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Briefing for Northern Ireland Affairs Committee

with reference to its agenda item –

“The Composition, Recruitment and Training of the RUC”

The Committee on the Administration of Justice (CAJ) is a cross-community group devoted to the protection and promotion of human rights in Northern Ireland. Since our inception in 1981, we have sought to ensure the highest standards in the administration of justice. The Committee is opposed to the use of violence and takes no position on the constitutional status of Northern Ireland. Our objective is to ensure that the UK government meets the obligations it has solemnly undertaken under international human rights law. The creation and maintenance of a representative, responsive and accountable police service which is respectful of the rights of all is clearly a cornerstone in this work.

Attached in appendix is a list of all CAJ's publications (many of which of course deal with the wider gamut of civil liberties concerns). You will see from this that our interest in, and knowledge of, policing is long-standing. It is against this backdrop that we submit this necessarily abbreviated paper on issues which we hope the NI Affairs Committee will be discussing.

Background

There was a burgeoning of public debate about policing in the wake of the initial ceasefires, towards the end of 1994. Many people wanted to discuss the nature of policing in what everyone hoped would in future be a more peaceful situation, for both the police and the communities in Northern Ireland. Conferences, seminars, and small community discussions flowered alongside a public and official debate within the RUC, the Police Authority, and government circles about the future direction of policing. CAJ thought that the most useful contribution it could make would be to learn more about good and bad practice in other jurisdictions which – for whatever reason – had gone through major police transition. We commissioned two researchers – Mary O'Rawe (barrister and academic) and Dr Linda Moore (academic and criminologist) – to undertake a ten month research project to this end. They entered into a very fruitful exchange of information (correspondence, literature surveys, and questionnaires) with policing experts (police officers, researchers, academics, politicians and others) in a variety of jurisdictions. The bibliography of materials now on file in the CAJ library, arising directly from this research, encompasses well over 800 titles. The researchers also visited a number of countries: Australia, Belgium, Canada, Netherlands, Spain, South Africa, and El Salvador to experience at first hand how change had been managed in these different places. The brief the researchers had in each country was to examine issues around representation, training, recruitment, accountability (legal and political), structures, and transition or the management of change. Several of these issues are explicitly mentioned on the agenda of your Committee.

Overall findings

Before turning to the very specific items you intend to address in debate, it would be remiss, and indeed misleading, of us if we did not comment on some of our overall findings. They have a direct relevance for your discussions.

Firstly, police institutions, like other institutions, should be prepared to adapt to new circumstances, and can – if they choose to embrace change positively – contribute in a very important way to ensuring a healthy respect for the Rule of Law. Change, however, is not being proposed to policing in Northern Ireland merely for the sake of it. There are many important and serious criticisms to be made of our current police force, some of which the RUC itself would share. Whatever the reasons (and we comment on this elsewhere), the RUC is not representative, has inordinately broad emergency powers, and indeed has never since its foundation worked under a 'normal' criminal justice system. It has few really effective mechanisms of democratic accountability. While CAJ would argue that these issues need addressing whatever the political situation prevailing, we would assume that this position is accepted as all the more valid if in fact, as we all hope, violence is greatly reduced.

Secondly, criticism of policing is all too often dismissed as pertaining to a political agenda of one kind or another. On the contrary, we would argue that it is a civic duty to be constructively critical of the police, to ensure that it meets the proper expectations put upon it by society, and that a philosophy and form of policing is put in place which can secure broad consensus across society.

Thirdly, to be effective, change cannot be piecemeal, tokenistic, or a matter of a few 'add-ons'. Below we will explain some of the challenges facing those wanting to create a representative, accountable, responsive police service. These problems are all inter-related, and the solutions are inter-related. Your committee will only see part of the picture if you restrict yourselves too narrowly to composition and do not, for example, talk about police powers or structures. Similarly, many of the issues are almost cyclical: changes to recruitment will depend on changes to training, which are dependant on changes in recruitment. This inter-dependence is not an argument for doing nothing - quite the reverse. However, it is an argument for recognising that the Committee, if its study is to have any impact, must take as holistic a perspective as possible.

Fourthly, change (if international experience is anything to go by) is unlikely to come about by either solely external or internal forces. It is the combination of society, or groups within society, insisting upon change and making concrete proposals for how that change might be translated into practice, and of a clear exercise of political vision and leadership (within the police and amongst political leaders).

Last but not least, policing is an issue which is on the one hand entirely outside the realm of politics and yet at the same time highly politicised. There are rules and principles governing policing that do and must transcend partisan political interests, and short-term agendas. It is clear that 'policing by consent' which is the ideal aspired to by any police service in a liberal democratic society, is to a large extent reliant on people agreeing on some mutually acceptable political framework. In the specific case of Northern Ireland, the current political negotiations may well come up with proposals for political or constitutional arrangements which would have their impact on the structures and forms of policing. The CAJ takes no position on such constitutional questions, but it is convinced that progress on policing cannot simply await a broader settlement – both because justice and fairness are important

objectives in and of themselves, and because in achieving these objectives, we may lay the ground for that broader debate which is necessary to building lasting peace.

Composition of & Recruitment to the RUC

Currently, 7.5% of RUC officers are Catholics, 10.5% are women, and there is a very small number of officers from ethnic minorities. The Chief Constable has frequently stated his commitment to developing a police force which is more representative of the community served.

We believe that the explanation for the extremely low proportions of certain social groups is multi-faceted:

- the absence of certain groups leaves the ethos, culture and image of the force uni-dimensional. Catholics and women and ethnic minorities are not naturally attracted to a force in which they will for the foreseeable future remain minorities, could suffer harassment, and which they fear is antipathetic to their identity.
- police powers are extremely broad, have led to widely-attested human rights abuses, and are often seen to disproportionately impact on minority groups within society.
- at the same time, the history and even topical debates about policing frequently assert the role of the police in defending the status-quo, and the union, and therefore suggest that policing is performing a political role in the interests of the majority. The ethos of the RUC tends to affirm this (name, oath, flags etc).
- despite recruitment efforts in the press etc. few visible efforts have been made to reach out to under-represented groups by reassuring them that the RUC provides a neutral work environment.
- attitudes to the police within working class areas are often hostile (particularly in republican working class areas). People living in such communities are unlikely to be attracted to policing since at the very least, they might feel the need to relocate and thereby lose contact with family and friends.
- Intimidation and violent attacks are frequently cited as a disincentive to Catholics and nationalists joining (these would not presumably apply in the same way to other under-represented groups).

Without ignoring the important differences between the jurisdictions, it is worth noting that many of the reasons given above are difficulties which would be cited in a discussion in England about the under-representation of Asians or Afro-Caribbeans in the police. As there, the answers are not simple.

Some of the good practice we can draw on from elsewhere includes:

- The need for a wide range of recruitment and promotion strategies (our forthcoming report cites examples of outreach, target-setting, lateral entry schemes, mentoring schemes, fast-tracking, changes to selection processes, changes to the testing process etc.)

- The need for a number of measures introduced to deal with problems of the working environment (creating a woman-friendly environment, child-minding facilities, flexible working routines, strict disciplinary procedures for dealing with sexual, racial or sectarian harassment, the adoption of symbols which reflect the culture and aspirations of different communities, greater recognition to minority languages, and a register of outside interests which might be thought to affect the independence of the impartiality of individual police officers).
- The need for a focus on cultural diversity in the training and this must run through all elements of policing inc. recruitment

Police training

Our report analyses the widespread criticisms made around the world about the traditional forms of training which are, to a large extent, still being pursued by the RUC. Thus,

- the use of residential facilities, where police are generally kept in social and professional isolation from anyone other than other police recruits;
- the focus on military-style drills and hierarchical decision making;
- the marginalisation (at best) of human rights training;
- the reinforcing of a sub-culture of loyalty to the institution and one's colleagues rather than to defence of the law and to truth;
- the use solely (or largely) of police and military personnel and few if any civilian trainers;
- the failure to involve people outside of the police service in the design of police training programmes;
- the small percentage of female officers serving in the training unit.

Discussion of these issues elsewhere shows that these approaches are being subjected to extensive criticism, within the police as well as outside. Instead the emphasis on training should be:

- how to ensure a community involvement in the training process
- how to integrate human rights into every aspect of the training
- how to instil in new recruits an ability to problem-solve, to exercise discretion and judgement, and not be dependant on just obeying orders
- how to break down the police/civilian division
- how to bring training in the academy more into line with 'life on the streets'

- how to ensure that training is not restricted to new recruits but is part of a life-long training approach, permeating all ranks and all disciplines.

While our conclusion is that training will not alone ensure a totally impartial and accountable police service, it can – if it is focused on creating an organisational culture respectful of human rights, cultural diversity, and of the communities served - play a very important role.

- The above outlines some of the preliminary conclusions from the CAJ research. The full report will be published in the near future, a copy of which will be forwarded to the Committee.

● CAJ, Belfast

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