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POLICING IN A PEACEFUL SOCIETY

- 8.1** As we write this report, the security situation in Northern Ireland is much improved compared with the position before the main paramilitary organizations declared ceasefires. However, these organizations remain in being and remain armed; and paramilitary beatings and murders continue. It is not yet possible to say that Northern Ireland has been transformed into a peaceful society.
- 8.2** Nevertheless, despite the continuing menace of paramilitary capability, the situation has changed sufficiently in many parts of Northern Ireland to allow changes in the way in which policing services are delivered in those areas. Since the first ceasefire of August 1994, and the subsequent one of July 1997, army escorts have gradually been withdrawn from police patrols in most areas. Most police sub-divisions have ceased to carry long arms (rifles and sub-machine guns) on patrols in urban areas. There has been an increasing use of ordinary patrol cars rather than armoured Landrovers. And, as we have noted in the preceding chapter, police are now patrolling on foot or bicycle in some areas.
- 8.3** As in the case of neighbourhood policing, we believe that there is scope for going further, now, in more parts of Northern Ireland. There are still some areas where change will, for the time being, be constrained by the threats to police and community security. Great care will be needed over introducing initiatives in such areas, but at the same time the presumption should be that changes should be made in even the most “difficult” areas unless the risks involved are clearly too high, particularly where this can be done with the cooperation and support of local communities. This chapter considers changes that we believe should be made progressively, either across Northern Ireland or in all areas except those where the greatest dangers remain.

Police Stations

- 8.4** If a police service is to be an integral part of the community, it must be accessible to the public. A legacy of the past decades in Northern Ireland has been a police service physically separated from the public by fortified – and fortress-like – police stations or “barracks”. Even stations in quiet rural villages have forbidding exteriors. A new policing style based on community partnerships calls for a new style of police station, accessible and welcoming to the public. At the same time, it would be premature and foolhardy to assume that police stations in Northern Ireland will henceforth be free from the threat of guns, bombs or rockets. Moreover, the police are bound by Health and Safety legislation to provide working accommodation to minimise the assessed risk that police officers and civilians face.
- 8.5** Nevertheless the police have themselves begun to plan for a new style of police station. We welcome this. Good design can often provide security less obtrusively, without necessarily presenting a fortress-like appearance. *We recommend that police stations built from now on should have, so far as possible, the appearance of ordinary buildings; they should have low perimeter walls, and be clearly visible from the street; but they should have security features, which may be activated or reinforced as necessary.*

8.6 *We recommend that existing police stations should – subject to the security situation in their areas and to the health and safety considerations noted above – be progressively made less forbidding in appearance, more accessible to public callers and more congenial for those working in them. We recommend, for example, that the public reception areas inside police stations be made more welcoming, and that civilian receptionists could replace police officers.* There is no operational need for a police officer to perform receptionist duties, and many members of the public may find it more comfortable to deal, at least in the first instance, with a civilian. This change would bring the Northern Ireland police into line with police services in Great Britain and elsewhere. (We make further recommendations for civilianisation of certain positions in the police service in Chapter 10.) There will be other ways in which police stations may be made more friendly to, and integrated with, their local communities and in which people can be positively encouraged to have contact with their local police station. An idea which appealed to us in Charlotte, North Carolina (and which has become common practice in the United States), was a meeting room in the police station which could be reserved and used by community groups and organizations.

8.7 We received several submissions suggesting that there should be more small police stations (or that old ones be reopened), and neighbourhood police “shops” or kiosks as in Japan. There are different views and different experiences as to whether or not this helps bring police and community together in the way we outlined in the preceding chapter. The more police stations – or static police posts – there are, the more police officers tend to be required to staff them and the fewer officers there may therefore be out on the streets. One police chief we spoke to in the United States had concluded that neighbourhood police posts had simply become “hang-outs for cops”. On the other hand it is very important that villages or urban neighbourhoods that are not near large police stations feel that their police service is part of their community too. It does not necessarily require a police station to achieve this; and there is in our view a lot to be said for having instead more police officers out on the streets, patrolling where and when the community wants them to patrol, contactable at all times on mobile phones (the numbers of which would need to be well advertised in the community), and conducting regular, say weekly, “surgeries” at premises which might be leased or borrowed from other community agencies. We do not seek to be prescriptive about this, because priorities and perceptions will vary from place to place, so *we recommend that district police commanders should have discretion to decide in consultation with their local community how best to balance their resources between static posts and mobile patrols.*

Police Vehicles

8.8 Over the years the police have made extensive use of grey, unmarked, armoured Landrovers, not only for public order policing and responding to incidents, but also for routine patrols in many areas. They have recently made less use of these vehicles and more patrolling is now done in liveried police cars, or on foot or bicycle. We welcome this development and *we recommend that police cars continue to be substituted as patrol vehicles in place of armoured Landrovers, and that the use of armoured Landrovers be limited to threatening situations.*

8.9 As the use of armoured Landrovers declines in frequency there will be little justification for keeping them in police stations, where they take up a lot of space and detract from the appearance of the premises. *We recommend that, as soon as possible (that is, as soon as the incidence of deployment ceases to be regular) the Landrovers be moved to depots, to be kept in reserve for use in public order policing (see next chapter) for as long as this contingency may be required.*

- 8.10** While it may be necessary to hold the Landrovers in reserve for the time being, we see no reason why they should continue to look as forbidding as they do. It is a small point, but a simple livery of some kind would soften the appearance of these vehicles and *we recommend that, at least, the word "Police" should be painted onto the sides.*

Army role

- 8.11** The army has been involved in the policing of Northern Ireland for three decades. It has long ceased to have primary responsibility for security, which passed to the police in 1976, and since then its role has been a subordinate one of providing "Military Aid to the Civil Power" (MACP). It is the police who decide what needs to be done and whether they need to ask the military to help achieve it. Until recently the army were still, however, a visible feature of policing over much of Northern Ireland. This has changed considerably since the main paramilitary groups declared ceasefires. Army escorts no longer accompany police patrols in Belfast and most other towns, but in a few places, police officers still patrol with army protection. We welcome the reduction of the army's role and *we recommend that it should continue to be reduced, as quickly as the security situation will allow, so that the police can patrol all parts of Northern Ireland without military support.*

- 8.12** Eventually – and we hope this will come about sooner rather than later – army support for the civil power in Northern Ireland should in principle be no more than it is in any other part of the United Kingdom (search and rescue, bomb-disposal and aid in exceptional emergencies such as natural disasters). There is one exception and that is in the area of public order policing, which we address in the next chapter. The army provides support to the police, including a substantial engineering capability, for large public order events such as Drumcree. We do not favour replicating these capabilities within the Northern Ireland police, because this would be very expensive and wasteful of resources which might in the event seldom be used; and because we do not believe that this is a time for adding military-style support units to the police. *We therefore recommend that, for as long as the prospect remains of substantial public order policing demands on the scale seen at Drumcree in recent years, the army should retain the capacity to provide support for the police in meeting those demands.*

Emergency Legislation

- 8.13** As McGarry and O'Leary observed, "much of the dissatisfaction with policing, in both loyalist and republican areas, stems from the use of emergency powers"¹. The subject was raised with us on many occasions. The powers in question derive in law from the Prevention of Terrorism Act 1989 (PTA) and the Northern Ireland (Emergency Provisions) Act 1996 as amended by the Northern Ireland (Emergency Provisions) Act 1998 (EPA). The police in Northern Ireland have more extensive powers – including powers to stop, question and search, and powers of entry, search and seizure – than their counterparts in the rest of the United Kingdom. The army in Northern Ireland also have powers – of arrest, detention, search and seizure – which they do not have in the rest of the United Kingdom. We were surprised to discover that there is no requirement for records to be kept of roadblocks, stops and searches; and that no such records are kept. It was impossible, therefore, to check some of the observations made to us about police and army actions. The MacPherson report noted that, in England and Wales too, records of stops and searches by police were incomplete².

¹ McGarry, J., and O'Leary, B., *op.cit.*

² The Stephen Lawrence Inquiry, *op.cit.*

8.14 During the course of this Commission’s work, the British Government issued a consultation paper on “Legislation Against Terrorism”³, which aspired to the repeal of the PTA and the EPA and the replacement of both with a single piece of permanent legislation which would apply throughout the United Kingdom and to all forms of terrorism, including new forms of terrorism which may develop in the future. This goal was predicated upon the threat of terrorism in Northern Ireland diminishing to the point where no additional special powers were necessary to combat it, and on that basis we too would *recommend that the law in Northern Ireland should be the same as that in the rest of the United Kingdom*. (In the event that the threat of terrorism in Northern Ireland continues to require special provisions in addition to any new United Kingdom legislation, we note and agree with the British Government’s proposal that these should be subject to annual independent review and to Parliament’s approval of any or all of them remaining in force.) In the meantime *we recommend that with immediate effect records should be kept of all stops and searches and other such actions taken under emergency powers*. Such records are necessary in our view not only for purposes of accountability but also for effective internal management.

Holding Centres

8.15 Several of the submissions we received called for the closure of the three holding centres, at Castlereagh, Gough Barracks and Strand Road, used for the questioning of persons detained under the emergency legislation. The Commissioner for Holding Centres, Sir Louis Blom-Cooper QC, advised this Commission that there was no longer a case for holding such persons in separate centres from those held under PACE (Police and Criminal Evidence (Northern Ireland) Order 1998). We agree. *We recommend that the three holding centres at Castlereagh, Gough barracks and Strand Road be closed forthwith and that all suspects should in future be detained in custody suites based in police stations*.

8.16 Two questions arise from this recommendation. The first concerns audio and video recording of interviews, which was introduced into the holding centres on 1 January 1999. The PACE facilities have only audio recording at present. *We recommend that video recording be introduced into the PACE custody suites*. There is also the question of what should happen to the post of Commissioner for Holding Centres, once the centres have been closed. *We recommend that responsibility for inspecting all custody and interrogation suites should rest with the Policing Board, and that Lay Visitors be empowered not only to inspect the conditions of detention (as at present), but also to observe interviews on camera, subject to the consent of the detainee (as is the case for cell visits)*. Individual complaints about treatment in these suites should go to the Police Ombudsman.

Firearms

8.17 The Agreement says that the police service, “in a peaceful environment, should be routinely unarmed”. This is the norm throughout the United Kingdom and it is the aspiration of the RUC itself. It is also the case – at least for uniformed officers – in the Garda Síochána. Provided policing can be delivered effectively without significant risk to police officers, it is plainly much to be preferred if they can be routinely unarmed. That said, this was an issue which attracted very little public comment in the written submissions we received, with fewer than 2% of such submissions touching on the subject. Many of those that did so, and most of the oral submissions we received

³ “Legislation Against Terrorism: A Consultation Paper”. The Stationery Office, 1999, CM 4178

on the matter at public meetings, warned against disarming the police while the security outlook remained uncertain (we were reminded on several occasions that, when the RUC had been disarmed after the Hunt report of 1969, there was a spate of attacks on police resulting in the deaths of several officers and leading to the reintroduction of personal protection weapons) and when serious crime, including drug-related offences, appears to be on the increase.

- 8.18** The great majority of RUC officers have never drawn their gun. 71 firearms were drawn by officers last year; and, discounting warning shots, there were only seven discharges in combatant situations, none of which resulted in injuries. There has been no case of the RUC shooting anyone dead since 1991. So the extent to which policing in Northern Ireland relies on the firearm is very limited. Several police officers have told us that they would be prepared to do their jobs unarmed now, and a few already choose not to carry a weapon. Nevertheless there is a strong feeling among many police that a personal protection weapon is indispensable against the background of 302 police officers having lost their lives in the past 30 years and about 8,500 having been wounded and disabled, and taking account of international trends towards more violent crime.
- 8.19** We do not believe that the “peaceful environment” referred to in the Agreement yet exists and we do not believe that it is possible to recommend now that there should be a general disarmament of the police. Health and Safety legislation imposes requirements upon the police to provide suitable equipment to minimise the assessed risk that police officers face. At present, this almost certainly means the provision of firearms as personal protective equipment. *We recommend that the question of moving towards the desired objective of a routinely unarmed police service be periodically reviewed in the light of developments in the security environment.* We welcome the gradual withdrawal of long arms from police patrols in most parts of Northern Ireland and we hope that this process will also continue wherever possible.
- 8.20** We note that the Belfast Harbour Police and Belfast International Airport Police (see paragraph 6.10) are also currently armed. Our recommendation as to review applies equally to these police services.