

Human Rights and Police Training in Transitional Societies: Exporting the Lessons of Northern Ireland

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ABSTRACT

This article looks at police transformation in transitional societies through the prism of an analysis of police human rights training. Using Northern Ireland as its focus, this article posits key lessons to be considered in any society hoping to use the transitional moment to best effect—in terms of both institutional reform of the police and the wider peace building project. This article addresses how obstacles to inculcating a culture of human rights into any police organization mutate, or take on a heightened urgency, in transitional contexts. This article then draws conclusions with resonance, not just for Northern Ireland, but for policing change generally in transitional societies.

I. INTRODUCTION

Policing is a sensitive issue in any society. This is starkly exposed in post-Saddam Iraq and in determinations around the status and motivation of

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Israeli security measures in the Occupied Territories. The question of police legitimacy is a particularly vexed one, with the principles of impartiality, accountability, respect for human rights, and inclusiveness important (and often undervalued) benchmarks in creating and assessing conditions for effective policing. In many countries, change in traditional police methods and structures has been seen as necessary to improve police legitimacy and effectiveness. Changes in police methods can also prove key to transforming the human rights culture in conflicted societies. Furthermore, in such societies and in those experiencing transition from conflict, effective policing change fundamentally contributes to creating the conditions in which a sustainable peace can develop.

In such societies the state police may have operated as part of a repressive structure or may otherwise be linked organically to a prior contested regime. This reality often puts policing reform at the heart of broader political conversations about conflict resolution and presents a range of issues pertinent for policing change in any such society.

Northern Ireland provides a striking illustration of the intimate link between the dynamic of institutional change in a post-conflict society and the organic connection of policing transformation to that process. This article explores the significance of and obstacles to policing transformation through an analysis of police training in a post-conflict context.

In this article the author argues that in the transitional context, training is a key vehicle to deliver institutional transformation to policing, with a potentially broader effect on the institutional transformation taking place within the society as a whole. However, this article points very clearly to the dangers of expecting too much of training in the absence of a coherent and holistic organizational and societal strategy to measure, reward, support, and sustain effective change. This assessment will focus on the capacity and potential of police training to inculcate a culture of human rights into police organizational praxis. The lessons identified here are not only relevant to Northern Ireland and its process of transition but have significant resonance for other societies emerging from violent conflict.

Part II of the article sets out the general barriers that arise when new training mechanisms are initiated within policing structures. Part III then proceeds to evaluate the particular tensions that arise when training is revised or transformed for police in a post-conflict society. Parts IV and V discuss how lessons from the Northern Ireland experience have currency beyond this jurisdiction in terms of both policing change and the broader peace building project.

II. GENERAL BARRIERS TO EFFECTIVE POLICE TRAINING IN HUMAN RIGHTS

Training is important because it forms the basis by which police personnel are equipped to meet the demands of their job and the means by which new ideas, policies, and learning are communicated to the body of the organization. In police organizations, the traditional emphasis has been on *training* rather than education.¹ Such training has historically taken place in closed, institutional settings often imbued with military overlay. Discipline, respect for authority, and command control structures have been an important part of the ethos and learning of such institutions. So, too, has the development of a culture which fosters loyalty to the organization—at least in the shape of colleagues on the job.²

In many western societies, training has tended to focus on the formal equipping of police officers with the necessary knowledge of the law and development of practical skills to do their job.³ It has not been geared to impacting positively at an affective and attitudinal level.⁴ Rather, even as acceptance has grown of the need to engage at this level, police organizations have proved notoriously unequal to the challenge of producing training programs that prevent the development of particular cultures and mindsets that might be unhelpful to the broader policing project. These realities have clear and heightened relevance during a period of societal transition.

When training is deemed not to have any role or remit in terms of influencing values and attitudes,⁵ it allows for a focus solely on the behavior that is “expected”—without factoring in the huge degree of organizational

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1. Training, for the purposes of this article, is construed as concentrating on a fairly narrow technical skills base, whereas education is obviously something much more generic and challenging.
 2. For discussion as to how this loyalty is a good and necessary part of policing, see, e.g., John Kleinig, *Police Loyalties: A Refuge for Scoundrels?* 5 POLICE ETHICS (1996).
 3. See, e.g., NEW DIRECTIONS IN POLICE TRAINING (Peter Southgate ed., 1988).
 4. The thinking behind such an approach is encapsulated in the words of one police trainer from the Police Service of Northern Ireland (PSNI). “Somebody could be an out and out racist and still be the best police officer in the world. As long as he doesn’t discriminate and keeps his opinions to himself, there’s nothing to stop him being a good police officer.” Observation proffered during discussion between the author and trainers delivering the Course for All, Mar. 2003. See MARY O’RAWE & JIM McMANUS, HUMAN RIGHTS IN POLICE TRAINING, REPORT FOUR: COURSE FOR ALL, NORTHERN IRELAND HUMAN RIGHTS COMMISSION 39 (2004), available at www.nihrc.org/index.htm.
 5. See, e.g., ENGLISH POLICE TRAINING COUNCIL, COMMUNITY AND RACE RELATIONS TRAINING FOR THE POLICE: REPORT OF THE PTC WORKING PARTY HOME OFFICE 3 (1983). See also Michael Rowe & Jon Garland, *Have You Been Diversified Yet? Developments in Police Community and Race Relations Training in England and Wales*, 13 POLICING & SOCIETY 399–411 (2003) in relation to critique of English experience of such a model.

support required to ensure that such behavior is consistently displayed in practice. Little consideration is then given to how “training” and broader organizational messages can and do impact negatively the development of the attitudes and values necessary for legitimate, humane policing and overall human rights protections within society.

Rather, the police learning environment tends to downplay these more informal aspects of police development. Despite evidence to the contrary, there is an unspoken assumption that the “right attitude” (if it is considered at all) is down to “common sense”—terminology which is deeply problematic from a human rights standpoint. In part, such an approach emanates from a broader tendency for police organizations to concentrate on the formal rather than the informal practice and culture of their organization when developing training initiatives.⁶

Issues of attitude and subculture are key to the success of integrating human rights norms in the culture of policing. Leaving a positive human rights culture to develop organically is both shortsighted and generally unsuccessful. What is taught in an academy setting is only as important as how it is taught, and that experience is further tempered and distilled by exposure to policing on the streets. In many subtle ways, training cannot claim to be benign in its sphere of influence.

Powerful socialization dynamics and unspoken messages clearly operate beyond the formal level. The power of what is taken on board informally cannot be underestimated in terms of its ability to undo, distort, or recapture the official line,⁷ even while the formal training process appears to espouse human rights ideals and practice issues. How these two realities interface

6. *Id. See, e.g.,* JEROME H. SKOLNICK, *JUSTICE WITHOUT TRIAL: LAW ENFORCEMENT IN DEMOCRATIC SOCIETY* (1966); JEROME H. SKOLNICK & JAMES J. FYFE, *ABOVE THE LAW: POLICE AND THE EXCESSIVE USE OF FORCE* (1993); STUART A. SCHEINGOLD, *THE POLITICS OF LAW AND ORDER: STREET CRIME AND PUBLIC POLICY* (1994); Christopher Braiden, *Policing from the Belly of the Whale*, in *POLICE POWERS IN CANADA: THE EVOLUTION AND PRACTICE OF AUTHORITY* 309 (R.C. Macleod & David Scheiderman eds., 1994).

Organizations live two lives; there is the structural life—and then there is the culture. The culture is formal and represents the reality of what is supposed to happen. Culture is informal and represents the reality of what actually does happen. Make no mistake—it is the culture that runs things . . . the culture is at the root of the worst problems in policing. That culture is at odds with the mandate of consent policing.

Id. at 312–13; see also Janet Chan, *Changing Police Culture*, 36 *BRITISH J. CRIM.* 109–34 (1996).

7. For example, 1990s research by National Police Research Unit and Criminal Justice Commission in Queensland Australia highlighted the tendency of police recruits to place less importance on the ethical implications of their decisions once exposed to operational policing. Queensland Criminal Justice Commission, *Recruitment and Education in the Queensland Police Service: A Review* (1993) (on file with the author). Generally there is a relative dearth of information relating to post-training impact on the ground.

has much to say about levels of commitment to a human rights culture within police organizations generally.

In a transitional context particularly, whatever the formal stance of the organization, it is subcultural values that may well be clung to and exploited to the detriment of any unwanted or seemingly unwarranted change process. In transitional societies, how training engages with the undermining potential of misplaced loyalty, therefore, has further implications in terms of the broader change process and its dependence on the development of acceptable and sustainable policing arrangements.

The failure to truly engage with the potential of the training dynamic or to understand it in much broader educational terms is most cogently seen in the failure of police forces generally to engage in a structured and holistic needs analysis across the board when it comes to broad issues of what police personnel should be trained in and how and why this should happen.⁸ This has implications in terms of resource allocation and investment in personnel. The generally low priority level accorded to training has particular significance when deep reform is required in transitional contexts and otherwise. An obvious corollary of such practices is for the provision of appropriately named courses or changes to different aspects of the training program to give the appearance of genuine institutional metamorphosis delivered through the medium of training, while in fact this is not the case substantively.

This point is illustrated graphically in the words of one Police Service of Northern Ireland (PSNI) trainer commenting on the impact of a two-day course concerning issues arising from the incorporation of the European Convention of Human Rights into domestic law. He stated,

Police have had training for the Human Rights Act yet it didn't begin to train them in human rights. The organization has assumed the training in this area was done. It wasn't. It reinforced the idea that human rights are a criminal's charter.⁹

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8. Even with respect to Northern Ireland, where Patten's recommendation in this regard dates back to 1999, the Oversight Commissioner who oversees the implementation of the Patten recommendations in Northern Ireland was still concluding in May 2003 that the lack of a comprehensive Training Needs Analysis (TNA) continues to remain a concern. This issue has now been raised in several [Oversight Commissioner] reports. The lack of a comprehensive TNA affects several of the Police Service's initiatives [that] . . . in turn will affect the Police Service's ability to realize its objectives with respect to devolution of authority, and also those related to policing with the community.

OFFICE OF THE OVERSIGHT COMMISSIONER, OVERSEEING THE PROPOSED REVISIONS FOR THE POLICING SERVICE OF NORTHERN IRELAND, REPORT 7, at 102 (2003), available at www.oversightcommissioner.org/reports/articleList.asp?page=reports&catId=13.

9. Comment made in course of author's evaluation of a later PSNI course, the "Course for All," in 2003. The original training alluded to by the trainer had taken place some two years prior to this. The course had been criticized prior to going live by members of the

A discursive exploration of policing problems and training questions is obviously warranted. However, the response of many societies has been to equate police effectiveness with modernization and professionalization and to pose the question solely in these terms. Although this standard police response partly engages with the human rights challenge, it cannot fully meet it.

An example of the inadequacy of such a response to fundamental training needs is the fact that, in many policing contexts, programs on human rights, community relations, and diversity have been devised to slot into a police training framework, often without a sense of how the framework (or indeed the organization) might need to change substantially to accommodate them. Such an approach is clearly hugely problematic in a transitional context where substantive engagement with human rights, community relations, and diversity may be key to unlocking the cycle of conflict itself.

Seldom is there complete coherence and consistency in the rolling out of new reform initiatives. Even where money is pumped into training, this tends to be for a specific flagship project, which is often insufficiently prepared for or evaluated in the longer term.¹⁰ Very often, high profile moments in training are coated with some new concept, slogan or model that may be quickly replaced or simply dropped without explanation at some later stage.¹¹ This tendency for training developments to be ad hoc and reactionary, adopting essentially piecemeal approaches to human rights, partly explains why training schemes that result from such processes often fail to deliver some of the skills and attitudes vital to effective policing in a democracy. This has been the general experience of many reform processes in non-conflictual or post-conflict societies. As this article further explores, the concerns mooted here are all the more cogent in the transitional context, in which meaningful and deep reform of police institutions and culture is necessary. Not only is such an approach likely to be ineffective in the longer term, it can also be counterproductive if particular mindsets,

Human Rights and Equality Centre at the University of Ulster. Training sessions were observed, evaluated and given a poor rating by the Northern Ireland Human Rights Commission. However, the RUC has vaunted this course as a model of good practice.

10. For example, in England and Wales, although "community race relations" training has been happening over a substantial period of time, it is only recently, and largely in response to pressure from Her Majesty's Inspectorate of Constabulary (HMIC), that importance is being placed on evaluating the effectiveness of such training. See HER MAJESTY'S INSPECTORATE OF CONSTABULARY, *A STRATEGY FOR IMPROVING PERFORMANCE IN RACE AND DIVERSITY 2004–2009: THE POLICE RACE AND DIVERSITY LEARNING AND DEVELOPMENT PROGRAMME* (2004), available at www.homeoffice.gov.uk/docs3/strategy.pdf.
11. This is the experience of police trainers in a number of jurisdictions studied by the author since 1996.

attitudes, and cultures within the organization are perpetuated rather than challenged and remolded.¹²

Failure to engage positively and dynamically with police training has a substantial effect on the positive outcomes of training in functional democratic societies. But it is particularly problematic in the context of complex or post-conflict societies, where the situation is further compounded by the historical legacy of conflict and the specifics of the transitional setting. In such societies, at a time when there is particular compunction to “get policing right,” there are added (structural and systemic) implications inherent in the failure to both form and realize balanced expectations of the potential of police (re)training.

To summarize, the dangers inherent in a narrow managerialist discourse that frames both policing problems and solutions within a compartmentalized and highly skewed technical framework need to be monitored particularly carefully in a transitional context. Here, they are overlaid and underpinned by the legacy of conflict and, potentially, the institutional liability of the police for human rights abuses through the conflict.

III. POLICE TRAINING IN TRANSITIONAL SOCIETIES

Attempts to deny these realities are accentuated and achieve a heightened resonance in transitional societies. The specific context of transition, therefore, brings its own barriers and dangers in terms of an organization’s ability to transcend some of these obstacles. This section will explore why this should be the case, beginning with some general comments about the nature of policing change in transitional societies before focusing more specifically on police human rights training in Northern Ireland as an important subset of this much broader debate.

Policing in transitional societies is important, not just for its own sake, but for its potential contribution to the project of delivering broader societal change.¹³ It has this potential because, in such societies, moves made in

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12. In the longitudinal study carried out by Chan, et al., they echo the findings of others that the academy and field divide is fundamental in the creation of a culture that is not well disposed to human rights on many levels. Once exposed to further on the ground training, recruits tended to dismiss the first phase of academy training (which sought to raise issues of community policing and social awareness) as irrelevant and “warm and fuzzy.” Dissatisfaction with the academy grew throughout the training and apprenticeship process. See JANET B.L. CHAN, ET AL., *FAIR COP: LEARNING THE ART OF POLICING* 142 (2003).
 13. Call and Barnett, for example, argue that police reform may be most sustainable if pursued within the overall ambit of post-conflict *peace building*—that is, if the goals and strategies of police reform complement and forward the twinned objectives of peace building: to consolidate a lasting “positive” peace and to avoid a collapse of “negative”

respect of policing tend to assume a significance and a symbolism greater than the sum of the collective parts.¹⁴ In many instances, the police and security apparatus have been inherently tied up in supporting an abusive State.¹⁵ Where violent political conflict has given way to a new phase of negotiation and peace building, how policing arrangements change to countenance and deliver a different reality has obvious implications for the “newness” of the new dispensation, its acceptability, legitimacy and ultimately its durability.

There is, therefore, an added incentive and an added burden for all involved in the management and delivery of policing change. There is also the possibility for those in control to resist the broader impetus towards change and all that it entails. This is particularly likely when change is deemed to denigrate an organizational and policing past of which they are immensely proud. Given the fragility of any peace process emerging from years of violent conflict, this mitigates against a holistic strategy and the potential of human rights to move organizations, institutions, and communities forward where policing is concerned.

When emotions run high in post-conflict societies, a multiplicity of

peace into renewed hostilities. See Charles T. Call & Michael Barnett, *Looking for a Few Good Cops: Peacekeeping, Peace Building and CIVPOL*, in *PEACEBUILDING AND POLICE REFORM* (Tor Tanke Holm & Espen Barth Eide eds., 2000). Mani also argues in the same volume that police reform might best be pursued within the broader framework of rule of law reform, reinforcing the organic association of the police with the principles and institutions of the rule of law. Rama Mani, *Contextualizing Police Reform: Security, the Rule of Law and Post-Conflict Peace Building*, in *PEACEBUILDING AND POLICE REFORM*, *supra*.

14. For example, with regard to El Salvador, then UN Secretary-General Boutros Boutros Ghali articulated this phenomenon in declaring the creation of El Salvador's new police “one of the fundamental elements of the peace accords and perhaps the single component with greatest hopes.” *The Situation in Central America: Procedures for the Establishment of a Firm and Lasting Peace and Progress in Fashioning a Region of Peace, Freedom, Democracy, and Development*, Report of the Secretary-General, 50th Sess., Agenda Item 45, at ¶ 7, U.N. Doc. A/50/517 (1995). For further discussion with respect to Northern Ireland, see Mary O’Rawe, *Transitional Policing Arrangements in Northern Ireland: The Can’t and the Won’t of the Change Dialectic*, 26 *FORDHAM INT’L LAW J.* 1015–73 (2003). Given this, Mani, *supra* note 13, suggests the need to consider carefully the motives, objectives and strategies underlying police reform, to modify or “recontextualize” these in light of the particular exigencies of post-conflict societies.
15. Ralph Crawshaw makes the point well.

In the event of a serious breakdown in public order . . . police . . . are faced with great personal dangers and formidable challenges to their professional expertise. For these and other reasons they almost invariably feel justified in breaching legal and ethical standards which would constrain them under other, less daunting, circumstances. When they do so they risk undermining the democratic and legal principles on which the legitimacy of the state they are defending and their own legitimacy are based.

Ralph Crawshaw, *Human Rights, the Rule of Law and Policing—Introductory paper delivered to Council of Europe seminar on Human Rights and the Police, Strasbourg, 1995*. This point is further outlined and expanded in RALPH CRAWSHAW ET AL., *HUMAN RIGHTS AND POLICING—STANDARDS FOR GOOD BEHAVIOUR AND A STRATEGY FOR CHANGE* (1998).

different agendas and voices scrambling for space and power have taken precedence over more objective and grounded analysis and follow through. Often, in the absence of a clear and thought-through blueprint, short-term political concerns have formed the basis for action. Once the broad framework appears secure through, for example, a negotiated multiparty agreement, many in society tend not to focus further on the detail of implementation.¹⁶ However, this leaves many important issues unaddressed or in the hands of those who have managed policing in the past. It is these individuals, institutions, and organizations that then decide what effective training might look like, what needs to be done, why, and the resources to be accorded.

The problem with this has been broadly indicated above. These are the very institutions that historically view and design reform narrowly and in an overly compartmentalized fashion. Consequently, decisions taken at the design level often fail to factor in the whole gamut of different views on the nature, form, and structure of policing that might emanate through viewing training from a range of different, valid perspectives. Instead, a law enforcement, state security perspective is often allowed to dominate.¹⁷ Charles Call, drawing some lessons from the experience of police reform in Latin America during the 1990s, is of the view that “most individuals who hold this [law enforcement] perspective share broader goals of fostering the protection of human rights and democratization. However, they tend to see other police professionals as counterparts sharing their one worldview and to value police experience, regardless of political regime.”¹⁸ This makes for a fairly insular and, at best, two-dimensional view of what needs to be done and how that should and could happen in times of change.¹⁹

16. See CHRISTINE BELL, *PEACE AGREEMENTS AND HUMAN RIGHTS* (2000), for further detail and analysis.

17. For more detail on typography of possible approaches, see CHARLES T. CALL, *CHALLENGES IN POLICE REFORM: PROMOTING EFFECTIVENESS AND ACCOUNTABILITY: AN INTERNATIONAL PEACE ACADEMY REPORT* (2002), available at www.ipacademy.org; Charles T. Call, *Competing Donor Approaches to Police Reform*, 2 *CONFLICT, SECURITY AND DEVELOPMENT* (2002). This phenomenon has been experienced across the board in transitional societies from South Africa to Northern Ireland. The following quotations from interviews with South African NGO representatives in 1996 help give a flavor of the frustrations this brings. “Government still see police transformation as an internal process. It could be redesigned to ensure that communities are able to drive some of the changes . . . we need more interconnectedness. . . . We need to co-create policing, not just look at policing activities.” MARY O’RAWE & LINDA MOORE, *HUMAN RIGHTS ON DUTY: PRINCIPLES FOR BETTER POLICING—INTERNATIONAL LESSONS FOR NORTHERN IRELAND* 159 (1997) (interview with IDASA staff, Pretoria, South Africa). “Police are an extension of their [the communities’] power rather than an extension of the state. . . . The classic model cannot survive. But while we are sitting with classic policing models, community policing cannot be real.” *Id.* at 206–07 (interview with Stef Snel, UMAC, Cape Town, South Africa).

18. CALL, *supra* note 17, at 2.

19. *Id.* at 3.

The institutional imperatives in a time of flux thus come to be dictated by a range of fairly narrow considerations. Here, focus tends to be on the administrative box to be ticked rather than the need to use the opportunity of peacemaking creatively to develop new and inclusive processes genuinely focused on delivering human rights protections.

In part, this is due to a lack of understanding of the importance of process, particularly in dealing with disaffected communities and disgruntled officers. The experience of all concerned is not equally understood, valued or factored into the change management or training plan. The agenda all too often is driven by the need of established police managers and leaders to maintain control, with a mistrust of communities at base. Even when new leaders and figures are brought into the process, they inherit much in the way of structures and personnel that will inhibit moving outside a narrow, institutionalized way of thinking.

As this author has argued elsewhere,²⁰ this is where any pretensions to transformation are brought squarely back within the parameters of a narrow reformist, often highly technical discourse that speaks the language of crime control, effectiveness, and professionalization rather than accountability and inclusiveness.²¹ The choice between reform and transformation clearly needs to be finely balanced between the need to break free of what was wrong with the past and the need to ensure some measure of stability and continuity in policing arrangements during what is already a very turbulent and traumatic time for the society in question.

Meanwhile, transitional space provides an important opportunity to reenvision and reevaluate what policing is and should be all about. Because of the over-valorization of police and securocrat expertise in a transitional context, no country has really been prepared to take this risk to date, preferring to reform existing mechanisms or reinvent a police force significantly in the image and likeness of its predecessors.

Important allies in the continuation and perpetuation of such a stance are perceptions that can be molded and manipulated to extol the benefit of a narrower, security-oriented, managerialist agenda. Long-term development plans can be modified or shelved more easily in the desire to respond to more immediate imperatives such as controlling violent crime or pursuing drug barons. While accepting that there may be an expansion of, or at least more attention to, "ordinary" crime in the post-conflict environment, this should not obscure the fact that the most pertinent need is often transformation of police and policing structures themselves.

20. See Mary O'Rawe, *Constitutional and Institutional Dimension: Transitional Policing Arrangements in Northern Ireland: The Can't and the Won't of the Change Dialectic*, 26 *FORDHAM INT'L L.J.* 1015 (2003).

21. O'Rawe, *Transitional Policing Arrangements In Northern Ireland*, *supra* note 14.

The continued threat of terrorism or an (actual or perceived) increase in crime can give rise to a backlash against change or human rights norms, which then allows for concessions to be made to satisfy political constituencies for essentially short-term gains. However, as Charles T. Call points out again in the light of Latin American experience, “[e]xcessive accommodation of short-term interests may harm police development”²² and indeed the broader peace building project.

How police in transitional societies engage with human rights education is particularly instructive in regard to the type of issues outlined above. This micro-level journey also tends to mirror the struggles of the broader society in moving away from conflict. Both processes generally seek to build on an assumed consensus that, for a variety of short term political reasons, circumvents contentious issues. Meanwhile, the transitional space that is a feature of such situations provides a window of opportunity that may only be open for a short time. Paradoxically, how long the window remains open may have much to do with how the transitional space is used—not only in terms of the substance of changes that are introduced but also the process by which this happens.

Unfortunately, the history of many supposed transitional moments is littered with a great deal of rhetoric, which co-opts the talk of human rights and institutional reform without fully imbibing the meaning or implications of actually delivering the reality of what is promised. The next section examines this view from the particular transitional perspective of Northern Ireland.

IV. THE POLICING TRANSITION IN NORTHERN IRELAND

This section will consider how the above issues and obstacles have played out in terms of the Northern Ireland experience since an IRA paramilitary cease-fire was first called in 1994.

After providing some initial background on policing in the specific context of Northern Ireland, this article isolates a number of key moments for particular scrutiny in terms of changes to police training in the recent past. The issues that arise bear particular relevance for other transitional experiences and revolve around who should be trained, where, why, and by whom, and the importance of inclusive and creative processes in terms of curriculum design, development, delivery, and monitoring. These issues, in turn, unearth broader questions as to the nature and remit of state policing provision in a transitional context and the impossibility of building coherently

22. CALL, *supra* note 17, at 5.

for a future in which the wrongs of the past are not factored into the analysis and the reality.

The Royal Ulster Constabulary (RUC) (now the Police Service of Northern Ireland, PSNI) is the force that has policed Northern Ireland since its inception in 1922.²³ For the most part it has been drawn solely from one section of a divided community,²⁴ and much evidence exists of its involvement in partisan policing and human rights abuses, particularly directed against the nationalist community in Northern Ireland. It has policed continually with special powers accorded through various pieces of “emergency” legislation. During this conflict, 302 police officers lost their lives and around 9,000 were wounded.²⁵ This police force has grown through and by conflict and has been shaped and molded in a way that has left it decidedly unfit to embrace a human rights agenda. This is particularly illustrated by the police’s own view of its role in the conflict, which fails to acknowledge its own human rights violations.

In Northern Ireland a point was reached in the early 1990s whereby government and paramilitaries by and large accepted that they would never win an acceptable peace by military means. However, there has been no break in continuity in terms of government.²⁶ The same system that presided over a range of human rights abuses²⁷ and cover-ups²⁸ has been left to

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23. The RUC changed its name to the Police Service of Northern Ireland (PSNI) in November 2001. Both acronyms will be used in the course of this article depending on the time period being discussed.
 24. By the late 1990s, when the Independent Commission on Policing (the Patten Commission) published its report on future policing arrangements for Northern Ireland, 92 percent of the force was drawn solely from the Protestant tradition, the majority community (57 percent) which has historically favored Northern Ireland’s status as part of the United Kingdom (UK).
 25. The population of Northern Ireland stands at around 1.7 million (2001 census figures). Sutton’s index of troubles-related deaths records 3,523 deaths that are directly linked to the conflict, which occurred between 14 July 1969 and 31 December 2001. The security forces were responsible for around 350 of these, many in disputed circumstances. Currently around 1,800 conflict-related murders remain unsolved. In broader terms, almost 2 percent of the population of Northern Ireland has been killed or injured as a result of political violence since 1969. The equivalent ratio of victims to population in Great Britain would have been over 100,000 killed, and in the US over 500,000, about ten times the number of Americans killed during the Vietnam War. See Malcolm Sutton, *An Index of Deaths from the Conflict in Northern Ireland*, available at <http://cain.ulst.ac.uk/sutton/book/>.
 26. Although a new devolved parliamentary assembly has operated in fits and starts, the issue of policing has at no stage been devolved to it.
 27. See, for example, successive reports by NGOs such as Amnesty International, Annual Reports (throughout the 1980s and 1990s); UK Summary of Concerns Raised with the Human Rights Committee, EUR 45/024/2001 (Nov. 2001); HUMAN RIGHTS WATCH, *HUMAN RIGHTS IN NORTHERN IRELAND* (1991); HUMAN RIGHTS WATCH, *CHILDREN IN NORTHERN IRELAND, ABUSES BY SECURITY FORCES AND PARAMILITARIES* (1992); HUMAN RIGHTS WATCH, *NORTHERN IRELAND: HUMAN*

secure the peace, in dialogue with many who still view its claim to govern Northern Ireland as illegitimate.

The culture of denial of wrongdoing by security forces has not been engaged with or factored into the post-conflict police training context.²⁹ Such denial is a factor of police discourse in any society.³⁰ It is all the more palpable and damaging in societies seeking to move out of conflict. Senior English police officer John Stalker found and confirmed this tendency and evidence of its effectiveness in the RUC in the 1980s when he was given the task of investigating allegations of the operation of a shoot-to-kill policy.³¹

This pattern has continued to the present day, through three inquiries into police collusion with loyalist paramilitaries³² and through numerous adverse judgments from the European Court of Human Rights.³³ This pattern

RIGHTS ABUSES BY ALL SIDES (1993). See also various publications of The Committee on the Administration of Justice, *available at* www.caj.org.uk.

28. See, for example, the conclusions of the Stevens reports into collusion by members of the RUC with loyalist terrorist groups. The most recent report, STEVENS ENQUIRY: OVERVIEW AND RECOMMENDATIONS, THIRD REPORT 3–24 (2003), *available at* <http://cain.ulst.ac.uk/issues/collusion/stevens3/stevens3summary.htm>, concluded that at least two civilian murders (one of which was that of the prominent nationalist solicitor, Pat Finucane) bore all the hallmarks of collusion and cover-up.
29. JOHN STALKER, STALKER (1988). Neither Stalker's report on allegations of a shoot-to-kill policy operated by the RUC in the 1980s nor that of his successor, Sampson (charged with the continuation of the investigation after Stalker was the victim of a smear campaign and removed from the inquiry), has ever been made public.
30. For example, during the Fitzgerald enquiry into corruption in an Australian police force, he reported that, in the face of serious allegations, the powers that be tend to assume that stock responses will be fine. "The Justice Department and the Police Department did not intend to lose control. They seemed to think that the standard responses of secrecy and obstruction would still apply." Fitzgerald Report 1989 Report of a Commission pursuant to Orders in Council: Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct: Brisbane, Queensland Government Printer at 3; See generally Stanley Cohen, *The Classic Discourse of Official Denial*, in DENIAL AND ACKNOWLEDGMENT: THE IMPACT OF INFORMATION ABOUT HUMAN RIGHTS VIOLATIONS (1995).
31. See STALKER (1988), *supra* note 29, at 34. "It did not take any of us very long to realize how unused RUC Special Branch Officers were to any sort of outside scrutiny. Simple requests for explanations of basic systems and procedures were regarded with suspicion and resentment." *Id.*
32. In the public statement issued by Metropolitan Police Commissioner, John Stevens, after his third inquiry in twelve years relating to collusion between the security forces and loyalist paramilitary groups he "highlighted collusion, the wilful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, and the extreme of agents being involved in murder." Public Statement issued on 17 Apr. 2003. See Sr. John Stevens QPMDL Commissioner of the Metropolitan Police Service, STEVENS ENQUIRY: OVERVIEW AND RECOMMENDATIONS, at 1.3 (17 Apr. 2003), *available at* <http://cain.ulst.ac.uk/issues/violence/docs/stevens3/stevens3summary.htm>.
33. See, e.g., McCann and Others v. UK, App. No. 18984/91, 21 EUR. H.R. REP. 97 (27 Sept. 1995), Series A, No. 324; Jordan v. UK, App. No. 24746/94, 37 EUR. H.R. REP. 2 (4 May 2001); App. no. 37715/97, Shanaghan v. UK [Sect. 3], (4 May 2001); McShane v. UK, App. No. 43290/98, 35 EUR. H.R. REP. 23 (28 May 2002). ECHR cases are *available at* www.echr.coe.int.

still impacts the most recent public interest investigations³⁴ undertaken by the Police Ombudsman for Northern Ireland.³⁵

These cases illustrate that neither peace processes, new institutions, nor changes to policing will deal effectively with wrongdoing or a culture of cover-up. These issues will continue to resurface until appropriate organizational and wider societal responses to past human rights abuses are developed and implemented. Part of this response lies with the ability of the organization to accept that it has perpetrated human rights abuses and that problems of sectarianism and partisan policing need strong, coherent and consistent action to eradicate them from new policing arrangements. Unfortunately, to date, such a response has been missing from training initiatives designed to take new policing arrangements forward.

Given the concerted efforts made by the State to deny its involvement as a protagonist in a very dirty war, general opinion in Northern Ireland is fairly ill-informed in terms of the extent to which the police have been involved in human rights abuses. This is obviously not the case for those who have been the victims of such violations. However, for victims, too, the full picture is very far from emerging. As will be presented, police engagement with this contested history puts it firmly on the side of those

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34. In relation to a Police Ombudsman investigation of the RUC/PSNI investigation into the Omagh bombing in which thirty-one people were killed, she found that [inter alia]

significant intelligence was held by Special Branch which was not shared with the Omagh Bomb Senior Investigating Officer or the Omagh Bomb Reviewing Officer. . . . Special Branch and the Chief Constable were reluctant to grant access to their material to the Police Ombudsman's Investigators, and failed to inform those Investigators of a computer system where intelligence, vital to the investigation, was held. . . . At senior management level the response to this enquiry has been defensive and at times uncooperative.

Police Ombudsman for Northern Ireland, Statement by the Police Ombudsman for Northern Ireland on her Investigation of Matters Relating to the Omagh Bombing on August 15 1998, at 6.22 and 7.2, available at <http://cain.ulst.ac.uk/issues/police/ombudsman/po121201omagh2.pdf>. Complaints about the PSNI handling of the murder of Sean Brown in 1997 prompted another investigation by the Police Ombudsman. Soon after the complaint was lodged, police documents relating to the investigation went missing, seriously impeding her investigation. Special Branch also continued to withhold important evidence. The Ombudsman upheld the family's complaint that no earnest efforts had been made to bring the killers to justice but did not feel that collusion had been established in this case. See Police Ombudsman for Northern Ireland, The Investigation by Police of the Murder of Mr. Sean Brown on 12 May 1997, Statement Under Section 62 of the Police (Northern Ireland) Act 1998 Report (2004), available at www.policeombudsman.org.

Despite these factors and a range of other shortcomings identified in the PSNI investigation, the response by the Chief Constable was to issue a statement in which he referred to the lack of cooperation received from the local community in the original investigation of the murder.

35. An independent office to investigate complaints against the police, legislated for by the Police (NI) Act 1998 and established in November 2000. For more details see available at www.policeombudsman.org.

who continue to uphold and extol the probity of the RUC. This has clear ramifications for the potential of any new training developments and the acceptance of the PSNI by the wider community.

In 1999, on foot of a negotiated multiparty agreement known as the Good Friday Agreement in which policing was deemed to be a key area in which movement was required, the international Independent Commission on Policing in Northern Ireland³⁶ reported that the “fundamental purpose of policing should be . . . the protection and vindication of the human rights of all. . . . There should be no conflict between human rights and policing. Policing means protecting human rights.”³⁷ The report went on to make a series of 175 recommendations aimed at putting policing arrangements on a footing more consistent with human rights observance.

For some, the Patten package vindicated the position that the RUC needed to change its ways and embrace human rights. The real question for the national and international human rights community is whether the 175 Patten recommendations established a sufficient blueprint for this to happen. For others, anything short of a ringing endorsement of what the RUC had been doing throughout the period of the conflict contained a veiled and unwarranted insinuation that the RUC was undeniably partisan throughout the conflict, notwithstanding that hundreds of its members have been killed and thousands injured to protect Northern Irish society from the scourge of terrorism.³⁸ For this community, Patten was something to be viewed with suspicion and unease. These and other variations on similar themes formed an integral part of the phenomena of reform resistance outlined above and have been particularly prevalent in police discourse in relation to human rights mainstreaming and enforcement.

This gives only a small flavor of the enormity of the challenges facing police, government, and the wider society in a jurisdiction like Northern Ireland. What has happened in respect to training, development, and education in the five years since Patten reported is instructive in terms of this wider debate.

This article now attempts to chart part of the journey that has been undertaken to date in terms of marrying human rights and police education in a period of major flux and instability.

36. [Hereinafter the Patten Commission.] This Commission on future policing arrangements in Northern Ireland was set up following a negotiated multi-party agreement (the Good Friday Agreement) in 1998, which was subsequently endorsed in a referendum by 71 percent of the electorate.

37. THE REPORT OF THE INDEPENDENT COMMISSION ON POLICING FOR NORTHERN IRELAND: A NEW BEGINNING: POLICING IN NORTHERN IRELAND ¶ 4.1 (1999), available at <http://www.belfast.org.uk/report/fullreport.pdf> [hereinafter the PATTEN REPORT].

38. See, e.g., POLICE FEDERATION OF NORTHERN IRELAND, THE FEDERATION'S FINAL RESPONSE TO THE PATTEN REPORT (1999), available at www.policefed-ni.org.uk/patten/section2.htm.

V. POLICE TRAINING AND ITS LINK TO THE NORTHERN IRELAND TRANSITION

Although training alone clearly cannot provide the answer to the creation of a totally accountable and impartial police service, Patten did see it as key that major change took place in this area. This article does not claim to engage with every aspect of what has changed in regard to the PSNI training regime. Rather, this article gives a flavor of how important lessons have not been fully taken on board, unlearned lessons that might impede not only progress towards acceptable policing arrangements but also progress in the broader peace building process.

A. Location of Training

Patten saw two factors as critical to the long-term success of the training program and the transformation of the police service. One of Patten's recommendations was that more use be made of external venues and educators. Another was that a new police college be built. Given the alienation of a substantial section of the public from the RUC and what it stood for, such moves would have real as well as symbolic value in terms of gaining public trust in and cooperation with the new policing arrangements.

In many ways, however, interpretation and implementation of these recommendations to date does not accord with the wider context in which they were made.³⁹ The physical location in which training takes place is obviously important. A police force that values community partnership will be better able to build these partnerships if its members are themselves embedded in communities. Segregating police for training purposes removes and isolates them from the very communities they are supposed to serve.

As in conflictual societies around the world, Northern Ireland police officers have been further removed from the community by the vast armory

39. The oversight commissioner has stated that “[t]he new police college was seen as the cornerstone to providing police recruits, as well as seasoned police officers and civilian personnel, with an environment conducive to the development of all employees, and to the learning of modern policing techniques.” *Overseeing the Proposed Revisions of the Policing Services of Northern Ireland* 62 (10 Dec. 2002), available at www.oversightcommissioner.org/reports/articleList.asp?page=reports&catId=6. However, Patten firmly premised this notion in a wider context of community policing by the community and for the community, with human rights a central and underpinning feature of the whole process. The training college should complement rather than be allowed to defeat these aims. See The Oversight Commissioner, *Overseeing the Proposed Revision of the Policing Service of Northern Ireland, Policing with the Community* (10 Dec. 2002), available at www.oversightcommissioner.org/reports/pdfs/dec2002_PWTC.pdf.

that has traditionally surrounded them and their stations for security purposes. Further, police officers tend not to live in areas that are troubled—increasing a sense of alienation between police and the policed communities. In a society like Northern Ireland, this alienation would be exacerbated by the circumstances of largely segregated schooling from the age of four, many segregated residential areas, and that police have been almost totally drawn from one section of the community in the first place.

When attempting to integrate more members from previously excluded communities, it is not enough to point to all the external reasons why they might not have joined the police in the past.⁴⁰ If police are really to change to take the needs of these communities on board and factor in their experience to police training and practice, a different and more neutral location is required that is able to accept and to admit negative as well as positive experiences of policing.

Since Patten, a number of observers⁴¹ have rightly commented that training (and particularly residential) conditions for recruits in Garnerville and Sprucefield⁴² were woefully inadequate and in some cases “antediluvian.”⁴³ However, there seemed to be some hesitation in moving forward the proposal for a new college. The current Chief Constable has been clear that “we should have gripped this reform from the beginning and we didn’t.”⁴⁴ Whereas this author does not necessarily agree with Patten that a dedicated police college is the best environment for the effective education of police officers,⁴⁵ the fact remains that an effective learning environment of some description has not been deemed sufficiently important by government to move quickly on this issue.⁴⁶ This is bound to have an effect on morale and the acquisition of important competencies at a key stage in

40. Government and police discourse continually points to the issue of intimidation by Republican paramilitaries as the reason behind Catholics not joining the RUC in any numbers. No responsibility is taken in terms of how police organization, culture, and practice in nationalist areas may have contributed to this state of affairs.

41. See Oversight Commissioner, *Overseeing the Proposed Revisions of the Policing Services in Northern Ireland*, Report 5, at 100 (10 Sept. 2002), available at www.oversightcommission.org/reports/articleList.asp?page=reports&catId=5; Mark Kelly, *An Evaluation of Human Rights Training for Student Police Officers in the Police Service of Northern Ireland*, Report for the Northern Ireland Human Rights Commission (Nov. 2002), available at www.nihrc.org.

42. The existing locations are both in the greater Belfast area.

43. Kelly Report, *supra* note 40, at 41.

44. Marie Louise McCroy, *Dup Hits Out at Orde ‘Enemy Within’ Remarks*, IRISH NEWS, 11 Jan. 2003, at 8.

45. See previous criticism of this model in O’RAWE & MOORE, HUMAN RIGHTS ON DUTY, *supra* note 17, at 71–75.

46. It took until February 2004 for a site for the new college to be agreed. The venture is to cost around £80 million, and the facility is due to open in 2007, outside a small town some forty miles from Belfast. Meanwhile, most police training continues to take place in dedicated police premises and is largely delivered by police trainers.

the transition process. This confirms a more general point that the location of police training is key in any transitional society, not only in terms of broadening its accessibility but also in terms of symbolically demonstrating a break with a prior regime. A failure to deliver this may indicate a more profound failure to engage with the need for full reform.

B. Training and Organizational Culture

The issue of how best to ensure that training impacts organizational culture,⁴⁷ though recognized by Patten, has been underplayed, resulting in police continuing to maintain too high a degree of ownership in this area. That this is problematic is attested to by independent evaluations of a number of training initiatives to date⁴⁸ as well as by the fact that the community is still largely excluded from both the design and delivery of police training and education and that many of Patten's recommendations in this area remain unfulfilled five years later. The police have brought in external training experts from Canada and elsewhere, and a Learning Advisory Council has been established.

There is still, however, a lack of insight as to the extent to which a transitional society needs to engage at a deep and fundamental level with issues of community ownership and the residual problems that will continue to hamper a transitional process when this has not happened from the beginning. This approach does not acknowledge that, while police may have a certain knowledge and experience, it is only partial—and reflective of a narrow and historically biased view of the policing experience. Where human rights are concerned, they are actually at the bottom of a steep learning curve in which many “taken for granted” of the traditional policing role must be at least explored and reevaluated, if not unlearned. The more the new regime allows old practices and cultures to remain in place, the harder it will be to shift them.

As Clifford Shearing has said, community involvement cannot be about “free volunteer labour to support a police agenda.”⁴⁹ Nor can it be about

47. See, e.g., Braiden, *Policing from the Belly of the Whale*, *supra* note 6, at 312–13.

All organizations live two lives; there is the structural life—and then there is the culture. The structure is formal and represents the theory of what is *supposed* to happen. Culture is informal and represents the reality of what *actually* does happen. Make no mistake about it, it is the culture that runs things . . . [t]he culture is at the root of the worst problems in policing.

48. See the Northern Ireland Human Rights Commission reports cited elsewhere in this article. See, e.g., Kelly, *supra* note 40. The Mediation Network has also undertaken such an evaluation of police recruit training. For further information about Mediation Network, see *available at* www.mediationnorthernireland.com.

49. O'RAWE & MOORE, HUMAN RIGHTS ON DUTY, *supra* note 17, at 207 (personal interview in Toronto, Canada, 11 Oct. 1996).

privileging the views of certain carefully selected experts, who then, far from acting as a conduit for marginalized voices, provide an additional level of inaccessibility in terms of concerns that they might not perceive themselves. Another problem with such committees in the training sphere is the extent to which they are really hands-on, in terms of designing, developing, and monitoring training policy and practice. In short, the moral to be exported is that community involvement is absolutely critical from the inception of new policing arrangements—specifically in the design and delivery of training.

C. Training, Education and Development Strategy

RUC change implementation in this area centered initially on the development of a Training, Education and Development strategy.⁵⁰ This was entirely police-led, and the document produced amounted to 100-plus pages, which was then distributed for comments to a narrow range of selected groups and individuals. I have argued elsewhere that this document was a means to circumvent the inclusive political process and to root police change outside it and that it was driven by internal rather than community and societal needs at the moment of change.⁵¹

A document of this nature should have dealt with hard issues and the specific context of Northern Ireland. It did not. The reason for adopting such a strategy was stated only in terms of professionalization and enhancing practice in line with UK and other police forces. Rather than engaging in any sort of initial needs analysis, the document skirted over major issues. It did not delve into problematic issues of culture and subculture, how these arise, and how training can deal creatively with such key issues. It did not address the enormous alienation that certain sectors of the public feel from the police or how the organization itself might have contributed to this. Much was said about how the community would be involved in the implementation of the strategy with no recognition of how to move this beyond mere aspiration. There was a failure to recognize that certain sections of the public would be alienated, not only by their historical experience of policing but also by the fact that they were expected to come

50. This forms the basis of the Police Service's overall training strategy and focuses on nine core themes. These include human rights, professional standards and ethics, community policing, problem solving, health and safety, and best practice. The Policing Board endorsed the TED Primary Reference Document on 4 April 2002 following review and amendments. See NORTHERN IRELAND POLICING BOARD, ANNUAL REPORT 2002–2003, at 27, available at www.nipolicingboard.org.uk/word_docs/PDFs/NIPB%20Annual%20Report%2003.pdf.

51. See O'Rawe, *Transitional Policing Arrangements In Northern Ireland*, *supra* note 14.

on board and participate when they had been given no opportunity to invest in or feel some ownership of the strategy in the first place. In short, the document explicitly failed to recognize or articulate the difficulties in actually meeting its stated aspirations or bringing the strategy to fruition. It is hard to believe that this would have been allowed to happen had the process been truly open, transparent, and consultative from the outset.

In any society, the motivation of any police organization claiming to move toward more community based policing⁵² and taking on board human rights and diversity training will be questioned and challenged both within and without the organization. This is further to be expected in a transitional society, where one section of the populace has historically felt completely alienated from the police. Within the body to be trained, any enthusiasm and commitment to change will be tempered to some extent by an enduring scepticism as to the perceived human rights agenda or antipathy towards the scurrilous assertion that they were not already following best practice anyway. The management agenda behind the changes in training will be questioned and, to a certain extent, resisted. In the body politic, concerns will tend to focus on whether such an exercise is more cosmetic than real.

When asked to broaden the consultation process, the police response was that time precluded this. The document itself had much merit and was obviously well-intentioned, but it failed to begin to deal with some of the real credibility problems that might impede the strategy going forward. This clinging to a narrow notion of consultation has characterized much of police engagement in the change process to date.⁵³ The PSNI firmly believe that they have consulted NGOs, such as the Committee on the Administration of Justice (CAJ), on a range of issues. These same groups, on the other hand, do not consider that the limited exchanges that have taken place amount to consultation.⁵⁴ This has translated on into the actual development of courses. The lesson to be exported here is the critical need to focus training strategy on the hard areas, which may ultimately, if unaddressed,

52. Various formulations of community policing exist. Essentially they are linked into an understanding that police will function more effectively with the support of the community and that partnerships need to be more coherently forged and cemented at an official level through a range of structures and initiatives.

53. This contrasted markedly with the approach of the Human Rights Working Group of An Garda Síochána (the police service of the Republic of Ireland). In October 2000, they organized a day long exchange in Dublin with NGOs and community groups, with the aim of coming to a common understanding of what consultation is and how an effective process could be created. Regrettably, other than the production of a useful and insightful report of the agreement reached, this process has not been taken much further. The Gardaí has its own problems in terms of inculcating a culture of human rights into the heart of the organization.

54. Interview with Maggie Beirne, Research and Policy Officer, CAJ, in Belfast, Northern Ireland (May 2002).

stop the change process from going forward. The best and arguably the only way to do this is to ensure a broad-based and truly consultative approach involving communities that have been traditionally alienated from the police.

D. Human Rights Act Training and Beyond

The Human Rights Act (1998) came into force in the United Kingdom in October 2000 as the legislative means of incorporating the European Convention on Human Rights. The two-year gap was explicitly intended to leave sufficient time for retraining of government and judicial entities that would be impacted by the Act.⁵⁵

The RUC designed a two-day course for their personnel and asked a number of academics from a local university (the University of Ulster) to be involved, alongside police trainers, in its delivery. A number of criticisms have been made of the workbook that formed the basis for this course as being both basic and overly simplistic. There was no attempt to factor in how suspicion around the very concept of human rights and the agenda being met in such training might be met within the program. The notion that officers might easily become defensive and alienated from the concepts, in turn switching off from the potential benefits of any such course, was not provided for. Nor was the obvious resentment that would be felt by the fact that everyone would assume the RUC was not already following best practice deemed to be an important issue in the design of such a program.

How this course progressed provides insight into another important issue in terms of change being packaged as more than it is. In addition to the construction of a new police college, the Patten Commission also had recommended that more use be made of external training and development opportunities, both to alleviate pressure on inadequate police facilities and to allow for greater interaction between police officers and members of the community.⁵⁶ However, although the University of Ulster has accredited⁵⁷

55. Human Rights Act, 1998, ch. 42.

56. In fact, Maurice Hayes, one of the Patten Commissioners, stated at a CAJ conference in February 2000 that he did not envisage the need for the Police College to be a huge edifice as he hoped that most of the education and training would be provided externally to the college. COMMITTEE ON THE ADMINISTRATION OF JUSTICE BELFAST, *THE AGREEMENT AND A NEW BEGINNING TO POLICING IN NORTHERN IRELAND* (1999).

57. There remain concerns as to the manner in which this was done. A new accreditation process was apparently set up for the improved training post-Patten. Two professors on the panel were not convinced that the material before them was of the requisite standard to accredit the course. On making their concerns known, they were then advised that, contrary to what was being claimed publicly, the course had previously been accredited

the Student Officer program,⁵⁸ and is, in a very limited way,⁵⁹ delivering courses at PSNI facilities, outside resources have never been utilized to their full potential.

Nevertheless, the pressures and enticements of lucrative police contracts can bring its own pressure to academic institutions in terms of accrediting or running courses that are not all they might be. The more work that is done with the police also increases the possibility of “agency capture,” where police concerns are sympathized with to a greater extent than is healthy for the development of the program.

Because they had been given no opportunity for involvement in the design of such an important learning initiative and because of concerns that course materials (provided late in the day) fell short of best practice,⁶⁰ a number of human rights academics at the University of Ulster felt unable to accede to a request to deliver this training.⁶¹ However, this did not stop the University giving the training its imprimatur.

The Northern Ireland Human Rights Commission⁶² conducted observations at training sessions. In its evaluation⁶³ of the training, it raised a number of concerns as to both the content of the workbook provided to officers and the attitudes of certain trainers during the sessions observed.⁶⁴ Two days were never going to equip officers to understand and implement human rights—particularly not in the format developed. The attitude of certain trainers indicated that the human rights message had not been embraced fully by some of those assigned to deliver it. Finally, the program

and the panel was simply reviewing amendments. At least one member of the House of Lords requested copies of the accreditation documentation from the university (including the report of the two professors) and was refused access on the basis that this is “internal documentation.” (Personal Interviews, Belfast, May 2002.) Such processes do not bode well in terms of transparency, accountability or the attainment of best practice.

58. See Kelly, *supra* note 40.

59. The university currently provides only two days of lectures in a twenty-one week course. Kelly Report, *supra* note 40, at 6.

60. This same workbook has since been proffered by the PSNI to be placed on the training resource list on the website of the European Platform on Policing as an example of good practice in training police in human rights—another example of exporting the model before we can verify the accuracy thereof.

61. The author among them.

62. A new institution, which had its genesis in the Good Friday Multi-Party Agreement and was established under the Northern Ireland Act 1998, to provide independent advice to government in respect of human rights provision in Northern Ireland.

63. NORTHERN IRELAND HUMAN RIGHTS COMMISSION, REPORT ON THE RUC'S TRAINING ON THE HUMAN RIGHTS ACT 1998 (2000).

64. At one stage, one trainer referred to the elderly as “custard dribbling old fools.” Such was the concern over the NIHRIC’s findings in respect of this training that it was raised in the House of Commons. House of Commons Hansard Debates, 21 Nov. 2000, available at www.publications.parliament.uk/pa/cm/199900/cmhansrd/vo001121/debtext/01121-17.htm.

was not designed with Northern Ireland's specific human rights context and legacy in mind.

Undaunted, the police "Foundation Faculty"⁶⁵ went on to develop a training program for police recruits and probationary constables. Evaluating the human rights aspects of the twenty-one week Student Officer Training Program (SOTP),⁶⁶ Mark Kelly found that "although fairly frequent reference was made to human rights during the learning events observed, discussion of human rights tended to remain at a very superficial level."⁶⁷ This he considered "a matter of particular concern," concluding that "mainstreaming will be all the harder to accomplish if the content and contextual basis of core lessons is deficient."⁶⁸

Another major concern of this report was that officers were given very little in the way of Northern Ireland-specific material with which to engage. This evidences an ongoing tendency to deal with controversial issues by ignoring them. Kelly also found that, despite sincere efforts on their part, PSNI trainers did not appear equipped "for the difficult task of rendering human rights principles meaningful to student police officers."⁶⁹ These concerns were echoed in an evaluation of a more recent two-day course delivered to all members of the PSNI in late 2002–2003. The process by which the "Course for All" was developed indicated a continuing tendency of the police to decide for themselves both the format and content, choosing what to include and what to leave out.⁷⁰ The dangers of this kind of approach for a society facing a transitional process in which police change was a key tenet should be evident to all observers.

As the earlier section on community consultation argues, a partnership approach to the development of a course intended to underscore the importance of partnership in policing could have sent valuable signals in terms of how committed management really was to embedding this concept firmly at the heart of the organization. The fact that this opportunity was missed sends its own signals.

The general lesson here is that there is a need for constant and

65. PSNI, *Primary Reference Document, Training, Education and Development Strategy*, available at www.psni.police.uk.

66. Among the groups observed was the first ever intake (forty-eight students) to graduate as constables of the new PSNI in April 2002. Subsequent intakes have fluctuated between forty-eight and sixty.

67. Kelly Report, *supra* note 40, at 24.

68. *Id.* at 22.

69. *Id.* at 26. The report also expressed concerns as to lack of communication and sharing of information and best practice among trainers within the PSNI.

70. Although, support staff were also to receive this training, the course was essentially designed by police with a police audience and police trainers in mind. This led to the course having very little relevance to the vast majority of the support staff who sat through it, perhaps serving to further alienate them from the "new dispensation."

consistent vigilance and monitoring in terms of what police agencies, even those claiming to work in “partnership” with the community, put forward as satisfactory and appropriate courses during important transitional moments. Very often, they will prove to be far from what is actually needed, both in terms of engaging with the past and building for the future.

VI. CONCLUSION

The above assessment of a range of training initiatives to date feeds into much broader organizational issues. It also partly helps to clarify why a coherent needs analysis is so vital and so urgent as a first step to making training meaningful in terms of police transformation.

This needs analysis would require engagement with, among other things:

- the role and potential of policing and police organizations in the specific transitional context;
- the identification of key issues and concerns and how they might best be factored into the process;
- how to confront and impact the denial, defensiveness, and other aspects of a police subculture hitherto little exposed to effective challenge and scrutiny;
- the need for a much more realistic and inclusive consultation process to develop a truly holistic approach to training and education;
- the potential of non-police expertise to impact in a meaningful way both the process and product;
- the particular demands and requirements of delivering effective and lasting training and education on issues such as human rights, ethics, and diversity;
- the potential of training to be counterproductive;
- the extent to which a police approach is colored by police experience—with its attendant advantages and disadvantages;
- whether and how police trainers should be used for courses dealing with human rights and diversity;
- if they are to deliver such courses—the training they themselves require;
- how their own understandings are measured and evaluated before they impart them to others,

- the role, potential and actual, of other educators, community representatives, etc.;
- the need for discussion and implementation of provisions to extend beyond training to impact more widely key policy and operational areas;
- the need to revisit and improve internal communication and other systems to ensure a consistent and coherent message at all levels; and
- the importance of independent monitoring and evaluation at every stage of the process so that valuable learning is not missed in the future.

If the “Course for All” is any indicator, lessons from training on the Human Rights Act and Student and Probationer Training do not seem to have been learned. It is easy to point to the changes that have taken place in these areas and the fact that courses have been offered and delivered, often within quite daunting time scales and in the midst of many other changes and uncertainty, but it is less easy to quantify whether all the money, time, and effort was worth it—or might have more effectively been spent with the same focus, but in a very different way.

Training and education must engage with issues of police culture and subculture in a meaningful way to ensure that what is taught in a formal setting is not offset by the attitudes (subconscious or otherwise) of trainers or unlearned through dealing with “real” policing issues on the streets. There must be a recognition that ethics, human rights, and diversity cannot be taught at a purely cognitive level. A program of action must be instigated to ensure engagement with such issues on a gut level. This means practical and real examples at every stage. Council of Europe Policing and Human Rights materials provide one avenue into this area.

This article has set out some key difficulties in terms of the use of a training agenda to advance policing transformation in conflicted and post-conflict societies. Without an initial conversation in terms of what policing is about, what policing change would actually mean in practice, how to craft a holistic strategy and process, and how to measure the effectiveness of change, the tendency is for old patterns to reemerge and failed, incomplete, or inappropriate strategies to be rolled out.

Training alone will not change an institution.⁷¹ Police organizations, in

71. “Training alone will not change the behavior of an abusive police force or prevent abuse from arising in a new force unless it is accompanied by complementary measures that demonstrate an institutional commitment to rights-based policing.” RACHEL NEILD, THEMES AND DEBATES IN PUBLIC SECURITY REFORM—A MANUAL FOR CIVIL SOCIETY: POLICE TRAINING 8 (1998).

real partnership with others in civil society, need to ensure that much more is done to embed the principles conveyed in training into the working practices of police organizations.⁷² Even if this can be effectively, police training will not cure the ills of society. However, in conjunction with other initiatives, a holistic and inclusive approach in this area may help sow seeds for trust building, which is so important to a durable peace.

In many ways, the dilemmas posed by training mirror and bring to the fore some of the very issues that prevent broader societal peace building from gaining ground. Working in this area might help unblock and develop some of those broader strategies needed for the wider peace building project to flourish.

72. Rowe & Garland, *supra* note 5, at 400.