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PUBLIC ORDER POLICING

- 9.1** A major and controversial feature of policing in Northern Ireland has been public order policing. Failings in public order policing in the 1960s were partly responsible for the Troubles of the following thirty years, and for deepening nationalist estrangement from the RUC. There have been changes for the better in public order policing since then, and we have ourselves witnessed skilful police handling of potentially difficult public order events. But the problem remains one of the greatest challenges in the policing of Northern Ireland, particularly during the so-called marching season. It is hugely demanding of police resources, and draws heavily on army support. It presents the unwelcome spectacle of police in riot gear and armoured vehicles, and involves the use of a controversial weapon – plastic baton rounds (PBRs). It pits the police against people from both the nationalist/republican and the unionist/loyalist communities (the most recent police officer to be killed, Constable Francis O'Reilly, was killed by a blast bomb thrown by loyalist demonstrators at Portadown during the work of the Commission).
9. 2. This chapter makes some recommendations for the handling of public order policing. It assumes that, for the foreseeable future, the problem will remain a major, although hopefully diminishing, concern for the Northern Ireland police. Parades and marches will continue. There are over 3,000 of them a year in Northern Ireland; most do not carry a threat of serious disorder, but a few do because they pass through or close to neighbourhoods that do not welcome them. We assume that the present arrangements whereby contentious parades are considered by the Parades Commission will also continue. We must also expect that there will remain, for the time being, on both sides of the community, people and groups opposed to peace and reconciliation in Northern Ireland, who will try to use these parades, or other public events, to create serious difficulties for the police. The police service must therefore be resourced to deal with outbreaks of major disorder. Experience shows that disorder in Northern Ireland can be both spontaneous and widespread – roadblocks thrown up in several different places in one night for example, as occurred during the work of this Commission. And we must also accept that, regrettably, devices such as petrol bombs and blast bombs, which have been a regular feature of public disorder in Northern Ireland, are likely to remain a threat (see box 5 on the following page).

Police Resources

- 9.3** The demands of public order policing can call for very large numbers of police officers to be deployed at short notice. Drumcree, for example, has required up to 2,500 police officers during the July protest. The RUC finds these numbers from within its own strength. This takes a toll on the organization, in terms of officer fatigue, inability to perform other duties from which officers have been redeployed, hefty overtime budgets (£61.5m in 1998/9) and consequential underinvestment in such areas as information technology. But the RUC is able to find the numbers it needs – supported from the army as described in Chapter 8 – without help from other police services.
- 9.4** We have already recommended, in Chapter 8, that the army should retain the capability to provide support for the police if needed. We feel strongly that the police should not have to rely on the army

for more than that in public order situations. That is to say we would not want to see the army in a more prominent position in public order policing (except in the most extreme circumstances). So the police “surge” capacity for public order policing needs to be found from police resources.

5 – WEAPONS USED AGAINST POLICE

A large variety of weapons has been used against police in Northern Ireland, ranging from simple projectiles such as **stones, bricks and bottles**, and sharp instruments such as **knives, spears and hatchets**, to firearms of all kinds, including **automatic assault rifles and hand grenades**.

Some of the most lethal weapons used have been improvised devices. These include:

- **Blast bombs or pipe bombs** – containers or lengths of piping packed with explosive, designed to fragment on explosion, with nails taped around the casing to augment the fragmentation effect. These have been used in large numbers, and one of them killed Constable O’Reilly in Portadown in 1998.
- **Coffee jar bombs** – explosives, metal and nails packed into a coffee jar.
- **Petrol bombs** – also known as Molotov Cocktails, and often containing a substance causing the burning liquid to adhere to the victim.
- **Chinese mortars** – commercially made firework mortars used to fire nails, horizontally, at police lines. Rioters have also used display fireworks wrapped with nails.
- **Explosive darts** – made from copper piping and fired from crossbows.
- **Catapults** – used to fire steel ball bearings.

9.5 We have considered carefully whether reinforcement should be sought in times of need from other police services in the British Isles. Within the United Kingdom, “mutual aid” arrangements exist between police services. We have spoken to chief constables in Great Britain, who have made it clear that, while in principle they would be willing to consider mutual aid arrangements with Northern Ireland, they could not contemplate such arrangements while the nature of public disorder in Northern Ireland is as it is now, with the police frequently facing people armed with petrol bombs, blast bombs and occasionally firearms. A few respondents suggested to us that mutual aid arrangements might be possible with the Garda Siochana, the only immediate neighbour of the Northern Ireland police; but the political and legal problems involved in either police service being involved in public order policing in the jurisdiction of the other rule this out for the foreseeable future.

9.6 We conclude, therefore, and *we recommend that the Northern Ireland police should have the capacity within its own establishment to deal with public order emergencies without help from other police services and without more than the present level of support from the army.* This has implications for the size of the police service, which we address in Chapter 13.

9.7 In a later chapter we recommend the recruitment of more officers into the part-time reserve, particularly from communities that are currently under-represented in the police. The main purpose of this is to strengthen police connections with local communities, but a secondary point is that a reserve of up to 2,500 part-time officers could if necessary be called on to substitute for regular officers who are removed from their normal duties to meet a public order emergency.

Public order partnerships

- 9.8** We have said that problem-solving policing in partnership with the community should be the mainspring of police work. This applies to public order policing as much as to any other aspect of policing. Police officers who are working closely with the communities they police will be much better able to deal with the problems of parades, demonstrations or other events emanating from those communities or passing through their area.
- 9.9** A key point is that there should be joint planning of public order events by the police and the community representatives; the latter would include, for example, parade organizers and neighbourhood groups. Parades can work well, as we have witnessed, when the organizers provide their own parade marshals, and when the opposition too has been marshalled responsibly. *We recommend that it should be a condition for the approval of a parade that the organizers should provide their own marshals and that the organizers and the police should work together to plan the policing of such events¹. This should involve as appropriate the representatives of the neighbourhoods involved in the parade route.* The same general principles could apply to static public order events, such as rallies, concerts and sporting occasions. But we focus here on parades and marches, which are the distinguishing public order challenges in Northern Ireland.
- 9.10** In 1998, following a recommendation in the North Report, the Parades Commission funded a pilot project to train senior marshals of the Apprentice Boys of Derry. In August 1998 the first group of marshals was assessed against the NVQ (National Vocational Qualification) Level 3 in spectator control. A second group was trained in September 1998, and 20 candidates from the Orange Order underwent training in May/June 1999. We support these initiatives and *we recommend that marshal training should be further developed, with an appropriate qualification on successful completion of the training. All parades should be marshalled and, as soon as practicable, it should be a requirement that all potentially contentious parades requiring a decision or determination by the Parades Commission should be marshalled by qualified personnel.*
- 9.11** The main aim of the joint planning of parades should be to minimise the opportunities for confrontation to occur. It should include mediation as necessary before the event, and mechanisms for de-escalating and containing problems if they occur during the event. Ideally the policing of a parade should be carried out by the organizers and their marshals, with the police providing assistance such as physical barriers and traffic control. The police should, however, take control of matters if the marshals are unable to maintain the peace, or if the parade participants fail to abide by the terms of the parade licence. If police intervention is required, there should be a graduated response to developing difficulties, in which the police should have a range of options at their disposal – from verbal persuasion to various forms of coercive force. They should avoid deploying equipment or tactics that are disproportionate to the threat they face. We witnessed good use of graduated response techniques both at the Apprentice Boys of Derry Parade in August 1998 and at Drumcree in July 1999².

¹The Multinational Panel Regarding the Lawful Control of Demonstrations in the Republic of South Africa – established in 1992 by the Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, chaired by Justice Goldstone – established the principle that organizers of demonstrators should provide assurances that demonstrations would be carried out peacefully, and undertake to supply marshals for that purpose, as part of the application for a licence to demonstrate.

² Graduated response techniques are set out in the ACPO Guide to Public Order Policing, 1991

Plastic Baton Rounds (PBRs)

- 9.12** The most controversial aspect of public order policing in Northern Ireland has been the weaponry used by the police, in particular plastic baton rounds. These were introduced into service in the 1970s, replacing the earlier rubber bullets. Since 1981, a total of 41,657 have been discharged by the police, and 14,572 by the army. 11 deaths have been attributed to PBRs since 1981 (and 5 before that), and 615 injuries. The most recent fatality was in 1989, but the issue of PBRs remains highly controversial.
- 9.13** PBRs are available for use in other United Kingdom police services but, although there have been some close calls, they have never actually been used. They are not used in the Republic of Ireland or any of the continental European countries we have visited. They are used by some United States and Canadian police departments, although those that we visited used them for such things as hostage-taking incidents rather than for public order policing. The unique problem which has explained their use in Northern Ireland is the widespread use of petrol bombs, blast bombs and firearms in riot situations. This cannot be countered by methods which require close proximity between police and rioters, such as baton charges or the use of mounted police. The use of CS canisters has been controversial in Northern Ireland in the past; among other disadvantages, they are a device for crowd dispersal rather than for accurately intercepting individuals in the act of throwing a bomb or firing a gun, and they are an indiscriminate weapon which all too easily affects innocent bystanders and even people in their own homes. In the United States, the police departments we visited told us that they would regard petrol bombers as a lethal threat and would use live fire against them. A Dutch chief constable also told us that, faced with an attack of petrol bombs or blast bombs, his officers would have no alternative but to use live rounds (and Dutch police did indeed use live rounds against football rioters in April 1999).
- 9.14** In view of the fatalities and serious injuries resulting from PBRs, and the controversy caused by their extensive use, we are surprised and concerned that the government, the Police Authority and the RUC have collectively failed to invest more time and money in a search for an acceptable alternative. We were able to discover very little research work being done in the United Kingdom (except in the development of more accurate PBRs). By contrast, we were impressed by the efforts being made and the commitment to develop non-lethal weaponry alternatives in the United States, particularly at the Institute for Non-Lethal Defense Technologies at Pennsylvania State University and the National Institute of Justice in Washington. Nevertheless, although this work appears to hold some promise, we were advised that as yet no non-lethal alternative to the PBR exists which can effectively intercept the petrol bomber while protecting the police and the public from injury. Box 6 on the following page summarizes the non-lethal equipment available or under development.
- 9.15** In common with many groups that gave us submissions, we would like to see the use of PBRs discontinued as soon as possible. All of us began our work wanting to be able to recommend that they be dispensed with straight away. But we do not wish to see a situation in which the police would have no choice but to resort to live rounds, sooner than would be the case today. For as long as the community in Northern Ireland contains elements prepared to use lethal weapons against the police, such situations would certainly arise. Use of live rounds would lead to more fatalities and serious injuries caused by police action – the very opposite of what we seek to achieve. An alternative to the PBR must therefore be sought urgently. *We recommend that an immediate and substantial investment be made in a research programme to find an acceptable, effective and less potentially lethal alternative to the PBR.*

6 – NON-LETHAL EQUIPMENT OPTIONS FOR USE IN PUBLIC ORDER POLICING

In addition to Plastic Baton Rounds (PBRs), which are part of the resources of a number of police departments worldwide, other equipment in use or under review includes:

PROJECTILE	DELIVERY SYSTEM	OBJECT	EFFECT ON PEOPLE
Multiple Rubber Balls	37/40mm launcher and/or 12 gauge shotgun	Wide target area	Blunt impact trauma by kinetic energy transfer
Foam Baton	37/40mm launcher	Aimed – specific individual target	Blunt impact trauma by kinetic energy transfer
Bean Bag	12 gauge shotgun	Aimed – specific individual target	Blunt impact trauma by kinetic energy transfer
Sponge Grenade	37/40mm launcher	Aimed – specific individual target	Blunt impact trauma by kinetic energy transfer
Ring Airfoil Projectile	37/40mm launcher	Aimed – specific individual target	Blunt impact trauma by kinetic energy transfer. Enhanced effect through delivery of Pepper Spray charge
CS/CN Gas	37/40mm launcher and various other deployments	Wide target area and/or aimed – specific individual target	Noxious chemical: eyes water, burning sensation, nose streams
Pepper Spray	Pressurised spray canister	Aimed – specific individual target	Noxious chemical: eyes water, burning sensation, nose streams
Sticky Shocker	37/40mm launcher	Aimed – specific individual target	Imparts incapacitating high voltage shock
Malodorous Substance	Air/gas gun	Aimed – specific individual target	Noxious chemical: can induce vomiting by target and people in immediate vicinity
Water Cannon	Pressurised systems, water cannon	Wide target area and/or aimed – specific individual target	Discomfort at soaking rising in force to blunt impact trauma by kinetic energy transfer

9.16 *We also recommend that the police be equipped with a broader range of public order equipment than the RUC currently possess, so that a commander has a number of options at his or her disposal which might reduce reliance on, or defer resort to, the PBR.* At present, the RUC has, essentially, three options – the baton, the PBR or live fire. We believe that this encourages more rapid resort to the PBR than might otherwise be the case. The number of PBRs discharged on some occasions – perhaps hundreds in a single night – raises questions as to whether they are only used in cases where there is no available alternative to the PBR, for example when there is a need to intercept petrol bombers at long range. PBRs have, for example, been discharged at close range in some instances, causing deaths and injuries. If, in such a situation, an officer could use, say, a personal protection CS spray (these sprays are issued to most police officers in Great Britain but not to the RUC), that would provide an effective non-lethal alternative to the PBR, which becomes a much more dangerous weapon when used at short range. Another alternative worth exploring is the water cannon, where new technology has transformed what used to be a rather ineffective weapon into something which now looks much more promising for police purposes. We know the

Northern Ireland police are looking into this (and had water cannon available at Drumcree in July 1999), and we welcome that.

- 9.17** A range of equipment would allow a more graduated response to a public order situation, with PBRs used only as a last resort, short of the use of firearms. *We recommend that the use of PBRs should be subject to the same procedures for deployment, use and reporting as apply in the rest of the United Kingdom³. Their use should be confined to the smallest necessary number of specially trained officers, who should be trained to think of the weapon in the same way as they would think of a firearm, that is as a weapon which is potentially lethal. Use of PBRs should in the first instance require the authorisation of a district commander. This should be justified in a report to the Policing Board, which should be copied to the Police Ombudsman. Wherever possible, video camera recordings should be made of incidents in which the use of PBRs is authorised.*

Accountability

- 9.18** The police must be fully accountable for public order policing as for any other aspect of their work. Several submissions suggested to us that police in riot gear should be capable of being identified. We agree with this and *we recommend that officers' identification numbers should be clearly visible on their protective clothing, just as they should be on regular uniforms.*
- 9.19** *We recommend that the Policing Board and, as appropriate, the Police Ombudsman should actively monitor police performance in public order situations, and if necessary seek reports from the Chief Constable and follow up those reports if they wish.* Follow-up reports could be commissioned from any of the agencies listed in paragraph 6.23.
- 9.20** Particular attention should be paid to all incidents in which PBRs are used. *We recommend that guidance governing the deployment and use of PBRs should be soundly based in law, clearly expressed and readily available as public documents.*

³ The Home Secretary announced in the House of Commons on 27 July 1999 that he had approved new operational guidelines on the use of baton rounds and firearms, produced by ACPO, which would apply in England, Wales and Northern Ireland.