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## **Police Reform, Civil Society and Everyday Legitimacy: A Lesson From Northern Ireland†**

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**Abstract:** In post-conflict zones, there is a need to better understand the role of civil society in building the legitimacy of reformed police institutions. Northern Ireland provides an instructive case in this regard, as community involvement and civilian oversight of policing structures were prominent in the reform process. While much has been achieved since the 1999 Independent Commission on Policing, the question of police legitimation is still largely unresolved. In order for police reform to be fully realized, and to ensure that everyday legitimacy is established, more attention must be paid to building relationships between the police and local communities.

**Keywords:** police reform, Northern Ireland, civil society, legitimacy, security governance, peacebuilding.

### **Introduction**

In the past 10–15 years, police reforms carried out with the support of the international community have introduced novel approaches to security governance in post-conflict peacebuilding. International actors, such as the United Nations and the European Union, have led, designed and implemented police reform in diverse contexts. The Northern Irish police reform experience represents an important case to study as it has become increasingly visible as a model for some of these international missions. Indeed, Graham Ellison and Conor O'Reilly suggest that a globally recognized “Northern Irish Policing Model” (NIPM) has emerged.<sup>1</sup> Still, though the NIPM is often lauded on the global stage, it faces some serious, remaining challenges at the domestic level. More

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1 Ellison and O'Reilly 2008, 332–333.

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specifically, the legacies of the past police practices and the deep societal divisions are barriers to furthering the everyday legitimacy of the police in Northern Ireland's most disenfranchised communities.

Historically, the police in Northern Ireland suffered from a lack of legitimacy and trust in police-community relations in the predominantly Catholic areas. The police, formerly known as the Royal Ulster Constabulary (RUC), were overwhelmingly Protestant, and grievances about the unfair treatment of members of the Catholic/nationalist/republican community led to the distrust between members of this community and the police.<sup>2</sup> Most importantly, the RUC was a key state agency, supporting a Protestant/unionist-dominated government, and much of its attention was focused on monitoring the dissent and actions of predominantly Catholic population.<sup>3</sup> Given this legacy, the reform of the police service has emerged as one of the most important challenges in Northern Ireland following the Belfast Agreement (also known as the Good Friday Agreement), as a more inclusive police was seen as crucial to the legitimacy of the entire peace process. In this regard, the police reform that started after the signing of the Belfast Agreement in 1998 has made significant headway in reconstructing a more accountable service. The reformed Police Service of Northern Ireland (PSNI) is certainly more representative of the Catholic community than ever before and more professionalized, and human rights standards and norms have become entrenched in police practice. Yet, while the police reform in Northern Ireland has been relatively successful, the relationship between the police and particular communities (specifically, working class republican and to a lesser extent working class loyalist neighbourhoods) is not entirely transformed.<sup>4</sup>

We argue that the remaining challenge facing the PSNI is the continuing distrust between communities that mirrors societal divisions within the wider Northern Irish political context. In the past 15 years, attempts to further involve civil society have quite often overlooked the importance of building trust and confidence through more informal ways. Thus, we suggest that both scholars and practitioners should pay more attention to less visible, informal ways of involving civil society actors and ordinary citizens in building support for the police. Still, this approach should not be perceived as a silver bullet. The societal divisions and distrust pose a formidable obstacle to both the more formal and informal strategies for building the everyday legitimacy of the police in the most disenfranchised communities. Through the examination of the literature and official

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2 For the historical background of the police in Northern Ireland see O'Rawe and Moore 2000; McGarry 2000. For the sake of brevity, in what follows, we often refer to the Protestant and Catholic communities. At times the labels of unionist and nationalist are also used respectively. The loyalist (Protestant) and republican (Catholic) monikers are used to refer to those within Protestant and Catholic communities that are quite often perceived by the other side as more militant or extreme.

3 Mulcahy 2006, 8–9.

4 Also see Ellison and O'Reilly 2008. Mulcahy notes that “[I]t is also important to appreciate that political affiliation was not the only factor shaping the public's attitudes towards the police: class, youth and gender also had a strong impact.” See Mulcahy 2006, 9. Still, given the political context it was the Catholic communities that bore the brunt of the police scrutiny and intervention.

documentation on police reform, as well as the field research and interviews conducted on peacebuilding and security concerns in the post-agreement period in Northern Ireland in the fall of 2011, this paper explores the challenges of ensuring everyday legitimacy of the reformed institutions. The interviews were conducted in the two major Northern Irish cities, Belfast and Derry/Londonderry, with fifteen key informants, primarily members of civil society organizations involved in peacebuilding.<sup>5</sup>

In the first section, we present a brief argument about the importance of civil society and civic involvement in addressing the legitimacy deficit in the reconstruction of police in post-conflict societies. We particularly focus on the importance of “everyday legitimacy” building or what R. Allen Hays refers to as “street-level legitimacy.”<sup>6</sup> In the second section, we turn to examining the “police question” in Northern Ireland. We first provide an overview of the police reforms that occurred after the signing of peace agreement. We then scrutinize the provisions made to ensure civic oversight over the work of the police service and different mechanisms for inspiring wider community involvement. Lastly, we examine the informal networks and interaction between the community and the police from the bottom-up perspective. This paper provides a snapshot of the remaining challenges for both police reform but also wider peacebuilding efforts.

### **Legitimacy and the Role of Civil Society in Post-Conflict Police Reform**

In the post-conflict context, police reform increasingly involves some civilian oversight or civic involvement to further legitimacy of the police. Aogan Mulcahy argues that the issue of “police legitimation” has received little attention beyond the fact that there is an absence of legitimacy.<sup>7</sup> Other scholars suggest that the role of civil society actors in supporting police reform is growing but also remains under-examined.<sup>8</sup> Yet, police legitimacy and civil society involvement are clearly linked. Civilian oversight is a way to ensure compliance with reform objectives, while at the same time allowing for the further normalization of relationships between the police and the local communities. Given the experience of conflict and the role of police in it this is a key aspect of reforms. Civil society is defined rather broadly in these reforms, sometimes including formal citizen organizations, selected community representatives, and other times referring to ordinary citizens. Still, this civic involvement in security governance is important, as the ultimate goal is to ensure sustainability of the reforms and to address the police’s legitimacy deficit in post-conflict societies. During violent conflicts in divided societies police are often militarized, with a track record of gross human rights abuses that indiscriminately target

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5 The organizations contacted represent a wider array of actors and groups focused on building cross-community dialogue and trust as well as inspiring more civic engagement. All of the interviews have been kept confidential with only broad references to the position or role of the interviewee.

6 Hays 2013, 586.

7 Mulcahy 2006, 10.

8 Caparini 2005.

particular parts of the population. Thus, the transformation of police from its conflict participant role to post-conflict service provider is considered necessary.

There is a consensus on this point in the literature, in particular on the importance of public trust in police. Andrew Goldsmith, for example, argues that the starting point in any analysis of police reforms in post-authoritarian and post-conflict states should be the recognition of the absence of public trust in police. He maintains that “[W]here there is limited or no *policing by consent*, policing is likely to take more arbitrary and violent forms, further damaging public trust.”<sup>9</sup> Moreover, in the countries with low-trust setting (which are by definition post-conflict states), policing is quite often and deliberately used by those states to protect the regime and/or discipline certain segments of society. Relying on a rich social trust literature, he brings to our attention the factors that either undermine or build trust in police. Goldsmith provides a list of “trust-diminishing behaviours” by police (neglect, indifference, venality, extortion, discrimination, excessive force, etc.), and he concludes that “wherever policing is experienced as partisan in nature, generalized trust in police is unlikely.”<sup>10</sup> In other words, in contexts of post-conflict divided societies the reforms should focus on establishing trust-enabling behaviours.

However, Goldsmith’s analysis does not deal explicitly with the issues of “multiple community policing.” These issues emerge in situations where societies are split along ethnic, cultural, or religious lines of conflict. Under such setting, as Maarten Van Craen argues, general questions of trust in police should be supplemented with the more specific ones: who is the community?, how do officers perceive (ethnic) subgroups in the community?, and how do (ethnic) subgroups view the police?”<sup>11</sup> In order to explain majority and minority trust in the police, van Craen surveys three broad literatures: social capital theory, performance theory, and the procedural justice based model. He concludes that each of these approaches offers complementary explanations of trust in the police. From social capital literature, we learn that well-functioning, bridging and cooperative networks and communities increase trust of citizens in the police. Performance theory tells us that accountability does matter and that the more police respond to the needs of the community, the more trustworthy it becomes. Finally, the procedural justice model suggests that, in the words of Van Craen, “citizens in the first place expect the police to treat everyone with justice and dignity... and that police effectiveness has a legitimation potential only to the extent that it is achieved in a manner that respects citizens’ sense of dignity.”<sup>12</sup> As such, van Craen points to both the actions of the police in building trust and legitimacy as well as the role of networks and organizations in bolstering that trust and support.

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9 Goldsmith 2005, 445–446.

10 Goldsmith 2005, 456.

11 Craen 2013, 1043.

12 *Ibid.*, 1050.

Taking these points into account in this paper we rely on the conceptual framework as provided by Hays. We do this for two reasons: first, Hays deals explicitly with the police reforms in Northern Ireland, and second, his approach integrates most of the insights from the current debate on the links between trust, legitimacy and police reforms. In addition, Hays shifts the focus to the “on the ground” everyday experiences by ordinary citizens that allow us to note the importance of bottom-up approaches to policing reforms. Hays captures the transformative logic of police reforms in his conceptualization of three levels of legitimacy that the police reforms in Northern Ireland sought to ensure: “legitimacy through democratic representation, legitimacy through professionalism in public service, and legitimacy through ‘street-level’ responsiveness to citizen concerns.”<sup>13</sup> He goes on to say that the first two aspects are often achieved through quotas and/or more technical approaches (i.e. training, standards, evaluations). However, the third aspect, the so-called “street-level” legitimacy, remains the most challenging. As Hays aptly summarizes, the challenge is that “[D]istrust breeds lack of cooperation that reduces police effectiveness that in turn enhances distrust.”<sup>14</sup> As a consequence, civil society involvement, while becoming more prominent in any police reform, often becomes fragmented and hardly successful in breaking the vicious circle of distrust.

The involvement of the community in police reform and the development of oversight mechanisms are at the heart of Hays’s three-level legitimacy scheme. For example, from the street-level legitimacy perspective, the police are often the most accessible and visible institutions that citizens interact with and as such the experience with the police is also reflective of the broader support for the polity. In divided societies, this remains particularly important as the state authority is contested and the police need to be sensitive to the political divides while themselves belonging to the communities. For these reasons Caparini and Marenin argue that “the actions of the police will both reflect and affect societal changes and the meaning and legitimacy which society vests in state authority.”<sup>15</sup> To put it simply, they suggest that the police actions in regards to the local populations will either contribute to strengthening state authority and legitimacy or will diminish that support.

The purpose of the oversight mechanisms is to make police more transparent, or in Hays’s terms, to make them more legitimate through democratic representation and higher professionalism. State institutions, however, are very concerned as to who or what type of civil society, is to be involved in the oversight of the security sector. Mary O’Rawe and Linda Moore thus voice concern about the extent to which the policing boards are actually representative of the wider community and suggest that individuals selected to serve on these boards often have a pro-police bias.<sup>16</sup> This means that though a multiplicity of actors are involved from different segments of the population, both community and

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13 Hays 2013, 586.

14 *Ibid.*, 582.

15 Caparini and Marenin 2004, 1.

16 O’Rawe and Moore 2000.

police partnerships, as well as some civilian oversight mechanisms, tend to focus on the more supportive elements. At the same time, on the ground, the more exclusive and “uncivil” elements of civil society, such as remnants of paramilitary organizations, continue to struggle to shape public perceptions of the police.

In this regard, Roger Mac Ginty highlights the importance of understanding the diversity of the civil society sector in deeply divided societies, in particular Northern Ireland.<sup>17</sup> As Mac Ginty explains in the Northern Irish context civil society is comprised of both internationally supported NGOs but also many vibrant local networks and organizations that have close links to the communities. Interestingly, following the signing of the peace agreement the civil society sector has also become more professionalized and a key source of employment for former members of paramilitary organizations (pers. comm.). Many of these individuals, sometimes referred to as “former combatants” are now closely involved in peacebuilding activities and supporting community-police relations (pers. comm.).

Once more, in our analysis we rely on Hays’s three levels of legitimacy framework to capture the different dimensions of civil society involvement in supporting police reform and raising public trust in the police. We build on Hay’s framework to particularly focus on the less formal ways that civil society becomes involved with the police: at times as a liaison, and at times an obstructor of police efforts to reach out to local communities. This allows us to identify those processes that are often overlooked in the analysis of the success, but also limitations, of the Northern Irish police reform. Most importantly, it alerts us to a fact that the presence of formal mechanisms for community involvement does not necessarily mean a wider community engagement and/or popular support for police reforms. In other words, we suggest that establishing trustworthy police force that is equally accepted as such by both communities remains a moving target in Northern Ireland.

### **The “Police Question” in Northern Ireland**

Police reform has long been a central issue in the Northern Irish conflict and gained even more prominence in the post-peace agreement phase.<sup>18</sup> The Belfast Agreement brought an end to more than 30 years of sporadic violence known as “the Troubles” in Northern Ireland. The Agreement has been seen as a success in preventing further continuation of the conflict though smaller scale violent events have occurred. The Troubles started in the late 1960s and the polarizing conflict left little effective government in the province and direct rule from Westminster was implemented. After the peace agreement was signed,

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17 Mac Ginty 2011, 186.

18 The call for reforms started with the outbreak of conflict in 1969. The Hunt Report of 1969 pointed to the need for a more democratic police service and the Police Act (NI) 1970 included calls for a more representative service. See O’Rawe and Moore 2000, 267. The changes though fell by the wayside as the violence continued.

a power-sharing arrangement was put in place for the governance of the province.<sup>19</sup> Throughout the conflict and after the signing of the peace agreement the “police question” was a prominent issue.<sup>20</sup> Given the history of the RUC and its role in the “Troubles” the challenge was in establishing a service that would be supported by both Catholics and Protestants. The views of the police by the two communities reflected the broader views on the polity. The majority of the Protestant, unionist population supported Northern Ireland remaining a part of the United Kingdom. The majority of the Catholic, nationalist population wished to see the polity become a part of the Republic of Ireland. As such, most Protestants perceived the RUC as the “custodians of nationhood,” while most Catholics saw the RUC as “symbols of oppression.”<sup>21</sup>

This divisive view of the police was noted as a major question that needed to be taken up in the police reform precisely as it was linked to broader polity legitimacy. The Belfast Agreement, while not specifically dealing with policing, pointed to the need for an independent (and international) commission to be created to review policing practices. In 1999, the Independent Commission on Policing produced a report entitled “A New Beginning: Policing in Northern Ireland,” which came to be known as the “Patten Report” after the chair Chris Patten, a former Secretary of State for Northern Ireland.<sup>22</sup> The report recognized that policing was and remains a contentious issue whose legitimacy needed to be rebuilt. The Report placed an important emphasis on involving the community as part of the strategy for the eventual transformation from the Royal Ulster Constabulary (RUC) to the Police Service of Northern Ireland (PSNI).

### **Representation and Transformation of the Police: Establishing Democratic and Professional Legitimacy**

The name change was the beginning of what was bound to be an uneven process of police legitimization in Northern Ireland. It was followed by the change in emblems and uniforms, while the Police (Northern Ireland) Bill 2000 added additional oversight mechanisms, such as the Northern Ireland Policing Board and the Ombudsman.<sup>23</sup> The Ombudsman is appointed for a fixed seven-year term and is accountable to the Northern Ireland Assembly.<sup>24</sup> The primary task of the Ombudsman’s office is to investigate complaints against the police. The Policing Board includes 10 political members, and 9 independent members who are appointed from both Catholic and Protestant communities. A unique role of the Board is that the Act also requires the Board to monitor PSNI compliance

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19 See McGarry and O’Leary 2009.

20 Mulcahy 2006, 4.

21 Ellison 2007, 245.

22 The report can be accessed here: <http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf>

23 Hays 2013, 573.

24 PONI 2013.



with the Human Rights Act 1998.<sup>25</sup> No other policing oversight body in the UK has that role.<sup>26</sup> It is clear then that protection of human rights and civilian oversight became institutionalised as a result of the reforms. Still, the change of the symbols and names was not always well received in the Protestant communities (pers. comm.). The removal of British symbols increased the sense on the unionist side, that the nationalists saw the peace process as a way to achieve their ultimate goal of reunification with the Republic of Ireland.<sup>27</sup> On the republican part, it took several years for their largest party, Sinn Fein, to support police reforms. Only in 2007, Sinn Fein finally decided to join the Policing Board. Its support for the PSNI was a crucial step in further legitimizing the police service in the eyes of the Catholic community.

This move by Sinn Fein also further supported the primary goal of making the police service more representative. Patten Report made a recommendation to ensure that for at least 10 years 50% of all new recruits were from the Catholic community. At the time of publishing the Patten report, only 8 per cent of the force was made up of Catholic officers. In 2011 when the Secretary of State Owen Paterson ended the “50-50 recruiting system” about 30% of the force were Catholics.<sup>28</sup> Whether the Catholic community’s perspectives have found their way in the reformed Northern Irish police remains debated. For example, Mary Gethins, in her research on Catholic police officers in Northern Ireland, finds that increased numerical representation does not necessarily mean that wider community perspectives are included as the individuals who join the PSNI from Catholic backgrounds all share moderate political views.<sup>29</sup> Gethins merely points out that the recruits very rarely come from areas hostile to the police or the most disenfranchised parts of the republican community. As such, these areas remain the recruiting grounds for dissident organizations hostile to the Belfast Agreement. Either way, the reforms for a more representative and inclusive police service are seen as a qualified success.

Most importantly, the Patten Report highlighted the need for a more civically-oriented police reform. This was consciously done to ensure a certain level of legitimacy of the reformed police service in Northern Ireland. For these reasons, Hays argues that “[T]he creation of civilian control and consultation mechanisms has played a critical role in the establishment of police legitimacy.”<sup>30</sup> On top of this, the Office of the Oversight Commissioner was created to monitor the implementation of the 175 recommendations made in the Patten Report.<sup>31</sup> The office closed in 2007 as the majority of the recommendations were seen as having been successfully implemented. Nevertheless,

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25 Starmer 2007, 94.

26 *Ibid.*

27 McGarry and O’Leary 2009, 35.

28 BBC News 2011. “Police 50-50 recruiting system is to end.” *BBC News*, March 28. Accessed February 27, 2014. <http://www.bbc.co.uk/news/uk-northern-ireland-12876127>.

29 Gethins 2011.

30 Hays 2013, 558.

31 Byrne and Topping 2012, 15.

some provisions from the Patten Report were watered down in the 2000 Police Bill, including those about community involvement in police structures. In addition, the Chief Constable had retained much of the control over policing that makes the community involvement tenuous at best.

Overall, the implementation phase of the police reforms, as suggested by the Patten Report, represents a missed opportunity to build a more networked system of police governance. The Patten Report envisioned not only the reform of the police but also the broader transformation of security governance in Northern Ireland.<sup>32</sup> Its purpose was to diffuse power mechanisms of control over various societal groups and thus avoid traditional understandings of singular solutions to crime and disorder.<sup>33</sup> In particular, the report has recognized the role of the vibrant civil society and voluntary sector in Northern Ireland as one of central elements/nodes of the newly-envisioned security network. As such, it might have been too ambitious for the early stages of the police reform in Northern Ireland. Hence, as Jonny Byrne and John Topping maintain, the innovative approach of the Patten Report and its “holistic approach to policing” have been lost in the more technical aspects of police reforms.<sup>34</sup> Still, the reforms did achieve a significant level of professional and democratic legitimacy, even though the challenge remains as to what are the best ways to address the question of the everyday or “street-level” legitimacy.

### **Policing with the Community?**

In 2011, and in response to the everyday legitimacy challenge, the PSNI renewed their commitment to strengthening links with local communities by releasing the “Policing with the Community (PwC) 2020 Strategy.” The Strategy states that “[P]olicing with the Community is not just the responsibility of Neighbourhood Teams, rather it underpins everything that we do as a Police Service and is therefore the responsibility of all officers and staff.”<sup>35</sup> However, PSNI placing of the community at the centre of the approach to policing does not capture the remaining confusion in some communities as to what community policing truly means. The Community Foundation for Northern Ireland in a policy briefing on its assessment of community policing notes that “[F]or some, community policing refers to a specific form of policing by the PSNI; for others it includes policing by the community itself in many different forms.”<sup>36</sup> This has led some communities to see the continuing involvement of paramilitary organizations in monitoring communities as acceptable.

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32 Shearing 2001; Ellison and O’Rawe 2010.

33 Ellison and O’Rawe 2010, 35.

34 Byrne and Topping 2012, 15.

35 PSNI 2011.

36 The Community Foundation for Northern Ireland 2012, 3.

The lack of full understanding of community policing and, even more so, the acceptance of questionable local actors in policing communities further underlies the fact that the creation of the Community Safety Partnerships (CSPs) and District Policing Partnerships (DPPs) did not necessarily engage communities to the extent expected in the reforms. DPPs were concerned with formal police matters while CSPs were seen as more community oriented. Both entailed citizen involvement and given their focus on community safety CSPs were seen as more relevant than the DPPs that were concerned with more formal policing matters.<sup>37</sup> Subsequently the two were merged into the Policing and Community Safety Partnerships (PCSPs) through the 2011 Justice Act (Northern Ireland), and were formally established on April 1, 2012. Currently, there are 26 PCSPs in Northern Ireland, one in each council area.<sup>38</sup> The blending of the two, however, was questioned by civic organizations as they have seen it as a way for the police to focus on the less controversial aspects of policing (i.e. programs focusing on preventing crime) rather than on ensuring oversight of policing actions in a sensitive political and social environment.<sup>39</sup> Herein lies the crucial challenge, as the communities from which potentially destabilizing violence can emerge are the ones that have the weakest links with the police sector.

### **Informal Networks and Challenges of Street-Level Legitimacy**

Despite the power inequalities between the PSNI and civil society organizations, many of them possess their own ways of negotiating the security governance space. A member of a peacebuilding organization in Derry/Londonderry points out that the police regularly interact with civil society members. His words are rather instructive:

[Y]ou know it is often easier for us [members of civil society organizations] to ask questions in the community than the police, especially in the case of the republican community. I get many calls from the police but also from the community members who do not want to contact the police themselves if there is an issue emerging close to their home (pers. comm.).

In other words, civil society organizations quite often act as intermediaries between the communities and the police. But, by the same token, this type of “cooperation” can be seen as threatening to the independence of some civil society organizations for the very reason that their respective communities might perceive this linkage between the two to be too close. Still the role of the civil sector as an ‘in-between’ for the police and community is crucial, in particular in light of the critique that police simply seek to control disadvantaged groups.

Nevertheless, it seems that various civil society members themselves believe that unionist community tends to view policing more favourably and thus engage more with

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37 Hays 2013.

38 NIDirect 2013.

39 Hays 2013.

the police. This is due to the fact that up to 70 per cent of the police force identifies as being Protestant, and in the words of one member of a Protestant religious organization, “it is still difficult to recruit Catholics into the police service. Because of the history you know” (pers. comm.). Recruiting Catholic police officers is also made more difficult due to targeted attacks by members of fringe republican groups that do not accept the current political arrangements and continue to use violent methods to express their dissatisfaction with the peace process.<sup>40</sup> At the same time, though Protestants tend to be more supportive of the police, police reform is not necessarily supported in working class Protestant and loyalist areas. These communities feel left behind by the broader objectives of peace process. The increased focus on Catholic representation furthers their dissatisfaction with the PSNI (pers. comm.), as the reform is perceived to weaken ties to “their” police force.

Overall, despite important strides made in reforming the police institutions and providing mechanisms to include civilian input and outreach programs, the police service still remains out of touch with these more disenfranchised segments of population on both sides – Catholic and Protestant. A member of a peacebuilding organization in Derry/Londonderry nicely summarizes the remaining challenges:

There is a strong anti-police sentiment, particularly among young people in the republican areas. When I was growing up we were fighting the police. Now I have come through that and I have seen the police totally changed in their operation, how they manifest themselves, and the way they do their work now. But these young people still see them through the black RUC (Royal Ulster Constabulary) image of the past. So where are they getting that from? That has to be from some people of my generation that are still holding those prejudicial views” (pers. comm.).

The interviewee acknowledges that these individuals who feel disenfranchised would not engage in community and peacebuilding initiatives even in community outreach programs, let alone programs incorporating the outreach to police. But quite often community representatives themselves are not bringing out into the open the views on these issues. For example, attempts by some local non-governmental organizations in Belfast to discuss policing with youth in republican or other working class areas are met with little participation as adults do not wish to engage on this particular issue.

On the other side of public perception, some community organizations voice their concern that the police and the politicians only consult them when there is a crisis or a riot is occurring. As a member of a civil society organization points out:

As soon as violence explodes at the surface the police representatives are all around you telling the community workers how they need to help, need to do this, need to do that. And yet when

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40 See for example, BBC News. 2011. “Ronan Kerr murder: mourners gather for Tyrone funeral.” BBC News, April 6. Accessed February 27, 2014. <http://www.bbc.co.uk/news/uk-northern-ireland-12979656>.

there isn't a threat of violence, nobody higher up seems to care about the community activists' work. There are times when I think that the larger organizations (particularly statutory bodies) absolve themselves of what they should be doing by simply not supporting community workers on the streets. You cannot just call upon us when violence erupts. At that point it's already too late (pers. comm.).

In this statement, the community worker points to the issue of effectiveness but also legitimacy and the public's perception that police in divided societies regularly encounter in their day-to-day dealing with citizens. Police are not seen as ensuring safety for all groups. In addition, as some interviewees have pointed out, there is a sense that particular individuals are outside (or above) of state control. Members, or former members, of paramilitary organizations are still seen - whether rightly or not - as holding power in their respective local communities.

Past policing practices are also never far from the public's current understanding of policing. In Northern Ireland community relations are made difficult by evidence of collusion between the security forces and loyalist paramilitaries in the past. Addressing some of these issues, Terry Spence, the Police Federation of Northern Ireland chief, stated that "[I]t is unacceptable to us as police officers, or indeed to the community, that we appear reluctant to enforce the law because of the fear of provoking uncontrollable confrontation with the [loyalist paramilitary] UVF bully boys."<sup>41</sup> He goes on to state that "[O]ur politicians and our police service need to address the perception in the wider community by clearly demonstrating that we are standing up to the UVF as well as the dissident republicans."<sup>42</sup> In other words, Spence is pointing to the central challenge that any police reform sooner or later has to face: the need for the policing to be seen as impartial and their actions not to be interpreted through distinct ethnic or community lenses. However, it was the emergence of the information about the so-called letters of comfort, or on-the-runs, given to members of republican organizations that once again brought the issue of policing into focus. These letters were a part of a deal agreed upon between the Blair administration and Sinn Fein in order to ensure IRA decommissioning and support for policing.<sup>43</sup> The letters were given to republican individuals suspected of involvement in murders during the conflict stating that they were not going to be prosecuted for past crimes. As such, the unionist community has expressed anger and disappointment with the actions of the government and the police.

The perceptions of the police on the ground thus continue to be shaped by the legacy of the past and "uncivil" elements of civil society. Paramilitary groups in Northern

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41 McDonald, Henry. 2013. "Northern Ireland policing against loyalist flag protests 'too weak.'" *The Guardian*, June 5. Accessed February 27, 2014. <http://gu.com/p/3gbn8/tw>.

42 McDonald 2013.

43 McDonald, Henry. 2014. "IRA fugitives given 'letters of comfort' are linked to 300 killings." *The Guardian*, May 8. Accessed, May 19, 2014. <http://gu.com/p/3p36x/tw>.

Ireland and their strong social ties to their communities have remained alongside the official institutions. The often-heard “they have not gone away you know” statement in interviews points to the role of these individuals in the everyday lives of ordinary citizens. Even here the picture is more complex. For example, the so-called “dissident” republicans do attempt to carry out violent campaigns. However, on the other extreme, many former members of paramilitary organizations play a very prominent role in civil society organizations that are focused on peacebuilding. They often act in their own communities, particularly in the so-called interface areas (areas where the two communities live in close proximity) to monitor incidence of violence between the youth and to improve the security situation in general.

This style of involvement creates a puzzle that the police do not seem to know how to address. For example, Claire Pierson finds that among community workers in interface areas there is a perception that younger police officers are not as willing to engage because some of the community workers might have had links or been involved in paramilitary organizations.<sup>44</sup> Still, some residents are equally weary when police do engage with the former members of the paramilitary organizations. For many local residents, the further involvement of these “former combatants” in security provision undermines to some extent the legitimacy and ability of police to be the key, impartial security providers. In addition, there is always a fear that the privileging of some group representatives over others can further impact the relationship between the police and local communities.

## **Conclusion**

Northern Irish police reform, with its community-oriented policing, represents a qualified success that other post-conflict countries try to emulate. It has been relatively effective in achieving both democratic and professional legitimacy. The PSNI is more representative, and continues to navigate complex post-conflict challenges. However, the transformation of relationship between local communities and the police will take much more time to build, even though some positive steps are already in place. A key lesson from the police reform in Northern Ireland is that everyday legitimacy is as important as more formal processes of democratic representation and professionalization of the police. Here, we are in complete agreement with Hays on the importance of the street-level legitimacy. We add to Hay’s points that the process of achieving it requires more attention to be paid to the informal practices and ways local civil society actors interact with the community and the police.

In the short-term civil society organizations can act as mediators between the community and the police. This is a great confidence building measure that allows the police to be seen as responding to concerns of citizens in all the communities. Civil

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44 Pierson 2011, 26.

society involvement, however, is not without its own problems, nor is it necessarily always positive or contributing to the successful police reforms. This is visible in the case of Northern Ireland where some former paramilitaries have since the end of conflict engaged in punishment shootings and beating of individuals they deemed on the wrong side of law, in particular those engaged in anti-social behavior such as joyriding and drug dealing. Hence, all those calling for more civil society involvement in policing need to be aware of the different types of challenges in post-conflict societies and that, like any other suggested mechanism, civic security governance should not be treated as a panacea for all the challenges of police reforms in post-conflict societies.

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