standards are adhered to in all aspects of policing.

The process of incorporating human rights into policing will always be an ongoing one. Changes in society, technology and policing practice will mean that continual review of procedures with regard to human rights will be necessary. However, this study has discerned that the PSNI has equipped itself with the tools to handle these changes. The policies examined in this research were shown to have been effective in incorporating human rights into the policy of the PSNI, and as long as the Police Service of Northern Ireland follows the precedent it has set for itself, then it will continue to be a model for effective police reform and human rights-based policing.
APPENDICES
APPENDIX A
CHAPTER 4 REPORT OF INDEPENDENT COMMISSION ON POLICING IN NORTHERN IRELAND

4
HUMAN RIGHTS

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

Universal Declaration of Human Rights.221

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

4.2 As Ralph Crawshaw points out, however, in practice tension does occur between human rights and policing222. Police have powers to limit rights and

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

222 Crawshaw, R., speech delivered at conference “The Agreement: A New Beginning for Policing in Northern Ireland”, organised by the Committee on the Administration of Justice, Belfast 26-27 February 1999
freedoms, for example, by arresting people. The article from the Universal Declaration of Human Rights quoted at the top of this chapter is clear enough, but not easy to implement. Yet the judgments that police officers make every day on this point determine the difference between good policing and bad.

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

4.4 We do not, in this report, make judgments about the extent to which the RUC may or may not have been culpable in the past of inattention to human rights or abuse of human rights. We have of course read a number of reports about policing in Northern Ireland by local and international observers. We have also had access to any papers we have wished to see concerning past investigations into the RUC. We have taken account of all this in our report and our recommendations. But we were not charged in our terms of reference to make judgments about the past. As we said in Chapter 1, our approach is restorative rather than retributive. Moreover, the relationship between human rights and policing is a subject which is now commanding the attention of police services around the world. The Council of Europe is running a programme covering its 40 member countries called “Police and Human Rights 1997-2000”. In Canada the Royal Canadian Mounted Police has been overhauling its entire policing ethos for several years. John Jay College in New York has given “Human Dignity” training to police officers from over fifty countries. The aim of these programmes is to develop and sustain a human rights culture within police organizations. No police service that we visited over the past year would claim to have achieved that yet, even the Royal Canadian Mounted Police, which is perhaps furthest advanced in the effort. But all were convinced that it was a vital enterprise, good for society and good for policing.

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

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

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

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

4.8 Next, **we recommend a new Code of Ethics, to replace the existing, largely procedural code, integrating the European Convention on Human Rights into police practice.** A good model would be the draft Code produced by the Association of Chief Police Officers (ACPO) in 1992 and published in Police Review in December that year (see Annex 5), updated to take account of the impact of the Human Rights Act 1998. **Codes of practice on all aspects of policing, including covert law enforcement techniques, should be strictly in accordance with the European Convention on Human Rights.** As far as covert policing is concerned the Codes of Practice issued by the Associations of Chief Police Officers (ACPO and ACPO-
Scotland) and HM Customs and Excise in May 1999 should, we believe, apply in the whole of the United Kingdom, including Northern Ireland, and we understand that legislation is now being prepared to apply the principles of the ACPO document. (We deal with covert policing issues in more detail in Chapter 6.)

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

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

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

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

4.13 The purpose of this programme is that the police should perform functions within the law and be fully respectful of human rights both in the technical sense and in the behavioural sense (to borrow again from Crawshaw). Technically, they should know the laws well and master policing skills, for example how to interview suspects, so that they are less likely to be tempted to resort to unethical methods in order to get results. Behaviourally, they should perceive their jobs in terms of the

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223 "Codes of Practice. Covert Law Enforcement Techniques" – The Associations of Chief Police Officers and HM Customs and Excise, May 1999
224 Crawshaw, R., op.cit.
protection of human rights. Respect for the human rights of all, including suspects, should be an instinct rather than a procedural point to be remembered.
Data Quality

When police officers use force in the course of their duties they are required to self report this on a specially designed intranet database within PSNI. The PSNI's Statistics Branch then undertakes various completeness and accuracy checks of the submitted data before completing this statistical report. Whilst every effort is made to ensure that all incidents of use of force by the police are reported on this system, there is the possibility that some under-reporting exists and this should be borne in mind when using these statistics.

Overview of Police Use of Force

Recommendation 21 of the Northern Ireland Policing Board’s Human Rights Annual Report (2008) requires the PSNI to, “provide the Policing Board with statistics on all categories of uses of force recorded on the PSNI electronic use of force monitoring system on a six monthly basis.” This report outlines the occasions of Police Use of Force up to 31st March 2015. This report will be updated every six months via pre-announced dates on the PSNI website with the next update due in December 2015. Further information is available on request from the PSNI Security Statistician, whose contact details are provided above.

- A total of 3 AEPs were discharged on 3 occasions as a less lethal option between 1st April 2014 and 31st March 2015. No AEP rounds were fired during public disorder throughout this period. There were an additional 39 occasions between 1st April 2014 and 31st March 2015 when the AEP was pointed only (all as a less lethal option).
- There were 518 occasions where batons were either drawn or used during the twelve-month period. The baton was drawn only on 353 occasions and on the remaining 165 occasions the baton was drawn and used.
- There were 382 reported uses of CS spray, 170 of these resulted in the CS spray being drawn but not sprayed while on the remaining 212 occasions the CS spray was drawn and sprayed.
- Firearms were drawn or pointed on 265 occasions. There were no reports of a firearm being discharged during this period.
- Officers reported the use of a police dog on 51 occasions.
- TASERs were drawn³ on 104 occasions and were fired on a further 22 occasions between 1st April 2014 and 31st March 2015.
- There were no reported uses of water cannon during serious public disorder in Belfast between the 1st April 2014 and 31st March 2015. Water cannons were deployed on 45 occasions during this period without being used.
Summary Table for Police Use of Force: 1st April 2014 – 31st March 2015 compared to the same period last year

<table>
<thead>
<tr>
<th>Use of Force</th>
<th>1st April 2013 – 31st March 2014</th>
<th>1st April 2014 – 31st March 2015</th>
<th>% change in Total between 13/14 and 14/15</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of occasions pointed / drawn</td>
<td>No. of occasions discharged / used</td>
<td>Total</td>
</tr>
<tr>
<td>AEP</td>
<td>38</td>
<td>34&lt;sup&gt;2&lt;/sup&gt;</td>
<td>72</td>
</tr>
<tr>
<td>Baton</td>
<td>485</td>
<td>352</td>
<td>837</td>
</tr>
<tr>
<td>CS Spray</td>
<td>154</td>
<td>274</td>
<td>428</td>
</tr>
<tr>
<td>Firearm</td>
<td>419</td>
<td>0</td>
<td>419</td>
</tr>
<tr>
<td>TASER&lt;sup&gt;1&lt;/sup&gt;</td>
<td>223</td>
<td>16</td>
<td>239</td>
</tr>
</tbody>
</table>

| Police Dog Used | 49 | 51 | 4% |

<table>
<thead>
<tr>
<th>Water Cannon</th>
<th>No. of occasions deployed</th>
<th>No. of occasions used</th>
<th>Total</th>
<th>No. of occasions deployed</th>
<th>No. of occasions used</th>
<th>Total</th>
<th>% change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>130</td>
<td>12</td>
<td>142</td>
<td>45</td>
<td>0</td>
<td>45</td>
<td>-68%</td>
</tr>
</tbody>
</table>

Includes drawn/aimed and red-dot. 99 AEPs were fired by 34 officers. 3 AEPs were fired by 3 officers.

Longer Term Trends


The AEP has been designed for use as a less lethal option in situations where officers are faced with individual aggressors whether acting on their own or as part of a group. It discharges less-lethal kinetic energy projectiles (impact rounds) and has two purposes. It can be used by a limited number of specifically trained officers in serious public order situations to fire at selected individuals. Secondly, it can be used by a small number of specifically...
trained firearms officers as a less-lethal option at firearms incidents (e.g. suspect wielding a knife or sword).


Officers will report any use of batons to their immediate supervisors as soon as practicable and submit an electronic use of force form, making their baton available for inspection. In addition, in circumstances where a baton has been drawn but not used, officers will submit a report (electronic use of force monitoring form) where it is reasonable to expect that a person (or persons) have anticipated a threat of force being used against them.

There may also be occasions where a supervisory officer gives a direction to other officers to draw their batons. This would most likely occur during serious public order situations. In such circumstances only the officer giving the direction is required to complete an electronic use of force monitoring form. However, if any officer has occasion to strike an individual(s) then they must submit an electronic use of force monitoring form to indicate ‘baton used’.
(iii) Use of CS Spray: April 2008 – March 2015

The PSNI uses a CS irritant spray that has a 5% concentration of CS in the solvent MIBK (Methyl Isobutyl Ketone). CS spray is issued to officers who have been trained in the Personal Safety Programme and is worn as part of the normal patrol equipment. Plain-clothes officers are also trained and issued with CS spray. Service policy states that it is not to be used during serious public order situations as a crowd dispersal tactic.

Upon impact the solvent evaporates rapidly leaving CS particles to gain compliance of the subject. Effects last on average for about 20 minutes. A person who has been sprayed with CS spray will be classified as ‘injured’ and police officers will if possible administer aftercare advice. An officer drawing or discharging the device, or once drawn, subsequently points the device at any individual or group, must record this use and any warning given.
(iv) Use of Firearms: April 2008 – March 2015

In recognition of the special circumstances prevailing in Northern Ireland, the Chief Constable has given standing authority for all officers, subject to successful training, to be issued with a personal issue handgun. This standing authority is kept under regular review. A police officer is deemed to have used a firearm when it is:

(i) Pointed at another person;
(ii) Fired at another person in self defence or in defence of another, whether or not injury or death results;
(iii) Discharged in any other operational circumstances.

In addition officers are required to report any instance when they have occasion to draw their personal issue handgun.

District Commanders/Heads of Branch ensure that an appropriate number of officers are trained in order to meet locally identified needs, based upon an evaluation of the prevailing security situation and risk assessment. There are also a number of specifically trained firearms officers to deal with pre-planned and spontaneous firearms incidents. These officers deploy with H&K weapons and the Glock personal issue handgun but also have available other less lethal options including Taser and the Attenuating Energy Projectile (AEP) system.
All Police dogs are under the control of Operational Support Department and can be used for a variety of purposes. Use of force only reflects a very small proportion of the overall work that police dogs carry out. The main types of force that are recorded for dog use include:

- when the dog is deployed to achieve control of an immediate threat to the handler, other officers, innocent persons or the dog itself whether or not the dog bites or causes injury
- when the dog is deployed to apprehend a fleeing offender/subject, whether or not it bites or causes injury
- when the dog bites at the direction of the handler and there is no injury
- when the dog bites not at the direction of the handler and there is no injury
(vi) Police Use of TASER: April 2008 – March 2015

The TASER is a single shot weapon designed to temporarily incapacitate a subject through the use of an electrical current, which temporarily interferes with the body’s neuromuscular system. Use of the TASER is one of a number of tactical options available to an officer who is faced with violence or the threat of violence, which may escalate to the point where the use of lethal force would be justified. Its purpose is to temporarily incapacitate an individual in order to control and neutralise the threat that they pose.

TASERS were introduced to PSNI in a limited pilot on 25th January 2008. They were issued to specialist firearms officers and have also been made available to authorised firearms officers attached to Armed Response Vehicles (since 19th December 2008) who have completed ACPO approved accredited training in the use of the device.

In terms of use of force, the TASER can be drawn/aimed, red dotted (at which stage a red dot appears on the subject indicating where the TASER would hit) or fired/discharged.

The PSNI has 6 water cannons at its disposal which are kept at different police locations within Northern Ireland to ensure that they can respond quickly to any incident. Water cannon vehicles are deployed and used only when authorised by appropriate officers in accordance with the ACPO manual of guidance, public order, standards, tactics & training.
APPENDIX C

PUBLIC PERCEPTIONS OF POLICING BOARD 2005 (OMNIBUS)

Omnibus Surveys

The Board commissions modules in the NISRA Omnibus Surveys twice a year (normally in April and September/October) to monitor performance indicators and targets contained in the Annual Policing Plan. The April 2005 and September 2005 surveys monitored five targets in the 2005/06 Policing Plan and the results can be seen in the achievement of targets on page 39 of this Report. The results also help the Board meet its statutory requirement under Section 3(3)(d)(ii) of the Police (Northern Ireland) Act 2000 to assess the level of public satisfaction with the performance of the Board, the PSNI and DPPs. Results from the two most recent Omnibus Surveys in September 2005 and April 2006 as well as results from previous surveys are available on the Board’s website: www.nipolicingboard.org.uk.

Knowledge of the Policing Board

In April 2006, almost five sixths of respondents (83%) had heard of the Board - an increase on the September 2005 and April 2005 findings (78% and 82% respectively).

Over three quarters of respondents (76%) correctly thought that the Board is made up of “a mix of politicians and independently appointed members”, up nine percentage points from the September 2005 (67%) and ten percentage points from April 2005 findings (66%).

Satisfaction with the work of the Policing Board

In April 2006, almost three quarters of respondents (74%) thought the Board is working adequately, well or very well - a three percentage point increase from the September 2005 (71%) and a one percentage point decrease from the April 2005 finding (75%).
Over one third of respondents (37%) thought the Board did well/very well in monitoring how the PSNI performs against annual Policing Plan targets – a one percentage point decrease from September 2005 (38%) and a seven percentage point decrease from April 2005 (44%).

Two fifths of respondents (40%) thought the Board did well/very well in questioning the Chief Constable on how he carries out his duties – a decrease on both the September 2005 and April 2005 findings (42% and 45% respectively).

Respondents were asked to rate how well or poorly they thought the Board did on holding the Chief Constable publicly to account. Almost two fifths (39%) thought the Board was doing well/very well, the same as the September 2005 finding but a four percentage point decrease from the April 2005 finding (43%).

One quarter of respondents (25%) thought the Board did well/very well in consulting with the public about policing issues – a decrease on both the September 2005 and April 2005 findings (26% and 27% respectively).

**Perceptions of the Policing Board**

In April 2006, just over three fifths of respondents (62%) thought that the Board helps ensure that the police do a good job, compared to 59% in September 2005 and 64% in April 2005.

Almost three quarters of respondents (74%) correctly thought that the Board is independent of the police – up from 70% in September 2005 and 66% in April 2005. Over four fifths of respondents (81%) correctly thought that the primary role of the Board is to "oversee policing and hold the Chief Constable and the PSNI publicly to account" – an increase from the April and September 2005 findings (both 77%).
APPENDIX D
PUBLIC PERCEPTIONS OF POLICING BOARD 2014 (OMNIBUS)

PUBLIC PERCEPTIONS OF THE NORTHERN IRELAND POLICING BOARD

Q19. Have you heard of the Northern Ireland Policing Board (Policing Board)?

In January 2014, over four out of five respondents (84%) had heard of the Policing Board (Table 19). A higher proportion of Protestant respondents (90%) had heard of the Policing Board than Catholic respondents (81%). The finding for Protestant respondents is a statistically significant increase from the January 2013 finding of 86%.

<table>
<thead>
<tr>
<th>Rating</th>
<th>Percentage of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2010 (September)</td>
</tr>
<tr>
<td></td>
<td>C   P   All</td>
</tr>
<tr>
<td>Yes</td>
<td>83  90  86</td>
</tr>
<tr>
<td>No</td>
<td>17  10  13</td>
</tr>
<tr>
<td>Don't know/refusal</td>
<td>0   0   0</td>
</tr>
</tbody>
</table>

Q20. Do you think that the Policing Board helps ensure that the PSNI do a good job? Almost three out of four respondents (72%) who had heard of the Policing Board thought that the Board helps ensure that the PSNI do a good job, on a par with the January 2013 finding of 74% (Table 20).
Q21. Do you think that the Policing Board is part of the police or independent of the police?

In January 2014, three out of five respondents (57%) who had heard of the Policing Board correctly thought that the Board is independent of the police, similar to the January 2013 finding of 60% (Table 21). A higher proportion of Protestant respondents (58%) correctly thought that the Policing Board is independent of the police than Catholic respondents (56%). However, the Protestant finding was a statistically significant decrease on the January 2013 finding of 66%. Conversely, one out of three Protestant respondents (36%) who had heard of the Policing Board thought that the Board is part of the police, a statistically significant increase from the January 2013 finding of 29%.

Q22. What do you think is the primary role of the Policing Board?

In January 2014, three out of four respondents (76%) who had heard of the Policing Board correctly thought that the Board’s primary role is “to oversee policing and hold the Chief Constable and the PSNI publicly to account” (Table 22). The finding for Catholic respondents (15%) who thought that the primary role of the Policing Board is to actively direct police operations shows a statistically significant decrease on the 21% finding in January 2013.
Q23. Do you think the Policing Board is made up of …?

In January 2014, three in four respondents (75%) who had heard of the Policing Board correctly thought that the Board is made up of “a mix of politicians and independently appointed members”, similar to the January 2013 finding of 74% (Table 23). Almost one out of six respondents (15%) who had heard of the Policing Board thought that the Board is made up of “independently appointed members”.

24. Overall, how well do you think the Policing Board is working?

In January 2014, almost three in four respondents (74%) who had heard of the Policing Board thought that the Board is working at least adequately, similar to the January 2013 finding of 77% (Table 24). The proportion of Catholic respondents who thought that the Board is at least working adequately fell from 80% in January 2013 to 74% in January 2014, a statistically significant decrease. Almost one out of three respondents (31%) who had heard of the Policing Board thought that the Board is working well/very well, on a par with
the January 2013 finding of 31%. The percentage of Catholic respondents who thought that the Board is working poorly/very poorly increased from 7% in January 2013 to 11% in January 2014, a statistically significant increase.

<table>
<thead>
<tr>
<th>Table 24: Overall, how well do you think the Policing Board is working?</th>
</tr>
</thead>
<tbody>
<tr>
<td>All those who have heard of the Policing Board Rating</td>
</tr>
<tr>
<td>2010 (September)</td>
</tr>
<tr>
<td>C</td>
</tr>
<tr>
<td>Very well</td>
</tr>
<tr>
<td>Well</td>
</tr>
<tr>
<td>Adequately</td>
</tr>
<tr>
<td>Very well/Well/Adequately</td>
</tr>
<tr>
<td>Poorly</td>
</tr>
<tr>
<td>Very poorly</td>
</tr>
<tr>
<td>Poorly/very poorly</td>
</tr>
<tr>
<td>Don’t know/refusal</td>
</tr>
</tbody>
</table>
APPENDIX E
PUBLIC PERCEPTIONS OF POLICE OMBUDSMAN 2005

1. Awareness of the Police Ombudsman

Eighty-six percent of respondents said that they had heard of the Police Ombudsman, a similar proportion to those in previous surveys. Protestants (88%) were marginally more likely than were Catholics (83%) to be aware of the Police Ombudsman, while respondents aged under 25 showed lower levels of awareness of the Police Ombudsman than older age groups. The source of information about the Police Ombudsman most frequently cited by respondents was television (89%).

The majority (84%) of those respondents who had heard of the Police Ombudsman thought that she was independent of the police; this figure has varied only slightly since October 2000. Eleven percent of respondents thought that the Police Ombudsman was part of the police. Protestants and Catholics had similar levels of awareness of the Police Ombudsman’s independence.

2. Impartiality of Investigation

Just over three-quarters (78%) of respondents were confident that the Police Ombudsman deals with complaints in an impartial way, up from 61% in 2002; 16% were not confident that investigations were impartial. Eighty-one percent of Catholics and 74% of Protestants were confident that the Police Ombudsman deals with complaints impartially; the latter figure has risen from 51% in 2002.
3. Fairness and equality of treatment of complainants and police officers

More than four-fifths (85%) of respondents thought that they would be fairly treated if they were to make a complaint against a police officer to the Police Ombudsman, a marginally larger proportion than in previous years (82% in 2004). Similar proportions of Catholics (82%) and Protestants (86%) thought that they would be fairly treated.

A similar number of respondents (84%) felt that a police officer being complained about would be treated fairly. Catholics responded more positively than Protestants when asked about the treatment of police officers, with 89% of Catholic respondents thinking that police officers would be treated fairly compared to 81% of Protestant respondents.

Those respondents who said that they thought that either the complainant or the police officer would not be treated fairly were asked which party they thought the Police Ombudsman treated better. Four out of ten (41%) said that they thought the police officer was treated better, while marginally more (45%) said that they thought the complainant was treated better. There was a significant difference between the two communities in their responses to this question, with Catholics being more likely than Protestants to think that the police officer would receive better treatment and Protestants being more likely than Catholics to think that the complainant would be treated better.

4. Effect of Police Ombudsman on policing

More than three-quarters of respondents (78%) thought that the Police Ombudsman would help ensure that the police in Northern Ireland do a good job. Catholics (81%) were marginally more likely than Protestants (77%) to hold this view.

The main reasons given by respondents were:
o The police would treat the communities in Northern Ireland more impartially; o The police would give less cause for complaints from the public; and o The police would investigate crime better.

Generally, Catholic respondents gave more reasons than Protestant respondents for thinking that the Police Ombudsman would help ensure that the police did a good job.
Awareness of the Police Ombudsman

In 2014, the majority of respondents (84%) stated that they had heard of the Police Ombudsman for Northern Ireland. Figure 1 (Table 1) shows that awareness levels have been consistently high since 2002. However the current level of awareness has decreased since 2010.

*Figure 1: Level of awareness of the Police Ombudsman for Northern Ireland, 2000-2014*

*Figure 4: Level of awareness of the Police Ombudsman for Northern Ireland by community background, 2010-2014*
2. Impartiality of investigation

In 2014, the majority of those respondents who had heard of the Police Ombudsman were fairly confident or very confident that the Police Ombudsman deals with complaints in an impartial way. However, most were only fairly confident rather than very confident. Figure 9 (Table 10), shows that since 2010 confidence levels have decreased from 83% to 75% (very confident and fairly confident combined).
Figure 9: Level of confidence that the Police Ombudsman deals with complaints in an impartial way, 2002-2014

Figure 12: Level of confidence that the Police Ombudsman deals with complaints in an impartial way by community background, 2010-2014
Fairness and equality of treatment of complainants and police officers

Respondents were asked how they felt complainants and police officers would be treated by the Police Ombudsman in the event of a complaint being made. In 2014, 84% of respondents stated that they thought that they would be treated fairly if they made a complaint against a police officer (Figure 13, Table 14). Since 2002, this proportion has been consistently high.

Figure 13: Perception of fair treatment when making a complaint, 2002-2014

In 2014, Protestant and Catholic respondents were equally likely to think they would be treated fairly if they made a complaint (Figure 16, Table 17). However, in 2012, Protestants were more likely than Catholics to perceive fair treatment.

Figure 16: Perception of fair treatment by the Police Ombudsman by community background, 2010-2014
Effect of Police Ombudsman on policing
Respondents were asked whether they thought the Police Ombudsman would contribute to effective policing in Northern Ireland and what aspects of policing would be improved due to the impact of the Police Ombudsman.

In 2014, 81% of respondents felt that the Police Ombudsman would help ensure that the police in Northern Ireland do a good job (Figure 17, Table 22). Although, this proportion has remained consistently high over time, the current level has been gradually decreasing since 2010.

Figure 17: Belief that the Police Ombudsman will help ensure that the police do a good job, 2002-2014
Similar proportions of Protestant and Catholic respondents believed that the Police Ombudsman would help ensure that the police do a good job. Figure 20 (Table 25) shows that since 2010, Catholic and Protestant respondents had similar views.

*Figure 20: Belief that the Police Ombudsman will help ensure that the police do a good job by community background, 2010-2014*
Respondents, who stated that they thought that the Police Ombudsman would help ensure that the police do a good job, were asked to select why they thought this was from a list of reasons on a show card (Figure 21, Table 26).

*Figure 21: Ways the police will do a good job because of the Police Ombudsman, 2014*

Men and women both felt that the greatest contribution to policing from the Police Ombudsman was that the police would treat all communities in Northern Ireland more impartially (Table 27). Catholic and Protestant respondents and respondents in all age groups also held this view (Tables 28 & 29).
## APPENDIX G

PUBLIC PERCEPTIONS OF LOCAL POLICE IN ENGLAND AND WALES

### Table 1.1: Perceptions of the local police, 2005/06 to 2013/14 CSEW

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>Police can be relied upon when needed</td>
<td>47</td>
<td>54</td>
<td>59</td>
<td>59</td>
<td>61</td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Police would treat you with respect</td>
<td>82</td>
<td>85</td>
<td>86</td>
<td>86</td>
<td>86</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police would treat you fairly</td>
<td>63</td>
<td>67</td>
<td>67</td>
<td>65</td>
<td>65</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police understand local concerns</td>
<td>60</td>
<td>67</td>
<td>72</td>
<td>71</td>
<td>72</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police deal with local concerns</td>
<td>49</td>
<td>58</td>
<td>62</td>
<td>60</td>
<td>62</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overall confidence in local police</td>
<td>63</td>
<td>72</td>
<td>75</td>
<td>74</td>
<td>76</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unweighted base - number of adults</td>
<td>47,431</td>
<td>46,457</td>
<td>45,736</td>
<td>34,628</td>
<td>35,075</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table notes:
1. Source: Crime Survey for England and Wales, Office for National Statistics
2. Numbers from the 2011/12 CSEW onwards are not directly comparable with those previous. See the methodological note published alongside Focus On: Public Perceptions of Policing 2011/12 for more information.
3. Unweighted base refers to overall confidence in the local police. Other bases will be similar.


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BIOGRAPHY

Monika L. Fallon graduated from Western Albemarle High School, Crozet, Virginia, in 2008. She received her Bachelor of Arts from University of Virginia in 2013. She received her Master of Arts in Mediterranean Security from University of Malta and her Master of Science in Conflict Analysis and Resolution from George Mason University in 2016.