

Policing Reform in Northern Ireland: A History and Analysis of its Use in Conflict  
Transformation and Reconciliation

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## **Introduction**

Northern Ireland has been regarded by some as one of the most conflict-ridden countries within Europe, and perhaps the world, during the late 20th century. “The Troubles,” as the most recent era of conflict has been called, lasted from 1968-1998 and the impact of the time period on Northern Irish culture can still be seen to this day. The vast majority of the conflict in the country stemmed from clashing national and religious identities, which in many ways overlapped. Protestants, which made up the majority of the population, were predominantly unionist and supported Northern Irish membership in the United Kingdom. In contrast, the Catholic minority were widely Republican and favored a united Ireland. Another major source of tension was the presence of the British Army as an occupying force and extra measure of law enforcement backing Northern Ireland’s police force, the Royal Ulster Constabulary (RUC). The sum of these underlying tensions led to decades of both unrest and distrust surrounding laws and governance. However, one could argue that the greatest tensions surrounded the issue of policing.

In 1998, after 30 years of ongoing conflict, the British government set into motion large-scale, widespread policing reforms after the release of a 128-page reform report detailing 175 recommendations for positive change within the police force (“A New”, 1999). Those recommendations were quickly put into effect, and 21 years later, many of the changes that occurred can still be seen today. Ultimately, the policing reforms instituted in Northern Ireland were somewhat successful at bringing about positive change by addressing issues of collusion within the police force between both the British government and paramilitary groups, as well as internally addressing instances of unfair treatment and bias. However, Northern Ireland’s police

force continues to be hindered by ongoing community distrust fueled by sectarian division, unanswered questions of legitimacy, and a failure to retroactively address the legacies of injustices carried out by the RUC. As Britain continues its transition out of the European Union, a move widely protested by Northern Irish citizens, many signs indicate that tensions will continue to grow.

### **Historical Context**

To gain a full understanding of the work to be done in Northern Ireland towards conflict transformation, one must understand the history of conflict in Northern Ireland as it occurred for centuries. Colonization of Ireland by the British began between the 17th and 18th centuries. The specific colonists that settled in the six counties of Northern Ireland were called Ulster-Scots and were Protestant.

To understand the improvements that occurred within Northern Irish policing, one must first understand the context of policing during the Troubles, specifically the nature of the RUC. During the RUC's tenure as the active law enforcement branch within Northern Ireland, it was no secret that most of the officers were loyalist Protestants. Further, some officers were also members of loyalist paramilitary groups, and many who were not active participants in paramilitary activity were sympathizers (*Unquiet*, 2018). This led to police officers being complicit in, or in some cases taking part in, violence perpetrated against the Catholic minority in Northern Ireland, all while those same communities were simultaneously under strict supervision from the police and the British Army. Reconciling the different experiences faced

by Catholic and Protestant communities was one of the most challenging issues the new Northern Irish government would have to contend with.

As Hillyard and Tomlinson (2000) described it, Catholic communities were “over-policed and under-protected.” Murders, bombings, and other crimes were perpetrated by police officers while higher-ups looked the other way, which quickly eroded away any confidence Catholics may have had in the police force’s ability to protect them and enforce the law. Investigations that did occur were often inadequate, with investigators failing to proceed with due diligence, such as neglecting to interview key witnesses (McDonald, 2013). Of the few investigations that did take place, very few ended in convictions (Lundy, 2011). A prime example of this is the Glenanne Gang, a group of Ulster loyalists who purposefully targeted Catholic civilians and were responsible for an estimated 120 deaths in the years that they were active between 1972 and 1980. Members of the RUC and British army actively participated in the murders and bombings, but were rarely disciplined by their superiors (*Unquiet*, 2018). In addition, very little was done to investigate the crimes being committed; the political will was simply not there. Contributing to the lack of political will at the time, and some would argue the reason many of the crimes are still unsolved today, was the presence of the British Army in Northern Ireland, which acted as a pseudo branch of law enforcement and actively worked against the investigations of the crimes being committed (*Unquiet*, 2018).

The vast majority of British Army soldiers, government officials, and police officers were Protestant throughout the Troubles; essentially every person who held a position of power within the country identified as British and Protestant. In contrast, Catholics very rarely held positions of power within government or the RUC (Murphy et al., 2017). Unsurprisingly, this imbalance

of power between different political and religious groups bled into almost every aspect of society and led to a system of policing, governance, and justice which discriminated against Catholics in both implicit and explicit ways. For instance, Catholics had significantly less access to housing, voting, and government assistance than their Protestant counterparts, among other grievances (BBC, 2007). Eventually inspired by the Civil Rights Movement in the United States, Catholics began staging protests and civil rights marches around Northern Ireland in the mid-1960s. However, rather than causing the British government to concede and grant Catholics more rights as eventually happened in the United States, the British government instead pushed back against the movement with even greater force, doubling down on discriminatory laws and policies. As a result, the presence of the British Army as a pseudo-police force, and its influence on law enforcement in Northern Ireland, remained unchanged for decades.

Rising tensions between the army and protesters culminated on 30 January, 1972 in an event now known as Bloody Sunday. In an effort to protest against systemic discrimination, Catholic civil rights protesters staged a march in the city of Derry/Londonderry, one of the most divided cities in the country as it had a strong Catholic minority and sits close to the border with the Republic of Ireland. Because of the high tensions in the city throughout the Troubles, the British Army had stationed soldiers there to support the RUC with law enforcement. However, this would prove detrimental to the Catholic residents, as once the march had begun the protesters were fired upon with live ammunition and rubber bullets by the British Army in an attempt to control the crowds and prevent the march from continuing through the city. Ultimately, 13 protesters were killed or died as a result of injuries sustained that day (“The victims”, 2010). Tensions following the event were then stoked higher. When instead of

acknowledging wrongdoing, the British government claimed those shot at were involved in paramilitary or criminal activity, including carrying bombs or other weapons that could have harmed the officers. This misconception was perpetuated for decades by the British government, but was especially unbelievable when one considers that all of the victims were later found to be unarmed, and many were still teenagers (BBC, 2010), far from the criminal masterminds the British media portrayed them to be. The events of Bloody Sunday are just one example of the discriminatory and hyper-militarized style of policing and governance taking place in Northern Ireland, as exacerbated by the British Army.

Both the events of Bloody Sunday and instances of sectarian biases within the RUC demonstrate the fundamental problems of maintaining the RUC as a law enforcement agency in Northern Ireland. While Catholic civilians were living in fear, Protestant murderers and criminals were allowed to continue their activities unhindered, or in some cases aided, by the British forces. These different experiences with law enforcement were reflected in the differing views on the RUC held by Catholic and Protestant communities. For the vast majority of Protestants, the RUC was viewed as a noble defender of British culture in the face of a decades-long Republican terrorist campaign (Bradford et al., 2018). Simultaneously, for Catholic communities the RUC was viewed both symbolically and operationally as a colonial occupational force, representing the repressive arm of an illegitimate British government in Ireland (Bradford et al., 2018). These views set the foundation for a justice system that was far from just, and led to a lack of closure for the victims and victims' families. Some areas of Northern Ireland were so desperate for a degree of stability that they sought—and in certain areas still seek—security through other means, such as vigilante punishments executed by

Catholic paramilitary members (Topping, 2011). As Topping put it, it was “a community crying out for proper policing,” but those cries were continuously ignored (2011). In addition, many community members in Northern Ireland (regardless of religious leanings) that lived during the Troubles suffered from PTSD as a result of what they experienced during the years of conflict (Bunting, 2013).

Throughout the four decades-long conflict, bombings, gun violence, and arson were carried out by paramilitary members across the country. The paramilitaries were not only negatively affecting those in other groups, but also those in their own communities with their criminal activities and “shadow” policing. Such violence ultimately stems back to a lack of faith in police. Therefore, if any proposed reforms were to be successful, the police service had to ensure that justice was being served to a degree that the presence of vigilante justice and paramilitaries were no longer necessary, both in Catholic and Protestant communities. This was partially achieved when paramilitaries on both sides of the conflict agreed to a ceasefire in the early 90s. However, there was still more to be done, and the catalyst for that greater change occurred with the signing of the Good Friday Agreement in 1998. That document would spark the beginning of Northern Ireland’s efforts in transitional justice as it related to policing.

### **Transitional Justice in Northern Ireland: Successes**

Transitional justice describes the measures, both judicial and non-judicial, in which countries emerging from conflict acknowledge and atone for the injustices of the past and help create reconciliation for the future (Lundy, 2011). In Northern Ireland, a period of transitional justice began in the late 1990s with the signing of the Good Friday Agreement, a document

which outlined the new Northern Irish governmental system, and within that, outlined an independent commission responsible for restructuring Northern Ireland's system of policing (Ellison, 2007). That commission was responsible for the release of a 128-page reform report related to policing in Northern Ireland in which 175 recommendations were issued on how to improve the system of policing, as well as how to improve community engagement and approval of the police. One of the major proposed changes involved changing the name of the police service from the Royal Ulster Constabulary to one that was less politically charged; most Catholics do not acknowledge the existence of Ulster, a name for the six counties of Northern Ireland coined by the British. Eventually, it became the Police Service of Northern Ireland (PSNI), a name which did not take any clear political or religious stances (University of Notre Dame, 2015). Another significant change was changing the style of policing used in Northern Ireland to what is commonly referred to as "community policing."

Other highlights of the report included reaffirming a commitment to human rights, putting into place an international, non-biased figure to help monitor the transition through the reforms and beyond, and perhaps most importantly, a new system to ensure equal recruiting from Protestant and Catholic communities (Murphy et al., 2017). Later, the Historical Enquiries Team would be created, which was an important first step towards addressing past injustices carried out by the RUC. All of these changes were significant in that they set the basis for a non-sectarian police force which would do a much better job at enforcing laws fairly and equally.

### *Community Policing*

In order to begin a new era in Northern Irish policing, the entire system on which it had previously been modeled needed to change. Prior to the Good Friday Agreement, the RUC operated under a model of policing known as the “call-for-service” model (Hays, 2013), which is also the model used in the United States. In this model of policing, citizens call for assistance, and the focus is on responding as quickly as possible. If the call involves criminal activity, success is measured by how quickly the perpetrator is apprehended. However, this model came under scrutiny in Northern Ireland in the late 20th century because in order for it to be successful, it had to rely on close cooperation between private citizens and the police, something that was almost nonexistent in Northern Ireland when the Good Friday Agreement was signed.

Therefore, to begin building trust one of the first changes made was to switch to the model known as “community policing.” This model emphasizes close citizen/police cooperation by placing a focus on *preventing* crime rather than responding to it after it happens (Hays, 2013). The PSNI has been able to accomplish this by having each officer become familiar with the specific communities they serve, and working with the citizens of those communities to develop safety strategies to address situations that may promote unlawful activity when they arise (Hays, 2013). This model has been somewhat successful at increasing communities’ perceptions and feelings of safety, but it has not been without its shortcomings in practice.

### *Police Ombudsman for Northern Ireland*

During the Troubles, as previously discussed, the vast majority of RUC members were Protestant, and a smaller, but still significant, amount were involved with or colluded with

Protestant paramilitaries. The lack of accountability for the police involved with misconduct or crimes carried out against Catholic communities was a major factor in the lack of trust those communities felt towards the police. They pushed community members towards vigilante justice in the form of joining paramilitaries. In many cases, Catholics did not even attempt to make formal complaints against the police because the people tasked with investigating complaints against the police were members of the police force themselves (Police Ombudsman's Office, n.d.), and it was believed that they would protect their own. This belief was not unfounded. Therefore, creating an independent body that would be responsible for handling complaints against the police was essential in building trust between the police and Catholic and Protestant communities alike.

Shortly after the signing of the Good Friday Agreement in 1997, a report was published titled "A New Police Ombudsman for Northern Ireland" which outlined a blueprint for the Office (Police Ombudsman's Office, n.d.). At the time of its creation, the Office was the first completely independent and fully-funded police complaints organization in the world, and it was lauded as the mark of a new era in policing for Northern Ireland in which civilian oversight and impartiality were seen as paramount (Police Ombudsman's Office, n.d.). The Office includes the Ombudsman themselves as well as a team of investigators to support them. The investigators would come from a variety of different backgrounds, including lawyers, workers from the Department of Health, and those with police experience, among others (Police Ombudsman's Office, n.d.). This would ensure a well-rounded approach to investigations of complaints.

The creation of the Police Ombudsman's Office was an important first step in building trust between the PSNI and local communities, by demonstrating a commitment to take formal

complaints against the police seriously and investigate with due diligence. This was especially essential for Catholic communities that had dealt with a lack of accountability in their relations with the police for decades. The Office has conducted both historical and contemporary investigations into police misconduct, and releases the reports to the public when finished. The Office itself reflects a preliminary success for the Northern Irish government's peace-building efforts.

### *Recruiting Measures*

The creation of new recruiting measures which would recruit equally from Catholic and Protestant communities was a major step in the right direction for the PSNI. Not only would the communities be recruited into training equally, but there would also be equal numbers of Catholics and Protestants fully accepted into the force (Murphy et al., 2017). Further, rather than having Protestant officers patrolling in majority-Catholic areas, a practice which hearkened to colonial occupation, the new reforms took a community-based approach to policing (Bradford et al., 2018). This meant that rather than being solely overseen by the government, local communities in which the police operated would also take part in determining policing priorities, evaluating performances, and participating in community projects related to policing (Bradford et al., 2018). In addition, as stated by the Independent Commission on Policing for Northern Ireland (ICPNI), the belief was that the change in approach would create an environment in which the “composition, recruitment, training, culture, ethos and symbols, are such that in a new approach Northern Ireland has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole” (1999).

In many ways the proposed reforms were successful; in a survey taken across the country in 2017, over 70% of both Catholics and Protestants felt that the PSNI did a very or fairly good job in their area, and the numbers demonstrate an upwards trend (Bradley et al., 2018).

Community-based policing allowed areas that previously had little-to-no trust in the police to exert agency over the way police interacted with them, something that was not an option during the Troubles. It also helped lessen the political disparity between Catholics and Protestants, because there was no longer a clear-cut hierarchy of power between the two religious groups when it came to law enforcement and other aspects of governance.

#### *Historical Enquiries Team*

Another important step in building trust between the PSNI and Northern Irish communities, but which did not occur until several years after the signing of the Good Friday Agreement, was the creation of the Historical Enquiries Team (HET). Created in 2005, this team was a separate division of the PSNI tasked with a ‘truth-recovery’ process related to crimes committed during the Troubles by the RUC, the British Army, and others (Lundy, 2011). The predominant goals outlined by the HET were related to truth, accountability, and restoring justice to the victims of crimes and their families (Lundy, 2011), which are all essential aspects of transitional justice. As the British Parliament put it, the HET had two primary objectives which were as follows:

To assist in bringing a measure of resolution to those families of victims whose deaths are attributable to ‘the troubles’ between 1968 and the signing of the [Good Friday Agreement] in 1998;

To re-examine all deaths attributable to ‘the troubles’ and ensure that all investigative and evidential opportunities are subject to thorough and exhaustive examination in a manner that satisfies the Police Service of Northern Ireland’s obligation of an effective investigation as outlined in Article 2, Code of Ethics for PSNI; and to do so in a way that commands the confidence of the wider community. (UK Parliament, 2017)

Unfortunately, the HET was an incredibly flawed organization that was found to conduct investigations with varying degrees of bias, especially for investigations of deaths involving the state, for which the investigations were found to be less rigorous by Her Majesty’s Inspectorate of Constabulary (HMIC) (UK Parliament, 2017). So ultimately, while the HET solved very few cases satisfactorily, the government’s efforts to acknowledge the crimes committed and by whom, as well as perform their due diligence in solving the cases, went a long way in proving to many that the reform efforts were being taken seriously by the British and Northern Irish governments and the PSNI. The HET was succeeded in 2014 by the Legacy Investigations Branch, which has had more concrete success.

In one of the most significant instances in which the British government acknowledged the role they played in crimes committed in Northern Ireland, former Prime Minister David Cameron’s statement on Bloody Sunday which was made in 2010, nearly 45 years after the event took place. In that statement, he acknowledged not only that the British Army’s role in the events of that day was an injustice, but also that those who died on Bloody Sunday were innocent of wrongdoing (BBC, 2010). This was a major step in the right direction for transitional justice in Northern Ireland. Although nobody was convicted of a crime directly as a result of that statement, it demonstrated the British government’s and PSNI’s willingness to acknowledge and

take accountability for what happened that day. The warm reception to former Prime Minister Cameron's statement demonstrates that more statements of that nature would be welcomed by communities who feel that they have been wronged by the RUC in the past, and could help the PSNI make strides towards reconciliation.

### *The Legacy Investigations Branch*

The Legacy Investigations Branch (LIB) was created in 2014 following the disbandment of the HET due to budget cuts and restructuring (UK Parliament, 2017). Similar to the HET, the LIB was a separate branch of the PSNI created as a component of the Chief Constable's "statutory obligations when it comes to dealing with the past" (Police Service of Northern Ireland, 2020). One of the key differences between the HET and the LIB, and which has made it somewhat more successful, is that a key part of their mission involves working with the families of victims to provide them with as much information as possible (Police Service of Northern Ireland, 2020). However, LIB is not intended to be the end of efforts to address the legacy of the RUC. As described on their website, the PSNI "recognize the need and are committed to supporting efforts to establish new institutions better equipped to address the legacy of the past" (Police Service of Northern Ireland, 2020). This is encouraging, as it demonstrates that the PSNI is aware of the previous failing of the HET and potentially the LIB, and are committed to the ongoing development of better strategies rather than remaining complacent with the strategies already in place to contend with the past.

### *Approval Rates*

The success of the transitional justice efforts relating to public opinion regarding the police is evidenced in the generally high rates of trust in the police now found in Northern Ireland as a whole. In more socio-economically privileged areas, as well as more educated and integrated areas, a high majority of people support the police (Bradford et al., 2018). The country's overall approval rates among Catholics and Protestants both sit around 75%, which is a major improvement, especially among Catholics. For context, the percentage of Catholics who believed the PSNI did a very or fairly good job in their area was just above 50% in 2007. Despite these gains, however, the system of reforms put into place for Northern Irish policing, and the government's attempts at transitional justice in general, have had many shortcomings and have been hindered by holdover challenges that continue to persist since the Troubles.

### **Transitional Justice in Northern Ireland: Ongoing Challenges**

While the PSNI has high approval ratings from the overall population of Northern Ireland, the rate is highly variable between communities of different socio-economic backgrounds (Bradford et al., 2018). Socio-economically deprived areas tend to have lower rates of trust in the police than high-income areas (Bradford et al., 2018). Diversity also plays a major role. In areas that are largely integrated, such as the city center of Belfast where Queen's University resides, there are much higher rates of trust than in areas that are occupied by a single religious group or socio-economic class (Bradford et al., 2018). While this fact would lead many to believe that diversifying Northern Ireland is the simple solution, the issue of diversity is

anything but simple and the police can only do so much to work around the structural setup of Northern Ireland as a whole.

### *Peace Walls*

In Belfast, many working class neighborhoods are separated by “peace walls” which prevent the mingling of different ethno-religious groups. Originally erected to protect the communities from each other—during the Troubles riots were most likely to occur in the interface zones that sit on the boundaries between communities—the walls that still stand are more symbolic of segregation and persistent division than of peace efforts. In some of the most contentious interface zones, for instance the zone between the Shankill (a strongly Protestant neighborhood) and Falls Road (a strongly Catholic neighborhood), the gates are closed every night to prevent travel between the two areas.

One could argue that travel between the neighborhoods was never intended to happen at all. According to lecturers at Queen’s University, Belfast, the neighborhoods on either side of the Peace Walls were constructed in such a way that they mirror each other. Where one neighborhood has a gas station, swimming pool, or grocery store, the other neighborhood will have the same. This means that the residents have no reason to cross into a different neighborhood and interact with those of a different denomination, and while this may ease tensions in the short-term, the long term implications of such segregation are wide-reaching.

Perhaps the most surprising aspect of modern segregation in Northern Ireland is that there are more Peace Walls now than there were over 20 years ago when the Good Friday Agreement was originally signed, reflecting the continued divisions experienced in the city (Capener, 2017).

In addition, when they were originally built many of the walls stood around ten feet tall, but have been expanded over the years as tension between groups continues to grow. Many of the peace walls that one can see now are much taller, some rising over 40 feet, and as a result they divide the communities they stand between even more drastically than they did in the past. Because the communities are kept separate from one another, it is nearly impossible to foster intergroup relationships. Despite the many challenges the walls pose, the city of Belfast itself is divided on whether or not they should come down, with some considering them necessary for public safety, and others believing them remnants of a bygone era in Northern Irish history (Lundblad and Frandsen, 2019). It is not uncommon for residents who live close to the walls to report rocks, glass bottles, and fire bombs being thrown over the walls by those on the other side (Al Jazeera, 2016). From an outsider perspective, condemning the presence of the walls may be easy, but for those who live close to them, the issue is much more complicated. After such prolonged segregation, it is not surprising that there is no trust between the communities separated by the peace walls. When communities do not even trust each other, it stands to reason that it would be harder for them to trust the police.

### *Collapse of Stormont*

The government itself also plays a significant role in the division between Catholic and Protestant communities. The Northern Irish Assembly, commonly referred to as Stormont, was created as part of the Good Friday Agreement in 1998. As part of the Agreement, Stormont can only function through power-sharing because both Sinn Féin, the foremost Nationalist party, and the Democratic Unionist Party (DUP), the foremost unionist party, hold equal power in the

assembly in the form of the First Minister and Deputy First Minister. While this system worked in the years directly following the signing of the Good Friday Agreement as the political parties maintained a hesitant truce, in recent years relations among political parties have broken down. As of May 2020, Northern Ireland has been without a central government for over three years, as the two major political parties are deadlocked on a variety of issues (BBC, 2019).

The tipping point came in the form of a failed Renewable Heat Incentive put forward by First Minister Arlene Foster of the DUP, now known as the “Cash for Ash” scandal, in which applicants would be paid for using renewable energy in the home. However, the plan backfired as the rate paid as an incentive was higher than the cost of fuel itself, meaning many applicants were making a profit off of the incentive (Kelly, 2019). The Incentive ultimately cost taxpayers approximately £480 million and was fraught with allegations of fraud and mismanagement (Kelly, 2019). The Deputy First Minister, Martin McGuinness of Sinn Féin, as well as the rest of his party, called for Ms. Foster to stand aside from her position so that an independent inquiry into the scandal could take place, but she refused. Following this incident, Mr. McGuinness resigned as Deputy First Minister and Sinn Féin announced they would not be replacing him. This effectively caused the collapse of the executive branch in Northern Ireland. Northern Ireland’s governmental stipulations on power-sharing ensure that the First Minister and Deputy First Minister are unable to function without each other, and Stormont has not met for a full session since (Kelly, 2019).

This level of contention among lawmakers and opposing political parties is not uncommon in Northern Ireland. Even when politicians from different parties agree with each other in private, they must publicly stand in opposition to each other on policy issues, lest their

constituents view them as sympathetic to the opposing party's stances. This practice of maintaining divisive political rhetoric reinforces negative perceptions between groups, which in turn hinders efforts at community-based policing. Impeded by overarching societal perceptions between groups, officers are not fully equipped with the tools necessary to bridge divides and integrate within and between communities.

### *Historical Enquiries Team*

Beyond the socio-political divisions in Northern Ireland, the HET has also hindered the PSNI's efforts in transitional justice just as much as, if not more than, it has been a help. While it was well-received in early years, communities seeking justice and accountability remained frustrated due to a lack of convictions. The HET's lack of convictions combined with the obvious fact that it was considered a budgeting non-priority did not aid in efforts of transitional justice, as its goal of truth-seeking and accountability were hardly met. Even towards the end of its tenure as a branch of the PSNI, civilians involved with the investigations were divided on whether they were satisfied with the work being done to solve cases (Lundy, 2011). It is also important to note that they were not only unhappy due to a lack of convictions. Some families openly stated that the only thing they needed to receive closure was an official statement saying that their family members were innocent, and had done nothing to warrant the crimes committed against them (Lundy, 2011). Often, such statements were never issued. Eventually, the HET was disbanded in 2014 after the PSNI made budget cuts that no longer allocated funds for the team.

### *Prisoner Release*

Another obstacle to reconciliation regarding policing in Northern Ireland are the stipulations for criminal justice embedded into the Good Friday Agreement. In order to get paramilitary members and politicians from both sides of the conflict to agree to the ceasefire and Agreement, certain concessions had to be made in the way criminals convicted of crimes during the Troubles were dealt with. The most significant of these mandates was a stipulation that some prisoners arrested during the Troubles would be able to apply for accelerated release (University of Notre Dame, 2015). For some, this meant serving only a few years for murder. While at first there was mutual support from the public as prisoners released from both communities were welcomed home, it did not last long. Both Catholics and Protestants felt that the other side's prisoners should not be released so quickly, and as more high profile prisoners were released, public opinion dropped again (University of Notre Dame, 2015).

Although prisoner release was undoubtedly a source of tension between the public and the police and remains a challenge in the peace efforts, I do not feel this is a *failing* of the transitional justice process in Northern Ireland. Considering that one of the only ways talks between the groups could begin in the first place was by introducing this measure, it was handled as fairly as could be expected. The problem rested in each community's differing understanding of the events taking place, and the reality that objective fairness in a situation does not always align with what certain groups believe is fair or just.

### *Continued Presence of Paramilitaries*

This tension between objective versus subjective fairness is demonstrated by the continued presence of paramilitary groups in Northern Ireland, largely in majority-Republican areas albeit in much smaller numbers than existed during the Troubles (Topping and Byrne, 2011). At present, the PSNI is unable to completely eliminate vigilante “justice” and violence taking place around Northern Ireland. Communities continue to turn to paramilitaries because they feel that legitimate avenues of justice are inadequate or simply will not deliver on their promises. Working class communities especially have experienced the brunt of poor policing on the part of the PSNI and are therefore more likely to turn to paramilitaries for help (Topping and Byrne, 2011). Communities overseen by paramilitaries, in which individuals are under threat of violence for sometimes minor infractions, are not communities that have successfully transitioned out of conflict, nor are they operating through a lens of justice.

For instance, to this day it is not uncommon for gunshot victims to come into hospitals in Northern Ireland with wounds to both knees, a common paramilitary punishment. The justification behind these punishments can vary, but often involves the victim being accused of criminal activity such as drug dealing or car theft (McDonald, 2018). These are not communities that have faith in traditional forms of justice. How else could it be possible for a young man to be shot by someone he knows, while his family is informed beforehand, and yet nothing is done to prevent it from happening (McDonald, 2018)? Such an example demonstrates that the ongoing presence of paramilitaries around Northern Ireland signifies a flaw of the country’s new system

of policing. If police were fully successful at delivering on their promises of human rights, truth, and justice, the paramilitaries would have no leg to stand on as a form of law enforcement.

However, it is difficult to address these issues as a police force without first addressing the socio-cultural reasons people join paramilitaries in the first place. Because the PSNI has very little control over the living conditions in different areas, I contend that the most effective step they could take towards eliminating paramilitaries lies in decreasing the disparity in policing quality between different areas of the country. This entails efforts on the parts of both the PSNI and the Northern Irish government, which has greater control over issues such as poverty and unemployment. Once the quality of policing is consistently high around the country, the process of building trust within those communities and delivering justice can begin in earnest.

### *Legacy of the RUC*

Related to this issue of the RUC and PSNI's history of policing is perhaps the greatest obstacle within Northern Irish culture that the PSNI have grappled with; the *legacy* of policing during the Troubles. Often, it is hard for people to separate their memories, collective or individual, from the objective facts of what took place during an event. Memories are constantly being restructured, and collective memories can form based on a variety of sources, such as retellings of the event, pictures, or even songs (Bertens, 2017). This is demonstrated by the fact that the individual memories of two people who experienced the same event can be vastly different from one another and can change over time (Murphy et al., 2017). This has posed a problem for the PSNI's efforts at transitional justice because for many, it is inarguable that the quality of policing within Northern Ireland during the Troubles was not just poor, but the legal

system and cultural attitudes themselves were based on discrimination and failed to adequately serve Northern Irish communities, especially Catholics. When the entire system of government fails to adequately protect and support its citizens, the police cannot either. Because of this, even those who had never been the victims of police brutality or bias could feel strong negative emotions surrounding the police's actions in the past as well as a sense that they had been personally wronged (Bertens, 2017).

Decades of conflict have reinforced the cultural memory of police prejudice, making it that much harder for current police officers (who had nothing to do with their department's past wrongs) to convince a community they are trustworthy. Whether or not these cultural memories are logical is irrelevant, because the generational trauma experienced in these communities due to the police's actions is undeniable (Bunting, 2013). A study conducted in 2011 by Ulster University found that 9% of the total population of Northern Ireland shows signs of PTSD, and the male suicide rate is twice that of England (Page, 2019). These are just some examples of how the Northern Irish population is still experiencing negative effects from the Troubles, despite being more than 20 years removed from the conflict. Therefore, it is essential that the cultural memories and legacy of the RUC are dealt with in constructive ways that will aid in the peace process and be conducive to transitional justice goals. This could include direct actions such as community initiatives involving counseling and peace-building, as well as through indirect PSNI action involving accountability and reconciliation.

### *Community Policing*

While the transition towards community policing efforts was undoubtedly a step in the right direction towards building trust with communities, it has not come without its own challenges. The transition was especially hard for officers who had been in the RUC while they operated under the “call-for-service” model. While they developed extensive skills in dealing with the aftermath of criminal activity and apprehending perpetrators, they were less versed in the ways of crime prevention and community relations which are essential to community policing and its success (Hays, 2013). Many departments attempted to remedy this by creating specialized community policing units which operated separately from the traditional patrol units and had specialized orientation and training. Unfortunately, this posed even more challenges as a rift developed between the different units, and the community policing units were viewed as not engaging in “real” police work by the traditional patrol officers (Hays, 2013). This created tension between the activities of the different units and the ways they engaged citizens in crime prevention (Hays, 2013).

In addition, the community policing model places police officers in direct contact with the deeply embedded economic and sociocultural issues that are the roots of criminal activity in Northern Ireland without necessarily giving them resources or the proper training to adequately address these issues (Hays, 2013). This is important because one of the primary critiques of the call-for-service model of policing was research demonstrating that faster response times by police and higher arrest rates did not necessarily correlate with a lower crime rate, especially in urban neighborhoods (Hays, 2013). The community policing model was supposed to address this, but the reality has proven quite different. While communities feel more safe, and their perception of the police has improved, crime rates have not widely decreased across Northern

Ireland (Hays, 2013). In many ways, this can be attributed to the fact that despite their newly specialized training which helps the PSNI to recognize and address antisocial behaviors, they have little to no control over family struggles, unemployment and poverty which are all significant contributors to crime rates. Therefore, for the community policing model to be successful, it must incorporate programs that go beyond policing and expand into education, social services, and community empowerment. While some progress has been made in these areas, the Northern Irish government, as well as local governments, have a long way to go in building trust and decreasing antisocial behavior among community members.

#### *Devolution and Unanswered Question of Legitimacy*

The devolution of policing in Northern Ireland involves the transfer of power over policing from the higher government (namely the British Parliament) to lower levels of government, and has been a long and slow process for Northern Ireland. While all other areas of governance were turned over to the Northern Irish Assembly and its cabinet following the signing of the Good Friday Agreement, policing and criminal justice were the only governance functions left in the hands of the British Parliament (Hays, 2013). Only since 2010 has the Northern Irish assembly been in charge of its own policing measures due to deep distrust between unionist and nationalist politicians who feared the other party would gain too much control over law enforcement. Although the first Minister of Justice was a member of the Alliance Party, a small party that takes a stance of neutrality in the ethno-religious conflict, distrust still remains among politicians on the issue. Beyond the distrust, devolution has done

nothing to help one of the foremost underlying issues facing the police in Northern Ireland: legitimacy.

Perhaps the most pressing challenge facing the PSNI, and undoubtedly one of the hardest to adequately address, is the unanswered question of the PSNI's legitimacy. During the Troubles, Protestants and Catholics staunchly disagreed on this issue, with Protestants considering the RUC a legitimate law enforcement body in Northern Ireland and Catholics viewing them as a component of the British colonial occupying force. Despite the many steps the PSNI have taken in building their reputation and image, as well as the vast improvements in public opinion towards the police, the PSNI have never actually addressed the questions of their legitimacy in a concrete way. This is significant because in many impoverished areas where residents still view the PSNI as illegitimate and a symbol of colonial repression, their jobs are made significantly harder. Addressing antisocial behavior and criminal activity can only do so much when the target audiences feel the PSNI has no authority over them.

In addition, questions of legitimacy happen at multiple levels and therefore must be addressed at multiple levels as well: through democratic representation in Northern Irish government, through professionalism demonstrated by PSNI officers and other public servants, and through "street-level" responses to community concerns surrounding the police and public safety (Hays, 2013). And while it is indisputable that the police serve as a function of the greater provincial government in Northern Ireland, it is implemented at the local and community levels. As a result, public opinion of policing is largely shaped by the actions of police in the local context (Hays, 2013). The PSNI's success at achieving community cooperation and increasing safety at local levels will therefore be a major contributing factor to legitimizing the police—and

the Northern Irish government more broadly—at a provincial level (Hays, 2013). In turn, the perceived legitimacy of the democratic government in Northern Ireland has a long-term effect on how local police forces are viewed by residents. From this, it is clear that devolution of the police force in Northern Ireland can either positively or negatively impact how policing is viewed, by either taking the British government largely out of the picture or by exacerbating issues that trickle down from the higher government.

### **Policing in the Age of Brexit**

For the first time in decades, Northern Ireland finds itself in a political climate with increasing tensions. On June 23, 2016, the United Kingdom held a referendum to determine whether it would be leaving or remaining in the European Union. By a narrow margin, the decision was made to leave the European Union with a 51.9% majority of UK citizens voting to leave (BBC, 2016). However, controversy arose when country-level results were released; in Northern Ireland, a greater percentage of citizens voted to remain in the UK with a 55.8% majority (BBC, 2016). Widespread protests in Northern Ireland have followed, and the unrest is exacerbated by the uncertainty of how Brexit will affect not only Northern Ireland itself, but also its relationship with the European Union, the Republic of Ireland, and the rest of the UK. Little is known about how Brexit will impact Northern Irish citizens' relationship with the police, however, early signs do not show promise that the relationship will improve.

One of the most pressing issues related to Northern Ireland's exit from the European Union is what will be done with the border between the Republic of Ireland and Northern Ireland. During the Troubles, the border functioned as what is now called a "hard" border. This

could be equated to what can be seen today between the United States and Mexico, where cars must stop to have their documentation checked, they may be questioned by authorities, and their vehicles are subject to searches. In large part, this was due to the frequency with which nationalist paramilitary members, often fugitives, would escape across the border to the Republic to avoid prosecution. Since the Good Friday Agreement was signed, the border between the countries has undergone sweeping changes. Most notably, the border now functions as a “soft” border, similar to the borders between states in the United States. There is freedom of movement and travel, with tens of thousands of cars, vans, and trucks crossing the border each day. This benefits both unionists and loyalists, who are able to connect with family members, participate in economic activities, and travel at their leisure. As a result, both sides feel betrayed by the possibility of re-introducing a hard border (Angelos, 2019).

For nationalists, the idea of a hard border is especially abhorrent. The nationalist paramilitaries and other Catholic organizations only signed the Good Friday Agreement on the stipulation that Northern Ireland would retain close ties with the Republic so as not to completely isolate the members of the population who identify as Irish (as opposed to British). Although Boris Johnson, the current prime minister of Britain, has so far held off on instituting a hard border and has assured the public he is looking into other alternatives, tensions remain high. Many nationalists feel that forcing Northern Ireland to leave the European Union despite a majority of the population voting to remain is in direct violation of the Good Friday Agreement’s promise to respect Northern Ireland’s self-governance. Finding some form of compromise on this issue is of utmost importance, but what such a compromise would look like remains to be seen.

## **Conclusion**

As stated by Topping (2016), “police accountability cannot be divorced from the wider societal conditions in which it is situated.” The failings of the RUC and PSNI are simply an inevitable side effect of the wider failings of the Northern Irish and British governments and their policies. While efforts to change the system of Northern Irish policing have been successful on a strictly structural level, they have been hindered by still unchanged public sentiment surrounding the police and the legacies of the RUC. As a means of transitional justice, it is paramount that the reforms put forward by the Independent Commission on Policing for Northern Ireland and the positive changes taking place since the signing of the Good Friday Agreement are regarded merely as first steps in a long, ongoing process of transitional justice. The Northern Irish government and PSNI’s pattern of treating the country’s issues as “fixed,” rather than acknowledging the country’s overarching systems as a work in progress, is detrimental to the real change that needs to occur in order for community-police relations to improve (Topping, 2016).

Positive next steps for policing in Northern Ireland need to occur at multiple levels of governance and accountability, and would include more community outreach, increased emphasis on integration (religious, racial, or otherwise) in schools and beyond, as well as more efforts by the government to acknowledge previous wrongdoing. Through placing a priority on the integration of schools, the Northern Irish government can take a ground-up approach to reconciliation efforts by targeting younger generations and mitigating intergenerational biases

and trauma. Once there has been sufficient progress made towards fostering relationships between younger generations, only then can the government begin to work towards bringing the peace walls down and fostering more widespread integration of ethno-religious groups. All of these efforts would go a long way towards showing the communities of Northern Ireland that positive police relations—and on a broader scale, positive relations between different ethno-religious groups—are possible. In addition, the PSNI must be willing and able to adapt to the changing conditions in Northern Ireland as the Brexit process continues. Only through concerted efforts by the Northern Irish and British governments, the PSNI, and local communities will the issue of policing in Northern Ireland become less controversial.

## References

Angelos, J. (2019, December 30). *Will Brexit Bring the Troubles Back to Northern Ireland?* The New York Times.

<https://www.nytimes.com/2019/12/30/magazine/brexit-northern-ireland.html>.

BBC. (2007, February 1). *History - The Troubles, 1963 to 1985*.

[https://www.bbc.co.uk/history/recent/troubles/the\\_troubles\\_article\\_01.shtml](https://www.bbc.co.uk/history/recent/troubles/the_troubles_article_01.shtml).

BBC. (2010, June 15). *Bloody Sunday: PM David Cameron's full statement*. BBC News.

<https://www.bbc.com/news/10322295>.

BBC. (2010, June 15). *The victims of Bloody Sunday*. BBC News.

<https://www.bbc.com/news/10138851>.

BBC. (2016). *EU Referendum Results*. BBC News.

[https://www.bbc.com/news/politics/eu\\_referendum/results](https://www.bbc.com/news/politics/eu_referendum/results).

BBC. (2020, January 10). *Stormont: Why does Northern Ireland not have a government?* -

*CBBC Newsround*. BBC News. <https://www.bbc.co.uk/newsround/38648719>.

Bertens, L. M. F. (2017). “Okay ladies, now let’s get in formation!”: Music Videos and the Construction of Cultural Memory. *Open Cultural Studies*, 1(1), 88–98.

<https://doi.org/10.1515/culture-2017-0009>

Bradford, B., Topping, J., Martin, R., & Jackson, J. (2018). Can diversity promote trust? Neighbourhood context and trust in the police in Northern Ireland. *Policing and Society*,

1–20. <https://doi.org/10.31235/osf.io/7546d>

Bunting, B. P., Ferry, F. R., Murphy, S. D., O’neill, S. M., & Bolton, D. (2013). Trauma Associated With Civil Conflict and Posttraumatic Stress Disorder: Evidence From the Northern Ireland Study of Health and Stress. *Journal of Traumatic Stress*, 26(1),

134–141. <https://doi.org/10.1002/jts.21766>

Capener, D. (2017, October 3). *Belfast's housing policy still reflects deep division* | David Capener. The Guardian.

<https://www.theguardian.com/housing-network/2017/oct/03/northern-ireland-shared-communities-economic-inequality-religion-neighbourhood>.

Ellison, G. (2007). A Blueprint for Democratic Policing Anywhere in the World? *Police Quarterly*, 10(3), 243–269. <https://doi.org/10.1177/1098611107304735>

Hays, R. A. (2013). Policing in Northern Ireland: Community control, community policing, and the search for legitimacy. *Urban Affairs Review*, 49(4), 557-592.

doi:10.1177/1078087412465581

Hillyard, P., & Tomlinson, M. (2000). Patterns of Policing and Policing Patten. *Journal of Law and Society*, 27(3), 394–415. <https://doi.org/10.1111/1467-6478.00161>

Independent Commission on Policing for Northern Ireland (ICPNI). (1999, September). *A New Beginning: Policing in Northern Ireland*. Conflict Archive on the Internet (CAIN).  
<http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf>.

Journeyman Pictures. (2018). *Unquiet Graves* [Film]. Northern Ireland.

Kelly, B. (2019, April 30). *Why is there no government in Northern Ireland and how did power-sharing collapse?* The Independent.  
<https://www.independent.co.uk/news/uk/politics/northern-ireland-talks-latest-power-sharing-deal-stormont-sinn-fein-dup-a8893096.html>.

Lundblad, M., & Frandsen, J. (2019, June 5). *PHOTOS: 'I Haven't Met Anybody in the Area Who Actually Wants to Take the Walls Down'*. The Nation.  
<https://www.thenation.com/article/belfast-peace-lines-troubles-northern-ireland/>.

Lundy, P. (2011). Paradoxes and challenges of transitional justice at the 'local' level: historical enquiries in Northern Ireland. *Contemporary Social Science*, 6(1), 89–105.  
<https://doi.org/10.1080/17450144.2010.534495>

McDonald, H. (2013, October 23). *RUC commanders covered up killings by rogue officers, inquiry files allege*. The Guardian.

<https://www.theguardian.com/uk-news/2013/oct/23/ruc-cover-up-inquiry-documents-book>.

McDonald, H. (2018, March 12). *Northern Ireland 'punishment' attacks rise 60% in four years*. The Guardian.

<https://www.theguardian.com/uk-news/2018/mar/12/northern-ireland-punishment-attacks-rise-60-in-four-years>.

Murphy, J., McDowell, S., & Braniff, M. (2016). Historical dialogue and memory in policing change: The case of the police in Northern Ireland. *Memory Studies*, 10(4), 406–422. <https://doi.org/10.1177/1750698016667454>

Page, C. (2019, August 17). *Troubles trauma - the hidden legacy of violence*. BBC News. <https://www.bbc.com/news/uk-northern-ireland-49357887>.

Police Ombudsman for Northern Ireland. (2020). *History of the Office*. History of the Police Ombudsman Office - Police Ombudsman for Northern Ireland - Police Ombudsman for Northern Ireland. <https://www.policeombudsman.org/About-Us/History-of-the-Office>.

Police Service of Northern Ireland. (2020). *Legacy Investigation Branch*. Police Service of Northern Ireland. <https://www.psni.police.uk/inside-psni/our-departments/legacy-and-legal-department/legacy-investigation-branch/>.

Topping, J. R. (2008). Diversifying from within: Community Policing and the Governance of Security in Northern Ireland. *British Journal of Criminology*, 48(6), 778–797.

<https://doi.org/10.1093/bjc/azn064>

Topping, J. (2015). Accountability, policing and the Police Service of Northern Ireland.

*Accountability of Policing*, 150–171. <https://doi.org/10.4324/9781315881898-8>

Topping, J., & Byrne, J. (2011). Paramilitary punishments in Belfast: policing beneath the peace.

*Behavioral Sciences of Terrorism and Political Aggression*, 4(1), 41–59.

<https://doi.org/10.1080/19434472.2011.631349>

UK Parliament. (2017). *Investigating historic allegations in Northern Ireland*. Investigations into fatalities in Northern Ireland involving British military personnel - Defence Committee - House of Commons.

<https://publications.parliament.uk/pa/cm201617/cmselect/cmdfence/1064/106404.htm>.

University of Notre Dame. (2019, April 11). *Police Reform: Northern Ireland Good Friday Agreement*. Peace Accords Matrix.

<https://peaceaccords.nd.edu/provision/police-reform-northern-ireland-good-friday-agreement>.

University of Notre Dame. (2019, April 11). *Prisoner Release: Northern Ireland Good Friday Agreement*. Peace Accords Matrix.

<https://peaceaccords.nd.edu/provision/prisoner-release-northern-ireland-good-friday-agreement>.

*Walls of Shame: Northern Ireland's Troubles.* (2016, July 27).

<https://www.aljazeera.com/programmes/general/2007/11/200852517367117296.html>.