

**"ACCOUNTABILITY: SETTING THE STANDARDS FOR POLICING IN NORTHERN IRELAND"**

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***"A Qualitative Study to identify the development of mechanisms designed to improve police accountability and legitimacy in Northern Ireland, prior to, and following, publication of the Patten Report."***

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A thesis submitted in partial fulfilment of the requirement for the degree of Professional Doctorate in Policing, Security and Community Safety from London Metropolitan University

## **Abstract**

This thesis consists of two sections. The first section explores the historical consequences of policing in Northern Ireland (NI), through a comprehensive literature review on police reform and accountability, whilst Section 2 comprises a contemporaneous case study based on interviews with senior practitioners involved in policing.

This thesis will examine the evolution and impact of police accountability and legitimacy, not only in NI, but across the UK, generally. Following a concise summary on the development of policing in both Ireland and NI, this thesis will then consider whether police reform and legitimacy has been enhanced by the accountability architecture which emerged from the Report of the Independent Commission on Policing for Northern Ireland.

Section 2 will contribute more understanding to the literature discussed in Section 1, in addition to explaining the methodological limitations and consequences of conducting a qualitative study. Police accountability and legitimacy in NI will then be closely examined through a thematic analysis based on results elucidated from a succession of semi-structured interviews with senior police practitioners in NI. The research findings aim to emphasize opportunities which broaden the knowledge and understanding of police reform and accountability beyond the outcomes generated by the Patten accountability framework.

**Keywords:** accountability, confidence, conflict, framework, legitimacy, mechanisms, Police Service of Northern Ireland (PSNI), Royal Ulster Constabulary (RUC), transparency, trust

## **Dedication**

This thesis is dedicated to the memory of my parents, Agnes and George, daughter Christina, and granddaughter Amilia Rose, without whom my day is empty and with whom my cup runneth over.

In dedicating this thesis it would be remiss not to recognise those police officers and colleagues, not only in NI, some of whom were personal friends, but throughout Ireland's history, who have paid the ultimate sacrifice in bringing peace to these troubled lands.

"Out of Ireland have we come  
Great hatred, little room"

**W.B. Yeats (1931).**

## **Acknowledgements**

When I commenced this doctorate in 2008 the Beijing Olympics had just concluded, and I considered it a particularly routine event to convey in writing my thoughts and opinions on police accountability in NI. How wrong I was, after talking and listening to others more knowledgeable on this subject than me. Four years hence and with the 2012 London Olympiad just concluded, my academic marathon is, likewise. As I approach the finishing line, I have arrived at a point where I consider my thoughts and opinions on police accountability are reflected in the forthcoming chapters. Whether I now adorn the podium of achievement will be adjudicated on by others.

I would like to start these acknowledgements by expressing thanks to my daughters, Claire, Julia and her partner Damian, and Denise for their support and understanding throughout this period of study; to my partner's daughter, Michaela; neighbours Joan and Stanley; and my ever faithful and trusting companion, my dog, Monkey McSwiggan.

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## **List of Abbreviations**

ACPO	Association of Chief Police Officers
CIRA	Continuity Irish Republican Army
CJINI	Criminal Justice Inspection Northern Ireland
CJR	Criminal Justice Review
CPLC	Community Police Liaison Committee
CRJI	Community Restorative Justice Ireland
CSP	Community Safety Partnership
DCU	District Command Unit
DMP	Dublin Metropolitan Police
DOJ	Department of Justice
DPP	District Policing Partnership
DPPB	District Policing Partnership Board
DUP	Democratic Unionist Party
GFA	Good Friday/Belfast Agreement
GOC	General Officer Commanding
GB	Great Britain
HET	Historical Enquiries Team
HMIC	Her Majesty's Inspector of Constabulary
ICPC	Independent Commission for Police Complaints
IMC	International Monitoring Commission
INLA	Irish National Liberation Army
IPCC	Independent Police Complaints Commission
IRA	Irish Republican Army
MPS	Metropolitan Police Service
NI	Northern Ireland
NIAC	Northern Ireland Affairs Committee
NICRA	Northern Ireland Civil Rights Association
NIO	Northern Ireland Office
NIPB	Northern Ireland Policing Board

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NPM	New Public Management
PACE	Police and Criminal Evidence Act
PANI	Police Authority for Northern Ireland
PCA	Police Complaints Authority
PCB	Police Complaints Board
PMCA	Police and Magistrates' Court Act
PONI	Police Ombudsman for Northern Ireland
PSNI	Police Service of Northern Ireland
RIC	Royal Irish Constabulary
RIRA	Real Irish Republican Army
ROI	Republic of Ireland
RUC	Royal Ulster Constabulary
SACHR	Standing Advisory Committee on Human Rights
SDLP	Social Democratic and Labour Party
SF	Sinn Fein
SOSNI	Secretary of State for Northern Ireland
UK	United Kingdom
USA	United States of America
USC	Ulster Special Constabulary
UUP	Ulster Unionist Party

# SECTION 1

***“Accountability should run through the bloodstream of the whole body of the police service,” (The Patten Report, 1999, p. 22)***

## **Introduction**

The primary aim of this research is to conduct a qualitative study on police accountability and legitimacy in Northern Ireland (NI), prior to, and following, publication of a report by the Independent Commission on Policing for Northern Ireland, henceforth referred to as the Patten Report (1999). The objective of this study will be to review the police accountability structures introduced in NI to create public confidence in policing, but with particular emphasis on the period following 1999. To that end, the central research questions will underpin the structure of this thesis, which are answered as the discussion examines police accountability and legitimacy. First, why has it been necessary to create effective accountability mechanisms in NI? Secondly, has the post-Patten accountability framework contributed to enhancing public confidence in the police? Thirdly, is there now increased legitimacy for policing across all communities following implementation of the Patten Report?

The research questions will be addressed by briefly describing the historical dilemmas associated with policing in Ireland and NI. The thesis will then explore the nature, level and effectiveness of police accountability appertaining to England and Wales and NI, by reviewing the academic literature on how accountability and legitimacy developed in both jurisdictions. The research will then discuss the reasons why police reform in NI has been designed to encourage greater community support and involvement with the newly created Police Service of Northern Ireland (PSNI), who replaced the Royal Ulster Constabulary (RUC) in 2001. Finally, the research will conclude with a thematic analysis on a series of eleven semi-structured interviews conducted with senior police practitioners, before connecting the academic literature to the



experiences relayed by the senior practitioners to address the central research questions, prior to making recommendations for future research.

The 1990s in NI will be remembered as the decade when declarations of peace through a renewed political consensus enabled democracy, through the Good Friday/Belfast Agreement (GFA, 1998), to finally emerge from the state's enduring political conflict. The conflict had its genesis in the aftermath of Ireland's partition in 1921. Since then, moreover, the RUC was associated, within the nationalist psyche, with defending disputed state territory which alienated them from that community.

Political agreement on policing was achievable, provided an internal mandate which encompassed all traditions was found. Furthermore, from a policing perspective, this late twentieth-century political consensus provided for an extensive programme of police reform. Remodelling the structure, culture and identity of the RUC remained an implicit assumption, if policing was to assume a more representative semblance of Northern Irish society. During this unprecedented period there developed, through the Patten Report, a renewed focus on police accountability.

Such anticipated reforms included proposals for increased oversight and regulation of the police. Particular emphasis was placed on how local, democratic and legal accountability could be enhanced to address an absence of legitimacy endured by the RUC from the state's inception, predominately from within nationalist communities. The Patten Report provided for an enhanced network of accountability, based on three interdependent pillars, which heralded a reinvention, for the most part theoretical, on how communities could hold state policing to account. The practical reality of such proposals would be derived, provided legitimacy and political agreement coalesced as a consequence. Political agreement and state legitimacy were pivotal to resolving the divergent, but ingrained, ideological aspirations of the populace advanced by partition.

Efforts in 1921 to resolve ideological differences were made through placating both those in the south of the island, mainly Catholics, who wanted Home Rule,

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and the predominately Protestant/unionist community of the north, who threatened an armed 'Protestant backlash' to maintain the link with Britain (Bell, 1993b; Hennessey, 1997; Cunningham, 2001; Ryder, 2004). The solution, it seemed, although 'messy' (English, 2010, p.60), lay in establishing an autonomous independent Irish Free State consisting of 26 of the island's 32 counties, and is today's Republic of Ireland (ROI). This arrangement, whilst not ideal, accommodated the overwhelming majority of citizens on the island described as Catholic.



**Fig 1: Map of Ireland**

Such arrangements may have accommodated the overwhelming majority of Catholics on the island, yet a sizeable minority of their co-religionists, residing in the remaining six counties of Ireland, were not so facilitated (Bew *et al.*, 1979; O'Leary and McGarry, 1996; Hennessey, 1997; Cunningham, 2001). The remaining six counties combined to form a devolved administration, known as NI, which became an adjunct of the United Kingdom (UK). Some Catholic inhabitants of NI refused to recognise the institutions of this newly constituted state, preferring instead a "united Irish state" devoid of British interference (De Bréadún, 2001, p.2). In the prevailing political turmoil, uniting Ireland was

incapable of attracting support from the majority unionist community who continued to display allegiance to the UK. Likewise, a lack of allegiance by the nationalist community towards NI, together with a failure by future successive unionist controlled administrations to incorporate nationalism in the fabric of Northern Irish society, only served to inflame hostility.

Understanding how NI arrived at this late twentieth-century consensus on policing poses challenging theoretical questions concerning how policing in Ireland developed in the way it did, and why the RUC's existence created such contention. Following a brief overview on policing in Ireland, this thesis will examine how legitimising the police was provided for, through effective and independent police accountability. Taking the partition of Ireland as a reference point, this thesis will offer up why the Hunt Report (1969), and its more influential and ideological companion, the Patten Report (1999), renewed interest in how the RUC should be held to account. In essence, the relationship between the police, communities and accountability during the conflict, underpin the research discussed in the forthcoming chapters of Section 1 and in the thematic analysis of interviews conducted with senior police practitioners (see Section 2, Chapter 7).

Before providing an outline of the chapters comprising Section 1, it is incumbent to explain the manifest cause of the conflict, which many writers on NI have defined "as one of identity or ideology" (Ruanne and Todd, 1996, p.5). It was similarly suggested, "how the most visible and dramatic manifestation of the post-1968 Northern Ireland conflict has been political violence" (Hayes and McAllister, 2001, p.901). Either way, Protestants remained adamant, in the aftermath of partition, that NI remained an integral part of the UK, whereas Irish nationalists avowed NI must immediately, or eventually, become part of a sovereign Irish nation-state (O'Leary and McGarry, 1996, p.100). This evolving scenario was viewed by many commentators as intractable and without solution (Ellison and Smyth, 2000; Topping, 2008b). Indeed one could advance a step further and portray the situation as a problem incapable of resolution. For example, in amplifying this assertion, Moxon-Browne (1983, cited in Topping, 2008b, p.378), whilst describing the intractable nature of the conflict stated,

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"...to seek a solution to the Northern Ireland problem is to pursue a mirage in the desert: a better ploy would be to irrigate the desert until the landscape looks more interesting."

The landscape analogy attributable to Moxon-Browne was viewed similarly by O'Leary (1998, p.1629), who referred to NI as "a political desert whose only landmarks were failed initiatives." Recent years, nonetheless, brought an emergence of mature political initiatives in pursuit of power sharing (Sunningdale Agreement, 1974; Anglo-Irish Agreement, 1985; GFA, 1998) (see McGarry, 1988, 1998, 2002; Wolff, 2001), that contributed piecemeal to irrigating the desert, by replacing political drought with a reservoir of dialogue. This led, in many respects, to political and police reform, first through the GFA (Wilford, 2001) and, secondly through the Patten Report, which precipitated significant police reform and the 'passing of the baton' from the RUC to the PSNI in 2001.

Political initiatives of this nature have facilitated recent pronouncements on policing in NI to be, essentially, more positive, yet the relationship between policing and politics, particularly during the past forty years of conflict, has been excruciatingly difficult. Increasingly, academic accounts on the role performed by the RUC offer a rich tapestry of empirical research. The environment in which the RUC operated was described as an "abnormal situation" where they "had never operated as a 'normal' police force" because of a reliance on "draconian special powers" (Moore, 1998, p.1579). Determining the factors which constitute a "normal police force" operating under abnormal conditions generated various opportunities for academic perusal and in-depth investigation. Such fundamental concerns led Moran (2008, p.103) to describe "critiques of the RUC" as legion, but expressed concern at how they were unable to provide comprehensive narratives on police practice through not positioning the "police in context".

Whilst opinions on the RUC became the subject of considerable debate, their significance and influence on many commentators (Weitzer, 1985; Ellison and

Mulcahy, 2001; Shearing, 2001; Sheptycki, 2001; McGloin, 2003; Ryder, 2004; Ellison, 2007; Bayley, 2008; Topping, 2008b; Doyle, 2010b; Ellison and O'Rawe, 2010) have contributed much thought to the causes and solutions of what became known, euphemistically as "the Troubles." As this introduction will go on to clarify, the RUC, as representatives of the state, became integral to the conflict and its eventual resolution. Perspectives throughout the academic, political and media spheres provide informed debate on how this developed, and why accounts on the RUC's handling of the conflict remained contingent on which particular state nationalism contributors adhered. Consequently, such voluminous academic narratives were written in expectation of distilling the RUC's role in the conflict (Weitzer, 1985, 1995; Brewer and Magee, 1991; Ryder, 1989, 2004). Yet, "scholars have disagreed widely, both in their interpretation of its causes and in its possible solutions" (Hayes and McAllister, 2001, p.918). Such debates analysing the conflict's causes and solutions have influenced and advanced the evidence, providing a fresh canvas on which to explain how reform of the accountability framework remained germane to an overall internal political and security settlement.

So far, this introduction has described how the antagonism of NI's deeply divided society evolved and why the RUC became closely aligned with the causation and resolution of conflict. In societies labelled deeply divided, where state authority is contested, the degree of legitimacy afforded to the police can preoccupy the state's capacity to function properly. Beyond NI, state policing everywhere is in a crisis (O'Rawe, 2002-03, p.1020). This has precipitated "a growing consensus that the policing systems of Western industrialised societies are experiencing profound changes" (Jones and Newburn, 2002, p.129). Opinion on why policing of western democracies is perceived to be in a crisis relates to how "modern democracies are both rights-driven and rule-governed, even though the two are in conflict" (Edwards, 2005, p.10). This dichotomy was echoed by Alderson (1979, p.1) in his erudite narrative on Policing Freedom, where he reaffirms the view that "policing of Western democracies is in a crisis." Allied to this perspective, "as the creeping crisis of confidence in the police began to unfold, there emerged a succession of competing agendas for reform" (Reiner, 1992b, p.778). For example, Alderson (1979, p.1) offers up the source

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of this agenda as the competing desire for increased freedom for the citizen, conflicting with an ongoing requirement for social control. It is, perhaps, not surprising why perceptions in the UK of policing being in a crisis continued into the early 1990s, following dramatic increases in police expenditure during the preceding decade, (Loveday, 2000; Mawby, 2000; Jones, 2003; Brain, 2010), giving rise to the “centralisation thesis” around police governance (Savage *et al.*, 2000, p.30).

Applying Alderson’s crisis thesis to NI assists in explaining why the RUC encountered difficulties similar to police organisations worldwide in “how to better represent, understand, partner and ensure safety to the community at large” (O’Rawe, 2002-03, p.1020). Such definitive undertakings for modern police organisations to embrace remain laudable aspirations for any democratic society. This was particularly relevant to NI, where proposals to resolve apparent irreconcilable differences amongst communities, caused mainly by competing national identities and cultural ignorance, required those identities and cultures to be reflected in the fabric of any future reformed police organisation (Patten, 1999; McGarry, 2000; Moore and O’Rawe, 2001; Walker, 2001; O’Rawe, 2002-03; McGarry and O’Leary, 2004; Ellison, 2007; Hayes, 2010; Doyle, 2010b). As mentioned previously in this introduction, the momentum for conflict between rights and rules had, since partition, become increasingly contentious, resulting in ‘Direct Rule’ being imposed by Westminster in 1972 (Hadfield, 1990; O’Leary and McGarry, 1996; Hennessy, 1997). In reality, however, such imbalance between rights and rules has probably continued beyond the ratification of the GFA.

A solution, therefore, had to be attained by accommodating two fundamental considerations, which materialised as central features of the subsequent peace accord. The GFA, which inferred human rights a prerequisite for change (p.16), were to be inculcated across all aspects of Northern Irish society, including how the police were to assume human rights based approaches “as the very purpose of policing” (Patten Report, 1999, p.20).

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“Moreover, the relationship between human rights and policing is a subject which is now commanding the attention of police services around the world” (Patten Report, 1999, p.19).

Prior to the introduction of a human rights based paradigm of policing (Moore, 1998; Moore and O’Rawe, 2001; O’Leary, 2001; Lynch, 2010), which represents another dimension of accountability; the policing history of NI was somewhat inconsistent. Where a collision occurs between individual rights and the vagaries of enforcing emergency legislation, (Weitzer, 1985; Livingstone and Morison, 1995; Moore and O’Rawe, 2001; McGloin, 2003), the outcome very often results in conflict between society and the state, usually with the police as the state’s most visible institution. Discourse relating to the constitutional issues of NI from the state’s formation, have been framed by a continuing presence or threat of violence (McEvoy and Morison, 2002, p.970). Against this backdrop, policing was required to epitomise that central feature of a modern state (Jones *et al.*, 1996, p.187), which conforms to the protection of fundamental freedoms and maintenance of social cohesion, as it relates to their role as “specialist carriers of the state’s bedrock power: the monopoly of legitimate use of force” (Reiner, 1993, p.1).

Enforcing “draconian special powers”, (Moore, 1998, p.1579) in NI, viewed as oppressive, exacerbated the conflict and increased the need for greater police legitimacy (Smyth, 2002; Conway, 2008). With the state now displaying inconsistency in denying some citizens their fundamental freedoms, social order became fragmented, necessitating the Unionist Government to utilise the RUC in maintaining their dominance over increasing social unrest. Added to such volatility, Kelly (1998, p.400) for the most part, notes how internal conflicts have contributed to, or have occurred because of, a “disintegration of a civil society.” A crucial indicator of the political nature and social order of any society reflects how it controls the organisation and powers of the police (Jones *et al.*, 1996, p.187). In this regard, the powers vested by the state in the RUC between 1922 and 2001 only served to lay claim on the control which politics exerted over law and order during this time.



Thus far, discussion has moved from the unresolved territorial claims over NI, which partition created, to those associated with structure, function and legitimacy of the RUC in a country then governed by a single polity. Inevitably, this served to compound the absence of legitimacy and mistrust from a significant proportion of the nationalist community towards the RUC, leading, as it did, to various official reports proposing recommendations on how the RUC could be held to account (Cameron Report, 1969; Hunt Report, 1969; Scarman Report, 1972; Bennett Report, 1979; Patten Report, 1999). The RUC became not only the cause and manifestation of inter-communal tension and violence, but a barrier to effective intergovernmental relations (Wright and Bryett, 2000, p.10). Responding positively to such challenging themes was necessary if greater social cohesion and community acceptance of the police is to prevail. It follows that if appropriate political structures exist, then such aspirations were attainable, despite policing occupying "highly contested ground in broader arguments over the legitimacy of the state itself" (O'Rawe, 2002-03, p.1026).

Whilst this perspective of policing will be discussed later, it does, moreover, fail to take cognizance of the views held by the majority of the population in NI, many of whom viewed the RUC essential for protecting them from republican terrorism throughout the state's short history. This widely assailed position transports the thesis back to the question first proffered in the opening paragraphs of this introduction by Moran (2008) (see p.6), on how research into policing in NI should be viewed in context: a position which provides an unbiased appreciation of the environment within which research subsequently occurs.

The contested environment of NI reflects how policing has occupied centre-stage in the pursuit of social relationships that go beyond the traditional mundane axiom of policing (Goldstein, 1990; Mulcahy, 2006). The RUC became emblematic of British rule through a reluctant but inevitable creeping towards a paramilitary function. This position hindered opportunities to improve their legitimacy within some communities who considered their presence and deployment of 'special powers' oppressive. Arguments over police legitimacy, which have endured for many years, is a central theme traditionally espoused



by the Anglo-Saxon model of policing, to which Critchley (1978) refers in his highly acclaimed narrative on the History of Policing in England and Wales. Legitimacy is predicated not only on the concept of 'policing by consent', but effective police accountability and "has been one of the pivotal issues in the debate on the RUC's legitimacy" (Mulcahy, 2000, p.77). That traditional mantra of 'policing by consent' (Critchley, 1978; Alderson, 1979) was a matter of enforcing consensus, because the laws and customs of the state required it. A consensus within NI amongst the Protestant tradition sought to maintain the Union with Great Britain (GB), which saw the RUC utilised politically to ensure continuance of the relationship, by enforcing the laws and customs of British culture. The only viable solution, it seemed, was to completely overhaul the structure, culture and identity of the RUC in an effort to legitimise the Force, but political will to do so remained uncompromising.

The legitimisation thesis developed by Mulcahy (2006), explains how three "overlapping elements form the dynamic at the heart of the police legitimisation process: *reform*, *representation* and the public *response* to these initiatives" (Mulcahy, 2006, p.15, emphasis in original). These themes will feature significantly throughout the thesis as community expectations of the GFA and Patten Report, concerning enhanced notions of accountability, has developed commensurate to advances made in transitional justice. Mulcahy's thesis could be expanded to encompass public acceptance of the police (Moran 2008, p.111), as a form of legitimacy which runs parallel to the 'policing by consent' debate, (Mulcahy, 2000). Police legitimacy and 'policing by consent', to be effective and acceptable, particularly from a nationalist perspective, remained contingent on reform of the RUC. This would provide, *inter alia*, greater cross-party political support and Catholic representation in policing, and on the accountability bodies (O'Rawe, 2002-03, p.1023). This became a basic requirement before accountability processes could be deemed workable and capable of inspiring confidence and consent for policing.

As discussed above, democratic societies should ensure the principle of 'policing by consent' remains a central feature of police authority (Beirne and O'Brien, 2010, p.147), yet before the GFA, Northern Ireland existed in a kind of

'democratic deficit' caused mainly by 'Direct Rule' of Northern Irish affairs from Westminster (Hadfield, 1990; Cunningham, 2001). For many years, community perceptions and experiences of law and order diverged significantly. Members of the Protestant tradition viewed the police as 'ours', whilst members of the Catholic tradition regarded the police as 'theirs' and, consequently, "Catholic alienation from the police was deep-seated" (Ryder, 2004, p.xviii). Despite such a seemingly intractable position, English (2003) cautions against overemphasizing the problem of policing in NI by referring to the Patten Report's recognition that approval rating for the RUC among the Catholic population was approaching 50%. He continues by portraying the RUC as "a force not uniformly condemned by the northern Catholic population... but that policing is a major problem within the north is unquestionable" (English, 2003, p.324). This perspective was also considered during an interview conducted with a Catholic member of a District Policing Partnership (DPP) operating in a republican area of NI who stated:

"As a young Catholic growing up, I never had any problem with the police. I won't call myself a nationalist because I don't like that term, I'm a Catholic. I've found from people I would know there's a greater acceptance of the police but there was always an acceptance of the police but nobody ever bothered to ask them" (Respondent 8, line 315).

The intractable nature of the ethno-religious conflict was compounded by how the RUC ascribed to a notion of being neutral arbiters in the conflict and, in defence of this stance, former RUC Chief Constable, Sir John Hermon, referred to his officers constituting a third religion (Hermon, 1997; Ellison and Mulcahy, 2001, p.250). Such entrenched opinion would never accommodate any 'mythical notion' of 'policing by consent' (Grieve *et al.*, 2007, p.33), provided the police assumed a separate identity from the two main religious denominations in the country. Understandable though this may appear, Sir John's opinion resonated throughout the organisation, culminating in a genuinely held siege mentality of them (society) and us (the RUC).

The opening paragraphs of this introduction have placed in context those fundamental considerations associated with creating a state, where legitimacy of institutions had previously been withheld by a significant section of the populace whose political aspirations, largely, had been ignored. However, despite the ongoing peace process and police reform programme, substantial impediments prevail, whereby questions on the legitimacy of the state, its institutions and cultural identities remain unresolved. The answer for resolving such impediments lay in finding an agreed political consensus between NI and the Republic of Ireland that, first, legitimised the functions of state; where the role of policing is defined and supported by unambiguous levels of participatory and deliberative accountability involving state and non-state actors, and secondly, a de-politicisation of the police through ensuring the Chief Constable's 'operational independence' from political masters (For additional reading on 'operational independence' see Jefferson and Grimshaw, 1984; Scraton, 1985; Fielding 1991; Reiner, 1991; Jones, 2003; McLaughlin, 2007; Savage, 2007a; Brain, 2010; Caless, 2011).

Despite fundamental reform to the institutions of state, including unprecedented change in police accountability processes, violent republicanism remains (Frampton, 2010). By further developing opportunities which enhance accountability, together with increased community legitimacy, may nudge policing beyond the boundaries, which history imposed in 1921, towards an accountable police service, divest of "historically-charged issues of political ownership" (O'Rawe, 2002-03, p.1023) and can attract confidence, trust and acceptance from all communities.

The aforementioned paragraphs have contextualised the causes of conflict, through to enunciating proposals capable of creating a policing system which attracts legitimacy from the overwhelming majority of the population and supported by effective layers of accountability. This next section will outline the structure of the thesis by detailing how each chapter provides context to the issues raised by this introduction as policing evolved towards increased layers of accountability.

## **The thesis in outline**

This thesis will be divided into two sections. The first five chapters, hereunder, are contained within Section 1 and discuss the academic literature relating to police accountability in NI and beyond, with particular emphasis on the Hunt and Patten Reports. Collectively, these chapters will chart the history of policing, not just in NI, but provide brief reference to policing in Ireland as a portent of future difficulties encountered by the RUC. By utilising this approach, the thesis aims to convey to readers how the unresolved political difficulties of subsequent years, which partition nurtured, had manifest in civil unrest and necessitated effective police accountability. Section 2 consists of three chapters and will integrate the academic literature reviewed by Section 1 with the experiences of policing in NI recounted by senior police practitioners through a series of semi-structured interviews.

The problems illustrated by this introduction have, undoubtedly, contributed to policing in NI becoming substantially “more arduous and dangerous than anywhere else in the United Kingdom, or indeed in Western Europe” (Bennett Report, 1979, p.8). In fact, “the RUC was for many years the most dangerous police force in the world to serve in, until the Colombian police force assumed that position” (Mulcahy, 2000, p.76). The views of Bennett and Mulcahy were reinforced by a 1983 Interpol study which found that NI was the most dangerous place in the world to be a police officer, twice as high as El Salvador, the second most dangerous (Ryder, 1989, p.2; Mulcahy, 2000, p.76; Sinclair, 2012, p.59). Thirty-three years on, NI may be viewed less contentious than other countries emerging from dictatorial and communist regimes, but according to Sir Hugh Orde remains “the most difficult policing environment in the United Kingdom” (Rowan, 2011, p.6).

During the intervening years, since the Bennett Report, *inter alia*, accurately reflected the position of policing, Northern Irish society has been transformed. In recognising this progress, it is also important to consider why policing remains a highly contested function. Since the state’s inception, the intractable nature of territorial claims over sovereignty require an accurate and careful

exposition of the narrative. Such considerations are necessary in transporting the reader to a position which conveys how and why mechanisms for police accountability are vital in addressing police legitimacy and community mistrust of the police.

The process to unravel these problems will commence in Chapter 1 by contextualising the variables leading to Ireland's partition. This chapter will explain how, in the aftermath of the Government of Ireland Act (1920) which provided for a local bicameral parliament, the newly constituted RUC experienced alienation from elements within the nationalist community. As events unfolded, the ability of the RUC to function legitimately in a highly contested political setting was repeatedly challenged. Following an examination of the political structure of NI, this chapter will focus on the operational context of policing before and after partition. Chapter 1 will then discuss the various reports commissioned to reform the RUC (Cameron, 1969; Hunt, 1969; Scarman, 1972; Bennett, 1979; Patten, 1999).

The emphasis of this chapter will be to concentrate on the structure, function and legitimacy of the RUC, as provided for by the various reports under discussion. In so doing, consideration will be afforded to whether proposals for police reform, as suggested in the Hunt Report, further alienated nationalist and republican communities from engaging with the police. In addressing this position, it will be considered whether the Patten Report reversed the direction of police accountability by redressing the imbalance caused by the perceived incompleteness of the Hunt Report to engender confidence and trust in the RUC, particularly amongst nationalist communities.

Chapter 2 will then discuss whether NI could be described as a failed state in terms of nation building. Northern Ireland's existence as a separate entity, where the delineation of its boundary with the Republic of Ireland was designed to provide maximum territorial advantage for the ruling Unionist Government, gave rise to Northern Irish nationalists labelling "the state they inhabited... neither legitimate nor fair" (English, 2010, p.61). Discussion in this regard will explore the notion of whether NI could be termed a failed state through

deliberately excluding the nationalist constituency from the social fabric of the country, owing to their perceived and real allegiance with the Republic of Ireland. By excluding Nationalism, this chapter examines the exertion of power, via the RUC, to maintain a one party polity that had ruled since partition until the imposition of 'Direct Rule' in 1972, and responsibility for policing transferred temporarily to the British Army (see Eveleigh, 1978; Oliver, 1997, Chapters 11 and 12; Taylor, 2001).

Chapter 3 will then extend the literature discussed in Chapters 1 and 2 by providing a comprehensive account of how mechanisms for enhanced notions of police accountability have facilitated change in NI since the GFA (1998). This chapter will evaluate theoretically and conceptually, the discourse around police reform in the UK and the inevitable consequences for the future development of policing in NI. This chapter will demonstrate particularly, how the concept and notion of state authority has changed towards an ever-increasing pluralized policing paradigm as the traditional notion of the police evolved into a service, following the introduction of New Public Management (NPM) and a blurring of the demarcation between private and public sector provision.

Northern Ireland's peace agreement endeavoured to overturn decades of politically inspired violence by accommodating deeply entrenched ideological perspectives of the RUC. This approach was intended to provide civic policing with an opportunity to become more representative of, and supported by, law abiding citizens. Chapter 4 takes up this argument and explores the solutions proposed in the Patten Report to reform the RUC by providing communities with increased mechanisms for holding the police to account. This chapter then develops the participatory and deliberative dimension of police accountability, by discussing first, the various mechanisms suggested in the Patten Report on how accountability will be administered from 'without', and secondly, the 'new directions', which accountability is now traversing through changing dynamics in the relationship between state, politics and the police.

The final chapter of Section 1 will discuss how effective policing necessitates responding positively to communities, therefore, community expectations on

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how the police can effectively be held to account, will be closely examined in Chapter 5. This chapter will commence by considering the community mandate for policing and how police legitimacy and accountability is challenged by paramilitaries as communities seek justice from below. This chapter will also discuss the role performed by District Policing Partnerships (DPPs), and how the Patten Commission considered their introduction an important vehicle to involve communities in local policing through participatory accountability. Despite the model Patten envisaged, it will be discussed in Chapter 5, why this has not yet been realised because of political reluctance to devolve to 'others' responsibility for policing. Further to the discussions in Chapters 2 and 3, this chapter will then build upon the literature previously analysed, to explain how the development of public consultation by the police through local participatory accountability was enacted through the Policing Board and a network of DPPs.

Section 2 of this thesis will consist of three chapters. Chapter 6 will outline the research considerations utilised to conduct this research, by describing the various dilemmas of insider research and the methods considered appropriate before choosing potential respondents. First, this chapter will describe how potential respondents were approached and invited to participate in the study. Secondly, Chapter 6 will focus on the ethical dilemmas in conducting research, particularly as it applies to NI and the problems which were encountered and, thirdly, the chapter will explain how 'elite' interviews were conducted, then transcribed and analysed.

Chapter 7 will be divided into two parts. The first part will consist of a thematic analysis depicting the experiences of policing as recounted by senior practitioners, all of whom were divided into three distinct categories. These groups consisted of police officers, individuals involved in policing, theoretically, practically and operationally, and politicians, all of whom possess considerable experience at a strategic level of policing in NI and beyond. Following this, a thematic analysis will be conducted on the results from the eleven semi-structured interviews to identify major themes which emerged from the research. When completed, the second part of this chapter will then attempt, through discussion, to fuse the literature discussed in Section 1 with the results from the

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thematic analysis. The discussion that ensues in Chapter 7 will determine whether the current arrangements for police accountability in NI have enhanced the opportunities by which communities become more involved with policing.

Chapter 8 is the concluding chapter and will draw together the findings from this study to explore new and additional developments in police accountability. Findings from this study will conclude whether post-Patten policing has become more accountable and, if so, why this has been the case in comparison to the Hunt Report's antecedent. Finally, conclusions drawn from this study, based on academic thought and practitioner experience, will highlight a number of issues on the approach taken by the Patten Commission. This thesis will, therefore, endeavour to offer an original contribution to the literature on police accountability, by informing and influencing the direction of further research that may be conducted as a consequence.



# **Chapter 1**

## **“Making the Impossible Possible”**

## **1.0: Four phases of transition: an overview**

This chapter, which consists of six sub-sections, will illustrate the broad historical context discussed in the introduction of this thesis by examining the development of policing in Ireland. It will be explained how unresolved differences over national identity, which existed before partition in 1922, had permeated the new state of NI. Each section will provide detailed commentary on how Northern Ireland's conflict evolved into a problematic relationship between the RUC and Northern nationalists.

For the purposes of this chapter, the well documented turbulent history of policing, in both Ireland and NI, will be compartmentalised into four distinct phases of transition. The first phase will discuss the genesis of policing in Ireland, and how the militaristic structure indicative of the Royal Irish Constabulary (RIC) was inherited by the newly constituted RUC to preserve the functions of state in NI. The second phase will encapsulate the period from the RUC's inception in 1922, through to a further prolonged outbreak of civil disobedience and terrorist insurgency in 1969, leading to 'Direct Rule' in 1972. The third, and perhaps 'static' phase in terms of progress on policing from 1972 until the signing of the GFA (1998), and finally, the fourth and most crucial phase for police accountability and legitimacy, will be recounted in the context of the post-GFA era.

Dividing the transition of policing in this manner provides an unambiguous distinction between the various transitional phases of police reform and accountability. As subsequent sub-sections in this chapter will discuss, reform was necessary for legitimising the RUC in a country where "debate around policing occupies highly contested ground in broader arguments over the legitimacy of the state itself" (O'Rawe, 2002-03, p.1026). Moreover, decades of turmoil experienced in NI had embraced both politics and violence in equal measure, and requires no introduction. However, the conflict which ensued following partition does, moreover, warrant further debate on the character of the RUC throughout this period.

The colossal transition which policing traversed in NI, not only from the state's foundation in 1921, but more importantly, following ceasefire declarations in 1994 by republican and loyalist paramilitaries, has assumed widespread significance. These ceasefires, which remained tenuous until 1997, enabled the British and Irish Governments, alongside several of the political parties in NI, to become signatories to the GFA in 1998 (Wilford, 2001; De Bréadún, 2001). The GFA provided the gateway through which the Patten Report could begin to address the "abnormal situation" inherited by the RUC, through over-reliance on "draconian special powers" (Moore 1998, p.1579) and emergency legislation (Eveleigh, 1978) in defending state interests. The process for making the impossible possible had commenced against "widespread belief that Northern Ireland was a problem without a solution, a conflict that had to be managed rather than resolved" (Todd, 2010, cited in Nolan, 2012, p.19).

Any study and subsequent narrative written on policing in NI, requires prefacing by a broad historical overview to understand how the RUC became central to the conflict and its eventual resolution. In this context, moreover, reforming the RUC, through various independent and internal reviews, (Cameron Report, 1969; Hunt Report, 1969; Scarman Report, 1972; Bennett Report, 1979; RUC's Fundamental Review of Policing, 1995; Patten Report, 1999), became contingent on corresponding political progress.

"Policing change - or rather debate about policing change - is not an unusual feature of life in Northern Ireland" (Beirne, 2001, p.298).

Reviews on the RUC were commissioned in an effort to resolve what effectively had become a 'central flaw' around structure, function and legitimacy. Collectively, such reports proposed a compendium of recommendations for resolving the legitimacy crisis experienced by the majority of the nationalist community towards the RUC. It became perceptible however, that unless British cultural identities associated with the RUC were reformed to embrace nationalist identity, then legitimacy would remain obscure. The fragmentary nature of legitimacy had created for nationalists a predominately unionist and, principally, unaccountable police force (McGarry and O'Leary, 1999, p.39;

Moore and O'Rawe, 2001, p.182; Moran, 2008, p.103). This situation compounded their reservations regarding the relationship between the state and RUC. Nonetheless, origins of this 'central flaw' were associated, initially, with policing throughout Ireland, given the colonial nature of British rule in the country. Yet, opposition to British rule remained following partition, crossing the newly constituted border between the Republic of Ireland and into the new state of NI.

The objective of this next sub-section is to illustrate the first phase of transition, and how the development of policing in Ireland had influenced the future structure, function and legitimacy of the RUC. The newly constituted RUC, who replaced the RIC, did not confront such fundamental concerns, becoming instead, similarly associated with these problems.

### **1.1: Policing in Ireland before Partition**

This sub-section will consider how policing evolved in Ireland, and why, in the aftermath of partition, there developed amongst nationalists a crisis of legitimacy, or at least in accepting the constitutional position of the RUC. Understanding the origins of policing before Ireland's partition and the policing style which developed thereafter, provides a clear perspective on why complications around structure, function and legitimacy of the police transpired (Mawby, 1990, 1999b, 2003).

Policing styles remain extremely important considerations for society in understanding perceptions of the police, but what commands greater significance is illustrating how society legitimises and acknowledges their existence. Reviewing police structures should be a requisite undertaking in any society to maintain operational functionality, commensurate with the type of environment to which the police ascribe. Consequently, policing of western societies has evolved in various dimensions through the development of three primary models of policing: the Anglo-Saxon Model, the Continental Model and the Colonial Model (Mawby, 1999a, 2003). For additional reading on the development and application of these models see (Alderson, 1979; Bayley,

1995; Hillyard and Tomlinson, 2000; McGarry, 2000; Ellison and Mulcahy, 2001; McGloin, 2003; Sinclair, 2012).

Three characteristics of the Colonial Model have generated much academic consideration. It is "structurally more centralized and militaristic in character; in functional terms" it affords "more priority to public order tasks"... and creates for the police, "their legitimacy from their colonial masters rather than the indigenous population" (Mawby, 2003, p.21). "The colonial model originated in Ireland with the Irish Constabulary and later spread to other British colonies, including Indian and African countries" (McGlone, 2003, p.124).

"However, while the French transported their centralised, militaristic policing structure across their empire, the British government allegedly created a different type of policing for its empire, one that was more appropriate for the control of a subjugated population. The model it used was the one first established for Ireland where the police could not rely on public consent, and then deployed throughout British-controlled Africa, Asia and the Caribbean" (Mawby, 2003, p.21).

Colonialism represented a structure "designed to police a foreign land to ensure security of the imperial elements and the colonial interests" (Das and Verma, 1998, cited in McGloin, 2003, p.124). Countries which have experienced Napoleonic legal and administrative systems have "developed centralised policing forces and gendarmeries, or civil guards, under the direct supervision of central government ministers" (McGarry and O'Leary, 1999, p.25). This Model operated, not only in Ireland, but throughout the countries of European colonisation. "Policing in Ireland was initially established as a force of colonial occupation" (Mawby, 1999b, p.35), with "Westminster its prime authoritative base" (McGloin, 2003, p.125). Regardless of partition, elements of this approach to policing, which can be traced back more than a hundred years to Sir Robert Peel, were inherited by the RUC (Ryder, 1989, p.13; McGarry and O'Leary, 1999, p.27; Ellison and Smyth, 2000, p.19; Sinclair, 2012, p.56). As policing evolved in Ireland, during Peel's incumbency, structures became more centralized (see Allen, 1998; Herlihy, 1999; Mawby, 1999a; Conway and Walsh, 2011), and consequently, the police became increasingly alienated from

communities through an absence of local control and effective accountability (Mawby, 2003).

Sir Robert Peel on appointment as Chief Secretary in Ireland (1812) inherited a land experiencing 'rampant lawlessness' (Ryder, 1989, p.13), predominantly in rural areas. Peel endeavoured to address this emerging trend by enacting the Peace Preservation Act (1814) which established the Irish Peace Preservation Force (McGloin, 2003, p.124).

"The first peace Preservation force was deployed in then baroney of Middlethird in County Tipperary on 6 September 1814, when a superintending magistrate and a force of twenty constables, all discharged cavalry sergeants, were sent in. In no time it had a marked effect on the level of disorder" (Ryder, 1989, p.15).

The apparent success of this approach led Peel to pioneer county constabularies under the Constabulary Act of 1822 (Ellison and Smyth, 2000, pp.11-17). The Constabulary of Ireland (established 1836) was conferred with a Royal title by Queen Victoria in 1867 for suppressing the Fenian Uprisings of 1865 and 1867 (O'Leary and McGarry, 1996, pp.85-87). The Constabulary of Ireland later became known as the RIC and remained the police force of Ireland until partition created two separate jurisdictions. The RIC became An Garda Síochána, with responsibility for policing the jurisdiction known as the Free State, (later to become the Republic of Ireland), and the RUC, (later to become the Police Service of Northern Ireland), with responsibility for policing the jurisdiction known as NI.

Peel's subsequent innovations on policing "in England were informed" by the office he previously occupied in Ireland (McGarry and O'Leary, 1999, p.26). Whilst the establishment of the Metropolitan Police Act in 1829 was regarded a "watershed moment" (McGloin, 2003, p.245) for policing in England, it is perhaps, "not as well known that a similarly organised and professional force was established in Ireland some 43 years earlier" (Ellison and Mulcahy, 2001, p.245). The Dublin Metropolitan Police (DMP, established 1786) was highly centralized and state controlled (Herlihy, 1999; Ellison and Mulcahy, 2001;

McGloin, 2003; Conway and Walsh, 2011). Added to this structure, was responsibility for regulatory, public order and crime prevention tasks, all features redolent of colonial control (Ellison and Mulcahy, 2001; McGloin, 2003). Imposing the colonial model on Ireland was considered necessary, as suppressing rebellion and political disorder became the “primary function of policing throughout the nineteenth and early twentieth centuries” (Hillyard and Tomlinson, 2000, p.394). Both continue by describing Irish police forces, established ahead of those in Britain, as “typically large, centralized, militarized, and backed up by an impressive battery of coercive law” which served as a model for policing throughout the British Empire (p.394).

This sub-section commenced by describing the policing style that evolved in colonial Ireland prior to exportation throughout the British Empire from India to Africa. It was explained how policing in Ireland developed in response to widespread lawlessness experienced throughout the country because of British rule in Ireland. Increasingly, the polemic symptomatic of a country at war over national identities remained unresolved which, following partition, had infected the newly constituted RUC. As already postulated, the militaristic structure of the RIC was inherited by the RUC during which, the subsequent decades of communal violence nurtured its development in “extensive and extraordinary ways” (Hillyard and Tomlinson, 2000, p.394) to protect and maintain the institutions of state in NI.

## **1.2: The RUC and Partition**

If policing in Ireland has proved divisive, then policing in NI has surpassed any such descriptions of contentiousness. The legitimacy of state institutions was regularly challenged and attributable mainly to “the complex web of identities, loyalties and all allegiances tied up in how and by whom Northern Ireland is policed” (Moore and O’Rawe, 2001, p.181), “where symbols can be more important than substance” (Powell, 2008, p.157). That said “it is vital to any understanding of the problem of policing in Northern Ireland to recognise that policing is neither peripheral to nor incidental to the conflict” (Beirne, 2001, p.300). In moving to Phase 2 of the transition in policing, this thesis develops

the notion that the RUC “was never a normal police force” (Albert, 2008, p.248), and could not be described “as a neutral arbiter between warring sides in the conflict” rather, it had become an integral component of the apparatus of control and “a key player” (Moore, 1998, p.1579).

With the RUC lacking legitimacy, NI became “synonymous with the word violence” (Knox, 2002, p.164), although “from the 1920s through until the 1960s, and in spite of several republican campaigns, Northern Ireland remained a relatively tranquil society” (Mulcahy, 2008, p.119). Notwithstanding this relative tranquillity, the convergence of competing national identities created a deeply divided society (Lijphart, 1999) “conceptualized as an amalgam of a range of problems” (Dunn and Nolan-Haley, 1998, p.1373). The context behind these problems will be discussed as this and subsequent chapters progress towards distilling the argument for greater police accountability and legitimacy.

The range of problems had occurred because “majority rule spells majority dictatorship and civil strife rather than democracy” (Lijphart, 1999, p.33). The term democracy derives from the Greek meaning “rule of (or by) the people” (Jones *et al.*, 1996, p.182). Jones *et al.*, continue by explaining how “the traditional focus of thinking about democracy concerns institutions like parliaments, political parties, electoral systems, and voting” (Jones *et al.*, 1996, p.186). Defining democracy as “government by and for the people” (Lijphart, 1999, p.1), presents another perspective to the concept of democracy. This raises one fundamental question: “who will do the governing and to whose interests should the government be responsive when the people are in disagreement and have divergent preferences?” (Lijphart, 1999, p.1)

Lijphart (1999) proposes rather pertinent questions asked of any state. It was discussed beforehand how NI was created by disagreement and divergence: a position best described as a cauldron of ideology that fermented initially with nationalism and unionism. Then added to this mix, because of ethno-religious conflict, following the outbreak of civil disorder in 1969, were republican and loyalist ideologies. Who now would do the governing and in whose interests, as four competing and diverse ideologies sought recognition within disputed state



territory? Who would do the governing and in whose interests, became the cornerstone of the conflict during the next thirty years, impacting, as it did, on the RUCs' legitimacy and relationship with all communities but, in particular the Catholic community.

In taking up this proposition, majority rule in NI consisted of a Protestant majority and a Catholic minority, which meant the predominately Protestant unionist party won all the elections (O'Leary and McGarry, 1997; Lijphart, 1999; Cunningham, 2001; Wilford, 2001; Mulcahy, 2006). This position would prevail until a political consensus on power sharing was attained. Aware of the unfolding restlessness within the minority community, Major James Chichester-Clark, NI's Prime Minister (1969-1971), dismissed the term 'minority,' to categorise Catholics, as a 'silly expression', "since all of us are in a minority on some issue or other." He continued by considering it "misleading to assume Catholics constituted one collective body, with identical views on religious, political, social and other issues" (Hennessey, 1997, p.185), as he sought to encourage Catholics to join his party. Whilst there was a degree of substance to the position adopted by Chichester-Clark, he misrepresented the reality encountered by Northern Irish Catholics.

"Loyalties have a strong ascriptive character so that relatively few voters 'float across' the primary political cleavage derived from Northern Ireland's clash of national identities" (Mitchell, 2001, p.29).

Chichester-Clarke, facing extreme pressure from Northern Irish Catholics and the British Government for political reform, increasingly encountered "grass roots opposition to the reform programme from within the Ulster Unionist Party" (Hennessey, 1997, p.184). Consequently, the late sixties became synonymous with internal and external pressures on Chichester-Clark. This coupled with ongoing Protestant domination of local government gave rise to protests by members of the Catholic community. Catholic demands to change how NI was administered resulted in the Northern Ireland Civil Rights Association (NICRA) being formed.

"Drawing its inspiration from similar events in the United States, Europe, and elsewhere, the civil rights movement began in the 1960s to highlight the discriminatory nature of the Northern Ireland system of governance, and included demands for electoral reform, impartial policing and equal opportunities in jobs and housing allocation" (McEvoy and Morison, 2002, p.970).

The Unionist Government, either unwilling or unable to control the increasing civil disorder, succumbed to "a simple majoritarian decision" from London in 1972 (Lijphart, 1999, p.18). This decision contributed to the NI Parliament being prorogued and 'Direct Rule' imposed from Westminster in an arrangement described as "an acceptable temporary expedient" (Hadfield, 1990, p.71). This "temporary expedient", however, was not so temporary, existing another 35 years before constitutional agreement between NI and the Republic of Ireland could be achieved and progress made on policing.

Administering 'Direct Rule' required an effective and unambiguous approach to all aspects of Northern Irish society, but particularly the operational direction of the RUC. If the RUC was to increase community support, the old enmities experienced from Ireland's colonial past, would need expunged. Nevertheless, this argument was best captured by Bayley (2008, p.234), who regarded the conflict in NI as consisting of issues that incorporated both sovereignty and religion, which he termed "an especially explosive combination." Irrespective of the rationale for conflict posed by various commentators, (Weitzer, 1985; Mulcahy, 2000; Shearing, 2001; McGloin, 2003; Topping, 2008a; Ryan, 2008; Ellison and O'Rawe, 2010), it became "prolonged and intensely bitter" (Bayley, 2008, p. 234).

Policing in NI assumed more than "the police as an organisation" (O'Rawe, 2002-03, p.1022) which, as previously discussed, became central to the conflict, with further attempts at reforming Northern Irish society being "premised on the attainment of a transformation in policing" (O'Rawe, 2002-03, p.1022). The police could only anticipate functioning effectively in a divided society, provided they derived legitimacy and acceptance from communities who, in return, had mechanisms capable of providing for effective police accountability.

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"In a nationally divided region, especially one in which the police have historically been associated with one particular ethnic or national community, citizens require assurances that the police are all the people's police, and democratic inputs and democratic evaluation of police outputs should be as inclusive as possible" (McGarry and O'Leary, 1999, p.98).

An absence of social cohesion caused by the state's lack of universal legitimacy, resulted in support for the RUC being withdrawn by a considerable proportion of the nationalist community. To digress slightly, the police, to be effective in any society, derive legitimacy from communities. Extending the concept of policing was of fundamental importance and recognised as "a matter for the whole community, not something that the community leaves to the police to do" (Patten Report, 1999, p.8). The Patten Report continued in this vein by describing how policing is a collective enterprise by the community and more difficult to achieve than policing the community. It requires an end to the "us" and "them" typecasts of policing which had developed since partition (Patten Report, 1999, p.8). In returning to these typecasts, which historically had created difficulties for RUC legitimacy, acceptance and trustworthiness, the Patten Report and the GFA, decades later, were unable to assuage entrenched perspectives on the RUC. For example, as late as the year 2000, "nationalists were reported as believing there was a deep rooted antipathy towards them within the police (at that time the Royal Ulster Constabulary), whilst unionists believed that the police gave preferential treatment to nationalists" (CJINI, 2009, p.37).

In essence, the existence of such a perverse dichotomy effectively created a police force perceived as belonging to one section of the ethnic divide and not the other. Whilst displaying the characteristics of colonialism, NI remained integral to the UK, yet historically; the RUC occupied a close alignment with the unionist Government: a relationship considered anathema to the traditional British concept of policing. Although, Brogden (1987) would argue, there is little difference between British and British colonial policing arrangements, McGarry and O'Leary (1999, p.26) did recognise the existence of "two entirely different police systems... developed for a supposedly 'united' Kingdom." However, the

argument was more accurately reflected by Sinclair (2012, p.56) who suggested that UK policing “encompasses a wide range of policing styles and systems that have developed over time.”

This sub-section of Chapter 1 has positioned the NI conflict in context by outlining its constitutional position and how state legitimacy was played out around policing arrangements. The problems so intrinsic in the NI of today, relate to much more than a straightforward ethno-religious conflict caused through ideological differences. The focus of this thesis does not address the intricacies and cultural aspects associated with such ideological differences; important though these are, but in how the unresolved problems of state creation contributed to the RUC occupying a central position in Northern Ireland's conflict.

Sub-section 1.3 will now advance the argument for greater police accountability by concentrating on the historical consequences associated with partition as the debate continues to discuss the second phase of transition. This next sub-section will illustrate how failure in 1921 to resolve Ireland's identity problems, exacerbated the invidious position absorbed by the RUC and its inability to be representative across communities.

### **1.3: The Constitutional position of partition and the RUC**

The previous sub-sections of this chapter have contextualised the constraints which British rule in Ireland imposed on policing around structure, function and legitimacy and, why, in the aftermath of partition, such fundamental imperatives remained unresolved. The “messy” creation which partition came to represent, dominated the political and policing landscape, thereafter. This sub-section will now endeavour to unravel the ‘messy creation’ and the legacy of partisan state policing.

Understanding how the RUC was unable to garner widespread acceptance amongst nationalist communities revolves around, not only unresolved political differences from Ireland's past history, but relates particularly to the RUC's

inability to attract cross-community representation to its ranks. Constitutional authority for the RUC was derived from the Constabulary of Ireland Act (NI) 1922 (Ryder, 1989, p.48; Ellison and Smyth, 2000, p.20). Legislative authority to operate as a police force in NI was singularly insufficient at resolving the legitimacy crisis for the RUC. Efforts to legitimise its existence, through creating a police force representative of Northern Irish society, failed to materialise. The Police Advisory Committee established in 1922, recommended Catholic recruitment to the RUC should be proportionate to the Catholic population of NI, which equated to 1,000 of the RUC's complement of 3,000 officers (Topping, 1991, p.237; Hennessey, 1997, p.27; Mulcahy, 2006, p.7).

"Catholic representation peaked at 21 percent of the RUC in 1923, and fell to 17 percent by 1927, [and then] to 10 percent by the outbreak of the present round of conflict in 1969" (McGarry and O'Leary, 1999, p.30; McGarry, 2000, p.174).

See Fig 2 below (Albert, 2008, p.247).

Year	1923	1927	1969	1999
Percentage of Catholics in the RUC	21	17	10	8

By 1990 the representation of Catholics in the RUC stood at 7.75 percent, which equated to "639 officers out of a total of 7,363" (Ryder, 2004, p.255). But, as late as the 1992 monitoring returns, the number of Catholics in the RUC fell to 7.4%, a figure which had steadily declined in the previous twenty years and "well short of the original target of one third when the RUC was formed in 1922" (Livingston and Morison, 1995, p.17).

As subsequent chapters will determine, but appropriate to outline here, Catholic recruitment to the RUC was revisited by the Patten Commission (1999) which recommended the operation of a 50:50 recruitment policy "for a ten year period... with the goal of achieving 30 percent Catholic participation by that time" (Mulcahy, 2006, p.158). However, this target represented a shortfall on a Catholic population of 43 percent (Walker, 2001, p.152), but by 2011, Catholic representation in policing had reached 30.3 percent (Nolan, 2012, p.58).

Previous endeavour to create a representative police force in NI proved unsuccessful, from which the RUC never recovered (Topping, 1991). Unacceptable, as the political foundations of NI had been in preventing the RUC from performing normal policing activities, the nationalist community, whilst withholding complete support, did engage the RUC. This resembled the nature of interaction between the majority of people from the nationalist community and the RUC since the state's creation in 1921 (Farren, 1999).

"In surveys conducted from the mid-1980s onwards, a majority of Catholic and Protestant respondents considered the RUC to be doing a good job, and the difference between Protestants and Catholics was not great (Mulcahy, 2006, p.67).

On the other hand, Catholic opposition to the RUC was hardly unexpected, considering NI had been a 'surprising creation' at the time of partition, and in opposition to the wishes of Irish unionists who viewed Ireland's position rested within the Act of Union (O'Leary and McGarry, 1996, pp.72-74). The constitutional authority for NI was enshrined in the Government of Ireland (Act) 1920 which contained a number of innovative features – proportional representation, anti-discrimination provisions and a Council of Ireland – and enacted to provide succour to the Nationalist minority. But towards the conclusion of the 1920s, such innovative proposals had been removed or proved unworkable through unionist obstinacy (McEvoy and Morison, 1992, p.970).

These approaches failed to accommodate in any meaningful way a political or security solution to the growing disaffection within NI, where political power was exerted greater than in any other region of the UK through 'hegemonic control' (O'Leary and McGarry, 1996, pp.107-152; Hennessey, 1997, pp.56-120; McGarry, 2002, p.455; McGarry and O'Leary, 2004, p.372;). Closer examination of this power revealed both "coercive and co-optive rule" that would render unworkable any attempts by those outside the unionist regime to usurp the functions of state (O'Leary and McGarry, 1996, p.109). Such unresolved differences contributed to further alienating the RUC from elements

within both sections of the religious divide, but particularly the minority Catholic community. An inability to achieve a viable solution to resolve indigenous features of the conflict; inequality, electoral reform, policing, employment and housing allocation (McEvoy and Morison, 2002-03, p.970), had contributed to the RUC being perceived an adjunct of the state (McGarry and O'Leary, 1999, p.15; McGloin, 2003, p.130). Despite these perceptions, it was "understandable why nationalists identify the RUC with 'unionism and the British state'" (McGarry, 2000, p.173).

Nationalist perceptions on the RUC transpired because the unionist government was constituted similarly to Westminster, where "the party that enjoys a majority in the legislature has untrammelled executive and legislative power" (McGarry, 2004, p.454). This enabled the Stormont regime to function with considerable autonomy (Lijphart, 1999; O'Leary and McGarry, 1997) when dealing with a Catholic population perceived as "innately disloyal to the Northern state" (Weitzer, 1985, p.42), which they viewed a "malign and artificial creation" (Mulcahy, 2006, p.5). Instead, the majority of Northern nationalists pledged their allegiance to the Republic of Ireland (Weitzer, 1985, p.42), which resulted in the RUC being deployed operationally to propagate and maintain the Stormont government's political agenda to secure power for the ruling unionist party.

Securing power for the ruling unionist party, when faced with inevitable community conflict, warranted the introduction of robust law and order measures (Ellison and Smyth, 2000, p.24; Moore and O'Rawe, 2001, p.187; Mulcahy, 2006, p.32). The RUC's colonial persona meant they were accountable only to the political administration of NI and the rule of law. For many nationalists this epitomised the RUC as "the coercive arm of the Unionist regime, charged not simply with combating crime but with policing and maintaining partition" (McGarry and O'Leary, 2004, p.372). This evolving relationship displayed an extremely unhealthy dimension for political control of policing, especially when augmented by draconian legislation. Legislation, such as the Civil Authorities (Special Powers) Act 1922, made permanent in 1933, was supported by the Public Order Act (1951), the Flags and Emblems Act (1954), and enacted to

enable state control of dissenting groups by utilising the RUC to maintain political dominance (see Livingstone and Morison, 1995; O'Leary and McGarry, 1997; Moore and O'Rawe, 2001; McGloin, 2003; Ryder, 2004).

The task of the RUC to secure the state led to its paramilitary role and to

"...assist its paramilitary role ...was equipped with some of the most draconian police powers ever passed in a liberal democracy" (McGarry, 2000, p.173).

Enacting emergency powers and their perceived misuse had, according to the Standing Advisory Committee on Human Rights (SACHR, 1998, pp.11-12), contributed to the conflict. Enforcing emergency legislation without a framework of effective accountability which provides recourse to the citizen, rather than the surfeit of the state, had increased nationalist hostility towards the RUC. With substantial legislative power comes substantial responsibility for the state, especially when operating alongside questionable political policing. Such concern led the Cameron Tribunal of Inquiry into Civil Disturbances in Northern Ireland (1969) to identify

"the remarkable width of the powers given to the Royal Ulster Constabulary and Ulster Special Constabulary (USC) under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922" (p.12).

The Cameron Report (1969, p.12) concluded that some of these powers were in conflict with the Universal Declaration of Human Rights and, by so doing, referred to Article 10 (against arbitrary arrest), Article 12 (the right to be presumed innocent until proven guilty), Article 13 (against subjection to interference with personal privacy, home or correspondence) and Article 20 (freedom of opinion and expression). Such substantial powers were

"...originally passed at a time of undoubted emergency caused by a campaign of mutual murder" (Cameron Report, 1969, p.13).

Despite enacting legislation with the sole purpose of maintaining its British identity and suppressing inevitable civil disobedience, the NI government



provided no parallel mechanisms of accountability through which communities could challenge the RUC. It is well recognised that from effective mechanisms for accountability and legitimacy, consent for policing will flow (Alderson, 1979; Loveday, 1999, 2000; Savage, 1998, 2007a). Government policy had permitted enforcement of this legislation, even during periods when the RUC was not subject to the insurrection experienced at the inception of the state and during intervening years. It was clear how NI, through legislation and political policing, was experiencing authoritarian rule from a government able to discriminate against a minority of its citizens who demonstrated opposition to the state and contempt for the legitimacy of its institutions. A striking feature of this position illustrates how the ongoing civil disobedience contributed to an absence of impartial or independent police accountability as political control of the RUC intensified.

It was discussed previously in this chapter how pressure on the RUC was exacerbated by government action designed to exert control over the populace by upholding unionist traditions through controversial deployment of emergency legislation. Broadly summarised, passing this legislation, or crude instruments of oppression, when viewed from a nationalist perspective, was to quell those contemplating politically inspired violence against the state and suppression of those who demonstrated their allegiance to the Republic of Ireland. More generally however, emphasis on how emergency legislation affected nationalist communities required balancing against why the unionist community viewed these powers necessary to maintain their British identity. Various dichotomies emerged on the RUC, for example, they were “the only barrier to the breakdown of social order... to others they are the cause of that disorder” (Livingstone and Morison, 1995, p.17).

“Whatever one’s position on this, what seems clear is that the panoply of special policy measures to combat terrorism failed to suppress paramilitary violence in Northern Ireland, if anything, increased the perception of policing as an instrument of state repression” (Matassa and Newburn, 2003, p.485).

Despite this proposition, the challenge for government was to ameliorate hostility towards the state and the RUC, to which special powers and emergency legislation, *inter alia*, had contributed. Not only were these powers considered wide-ranging but, as previously described, appeared to contravene human rights. As violence and disorder towards the state ensued during intervening years, further attempts were made by the Stormont administration to reform the RUC. Such challenges included constructing a police organisation capable of maintaining operational independence; was free from direct political interference; was able to enforce the rule of law proportionately; and, rather than police the problems which state inequality had created, was focussed more on improving confidence and trust in the police through more effective accountability.

Despite a partial repeal of 'special powers', an upsurge in terrorist activity during the early seventies had precipitated 'Direct Rule' Ministers introducing "significantly greater powers to stop, question, search, arrest and detain people than police forces in the rest of the United Kingdom" (Livingstone and Morison, 1995, p.17). Livingstone and Morison clearly contextualise the invidious position encountered by the RUC, first, in a 'hegemonic controlled' state enforcing legislation enacted by a majoritarian Stormont regime that was compatible with the "tyranny of the majority" (O'Leary and McGarry, 1996, p.111) and, secondly, in a state administered through 'Direct Rule' Ministers from Westminster, which collectively contributed to an abnormal political environment.

'Direct Rule' Ministers had introduced the Northern Ireland (Emergency Provisions) Acts 1973-91 and the Prevention of Terrorism Act 1989 (see Matassa and Newburn, 2003, pp.476-485). In policing terms both legal instruments displayed no resemblance to, nor operated in accordance with, the overall ethos of traditional British policing, espoused by Peel in 1892 that the

"police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law" (Peel, 1829, cited in Grieve *et al.*, 2007, p.37).

Another example of impartiality was provided via the Desborough Committee (1918-19) who noted how “constables act not as agents of government but as citizens representing and working on behalf of the community” (Grieve *et al.*, 2007, p.29). Peel's founding principles for policing, pragmatic though they became, attracted insufficient prominence in an environment like NI due to the perceived partisan nature of policing and the deployment of emergency legislation. Undeterred by such allegations, the Scarman Tribunal (1972), established to review how the RUC dealt with street disorders in Belfast, rejected claims the RUC was “in general a partisan force siding with Protestant mobs” (Scarman Report, 1972, p.15). Whilst Scarman praised the RUC, he strongly qualified such findings.

In addition to Scarman's significant findings, various reports, (Cameron, 1969; Scarman, 1972; Bennett, 1979; Patten, 1999), *inter alia*, catalogued why policing needed to be reformed.

“Peacemakers in Northern Ireland needed to transform the police from a force preoccupied with protecting the government and itself to a force dedicated and deployed to protecting individuals regardless of their community affliction” (Bayley, 2008, p.234).

Following the outbreak of further civil unrest in 1969, reform of the police became bound up with issues around the defence of the state, and whether NI should be ‘Irish’ or ‘British’ (Hillyard and Tomlinson, 2000, p.395). Competing national identities had been compounded by the centrality of the Irish Free State's Constitution (1922), especially Articles 2 and 3 which, to the annoyance of the unionist community, provided for the Republic of Ireland's territorial claim over NI (Coakley, 2001; McEvoy and Morison, 2002). This territorial claim over NI remained an extremely emotive issue politically, requiring resolution before legitimacy of the state and reform of the RUC could be countenanced.

In terms of its historical importance, 1969 became a significant milestone in a nascent process to transform and modernise the RUC. As an organisation, the RUC assumed a purely apolitical and neutral appearance (Weitzer, 1985, p.41)

to enable communities to accept and hold them to account. Notwithstanding the judgement offered by Weitzer, "policing is a profoundly political process" (Gilroy and Sim, 1987, p.79) and the separation between the role of the police, through the fog of conflict and politics, had become increasingly blurred. Revisiting the modernising agenda surrounding the RUC, Weitzer (1987, p.88) described how implementing recommendations from the Hunt Report had contributed considerably to the RUC being transformed "into an accountable, impartial, apolitical and professional corps."

"There is no doubt that 1968 and 1969 were turning points in the history of the Royal Ulster Constabulary... and it was many years before the RUC made a recovery, both in reputation and professional standards, which eventually earned both the admiration and respect of professionals throughout the world" (Oliver, 1997, p.112).

Although bound up in conjecture, Oliver's explanation for how the RUC gained "admiration and respect... throughout the world" was most probably predicated on views expressed in various reports, academic narratives and re-branding of the organisation. Positive global experiences of RUC professionalism in suppressing terrorist activity combined in counteracting republican and, in some instances, nationalist and loyalist contempt for them. In supporting this position, the Bennett Committee (1979), established to investigate police interrogation in NI, observed

"...abundant evidence of a co-ordinated and extensive campaign to discredit the police... leaves no doubt that it was designed to destroy the reputation of the police at home and abroad" (p.3).

The RUC was becoming increasingly sensitive to the position it occupied in a divided society (Weitzer, 1985, p.46). As the propaganda and state violence intensified, the RUC was seemingly 'even-handed' in their approaches at suppressing violence from both republican and loyalist terrorist groups (Kilbrandon Inquiry, 1984, p.39).

In most societies policing traditionally affords protection to its citizens as effective as the political environment permits. Regarding this assumption, two issues emerge. First, the RUC as state representatives were complicit in denying the Catholic community their Irish identity, and secondly, the RUC were expressly discharging government policy which did not allow, or provide for challenge by those disaffected by such policies. It became noticeable how British government

"...policy since the mid 1970's had ignored the warning of the Hunt Committee and has indeed contributed to the alienation of the Catholic minority from the police" (Weitzer, 1985, p.49).

The intervening years, devoid of an agreed political consensus until the signing of the GFA (1998), served to compound the fractious relationship between the RUC and the nationalist and republican communities. Since the GFA was signed in 1998, all mainstream political parties had by 2007 pledged support for policing. The GFA, which will be discussed later in this chapter, provided temporary accommodation of different political ideologies that existed towards the police. The legitimisation thesis (Mulcahy, 2006) referred to in the introduction (see p.11), and to which Chapter's 3, 4 and 5 will return, commenced the task of changing the culture, ethos, and composition of the RUC, commensurate with human rights legislation.

This sub-section of Chapter 1 has contextualised the position occupied by an unrepresentative police force operating in a divided society. A 'hegemonic' controlled state was replaced by 'Direct Rule', which effectively contributed to exacerbating the 'democratic deficit' endured from 1921. Reforming the structure, function and legitimacy of the RUC was considered an incremental undertaking which consensual politics could assist in resolving. Being pressurised by considerable civil disorder and concerns raised by disputes around the legitimacy of NI, and policing in particular, required genuine political efforts to reach acceptable police reform.

This chapter will continue, through sub-section 1.4, to demonstrate how fresh proposals for creating police accountability were unable to enhance community confidence in the RUC. The emergence of proposals from the Hunt Report to improve and de-politicise police accountability had to compete alongside a vacuum of political rapprochement for resolving the ongoing ethno-religious conflict, as NI moved into a third phase of transition.

#### **1.4: The 'Hunt' for accountability**

Developing mechanisms which provide for effective police accountability are inextricably connected with police legitimacy. It has previously been discussed how the late sixties culminated in considerable nationalist dissatisfaction with the police (Walker, 2001, p.143). This situation had precipitated societal breakdown through deteriorating relationships between Protestant and Catholic communities. Additionally, the fractious relationship between the police and sections of both the Catholic and Protestant communities led to the Hunt Committee being established (McGarry and O'Leary, 1999; Ellison and Smyth, 2000; Wright and Bryett, 2000; Ryder, 2004; Mulcahy, 2006, 2008).

From the outset, this Committee displayed an acute awareness of the environment in which the RUC operated. The magnitude of its task to produce recommendations capable of reforming the RUC were compounded by the prevailing social, political, legislative and economic conditions to which their remit did not extend.

"It is a truism that the police force in any country operate within the context and in the climate of the political conditions and stability of that country. Their task of enforcing law and order is inevitably affected by social, economic and other circumstances arising out of these general conditions; it must perforce be more onerous in an unstable situation. We feel it desirable to make this obvious point, in view of the special difficulties under which the police have operated in the past, which may persist in the province in the future, which are not the making of the police themselves, and which make their task at times both difficult and distasteful" (Hunt Committee, 1969, p.8).

The main thrust from the Hunt Committee was to replicate a police force synonymous with a traditional English structure: civic-oriented, unarmed and perceived more accountable to the population (Hunt Report, 1969, p.8; McGarry and O'Leary, 1999, p.76; Ellison and Smyth, 2000, p.71; Ellison and Mulcahy, 2001, p.243; Walker, 2001, p.143; Mulcahy, 2006, p.29; Mulcahy, 2008, p.119). Such proposed changes to "Anglicise' the RUC" (Ellison and Smyth, 2000, p.71) were unable to capture the nationalist community's imagination and proved unacceptable. Instead, political differences that preceded the Hunt Report's findings remained extant through enduring nationalist mistrust of the RUC. Yet, Mulcahy (2006, p.44) was rather more sceptical in attributing "the absence of parallel developments in the political sphere" as having only a negligible impact on Hunt's proposals being acceptable to the nationalist community. Alarming, the Hunt Committee conceded it "was not fully aware of certain facts and political undertones which were to govern the life of the people for many years to come" (Oliver, 1997, p.125). Some commentators went on to view the Hunt reform package as "superficial" (Hadden and Boyle, 1969, cited in Walker, 2001, p.143), even though it "did result in a substantial programme of legislative change" (Walker, 2001, p.143). Considering the centrality of national identity to the conflict, aligning the future structure and function of the RUC with a British policing paradigm appeared not to confront the inherent problems of legitimacy, but instead, would further increase nationalist contempt for the RUC.

The Hunt Committee intimated they were afforded insufficient time to produce their blueprint of fundamental reform on the RUC (Oliver, 1997). Considering the magnitude of restructuring policing, imposing time constraints appeared particularly inhibiting. By imposing constraints, against a backdrop of increasing civil disorder, one could argue the Minister of Home Affairs, who initially commissioned the report, was merely pandering to the clarion calls for police reform by nationalist politicians and pressure from Westminster. Alternatively, the Minister may have harboured a genuine desire to reform the RUC, but was thwarted by internal Unionist Party politics. Although both propositions appear feasible, the former is more likely to have been the motivation for so doing. No proposals at this time were offered by either the British or Stormont

governments to change the political dynamic of NI expressly needed to address the legitimacy vacuum and ameliorate the causes of conflict.

The Hunt Report's recommendations for greater accountability were intended to reform the RUC by replicating several of the provisions contained within the 1964 Police Act, appertaining to England and Wales (Ellison and Mulcahy, 2001). Of particular concern were proposals to create "a new image of the RUC as a civil police force" (Mulcahy, 2006, p.30) which, without commensurate political reform, faced considerable challenge. A growing need to change nationalist opinion on the RUC warranted reform capable of weakening state control of policing. However, violent conflict continued in the absence of any political settlement, making the RUC even more vulnerable. Significant reform of the RUC without adequate levels of accountability only served to increase mistrust and "failed to win nationalist support for the police" (McGarry, 2000, p.175). The fact that such reforms were considered a failure cannot be attributable solely to the Hunt Report. Other factors, such as Catholic opinion on the continuing association of the RUC with disputed political arrangements, and the increasing security issues, which remained "an unhealed sore" (Whyte, 1990, p.88; Mulcahy, 2008, p.121), had combined to maintain the RUCs paramilitary façade. However, notwithstanding the ongoing policing problems of NI, significant improvement in the quality of policing had been identified from the 1970's (Brewer and Magee, 1991; Weitzer, 1995 cited in McGarry, 2000, p.174).

Notwithstanding these assertions (Brewer and Magee, 1991; Weitzer, 1995), the RUC continued to occupy a position, with the exception of minor cosmetic changes, similar to that occupied before publication of the Hunt Report. In essence, the report produced several reforms that appeared to have minimal impact on the role of the RUC. Until political agreement for restructuring the constitutional position between NI and the ROI was found, no discernable progress on reforming the RUC appeared evident. More generally however, substantial reform of the police, as envisaged by the Hunt Commission, transpired not to be the catalyst for change anticipated by the nationalist



community. Nonetheless, and more importantly, the Hunt Report represented initial movement towards changing the dynamic of holding the RUC to account.

Accountability mechanisms had emerged from recommendations in the Hunt Report, albeit tentatively, through several newly defined structures considered adequate for holding the RUC to account.

“When it comes to accountability there are differing views on the current situation. There are those who believe the RUC are unaccountable and others who claim the RUC is more accountable than police agencies in other countries experiencing ethnically divided societies” (Weitzer, 1995, p.175).

Whatever the foundations of this claim, Weitzer (1995) clearly identified the kernel of the problem. The contentious nature of policing, when viewed through the prism of national identity, influences perceptions genuinely held by communities. By adding to this observation, Weitzer (1995) gives credence to Moran’s (2008) analysis outlined in the introduction of this thesis (p.6), concerning how research into policing in NI needs to be placed in context. Proposals for increasing police accountability, by establishing a Police Authority, where communities could, theoretically at least, challenge RUC actions, emerged from the Hunt Commission.

Such proposals, in the form of an oversight body represented the first discernible departure from the tight political grip experienced by the RUC. This development will form the basis for discussion in sub-section 1.5 on the anticipated role proposed for this new oversight body.

### **1.5: Accountability taking shape: on what Authority?**

As the foregoing sub-sections have described, nationalist perceptions of the RUC were of an occupying force. It was, nonetheless, during the late 1960s, through a deteriorating relationship between the police and the majority of the Catholic community, that issues of police accountability received due prominence in the theatre of conflict that was NI. As previously discussed, the

ensuing civil unrest precipitated an expeditious publication of the Hunt Report and subsequent enactment of the Police Act (NI) 1970 (framed on the England and Wales Police Acts of 1964 and 1967). The 'Act' introduced into statute many of Hunt's recommendations.

This sub-section provides an overview on the fledgling endeavours to introduce police reform, considered imperative by the state, to address the widening legitimacy gap experienced by the RUC. The main tenet and, undoubtedly, the most innovative outcome from the Hunt Report was the introduction of a Police Authority for Northern Ireland (PANI) (Walker, 2001, p.144). Section 2 of the Police Act (NI) 1970 stipulated that;

"It shall be the duty of the Police Authority to secure the maintenance of an adequate and efficient police force for Northern Ireland and to carry out all such functions as are conferred on it."

The Authority's role in securing and maintaining an adequate police force was advanced as an important development to enhance police accountability (Ryan, 2008, p.345). Moreover, and arguably as important for the Police Authority, was the amelioration of tensions caused by attempting to weaken political interference in policing which these reforms would inevitably create (McGarry, 2000). Despite the direct and indirect nature of political challenge to policing, "the existence of a body like the Police Authority is arguably an advance over the old system" (Weitzer, 1985, p.45).

Being considered a "bursar to the police rather than as a robust oversight body" (Mulcahy, 2008, p.120), the Police Authority came to represent symbolic progress in holding the RUC to account, provided such progress was infused with wide-ranging powers, immune from, and insulated against, partisan political interference. However, scepticism was to prevail regarding the capability of the Police Authority to provide acceptable change to the discourse on police accountability (McGarry and O'Leary, 2004, p.376). Instead, both commentators assumed a position at variance with that assumed by Weitzer (1985), concerning the Police Authority's impact on policing. Weitzer (1985,

p.45) goes on to discuss the importance of attempting "to enhance the legitimacy and accountability of the RUC" by creating a Police Authority", despite the absence of political progress. Undeterred by a recalcitrant political environment, the Police Act (NI) 1970 represented initial moves to release the firm grip exerted by unionist politicians over the RUC. By conferring such power on the Police Authority, "many important functions previously exercised by the Ministry of Home Affairs", appeared transferred to a body designed purely to hold the RUC accountable on behalf of society (Walker, 2001, p.144).

The Iron fist of influence, once wielded by the political elite over the structure, function and legitimacy of the RUC since 1922, was being slowly inserted into a velvet glove of accountability "to loosen the relationship between the RUC and Unionist Ministry of Home Affairs" (McGarry and O'Leary, 2004, p.374). It was, moreover, described how this enduring relationship "encouraged the authority's reluctance to take an active role in major police matters" (Weitzer, 1990, p.123), or "engage with controversial issues that might damage the public image of the police" (Mulcahy, 2008, p.120). The new legislation appeared comparatively limited (McGarry and O'Leary, 2004, p.376) as "the blatantly anti-Catholic, Protestant dominated Ministry of Home Affairs" (Weitzer, 1985, p.45) remained actively involved with many aspects of the RUC, that resulted in the Police Authority looking over its shoulder.

"The unelected and unrepresentative Police Authority, which had been given little authority, proved reluctant to use its limited powers" (McGarry and O'Leary, 2004, p.376).

A greater persistence on police reform and firmness against political interference was required if the Police Authority was to achieve credibility, especially amongst nationalists. Despite this, there was little attempt by the Police Authority to "take its accountability function seriously" (Ellison and Smyth, 2000, p.70). As mentioned previously, the legislation was based on that appertaining to England and Wales. The fundamental difference, however, between NI and Great Britain consisted of direct political interference in the operational independence of the police. To assuage this interference, the

proposed paradigm shifts to improve accountability structures, outlined by the Police Act (NI) 1970, were casting unionist affiliation with the RUC adrift in turbulent waters. The three groups that emerged from the legislation were mandated with the “administration and/or control of the RUC” through a sharing of responsibilities (Topping, 1991, p.240).

“In addition, both PANI and the Chief Constable are subjected to much more direct control by the Secretary of State than found in Britain” (Walker, 2001, p.145).

The Police Authority, the RUC, through its Chief Constable, and the Minister of Home Affairs (SOSNI, following ‘Direct Rule’) were engaged in a tripartite arrangement mirrored on existing arrangements in Britain, which Chapter 3 will examine in greater depth.

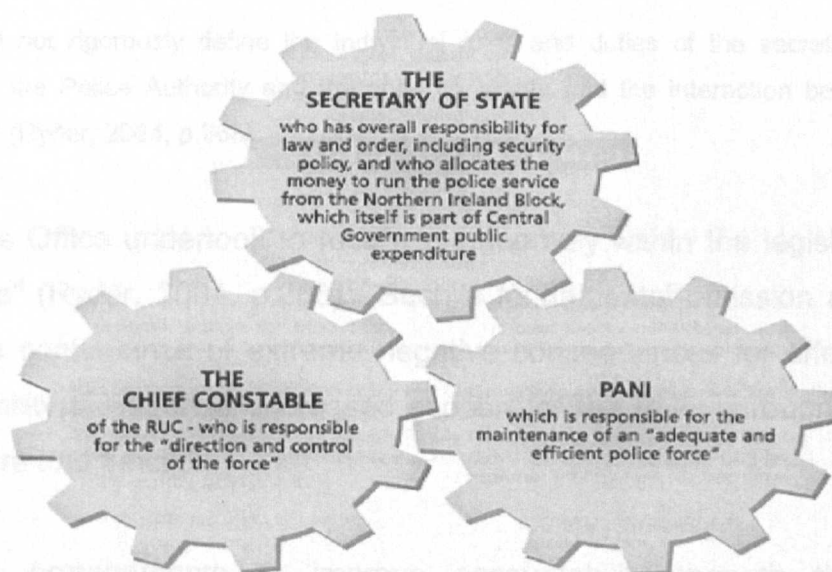


Fig 3: Tripartite Structure (source: cain.ulst.ac.uk/)

Topping’s analysis of such complex arrangements, however, was not shared by McGarry and O’Leary (1999, p.102). Both questioned the validity of whether this was a tripod structure of governance and “if it is a tripod it is one with a leg missing.” The Police Authority became that missing leg and, clearly, as a body

designed to hold the police to account, perceptions of its incompleteness challenged the very tenet of accountability proposed in the Hunt Report.

Missed opportunities by the Police Act (NI) 1970 to define and control the relationship between the police and politics raised the prospect of continued inertia in police accountability (Ryder, 2004, p.268).

"The 1970 Act also did not adequately demarcate the overlapping powers in the tripartite structure it created, and as a result the PANI found itself in a subservient position to the Secretary of State and the chief constable and had no effective sanctions at its disposal" (Ryan, 2008, p.345).

The apparent omission not to apportion participants' responsibilities in the tripartite arrangement was considered a 'central flaw' for which the 1970 Act had an opportunity to address (Ryder, 2004, p.268). The Act

"...did not rigorously define the individual roles and duties of the secretary of state, the Police Authority and the chief constable and the interaction between them" (Ryder, 2004, p.268).

The Home Office undertook to rectify this anomaly within the legislation but "it never was" (Ryder, 2004, p.268). Such a fundamental omission appeared to signal the continuance of extreme negative consequences for effective police accountability to engender increased support for the RUC, through legitimising its structure and function.

Proposed arrangements to improve accountability through the tripartite arrangement were soon rendered unworkable by becoming embroiled in the politics of conflict. This had effectively "handcuffed it from being an effective forum to make the police accountable and involve Catholics in the process of police oversight" (Ryder, 2004, p.268). Some years later, the divergence in the tripartite structure was highlighted by the Patten Commission, which found "the arrangement in Northern Ireland does not work as in Britain" (Patten Report, 1999, p.23). This was a point to which Oliver (1997, p.152) also referred, by outlining several peculiarities with the system then operating in England and

Wales. In Britain, the tripartite arrangement provided distinction between the police and the state and, in essence, minimised subjugation of the police to political control.

"These arrangements are not a basis for democratic accountability in the sense of the police in Northern Ireland being "subordinate" or responsible to the community of Northern Ireland. The Secretary of State exercises both direct influence over the police, through direct links with the Chief Constable, and also indirect influence through the appointment of Police Authority members... So, neither through the Police Authority nor through government are the people of Northern Ireland – whether unionists or nationalists – able to hold the police of Northern Ireland to proper democratic account in the "subordinate" sense of the term" (Patten Report, 1999, p.23).

Fundamentally, however, the question remained, whether the Police Authority was the panacea for holding the RUC to account. This assumed considerable significance in appreciating how the political dynamics had enveloped these relationships. Quite clearly, opinion articulated by the Patten Report, some thirty years later, and with the exact benefit of hindsight, thought otherwise. Additionally, particular community concerns as to the parameters of police accountability, in theory and practice, had remained (Livingston and Morison, 1996, p.19).

To prevent the Police Authority from becoming yet another committee inhibited from using ascribed legal powers, such appointees to the tripartite arrangement did not wish it to become a triangle of tension, more a triangle of trusting relationships to achieve enhanced police accountability. The problem however, with the tripartite structure in NI, revolved around "one-to-one relationships: one police force, one police authority and one Secretary of State" (Patten Report, 1999, p.23). The SOSNI, nonetheless, became more involved with the police than their counterpart in England and Wales because of sensitivities associated with the security situation, but more importantly for ensuring that morale within the RUC was maintained, to defend the state against terrorist violence from both republican and loyalist insurgents. The Chief Constable, on the other hand, was also responsible to the Police Authority for ordinary crime, and

consequently had, in effect, to serve two masters, the stronger of which became the state.

Both the government and Hunt Committee considered the Police Authority fundamental to securing police accountability. Yet, in reality “it never secured the confidence of Nationalists, had no more than a token influence on police policy” [and was] “an integral part of the establishment” (Mulcahy, 2006, p.40). Compare Mulcahy's assertion to that which Oliver (1986, p.186) espoused. Oliver had considered the workings of the Police Authority as “beneficial” and “a buffer between the RUC and Government.” Despite Oliver's opinion, “the Hunt Report represented a false dawn in the imposition of a British ethos on the RUC... it was soon engulfed by the political violence” (Walker, 2001, p.144). It has been argued elsewhere in this chapter how the traditional British model of policing, characterised as being Anglo-Saxon (Mawby, 1999a), had initially been exported from colonial Ireland in the nineteenth century by Sir Robert Peel. After several centuries of conflict, that ‘central flaw’ attached to policing in Ireland, around structure, function and legitimacy, had returned to NI through recommendations by the Hunt Committee in advocating an Anglo-Saxon structure and function to address the legitimacy crisis that policing in NI was experiencing through its continuing subservience to British rule.

This development in police history found the Hunt Committee had “posited a very English policing solution to a very Irish policing problem” (Ellison and Smyth, 2000, p.71; Ellison and Mulcahy, 2001, p.249). This very “Irish policing problem” could only be resolved internally after disputed territorial claims on sovereignty over NI were overcome and RUC legitimacy addressed and accepted. In effect, the evolution of policing had travelled full circle, and as will be discussed later in this thesis, the reforms enunciated in the Patten Report would this time be exported around the world as a blueprint for policing in societies emerging from conflict (Downes, 2010). The “trade winds” (see Savage, 2007a, Chapter 2; Grieve, 2008, Book Review, *Guardian*) of reform were now gathering substantial pace, evolving into global headwinds and contributing to sweeping change throughout transitional jurisdictions.

Chapter 1 has, thus far, described the extremely emotive concept of policing in NI which evokes visions of policing being mired in political posturing. As representatives of law and order, the RUC remained unacceptable to some communities as their legitimacy to function continued to diminish. Various opportunities to make the RUC more accountable, acceptable and representative of the community had fallen short. Irrespective of widespread efforts at police reform, trust would not be attained whilst the disputed political environment and the grip which paramilitaries exerted over their communities continued.

The debate on police accountability in this chapter has shifted from inception of the RUC in 1922, following partition, through to enacting controversial legislation to uphold the functions of state. The Hunt, Scarman, Bennett and Cameron Inquiries all recognised an absence of police accountability and recommended various reform measures to perpetuate transition towards a peaceful society. From 'Direct Rule' in 1972, until the signing of the GFA (1998), progress in NI was relatively 'static' in terms of both political and police reform. Whilst the Anglo-Irish Agreement (1985) was a further attempt to ignite political movement, it had wide-ranging operational implications for the RUC and became a turning point in the relationship between the police and unionist community (O'Leary and McGarry, 1996, p.252; McGarry, 2000, p.175; Ryder, 2004, p.253). This assumed static period concluded with the GFA being ratified and the subsequent appointment of an Independent Commission on Policing. This next sub-section will discuss the impact of the Patten reforms on the RUC and their imperative to generate greater police accountability and legitimacy, as policing in NI entered the post-Patten era.

### **1.6: Patten: a catalyst for change or a catalogue of reform?**

Northern Ireland's 'static' period terminated in 1994, with significant proclamations by both republican and loyalist paramilitary groups announcing a cessation of their respective terrorist campaigns. Such announcements provided momentum for several political parties in NI to become signatories to



the GFA (1998), and move NI into a fourth phase of police reform. The GFA enabled mutation towards a society where constitutional differences were resolved through renewed political and legal frameworks imbued with Human Rights legislation to protect all ethnicities, cultures and identities. But, "in many ways a successful transition is premised on the attainment of a transformation in policing" (O'Rawe, 2002-03, p.28). Proposals by the Patten Commission for fundamental reform of the RUC, through renewed accountability structures, were considered imperative for creating a new political dispensation. Despite political progress, a recurrent problem had been the failure to achieve universal acceptance of the GFA. Several unionist parties objected to the inclusion of Sinn Féin (SF) in peace negotiations, citing their affiliation with the Provisional Irish Republican Army (PIRA) as a reason not to endorse the subsequent 'Agreement'.

The journey of reforming political institutions, alongside the RUC, commenced following simultaneous referenda held in the north and south of Ireland. These referenda ratified the GFA (Wilford, 2001; Hadfield, 2001; Guelke, 2001; Mulcahy, 2006) in both jurisdictions, with 85% of voters affirming their support. When further analysed, 71% of voters in NI pledged support for the GFA, with 94% in the Republic of Ireland, voting likewise (Dunn and Nolan-Haley, 1998, p.1372; Coakley, 2001, p.223; De Bréadún, 2001, p.160; Mitchell, 2001, p.30). Voter turnout, overall, signified that support for the GFA had not been equal across the religious divide. Approximately 96% of Catholics voted 'yes', whilst approximately 52% of Protestants voted similarly (Sussman, 2000). Ratifying the GFA appeared to provide the best opportunity in decades to reconcile the precarious nexus which existed between past and present ideological perspectives on the RUC. Such diverse opinion revealed two sites of foci in how the state held the RUC to account when administering the rule of law in a country whose population were diametrically opposed on policing, and the legitimacy of its institutions.

Whilst recognising the benefits of the GFA for achieving political progress, policing continued to occupy 'highly contested ground' (O'Rawe, 2003, p.1026).

Resolving contentious security issues was unachievable if left to the GFA alone, which explained how

"...participants believe it essential that policing structures and arrangements are such that the police service is professional, effective, fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices, and operates within a coherent and cooperative criminal justice system, which conforms with human rights norms" (The GFA, 1999, p.22).

Despite the anticipated political progress, the historical dilemmas on RUC legitimacy remained. Nationalists envisaged the GFA proposing police reform, alongside new political arrangements, rather than creating a separate body to prescribe reform of the RUC (McGarry, 2000). Nationalists were unable to concur with their unionist counterparts on the exact nature of these reforms.

"Had policing details been included in the general negotiation formula that 'nothing is agreed until everything is agreed' then there would have been no settlement" (McGarry and O'Leary, 2004, p. 371).

Rather than the fledgling peace process stumble over policing, reforming the RUC was entrusted to an international and independent commission to provide suitable proposals to ameliorate historic policing problems. Indeed, commissioning simultaneous processes appeared feasible to circumvent the intractable nature of the political environment: an innovation denied the Hunt Committee; otherwise the path of police history in NI may have traversed a different and less contentious route. Removing responsibility for reform of the RUC from the GFA appeared to facilitate progress.

Delegating policing to an independent international body of experts was intended to reduce perceptions of political interference. The Patten Commission's remit for reforming the RUC was augmented by proposals to involve other state and non-state actors in community safety. Such undertaking was necessary to create legitimacy by encouraging communities to become involved with policing. Attaining police legitimacy, through the seven principles outlined in the report (GFA, 1998, p.22), and enunciated hereunder, depended

on any future police service in NI becoming "representative, impartial, accountable, decentralized, infused with a human rights culture, efficient and effective, free from partisan control" (McGarry and O'Leary, 2004, p.379), issues which have been discussed, and will continue to be discussed at various stages in this thesis.

Signatories to the GFA acquiesced in the mantra of a new beginning to policing, which entered the ever increasing lexicon on the RUC. Yet, following the Patten Report's publication, its contents, unsurprisingly, were perceived differently by all political parties as being the catalyst for police reform. Previous reports on policing in NI (Hunt, 1969), devoid of universal political support or appropriate political structures, had merely catalogued an array of proposals which, without political ratification and changes in societal attitudes, became unworkable. The paragraphs which follow outline why the Patten Report extended the role performed by traditional state policing to include other community safety providers in improving community confidence in policing.

The Patten Report evolved from the catalyst for police reform in NI, to achieving "near-mythic status as a place of pilgrimage" (Mulcahy, 2008, p.129) for global police agencies to deal with their own policing problems, as they emerged from conflict and authoritarian rule. The Patten reform programme could be considered either a catalyst for change or a catalogue of liberal ideology, created for political expediency, to precipitate political agreement on the institutions of state. In so doing, the report gave due deference to how the contentious political environment of NI had enveloped the RUC, not just in recent years, but historically since 1922. As previously described, difficulties experienced by nationalists with the RUC, became intrinsically linked to the political architecture of the state to which the Patten Report made reference.

"Policing has been contentious, victim and participant in past tragedies, precisely because the polity has been so contentious. The consent required right across the community in any liberal democracy for effective policing has been absent" (Patten Report, 1999, p.2).

Police discourse in NI witnessed the creation of yet another committee to oversee police reform. On this occasion, however, there existed political momentum towards police reform, including the term “police” being deliberately widened to encompass policing in its broadest sense, to which Chapter 3 will discuss. Expanding the remit of state policing emphasised how shifting the traditional role of the police from the preserve of the state, for the first time in Irish history, had provided “a mandate for change” (Moore and O’Rawe, 2001, p.188).

Nonetheless, marked differences did exist between the Hunt and Patten Reports, particularly regarding the political environment in which both had to report. The political climate of NI in 1998 was more conditioned towards finding an agreed solution to the protracted political problems, than it was in 1969. Although the Hunt Report did propose mechanisms for police accountability, these appeared insufficient because “the problem of police reform is necessarily bound up with the defence of the state, the conflict over whether Northern Ireland should be Irish or British” (Hillyard and Tomlinson, 2000, p.395). Such matters appeared not to have been considered by the unionist controlled state in 1970 and, by failing to do so, served only to ensure reform of the RUC would fail.

Despite the ‘crisis in policing’ thesis advanced in the introduction to this thesis (Alderson, 1979; Reiner, 1992b; Jones and Newburn, 2002; Edwards, 2005), (see pp.7-8), policing remains “a central issue in any society” and “capable of attracting and sustaining support from the community as a whole” (GFA, 1998, p.22). Such aspiring comments correspond favourably with those expressed by the Hunt Commission “to make the RUC more accountable to the public” (Hunt Report, 1969, p.9), and those of the Patten Commission, to make the police service “an integral part of the community as a whole” (p.123). These reports contextualised the centrality of policing to communities in NI. Clearly, any agreement on the future structure or function of the police to achieve legitimacy remained of prodigious importance for attaining a political settlement, “especially one that foresees the centrality of policing a pre-condition for successful reform” (Bayley, 2008, p.239).

By way of illustrating the difficulties in achieving a political solution acceptable to all, “arguments about policing - past, present and future – have at times been central to the international politics surrounding the Northern Ireland conflict” (Hillyard and Tomlinson, 2000, p.395), yet there exists “no consensus in Northern Ireland about what the problems of policing were” (Ellison, 2007, p.245). The Patten Report (p.2) acknowledged the lack of an agreed consensus on the RUC, describing how “in one political language they are the custodians of nationhood.” In its rhetorical opposite they are the symbols of oppression.”

“This is certainly useful in explaining the relationship between the Catholic and nationalist community and the RUC in Northern Ireland whereby the latter’s role in maintaining a disputed constitutional space and its “war” with the Irish Republican Army (IRA) meant that it engaged in a number of activities allied to its counterinsurgency role, which had a disproportionate impact of the Catholic and nationalist community as a whole” (Ellison, 2007, pp.245-246).

The inherent problems associated with policing, referred to previously as a ‘central flaw’, consisting of structure, function and legitimacy, remained under intense scrutiny. Policing “has been inextricably tied to the dominant political agendas” (Topping, 2008b, p.377), and despite various opportunities to depoliticise policing with increased accountability, the debate over politics and policing ensued.

The Patten Commission reinforced how police accountability was central to, and a prerequisite for, any proposed settlement on policing. Accordingly, 35 of the Report’s 175 recommendations were devoted to accountability and spread across 19 thematic areas (Ellison and Mulcahy, 2001, p.253; Moore and O’Rawe, 2001, p.191; O’Rawe, 2002-03, p.1050; Ryder, 2004, p.274; Mulcahy 2006, p.153; Ellison, 2007, p.245; Albert, 2008, p.258; Conway, 2008, p.415; Moran, 2008, p.104 and p.115; Mulcahy, 2008, p.122; Topping, 2008b, p.378; Doyle, 2010, p.190; Perry, 2011, p.168). Recommendations for developing enhanced police accountability consisted of various models designed to operate at different levels. These models consisted of the Democratic Model, which

holds the police to account by national and local politicians in the form of the Policing Board and a network of 29 DPPs; the Community Model, which encompasses community groups and the general public; the Legalistic Model of accountability, which, *inter alia*, incorporates the Police Ombudsman and; the Regulatory Model of accountability, which provides, *inter alia*, for oversight bodies such as the Human Rights Commission and HMIC to hold the police to account in NI (McGovern, 2004; 2008).

From the 175 recommendations contained in the Patten Report, 165, “the nuts and bolts issues”, were derived from the RUC’s *Fundamental Review of Policing* (Ryder, 2004, p.278; Mulcahy, 2006, p.164). The main thrust of police reform on this scale, in any country undergoing and experiencing transition, should not focus entirely on the structural and internal police arrangements, but focus more on the trust and goodwill of communities to achieve increased community confidence. This is provided communities demonstrate faith in the mechanisms, thus established, to hold the police to account. The “nuts and bolts” issues eventually become resolved as little political capital can be gleaned from exploiting internal police managerial arrangements. It was recognised how “the Commission’s report contained recommendations that are applicable to police services everywhere” (McGarry, 2000, p.177) and included, *inter alia*, managerial arrangements, financial responsibility and increased use of information technology to bring the police in line with New Public Management (NPM) philosophies. NPM raised extremely pertinent concerns for the development of ‘new directions’ in police accountability, particularly in England and Wales, and will be discussed in this context in greater detail by Chapter 3.

Finally, Chapter 1 has provided, in four phases, detailed commentary on the specific problems of policing disputed state territory. The development of policing was illustrated from its early creation in Ireland during the incumbency of Sir Robert Peel and how colonial policing was exported around the British Empire. Following partition, the inability to resolve political indifference which had existed before partition, gave rise to the RUC facing a crisis of legitimacy through many subsequent decades of conflict. Those intervening decades had

witnessed several endeavours to reform the RUC prove unsuccessful, until political agreement in 1998 created momentum for policing to change underpinned by recommendations from the Patten Report.

The foundations for police reform had now been laid, yet the political imperative remained fragile as the contentious overtures of state creation prevailed. Chapter 2 will now draw on the lessons of partition by developing the role of the state towards the RUC, and how the changing notion of sovereign state governance had impacted on the changes proposed to policing in NI.

# **Chapter 2**

## **Police Legitimacy, Power and the State in Northern Ireland**



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## **2.0 Northern Ireland: A failed state?**

Whilst writing on Pakistan, Lievan (2012, p.19) suggests that the terms *failed* or *failing states* (author's emphasis) have "been thrown around with wild abandon to describe a great range of states around the world, pretty much in accordance with the writer's prejudices or the need of his or her publication for a sensational headline." The motivation in this chapter is to seek neither, but to consider whether NI failed to function as a state, in terms of how the RUC were utilised to defend the institutions of state and why, in such circumstances, policing needed to be accountable.

It was discussed in Chapter 1 how, from inception, the RUC was unable to command widespread support along ethno-religious lines. Many reasons for this existed, however, an inability of the state to appeal to all citizens created issues of legitimacy and mistrust. The RUC, in a sense, had inherited an environment that exposed it to an extremely invidious situation, through partisan politics, which had contributed to the alienation of a whole section of NI society. For many generations, ethnic tension and conflict had come to represent the public persona of a state described a failure in democracy and nation-state building (Livingstone and Morison, 1995; O'Leary and McGarry, 1996; Cunningham, 2001).

"The Northern Ireland state, while maintaining a façade of bourgeois democracy, condoned and tolerated the policies of exclusion, misrecognition and discrimination along ethnic lines" (Smyth, 2002, p.306)

Resolving political indifference, indicative of Ireland over many centuries, would facilitate construction of a police service that was able to attract widespread community support. The aim of this chapter is to highlight how NI eventually embraced the change necessary for interacting with an ever-increasing interdependent world and how changes in the traditional concept of a state has assisted in bringing about these changes.

Theories of state range from the absolutist state put forward by Hobbs and Bodin, to the political sociology espoused by Weber (Walker, 2000, p.83). Walker draws together these two concepts of state by identifying a key defining feature, being "ultimate control over the legitimate use of force", to address internal and external threats. Some commentators were unable to describe NI as a state: more "a semi-state, a regime rather than a state" (O'Leary and McGarry, 1996, p.110). They do, nonetheless, subscribe to the notion that NI displayed some Weberian features of a state; "an effective monopoly over the means of coercion and law enforcement, law-making authority, and clearly demarcated territorial boundaries" (p.110). Although NI clearly displayed demarcated, but disputed, territorial boundaries, it was, nonetheless, the delineation of these boundaries which caused consternation for both the Republic of Ireland and the UK over who controlled this territory. It has been suggested that state responsibility encompasses "the right to impose laws generally on all subjects regardless of their consent" (Held, 1995, p.39). Being in a position to impose laws, with or without consent of the population, has defined the workings of state in NI for many years, but where the problem arises is how such laws are upheld in the absence of consensual politics.

This evolving paradigm, when considered against the traditional notion of state accountability, signifies that stretching the role of state policing has precipitated the emergence of 'new directions' in police accountability (Loveday, 2000, pp.213-231). Based on such an assumption, is it correct to assume that nation-statehood is fictional, as Ohmae (1995, cited in Giddens, 1998, p.31) contends, or is "government obsolete?" Addressing both assertions explains how the existence of a nation-state is neither fiction, nor obsolete, but that states are being realigned through globalization, pulling away from the nation-state (Giddens, 1998, p.31). This argument is developed by referring to the work of Stenson (2008). In this seminal piece, Stenson discusses whether globalisation and the demise of the nation state have been exaggerated (Stenson, 2008, p.3). Whilst corroborating Stenson's description, Giddens (1998, p.31) pursues a rather innovatory stance on the current debate by claiming that global society remains a society of nation-states and, in a world of nation-states, it is power that counts. Yet, despite divergent opinion on the efficacy, or otherwise, of the

nation-state, the Twenty-first Century has presided over the interdependability of nation states. States no longer can afford to operate in self imposed silos as globalization has come to reflect "the increasing interdependence of world society" (Giddens, 1993, cited in Cope *et al.*, 1997, p.445).

Despite globalization in recent years capturing societal imagination, it is not a new phenomenon and "can be traced back to the sixteenth century and the spread of imperialism and capitalism across the globe" (Amin *et al.*, Halliday, 1994 cited in Cope *et al.*, 1997, p.446). Indeed, political settlement in NI in 1998 occurred following local, national and international pressures on local state and non-state actors (Ellison and Mulcahy, 2001, p.244; Nye, 2002, p.146). The cumulative effect of arriving at an agreed political solution in this manner gives credence to Giddens thesis, that wielding power on the world stage is what counts. The dominant parochialism, indicative of NI for many years, became exposed to international political and academic consideration on how policing, and the governance of security provision, could be delivered through a changing political and security dispensation that encompassed local context and circumstance (Ellison and Mulcahy, 2001).

Changes to the nature of state authority have occurred through a "proliferation of supranational and multi-level forms of governance", (Ellison and O'Rawe, 2010, p.35). Referring to various academic accounts, they explain changes to late-modern states in terms of "stretching" (Bottoms and Wiles, 1997), "unravelling" (Crook and Judis, 1997) and "hollowed-out" (Peters, 1994) (see also Johnston, 2000, p.69). The causation factor for this hollowed-out description, in respect of the British State, occurred as a consequence of privatization, the use of "alternative service delivery systems, Europeanization and NPM" (Rhodes, 1994, pp.138-139). Whilst tending to agree with Rhodes' thesis on the reasons for the hollowing out of the state, Cope *et al.*, (1997, p.448) suggest how the increasing drive by successive British governments for centralisation, tends not to support this assertion. They continue by expressing opinion that such trends represent highly significant developments in weakening the policy-making capacity of the state. This argument was further developed by Stenson (2008, p.2) on how reallocating sovereign power involves a

"hollowing out of the nation state upwards to supra-national bodies and downwards to regional and local levels in increasingly pluralistic governance." The effects of these developments then contribute to governments distancing themselves from state security by utilising other state and non-state actors in providing security.

The previous paragraphs of this chapter have discussed the theoretical development of the state and how changes to the workings of state have enabled political progress in NI. The GFA, as Chapter 1 noted, was considered a blueprint for rectifying the societal inequalities of preceding decades in NI. The chapter then explained how state functions in NI were controlled by a one-party or single-party polity (Held, 1995).

"If there is one field which exemplifies the specific characteristics of state formation in Northern Ireland it is that of security, that is, the constitution of the repressive state apparatuses" (Bew *et al.*, 1979, p.48).

This position, undoubtedly, contributed to the nationalist community questioning RUC legitimacy, because of its role in maintaining the functions of state. It was also in keeping with the traditional Weberian view of the state, which presupposes the police are intrinsically connected to it, and from whom, they derive their power and authority. "What states and states alone are able to do is aggregate and purposefully deploy legitimate power" (Fukuyama, 2005, cited in McLaughlin, 2007, p.88). The deployment of power in NI was "the paradigm case of state-and-nation-building failure in western Europe" (O'Leary and McGarry, 1996, p.107), although recently, Basque, Catalan, and Corsican nationalism, according to Europol, present bigger problems. O'Leary and McGarry continue by describing the country as neither a nation, nor a full state, where control had been 'hegemonic' and exercised by the Ulster Unionist Party (UUP). Successive British governments, generally, appeared able to leave unionist hegemony unchallenged because it was advantageous to maintain a territorial foothold to safeguard strategic interests (Cunningham, 2001, p.2). A dysfunctional state like NI appeared devoid of checks and balances against any potential abuse of power. Consequently, the unionist government maintained

the institutions of state by enacting legislation capable of securing the state, which had “clearly established the police as an agency of state control” (Brewer *et al.*, 1998). This brought the RUC into further conflict with the nationalist population.

If NI is considered an entity, whose very existence and legitimacy is challenged by the majority of the nationalist population, it follows how the police, as defenders of that state, become prime candidates for this treatment (Walker, 2001, p.142). For Blair (2010, p.167) however, an absence of a properly functioning police force resonates in part with the definition of a failed state, yet the RUC continued to attract support from the majority of the population and effectively operated in accordance with their consent. For example, it has been explained how the police in NI are germane to many problems which politicians have been unable to resolve (Patten, 1999). This assertion was best characterised by Mark (1973, cited in McLaughlin, 2007, p.61) who outlined how the police become “the anvil on which society beats out its problems and abrasions of social inequality, racial prejudice, weak laws and ineffective legislation...” and other social issues. Mark’s description of the police represented a very accurate exposition of the problems then encountered by the RUC, which then impacted on the organisation’s legitimacy to police.

An absence of police legitimacy in any state will have a profound impact on its ability to govern democratically in providing the ‘governance of security’, as the police then become an emblem of dictatorship by serving one political party (Blair, 2010, p.167). Governance has become a central theme when writing about security, order and crime control (Jones, 2007, p.842). Jones develops this viewpoint by explaining governance as representing alternative thinking on how government operates, rather than performing a fundamental reappraisal of government functions. States which struggle with legitimacy only serve to further alienate sections of society whose dissatisfaction with its institutions manifests in uprising and insurrection. Law and order subsequently diminishes to an extent where state forces become embroiled in a conflagration with its citizenry.

The synthesis behind this approach was to go beyond that traditional espousal of state policing. Such thinking resonated with proposals articulated by the Patten Commission for 'others' to participate in the policing of their communities to improve police legitimacy. The vacuum which contested space creates is then occupied by a range of organisations who assume collective responsibility for the 'governance of security'. Unless alternative security providers are regulated and held to account, many difficulties emerge in states experiencing conflict, or are in transition, as community justice is administered from 'below'. As Chapter 5 will discuss, the British Government, despite proposals in the Patten Report to pluralize the security of governance in NI, continued to exert control over state-policing exactly because of this concern.

The progression of pluralistic governance has broken the state's monopoly on policing (Bayley and Shearing, 1996), through inviting greater participation from a range of private and community based agencies to 'muscle-in' on the traditional preserve of the state police.

"What we might call a shift from *police* to *policing* has seen the sovereign state – hitherto considered focal to both provision and accountability in this field – reconfigured as but one node of a broader, more diverse 'network of power' " (Castells, 1997, cited in Loader, 2000, p.323).

Late-modern policing has progressed towards liberally inspired approaches to the 'governance of security', and challenged the traditional notion of state controlled accountability for more direct and participative styles of accountability, that have given rise to the 'regulatory state' (Savage, 2007a, p.8). In the context of a democratic state, accountability relationships are those between the citizens and the holders of public office (Mulgan, 2000). From a theoretical perspective this may represent a utopian description of that relationship. However, a more realistic opinion, "that citizenship is not simply defined in narrowly legal terms through membership of a national polity", was offered by Stenson (2008, p.3). A new relationship between state and citizen needs to be forged, "recognising not just, that the state cannot do everything but that it should be fundamentally recast: as an enabling state that empowers people to

provide the solutions to their own problems" (Blunkett, 2003, p.22). Blunkett's typology for state functionality resonates congruently with the mutations of David Cameron's 'Big Society' thesis (see Morgan, 2012). Such changes to the traditionally held notion of statehood, encourages communities to become more involved with influencing local services. In policing terms, the proposed introduction of elected Police and Crime Commissions in England and Wales in November 2012 (see Bridges, 2011; Millen and Stephens, 2012) will, through a further mechanism of accountability, enable communities to have a say in what they expect from their local police service. Whilst this thesis does not have the space to expand on this aspect of accountability, it is, nonetheless, an area of extreme importance in the development of police accountability.

The next section of this chapter will progress elements of the argument outlined in Chapter 1, and the previous paragraphs of this chapter. The basis for the conflict in NI has been discussed extensively and there is no further requirement to rehearse the facts here. Conflict in NI led to the RUC lacking legitimacy to operate in some communities without consent, resorting instead to using legislation and questionable policing methods to maintain the rule of law on behalf of the state. Public impressions on such different operational approaches only intensified the difficulties experienced by the RUC, which caused further alienation. Undoubtedly, there existed a lack of impartial and robust structures for holding the RUC to account. This resulted in communities having no viable and independent recourse to rectify the wrongs which they perceived had been committed against them.

## **2.1 Conflict, Legitimacy and policing by consent**

The history of Ireland, quite literally, has been a battlefield of power and supremacy exercised by one nation-state over another. It has been explained how issues of legitimacy bedevilled the creation of the NI state, only to pervade its history since. The distribution of power in NI, post-partition, did not exist in a pluralistic sense, where the existence of transparency, openness and safeguards against corruption, in all senses of the word, operated. The reforms to policing in England and Wales, and the transformation thesis which

accompanies it, claim that pluralism, particularly with the role and function of the police, "is making policing more accountable and responsive" (Reiner, 2010, p.27) which, as discussed previously, has created the 'regulatory state' (Savage, 2007a, p.8).

As discussed in Chapter 1, the RUC had been deployed by the unionist controlled government to enforce draconian legislation when defending the status quo of the state by suppressing those holding opposing views on the legitimacy of state institutions. Support for the state was at best *ad hoc*, whereby interaction and cooperation with state institutions, particularly the RUC, became more pragmatic than voluntary. The relationship between the police and state was viewed differently to that in the remainder of the UK, where the police in England and Wales "was assumed to be a state agency with a broad mandate of crime control, order maintenance, and service work" (Newburn and Reiner, 2007, p.912). The police were also considered "a vital civic institution" (Blunkett, 2003, p.31) where, since the creation of modern policing in 1829, responsibility "became firmly located within the state" (Crawford, 2003, p.136). Yet the early days of policing were greeted with some hostility.

"The new police were opposed from the outset and at various levels. Three parliamentary committees 1816, 1818, and 1822 rejected the police idea... as incompatible with British liberty." (Scruton, 1985, p.15)

However, the symbolic relationship between the police and state was described as "instrumental" (Walker, 2000, p.83) and "symbiotic" (Walker, 2003, p.114). Such a correlation represented an accurate depiction of the prevailing situation in NI prior to the imposition of Direct Rule in 1972. As described previously, NI reached that Rubicon during the late sixties, with the inception of the Civil Rights Association that eventually led to the escalation of conflict. The dominance of the RUC in upholding law and order, as civil unrest spread throughout the state, gave way to the British Army administering law and order. By so doing, "the emasculation of the RUC was further emphasized" (Ryder, 1989, p.115) with police accountability relegated to the furthest depths of state priority, with the General Officer Commanding (GOC) of the military appointed Director of



Operations and given supreme responsibility (Eveleigh, 1978; Ellison and Smyth, 2000; Taylor, 2001).

The interregnum ended in 1976 and police 'primacy' to uphold the rule of law was restored following *The Way Ahead Report*, commissioned by then SOSNI, Merlyn Rees (MP). The consequences for such changes in security policy led to the RUC resembling "an army of sorts", which only exacerbated and subsequently escalated, in part, the nationalist community's rejection. Government changes on security policy placed further militaristic type responsibilities on the RUC, which served to dilute many of the innovatory reforms to normalise policing, as suggested in the Hunt Report.

"If the Hunt reforms signalled an effort to secure the *normalization of policing* in Northern Ireland, then resort to the 'rule of law' reflected a broader initiative directed towards the *normalization of the conflict* itself" (Mulcahy, 2006, p.33, emphasis in original).

Mulcahy's perspective on changes to security policy, delivers a perception that the British government was redefining the conflict in NI as criminal activity rather than politically motivated violence, yet the RUC was established to police partition which, from inception, "was armed and paramilitary in character, unlike police forces in Britain, or even the new police who were established simultaneously in the Irish Free State" (McGarry, 2000, p.173). "It would be a mistake however, to situate the problems with policing in Northern Ireland solely with the RUC's counterinsurgency role" (Ellison, 2007, p.246). To support his argument, Ellison (2007, p.246) explains how "policing is as much a cultural artefact as it is a material practice" and creates a perception of the RUC being unacceptable to the nationalist community, where no amount of reform was going to influence their opinion on the RUC. By occasioning this debate, Ellison (2007) rather skilfully introduced additional considerations to the problems of policing contested state territory. It seems nationalist difficulties with the RUC were not confined to issues which partition and conflict nurtured, and their paramilitary appearance and function exacerbated, but on state legitimacy,

religious composition and perceived - real or otherwise - affiliation with the unionist culture.

Ellison continued by suggesting the existence of the RUC served as a constant "reminder for many Catholics and nationalists of their exclusion from the cultural life of the state and its practices" (Ellison, 2007, p.246). This viewpoint augmented opinion expressed by the Scarman Tribunal (1972) by referring to the 'fateful split' between Northern Catholics and the RUC (Ryder, 1989, 2004; Mulcahy, 2006). This divergence led, in many respects, to an absence of legitimacy and consensual policing in some communities.

'Policing by consent' remains a fundamental component of the liberal-democratic model of policing (Mulcahy, 2000, p.77), irrespective of the crisis theory previously advanced in this thesis (Alderson, 1979; O'Rawe, 2002-03; Edwards, 2005). Yet, Mulcahy continues by explaining how levels of community support remain major issues for policing in many jurisdictions which was pivotal to RUC legitimacy.

"The ideal of 'policing by consent', to which everyone now pays lip-service, cannot mean complete acquiescence. In a totally harmonious society there would be no need for police" (Reiner, 1992a, pp.256-257).

Adopting Reiner's perspective as a starting point, then analysing what is meant by the term 'policing by consent', consideration is afforded to the opinion offered by Grieve *et al.*, (2007, p. 33), who propose to what extent 'policing by consent' is mythical. In developing this opinion, they ask "if society is not policed by consent, how is it policed?" The answers can be multi-faceted, complex and broad, ranging from the influence that communities exert in holding local police to account, through to controlling the police by means of the political process and, a more recent phenomenon, that of the media. When this position is attained, it is possible to argue how the introduction of safeguards against punitive styles of policing are found, through developing robust mechanisms capable of holding the police to account.

The term 'consent' displays notions of societal acquiescence with the characteristics of the state, including its traditions, rules and customs (Mulcahy, 2006, p.30). On this basis alone, there appears no requirement for the police or accountability mechanisms (Reiner, 1992a). However, this was not an experience shared in NI. Ethno-religious consent for policing remained absent through a lack of legitimacy from the majority of the nationalist community towards state institutions, especially the police. It has been "argued that power was exercised most effectively when it operated on the basis of consent rather than coercion" (Gramsci, 1971, cited in Mulcahy, 2006, p.13). Power was administered throughout NI by a Stormont government that did not conform to, or operate under, the principle of 'policing by consent' which led to the state becoming embroiled in conflict. For these reasons, communities in NI required to have mechanisms for holding the police and state to account. Developing the principle of 'policing by consent' can be closely aligned to the development of mechanisms for effective accountability. The RUC endeavouring to legitimise its existence through 'policing by consent', only reinforces "the *limited* capacity of the police", which then exposes them to "public support explicitly on that basis" (Mulcahy, 2006, p.18, emphasis in original). The debate around 'policing by consent' will be revisited in Chapter 3 and supported with empirical research on how the concept of 'policing by consent' developed in the UK.

It was explained in Chapter 1 how NI was policed through strong law and order tactics. It was argued how effective police accountability manifests in developing the trust of communities, whereupon legitimacy can develop. Failing to address this problem leads eventually to an abuse of power and the creation of deeply divided societies. The basis of which, was discussed in the opening paragraphs to this chapter on whether NI could be termed a failed state. In doing so, Lijphart (1996) offered consociation – an association of communities – as a means of governing divided societies such as NI: which was the basis for framing the GFA. Although, as Chapter 1 developed, it appeared "such a settlement requires more than just consociational instructions" (McGarry and O'Leary, 2006, p.45).

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It was then argued how police legitimacy dominates the social and political landscape, where a continued absence of a prevailing consensus over constitutional arrangements ensures state agencies face dissension, opposition and resistance (Mulcahy, 2006). In advancing Mulcahy's analysis, it was explained how deeply divided societies create difficulties for the police "where it is prone to sectarian bias, is often highly militarized, and where at least one major section of the society withholds legitimacy" (Weitzer, 1985, p.41). Both Mulcahy and Weitzer's accounts succinctly encapsulate the position encountered by the RUC as it tried to relinquish the vestiges of being a Force, into being a Service acceptable to all communities across NI.

Chapter 3 of this thesis will move the argument for enhanced mechanisms of accountability forward onto the national stage of policing in the UK. The primary focus, initially, will be on how policing has developed during the past forty years of intense political change to centralise the common features of policing and how such changes have informed policing in NI. Chapter 3 will then go on to discuss the changes which have facilitated the transformation of the police to a Service, rather than the redundant description of being a Force. Finally, Chapter 3 will conclude by discussing how mechanisms for police accountability have changed how the police operate; how they are held to account and, more importantly, to whom they are accountable.

## **Chapter 3**

### **A Force for change: Accountability in practice**

### **3.0 United Kingdom Policing: a template for Northern Ireland?**

The police modernising agenda has now traversed many decades, from the Royal Commission (1962), to Thatcherism in 1979 (Ewing and Gearty, 1990; Jenkins, 2006), through to New Labour in 1997 (Gould, 1998; McLaughlin, 2005; Lloyd, 2007), and endeavours by the current Coalition Government to re-connect the police with communities by increasing democratic accountability in the Twenty-first Century (Home Office, 2010). This period of intense contemporary reform of policing represented a presage of fundamental change to the culture and ethos of all public services in the UK during this time.

This chapter does not wish to indulge in, nor rehearse, an historical and evolutionary analysis of how policing has developed, particularly during the past 40 years of unprecedented change to British policing (see Savage, 1984, 2007a; Savage *et al.*, 1996; Leishman *et al.*, 2000; Loveday, 2000; Crawford, 2003; Newburn, 2003; Grieve *et al.*, 2007; McLaughlin, 2007; Newburn and Reiner, 2007; Tilley, 2008; Brain, 2010; Walsh and Conway, 2011). It does, moreover, and rather deliberately so, progress the argument towards an appreciation of how police accountability has evolved during this unprecedented period, through a changing dynamic in the relationship between the state and police. Chapter 1 described how the tripartite arrangement for holding the police to account in NI featured prominently as an introductory mechanism that loosened that tight grip which politics had exerted over the RUC for many years. It was also discussed how the tripartite relationship in NI performed differently to similar arrangements for England and Wales, where

“in the last thirty years the process of growing acceptance of the police in Britain has been reversed, although the police still remain central symbols of security”  
(Newburn and Reiner, 2007, p.942),

To reverse the creeping dissatisfaction with law and order, the UK Police Service was exposed to substantial reform, as successive governments experimented with one initiative after another in recapturing lost legitimacy within society, especially around risk and security (Ericson and Haggerty, 1997,

2005). This development is best highlighted, *inter alia*, by the Scarman Report into the Brixton Disorders (1981), which criticised police handling of the disorders; the Broadwater Farm Riots (1985); and the MacPherson Report, which labelled the Metropolitan Police Service “institutionally racist”. The cumulative effect on the Police Service from such Inquiries, advocates disconnect from communities, whereby such high-profiled critiques of the police have questioned their legitimacy as the single point of reference for obtaining justice. Overall, concerns about police ineffectiveness do tend to signify a greater malaise in British society.

It is clear from previous chapters that policing with the community, and being accountable to them, remains vital for legitimising police actions. There appears moreover, “very little evidence that the public know or understand anything about policing” (Sharp, 2005, p.456), yet communities reflect “repositories of information about what goes on in neighbourhoods” (Tilley, 2008, p.96). What Sharp and Tilley both avow is an apparent lack of process for resolving neighbourhood problems through communication, community involvement with the police and effective accountability. A solution through reciprocity between communities and the police can strengthen cohesion, thereby creating legitimacy through effective processes which hold the police to account. In return, the police convey to communities the role they perform around community safety, whilst simultaneously building trust. In so doing, the police may begin to increase their legitimacy, because “there is no legitimacy without accountability, and, as has been previously discussed, policing cannot properly function without legitimacy, as has been well demonstrated in Northern Ireland” (Hutchinson, 2009, p.339).

As Chapter 1 recounted, the tripartite structure for holding the police to account evolved from the Police Act 1964. Elements of this legislation, when first introduced to NI as the Police Act (NI) 1970, provided initial proposals to address the real legitimacy crisis that had evolved through years of political interference in policing. However, the tripartite relationship, as it then applied to England and Wales was not one of equals, because of the control exerted by the Home Secretary, especially over finances (Loveday and Reid, 2003, p.12).

But more recently the effectiveness of the tripartite arrangement has been questioned in an HMIC Report titled, 'Police Governance in Austerity'

"...the tripartite system tends to entail delays in making decisions and a bias in favour of gradualism on big issues" (HMIC, 2010, p.13).

Notwithstanding this concern, the tripartite arrangement had established, in statute for the first time, increased control for central government in the framework of police governance (Jones, 2003, p.608). At this time, the independence of the police was perceived to be under threat from direct political involvement through this new arrangement.

"For over 30 years the British Police Service was secure in its claim that it was free from direct political control or interference in operational matters" (Oliver, 1996, p.611).

Yet the model of accountability in England and Wales was more in keeping with a 'subordinate and obedient' relationship, rather than 'explanatory and co-operative' relationship (Marshall, 1978, p.61).

"If we examine the central and local machinery that was set up in 1964 and subsequently modified by police reorganisation we cannot conclude that it is ideally adapted to the exercise of explanatory accountability" (Marshall, 1978, p.62).

Chapter 4 will revisit Marshall's typology for creating effective accountability, when discussing the proposals outlined in the Patten Report for enhanced police accountability in NI.

Apart from enhancing police accountability, introducing the Police and Magistrates' Courts Act (1994) to England and Wales (PMC Act) attracted the coveted title of being "the most significant piece of legislation for police governance since the 1964 Act" (Loveday, 1994, p.221). Sharing this iteration, Jones (2003, p.609) describes the legislation, which was later subsumed by the Police Act 1996, as "the central piece of legislation during this time" for



reforming police governance in England and Wales. The 1996 Act had addressed, for England and Wales, the concerns expressed in Chapter 1 (Ryder, 2004; Ryan, 2008, see p.47) regarding the legislation’s omission to address the “ambiguities and overlapping responsibilities in the powers and duties of all three parties in the tripartite structure” (Jones, 2003, p.609), as it then applied to NI. Each component of this partnership became vulnerable to the discretion of others which indicated “a sign of the tripartite balancing system at work” (HMIC, 2010, p.13). In theory, the objective of the tripartite structure was to minimise interference in policing from central government, yet the Home Office remained the dominant partner (Grieve *et al.*, 2007, p.25). This was also a finding in responses from police authority members, as indicated by diagrams 2 and 3 below. It is clear from the views of these respondents that police authorities have the least power, but most responsibility for policing.

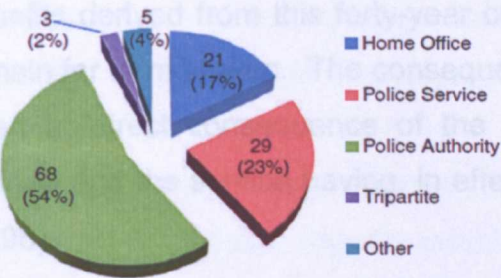


Figure 1: Who is ultimately responsible for policing?

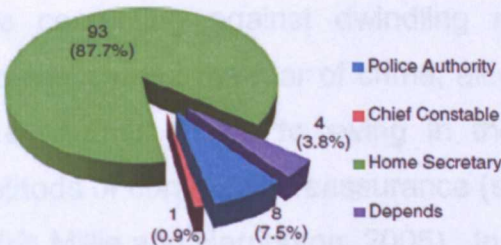


Figure 2: In disputes who has the final decision?

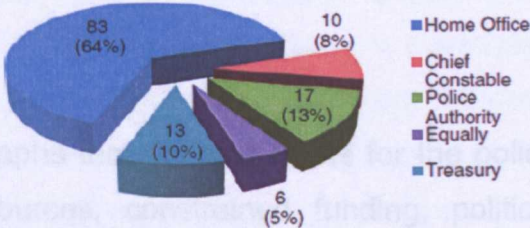


Figure 3: Where does the balance of power reside?

Fig 4: (Source: Millen and Stephens, 2012, p.265)

Notwithstanding the perceived dominance of the Home Office, the Patten Report considered the accountability framework operating in England and Wales capable of reducing the possibility of policing in Britain coming under direct political control. Allied to this, the control which the SOSNI exerted over the tripartite structure in NI returns the debate on the effectiveness of

accountability, back to the concept of power and who in this arrangement exerts the most authority. The diverging positions of both Grieve *et al.*, (2007) and the Patten Report (1999) are synonymous with the one-dimensional concept of power (see Lukes 2005, pp.16-19), which examines behaviour in the making of decisions on issues where a conflict of interest develops (Morgan and Smith, 1989, p.198).

The conflict of interest debate on police accountability tends to under-emphasise the increasing grip exerted through central government (Morgan and Smith, 1989, p.197). Such recognition has witnessed policing moving further towards the 'political limelight' (Reiner, 1989, p.195) as it embraced the "onward march of centralisation" (Savage, 1998, p.4). Recognising that the PMC Act continued the long-term evolution of centralising the Police Service during the twentieth-century (Loveday, 1994; Loveday and Reid, 2003), questioned the benefits derived from this forty-year centralising trend in British policing, which remain far from proven. The consequences of such an evolving trend may have been a "direct consequence of the function of the police not being clearly defined and the service having, in effect, to define a role for itself" (Birch, 1990, p.298).

It is apparent from the foregoing paragraphs that defining a role for the police was competing against dwindling resources, constrained funding, political expediency and the fear of crime, all of which combined to force the pendulum of consumer choice to swing in the opposite direction towards alternative methods of community reassurance (see Innes, 2005, 2006; Innes and Fielding, 2002; Millie and Herrington, 2005). In searching for improved ways of delivering community safety, several paradigm shifts and points of departure were encountered during the past three decades of perpetual police reform. The police reform agenda had pushed the police service towards embracing the philosophy of 'market forces' in achieving the 'governance of security'. Halting the drive towards centralisation became contingent upon effective local police accountability. The relationship between the police and politics had altered the framework of accountability, through government policies that were designed to achieve increased output, with fewer resources and conformity with new policy

thinking on community safety (Standing Conference on Crime Prevention, Morgan Report, 1991).

The 1980s, synonymous with the phenomenon of 'Thatcherism' (Jenkins, 2006), was particularly relevant to politicizing the police (Savage, 1990, 2007a). Changes to the management of public services in many western societies, during the past thirty years, occurred through the ideology of New Public Management (NPM) (see Gunn, 1998; Pollitt and Bouckaert, 2000; Christensen and Lægreid, 2001; Butterfield *et al.*, 2004, 2005; Flanagan, 2007; McLaughlin, 2007). NPM, introduced to British policing by Home Office Circular 114/83 (Allen *et al.*, 1994, p.3; Waters, 2000, p.276; Wright, 2002, p.161; Long, 2003, p.631; Grieve *et al.*, 2007, p.26; Savage, 2007a, p.96; Brain, 2010, p.158), applied market-place philosophy to the police service, and was "explicit in recommending that the Force and the Police Authority should work together in the formulation and review of the framework of objectives and priorities within which the Force operates" (Lewis and McQuillan, 1993, p.26).

NPM emphasised how 'market forces' would reorganise public-sector management practices, thereby enabling public agencies to become consumer-responsive, through an adaptation of business-oriented indicators (Waters, 2000, p.264). Traditional public sector responsibilities were dispersed for "delivery to a plethora of agencies, including private sector organisations, other public agencies (for example, local authorities) and voluntary bodies" (Savage, 2007a, p.87). NPM reflected government thinking that competition between public and private sectors, and also within the public sector itself, leads to greater efficiency and "brings service providers in closer contact with consumers" (Savage, 2007a, p.87). NPM is by no means a coherent and consistent model of management, but "often embodies an ideological assumption of the superiority of *markets* over state monopolies" (Savage, 2007a, p.87, emphasis in original). By introducing alternative working practices, government thinking was focussed predominately on rectifying identified inefficiencies within the public sector (Wright, 2002). Such proposals were then transferred to the police service in anticipation of creating a "pathway to a post-bureaucratic efficient and effective police service" (McLaughlin, 2007, p.182),

and a Police Service from which the public could derive confidence and hold to account.

Despite the Police Service in 1989 being in trouble and confidence declining (Brain, 2010, p.157), public confidence in policing remains vital in maintaining community safety, “for which more effective accountability relationships are crucial” (Sharp, 2005, p.453). Yet, the desire to reform policing came initially, not as a consequence of improved democratic accountability, but “rather a desire by the Conservative government of the day to bring about greater control and financial discipline throughout the public sector as a whole” (Sharp, 2005, p.453). Regardless of the “onward march of centralisation” of policing, the absence of direct political control, so jealously guarded by Chief Constables, was being politically challenged to inject the Police Service with centrally controlled forms of accountability.

As the next section of this chapter will address, police accountability needs to reflect the opinions of communities on local police activity, rather than local police activity being imposed centrally.

### **3.1 Policing and the ‘participatory ideal’**

Police accountability developed in NI alongside that of England and Wales, albeit at a different pace and in many varying dimensions. Such variations of service delivery endured for many years, but narrowed considerably following several HMIC inspection reports on the RUC.

“HMI is fully aware of the special circumstances and conditions of Policing in Northern Ireland. It is inevitable, and properly so, that what ever finally emerges in Great Britain will be held up as best practice and, unless it is clearly shown not to be viable in Northern Ireland, reciprocal legislation will follow. Equally, where legislation is not invoked HMI will evaluate arrangements for policing in Northern Ireland in comparison with mainland best practice” (Lewis and McQuillan, 1993, p.21).

Given the potential benefits of shared practice, it would be considered unwise of any organisation to dismiss best practice initiatives, despite the vagaries of the environment to which they subscribe.

“Even if such pressures did not arise, the RUC gains much from being clearly recognised as a member of the family of UK Forces and it is in the interests of policing here to maintain this similarity wherever possible” (Lewis and McQuillan, 1993, p.21).

That recognised link with GB, reminiscent of the reasons why the Hunt proposals were not universally accepted, as acknowledged by Chapter 1, remained problematic for the RUC's acceptance in some communities. However, internal changes, suggested by HMIC, would provide the RUC with external benefits in service delivery and professionalism, to which Chapter 1 alluded. This, of course, was provided, perceived political influence over policing diminished, accordingly. Chapter 1 provided commentary on how issues of state legitimacy in NI came to dominate respective political and policing agendas from 1921. In that regard, Chapter 2 advanced those arrangements by discussing how NI had been considered a failed state in terms of nation-building. The effects of globalisation on the dynamic relationship between state and the traditional function of the police led, in many respects, to policing being exposed to private sector philosophy.

Police reform initiatives, germane to the epoch of Thatcher and Blair, were reflected in the Patten Commission's approach to establishing alternative methods for providing community safety and the 'governance of security' to increase legitimacy. This section will now expand on these issues by explaining how the significance of police reform in England and Wales influenced the Patten Commission's perspective of community participation in policing as being essential for engendering greater legitimacy for the police, through enhanced mechanisms of accountability.

This situation is itself indicative of how significant actors involved in the police reform process in NI had anticipated the direction which fundamental changes to community safety would take, post-Patten.

"I have always said that policing is much too important – much too impactful on all our lives – to be left to the police alone" (Flanagan, 1998).

Moving beyond Sir Ronnie Flanagan's utterances, the Patten Commission regarded community participation in policing as "a collective community responsibility: a partnership for community safety" (Patten Report, 1999, p.8). Both Flanagan and Patten offered creative considerations to address the significant deficit in police legitimacy and accountability, through extending to local communities responsibility for community safety. The theory behind this approach would only be realised whenever a contemporary NI consisted of realigned dynamic relationships between the various political parties and local policing, to facilitate community participation. Desired progress, however, was contingent on Westminster relinquishing the tight control it exerted over the RUC. The Patten Report, by focusing the attention of communities towards policing, rather than on the police, "sought to promote a broad-based vision of how safety would be ensured, one that extended beyond the boundaries of traditional police centred activity" (Mulcahy, 2006, p.154).

Traditional 'police centred activity' in NI was no different to experiences in other parts of the UK, except policing in NI was performed against a backdrop of terrorist violence and fragmented ethno-religious conflict. The normal panoply of criminal offences requires impartial investigation and offenders prosecuted through the criminal justice system. However, in some areas, as discussed briefly by Chapter 1, and to which Chapter 5 will turn, law and order issues were entrusted occasionally to local paramilitaries, either through fear or agreed community endorsement to supplant the RUC and wider criminal justice system. This again highlighted the need for effective mechanisms of accountability, as policing evolved from a force to a public service. This next section will now advance the debate on how policing evolved from a 'Force' to a 'Service'.



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### **3.2 Police Force or Police Service?**

Previously in this chapter it was argued how introducing the Police Service to private sector philosophies encouraged a more business-oriented culture to the vast miscellany of responsibilities state policing traditionally perform. The idea of becoming more responsive to consumer needs necessitates cultural realignment to the traditionally held dichotomy of whether the police are a 'force' or a 'service' (Mawby and Wright, 2003; McLaughlin, 2007; Savage, 2007a; Brain, 2010). Picking up on this theme, it will be described later in this subsection how concerns raised on the Metropolitan Police, in the Wolff Olins Report (1988), held many similarities to policing in NI. However, the ongoing terrorist campaign had created considerable peculiarities for researchers to obtain true reflections of public confidence in the RUC, without responses being obscured by political and national affiliations. Such undertakings had become entwined with the political machinations over the RUC, and, therefore, less biased reflections of RUC effectiveness and impartiality were difficult to discern.

Measures to improve public confidence in the police had not been confined to internal structural and managerial issues, important though these are. Successful police reform depended largely on how new constitutional arrangements and mechanisms would improve accountability, much of which, remained incumbent on politicians, not the police. When constitutional arrangements had been legitimised, and functions of state accepted by the populace, the role and purpose of the police would become intrinsic to the state's psyche. The reality of NI, despite the existence of the GFA and, eventually, devolved institutions, appeared somewhat different. The two main religious factions were perceived as holding irreconcilable national ideologies, and the wedge that existed since 1921 had widened. Proper and robust mechanisms for holding the police to account at different levels throughout the infrastructure of a divided society would contribute to bridging the fissure between communities, thus improving community confidence in policing as a consequence.

Establishing confidence in policing is not confined to NI. On a National level, publication of the Scarman Report (1981) gave impetus to the debate on whether the police should be a force or service (see Stephens and Becker, 1994). The police as an organisation, collectively, did not address this hugely debated topic until several years later. Wolff Olins had been commissioned in 1988 by the London Metropolitan Police, who consequently changed their name in 1988 to the *Metropolitan Police Service* (MPS), to examine the problem of declining public confidence. This report highlighted several areas throughout the organisation, where remedial action was needed. The MPS was described as being a divided organisation lacking a service ethos and purpose. The report highlighted poor management with limited and unreliable performance measurement and inadequate internal and external communications (see Allen, *et al.*, 1994, p.27).

Although this report was specific to the MPS, “there was little doubt that its observations and recommendations” had wider relevance to UK policing (Savage, 2007a, p.138). Increasingly, pressure was exerted on the MPS “to develop a clear collective vision” in anticipation of further reform (Waters, 2000, p.267). The Wolff Olins Report had set the scene for policing at this time, with the early 1990s witnessing a number of reports (Sheehy Inquiry, 1993; Cassels Inquiry, 1994; Posen Inquiry, 1995; Audit Commission Reports, 1993, 1996), commissioned to improve police performance through business processes that were designed to increase public confidence and accountability. This represented a period when “police accountability resurfaced’ in an arrangement described as “calculative and contractual” (Reiner, 1993, cited in McLaughlin, 2007, p.182).

Flynn (1988, p.31) describes how “developing a service culture will not solve all the problems of the relationship between a service user and the suppliers.” In trying to improve that relationship, through increased accountability, the Association of Chief Police Officers’ (ACPO, 1990) Strategic Policy Document – “Setting the Standards for Policing-Meeting Community Expectation”, acquired fundamental importance for re-branding British policing into a ‘Service’ rather than a ‘Force’ (see Waters, 2000, Chapter 16; Neyroud and Beckley, 2001,



pp.74-78; Long, 2003, Chapter 25). The focus on quality and performance in policing, throughout England and Wales had, in many ways, intensified since the launch of this document (Waters, 2000, p.264). The term 'police force' became "somewhat less appropriate than it was hitherto" (Mawby and Wright, 2003, p.170). Both continue by further explaining how individual police organisations now present themselves as providing a 'service' to the public, rather than exercising force.

Providing a policing service to the public comprises a set of activities and processes "performed by a variety of professional and ordinary people" (Crawford, 2003, p.137). Recent years gave rise to a proliferation of argument and academic debate on how 'policing' or the 'police' can best be characterized (Jones and Newburn, 2002). The characterisation of the police "now reflects the processes of pluralism, disaggregation and fragmentation which have been seen as the hallmark of the postmodern" (Reiner, 1992b, p.780). With that in mind, the police constitute a body of people, patrolling public space "with a broad mandate of crime control, order maintenance and some negotiable social service functions" (Reiner, 2010, p.3). As well as Reiner's description, the police have also been associated with a consensual society, being "seen as both guarantors and symbols of that social order" (McLaughlin, 2007, p.42).

It has been suggested that "understanding the nature of *policing* requires conceptual deconstruction of this assumed idea of *the police*" (Newburn and Reiner, 2007, p.912, emphasis in original). Newburn and Reiner develop their description of policing by proposing how "the police are a functional prerequisite of social order." This assumption may apply to states perceived as legitimate but as demonstrated in NI, social order, the purview of the RUC, remained fractured through terrorism and other unresolved social inequalities. Moreover, in the opinion of some communities, terrorist groups assumed the "functional prerequisite of social order" to which they resorted, whenever and wherever the police and criminal justice system were unacceptable or unable to deliver anticipated levels of justice.

## Despite this assertion

"...staunchly republican and loyalist communities are deeply divided on this subject, and bitter protracted debates on paramilitary punishments are a persistent feature of community life in those areas" (Mulcahy, 2006, p.83).

As the notion of being a 'Service' rather than a 'Force' developed, alternative thinking on police governance gave rise to "a regulated network of participatory 'nodes' – each with authority, capacity and knowledge that together provide for the governance of security" (Shearing, 2001, p.261). The creation of an all embracing model of policing, dedicated solely to the 'governance of security' in any society, notwithstanding one created in conflict, called for effective accountability, otherwise legitimacy would remain obscure. Expanding responsibility for community safety initiatives in NI increased the plausibility of paramilitary organisations, or their members, assuming self-imposed community safety roles in particular neighbourhoods.

The importance of this does provide context on the overall aspiration of the Patten Commission, who rather deliberately extended to a wider audience, the traditional mandate for community safety performed by the state. Whilst the Patten Commission's approach was deliberate, it was nonetheless borne out of necessity. By so doing, the Patten Commission, acutely aware of the control which terrorist factions exerted over their communities, perceived this an implicit assumption for progressing political settlement and increasing police legitimacy. By devolving state responsibility for law and order to other bodies a pathway is thus created for communities to become actively involved in community safety.

"On the other hand, by comparative UK standards, the private and commercial security sector in Northern Ireland remains relatively underdeveloped and has historically been subject to high levels of state regulation due to the concerns that paramilitary organizations would 'muscle in' on a lucrative source of revenue" (Ellison and O'Rawe, 2010, p.33).

As Chapter 5 will reference, underdeveloped opportunities for the private and commercial sector to pervade Northern Ireland's security landscape provided

opportunities for paramilitary groups to "muscle in" (Ellison and O'Rawe, 2010, p.33). This may have been viewed by government a price worth paying to engender greater support for the new representative PSNI. A division between legitimate and illegitimate forms of community safety present their own accountability considerations. The inability of communities in NI to control the power and function exercised by state policing, through having robust accountability mechanisms, may have contributed to diminishing RUC legitimacy and community trust in the police.

In conclusion, changes to the traditional notion of policing, performed by state controlled agencies in the UK, had developed over a period of years following the Royal Commission (1962). More importantly, terrorist insurgency in NI effectively limited the capacity and impact which these reforms had on the RUC. This chapter then provided explanations of how a mandate to reform the police service in England and Wales eventually pervaded the policing of NI as the traditional concept of the police being a 'Force' mutated towards being a 'Service', in a new contract with a highly regulated state. Chapter 4 will now explain how the benefits of introducing private sector philosophy into police reform, has changed the relationship between the police, state and consumers, and presented challenges for new and alternative directions in police accountability, as the institution of policing evolved into a service.

# **Chapter 4**

## **“New Directions” in Police Accountability**

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## **4.0 What represents accountability?**

Chapter 3 has provided, *inter alia*, in considerably more detail, how the traditional function of the police service evolved to encompass many additional actors in service provision. As proposed by the Patten Report, NI should embrace police reform in expectation of improvements in how the 'governance of security' will help legitimise their role. Chapter 3 continued by explaining how a consequence of introducing such progressive approaches to community safety necessitated the creation of effective accountability arrangements. Accordingly, this would determine how various agencies involved in community safety were held to account as decreed by communities. As the subsequent sub-sections of this chapter will detail, accountability has many features but, equally, many restrictions, none more so than in NI, where policing operates against a backdrop of paramilitary enforcement of local moral codes, to which Chapter 5 will turn in due course.

This chapter intends to move beyond the literature on police accountability raised by previous chapters. By so doing, a discussion will arise on how the various descriptive constituents of police accountability will be considered alongside the impact of these changes on the future structure, function and legitimacy of policing in NI. Before embarking on this discussion, it appears relevant to systematically discuss the development of accountability and its constituent parts. For example, accountability has often been described as a 'chameleon' term, and applied to organisations in a plethora of ways through internal and external oversight and regulation (Jones, 2003, p.605). Such oversight and regulation of policing in recent decades has increased exponentially, including in NI. Oversight and bureaucracy also emerged as a theme from the thematic analysis and will be discussed further in Chapter 7.

The increasing regulation of the police occurred, particularly through a centralising agenda by respective governments. Moreover, as Chapter 3 recounted, recent government initiatives on policing appear to be dispensing with the tight central control demonstrated during the 1990s, opting instead to devolve responsibility for policing to local communities (Home Office, 2010).

Notwithstanding these pronouncements on devolving responsibility for policing to local communities, police accountability has been problematic since the beginning of modern policing (Fielding, 2005). Recognising that adjustments to accountability have been undertaken, Fielding attributes the problematic nature of accountability to an increasing number of organisations who now assume a policing role through pluralisation; the rise of regulatory state (Savage, 2007a, p.8) and, as discussed in Chapter 2, globalization and transnational policing, (Manning, 2010; Bowling and Sheptycki, 2012). Mulgan (2000, p.555) by referring to the work of Day and Klein (1987) and Sinclair (1995), suggests accountability has lost some of its former straightforwardness and requires constant clarification. Despite a requirement to expand the restrictive parameters of accountability in a number of 'new directions' (Loveday, 2000, p.213), it remains, nonetheless, "associated with the process of being called 'to account' to some authority for one's actions" (Mulgan, 2000, p.555). Who or what that authority might be, depends on how far the boundaries of traditional state policing are stretched, and how receptive communities become towards such changes to police accountability.

Holding the police to account, as discussed in Chapter 1, is expected to both represent and encompass the legitimate philosophy of 'policing by consent', and assists by limiting political interference in police operations. In this respect, a safeguard is created for the political neutrality of the 'office of constable', and the 'operational independence' of a chief constable (McLaughlin, 2007, p.180). Perceptions associated with the concept of 'operational independence', led Scruton (1985, p.51) to describe how the 'operational independence' afforded to chief constables by the Police Act 1964, contributed to institutionalize police autonomy at the highest level. Chief constables were accused of operating from behind their "jealously-guarded operational freedom", thus increasing and diminishing the influence of local democracy (Loveday, 1994, p.222).

Although case law of recent years has supported 'constabulary independence', two significant threats have emerged to its central position in police governance (Jones, 2003, p.619). These threats revolve around the increasing nationalisation of policing and the application of market-based reforms. Such

developments, alongside the opinions of Scruton and Reiner, discussed in Chapter 3, may expose the extent to which the ongoing mantra of 'operational independence' is considered to be mythical or outdated (Reiner, 1991; Grieve et al., 2007). The outdated thesis was mooted in the Patten Report (p.33) in an endeavour to curtail the Chief Constable's power in NI by replacing 'operational independence' with that of 'operational responsibility'. Although not recognised in legislation in NI, 'operational responsibility' has been accepted in principle (Jones, 2003, p.613).

As outlined earlier, policing in many jurisdictions throughout the world is performed increasingly by a plethora of organisations (Faulkner, 2006, p.268). This denotes the increasingly complex nature of how western industrialised societies govern themselves (Rhodes, 1997, cited in Jones, 2003, p.604). Advancing this notion suggests the ethos behind the sovereign state has highlighted how governments "have always sought to influence the broad strategies of public sector organisations" (Wright, 2002, p.160).

"Central government, in effect the Home Office, is now directing the content of police work to an extent which would have been thought inconceivable 20 years ago" (Faulkner, 2006, p. 260).

As a consequence of political interventions, police accountability is now "woven into a complicated web of bureau-legal rights, protections, obligations and responsibilities" (McLaughlin, 2007, p.173). McLaughlin's perceptive opinion on accountability clarifies how accountability, over time, has "expanded and gained distance from its original meaning" (Erkkila, 2004, p.4). Combining the views of McLaughlin and Erkkila illuminates how police accountability in liberal democratic societies is multi-faceted in meaning, with distinct internal and external features, especially in the UK (McLaughlin, 2007). Different definitions of accountability, therefore, "entail an element of control" (Erkkila, 2004, p.6) which, incidentally, was the description "commonly used in the literature" before the term 'accountability' was preferred. Equally, accountability has been defined as "answerability" (Erkkila, 2004, p.6) which, from the perspective of NI, conveys an extremely strong and problematic description of the term. Perhaps this is

best understood by referring to Irish nationalists who, theoretically, did not recognise the NI state, viewing it an illegitimate creation, and, by association, the RUC.

Clearly, accountability conjures up a plethora of descriptions including “answerability, responsiveness, openness, and “participation and obedience to external laws” (Day and Klein, 1987, cited in Jones, 2003, p.605). What these definitions reveal is how accountability is a nebulous concept, multi-faceted in meaning, and a watchword ingrained in a contemporary public sector (Raine and Dunstan, 2007, p.329). For example, the emergence of police accountability was described by a former Chief Constable of Greater Manchester Police, James Anderton, “as one of the most fashionable terms today” (Prince, 1988, p.92). Anderton’s acerbic comments display either, an arrogance towards the historical origins of accountability, developed since the Bill of Rights (1689), Declaration of Independence (1776) and the Declaration of the Rights of the Citizen (1789), or a Chief Constable jealously protecting his ‘operational independence’ in a mode similar to that explained by both Scraton and Loveday in the opening paragraphs of this chapter.

It has been discussed how defining the concept of accountability has proved particularly problematic. Increasingly, reporting lines for police accountability in the UK now resembles a map of London’s underground (Neyroud, 2005). This tends to provide a vivid reminder of the challenges faced by the police, and the extent to which changes in policing have occurred in recent decades, around accountability. As policing roles, functions and responsibilities evolve in extraordinary ways, it remains fundamental for contemporary societies to delineate clear lines of police accountability, otherwise, citizens will become disaffected and confused with how policing is being held to account. Such requirements assume greater importance now that community safety functions have been entrusted to other state and non-state actors. Policing may be developing in many ways because “policing is accountability: without it the police cannot function adequately in a democracy” (Markham and Punch, 2007a, p.300). Both contributors concur with previous characterizations of accountability by intimating how it is “complex, multi-layered and even



potentially opaque” (p.301). They do, however, go on to qualify their opinion by explaining why the police cannot function adequately without legitimacy in a democratic society. This position, which has been argued elsewhere in this thesis, represented perceptions of the RUC for many years and justifies the continuing requirement for communities in NI to be provided with effective accountability structures.

The previous chapters of this thesis have highlighted, and then exposed, the complexity of policing a society where considerable community conflict endures. The importance of holding the police to account in NI cannot be over-emphasised. Effective accountability was contingent on agreeing a political consensus for resolving the civil unrest. These difficulties, discussed in the foregoing chapters, were inherited in the aftermath of partition. In particular, any identified future need for enhanced accountability required proposals to deal adequately with police and political reform.

“Robust accountability structures compose one of the three basic requirements for democratic policing-the others being legitimacy and professionalism” (Marenin, 2005, cited in Ellison, 2007, p.248).

Ellison articulates particularly relevant considerations for constructing effective accountability structures. Analogous to Marenin’s pronouncement, when viewed from the perspective of NI, are the issues of confidence, trust, transparency and public participation in policing, all of which, evolved from the thematic analysis recounted in Chapter 7, and remain relevant to the debate on how communities perceive the performance of local accountability mechanisms.

It is with the provision of local and democratic accountability that this chapter now turns.

#### **4.1 A local need for accountability**

The previous sub-section has provided an overview on the challenges and complexities of how modern police organisations are held to account. Comment

was made in Chapter 3 on how police reform, applicable to England and Wales, was eventually applied in NI, as the police became “mainlandised” (Moran, 2008, p.119). During its research on policing, the Patten Commission gave much thought to the perceptions held by communities towards the RUC (Patten Report, 1999, pp.13-17), and how local accountability could be structured to suit particular communities. During the introduction of this thesis it was mentioned how the RUC was not uniformly condemned by the nationalist population and that interaction did occur in varying dimensions (Farren, 1999; Patten, 1999; English, 2010).

This became an appropriate starting point to make progress, yet communities of all persuasions continued to resort to paramilitaries, when seeking justice from below, mainly, because confidence and trust in state sponsored methods of delivering justice became conditional on geographical locations and paramilitary control. The fundamental structures for addressing the legitimacy deficit had echoed throughout Patten’s reform agenda. Whilst these structures have embedded within the architecture of NI, it will eventually become apparent if the various proposed layers of accountability are sufficiently effective for improving confidence and trust in the PSNI. Nonetheless, such enhanced accountability arrangements have created a foundation on which opinion can be sought from communities, through dialogue, some of whom were previously disenfranchised on law and order. But despite this progress, as Chapter 5 will debate, communities across the ethno-religious divide of NI still avail of justice from below, albeit on a reducing trend.

To try and negate this unconventional method of enforcing community control, a key component of the accountability structure, proposed by Patten, was the creation of a Policing Board. Patten argued the rationale behind why a Policing Board and not a police board, which they considered would increase representation in policing through enhanced accountability.

"The title 'Policing Board' is deliberate. We see the role of the new body going beyond supervision of the police itself, extending to the wider issues of policing and the contribution that people and organisations other than the police can make towards public safety" (Patten Report, 1999, p.8).

Clifford Shearing, (Patten Commission), explained the reasoning behind the Commission's decision to extend the term 'police', by proposing involvement from additional 'actors' in this area of public safety.

"We conceived of the Board as the agency charged with the responsibility for facilitating and overseeing the development of a network of legitimate nodes... for effective and efficient governance of security" (Shearing, 2001, p.263).

Recent times brought a realisation that social change throughout the modern world had led to state policing agencies being 'stretched' in many ways, and no longer capable of operating in isolation from other 'nodes' when delivering effective police accountable (Newburn and Reiner, 2007, p.912). Developing these 'nodes' raised many fundamental concerns, not least, how they would operate, to whom they would be accountable, and how they would interact with other state responsibilities, because policing in NI has traditionally remained state-centric, and operated through a "pyramidal administrative structure" (Ellison and O'Rawe, 2010, p.39).

To address the existing top-down paradigm of law enforcement, the policing structure, theoretically, was "flattened and devolved downwards and outwards" to a mosaic of twenty-nine new police District Command Units (DCUs), intended as the "rowing and steering" of governance issues (Kempa and Shearing, 2005, cited in Ellison and O'Rawe, 2010, p.39). By so doing, the Policing Board assumed "a meta-auspice role by co-ordinating a network of participatory nodes" (Ellison and O'Rawe, 2010, p.38). Shifting towards a Policing Board, in theory, made for responsible and independent governance, but, in reality, the fledgling structure required sufficient people, skills and budget capable of regulating such proposals and monitoring dramatic changes to reflect the police as being accountable. Closing the gap between theory and reality on state policing became dependent on the terrorist threat diminishing, the continuance

of which, evoked descriptions of the British Government being undecidedly cautious in relinquishing control of policing to 'others', as envisaged by Patten.

The discussion will now focus on how the Policing Board was charged with reforming the traditionally held notion of police accountability, whilst remaining locked into the tripartite structure. It was hardly surprising why the Patten Commission fixed its gaze on the precarious nexus which existed between the police and various communities for achieving police reform (Moran, 2008). The Policing Board appeared confident that its proposals for

"...a new structure of accountability... should ensure effective and democratically based oversight of policing and the creation of a close partnership between the police and every community" (Patten Report, 1999, p.8).

As such, the Policing Board, described by Shearing (2001, p.262) as "a keystone in the arrangements", was to encourage wider support across the political divide, by involving all elected political parties in "reflecting the broader political divisions surrounding policing" (Mulcahy, 2006, p.172). It was the intention of the Policing Board to secure the support of all communities which its predecessor was unable to attract. To attract representation, the Policing Board was constituted with nineteen members, ten of whom were elected politicians appointed under the d'Hondt formula, (see O'Leary, 2003, p.53, 55, 56; Wilford, 2001, p.109; Guelke, 2001, p.258), with the remaining nine members selected from a diverse range of roles throughout civic society (Patten Report, 1999, p.30; Hillyard and Tomlinson, 2000, p.400; Loveday, 2000, pp.220-222; Moore and O'Rawe, 2001, pp.209-210; McGarry and O'Leary, 2004, p.382; Mulcahy, 2006, p.155; Savage, 2007a, p.72; Moran, 2008, p.107; Ryan, 2008, p.349). Moving from a Police Authority to a Policing Board was assisted greatly through political agreement, in certain respects. Conversely, the Police Authority had operated in a much different and more difficult security and political environment to that inherited by the Policing Board. Ryan (2008, p.349) identified four particular differences between the Policing Board and the Police Authority. Ryan's taxonomy ranged from police objectives and performance, to

membership of the Board being “radically different” to that of the Police Authority. In justifying his opinion, Ryan invokes Walker (2000) to articulate how the Policing Board was a “patently more democratic and more proportionately representative body than the Police Authority”

As discussed previously, the Police Authority had limited powers, appeared subservient to the state (SOSNI), and viewed a ‘surrogate’ for accountability, yet was charged with statutory responsibility for maintaining an adequate and efficient police force. By illuminating these difficulties, and those expressed by Ryan (2008), the inextricable connection between policing and politics was again highlighted.

“The situation in relation to policing in Northern Ireland has demonstrated over the course of the past ten years is that police reform and political change tend to be two sides of the same coin, and that movement or inertia in one impacts either negatively or positively on the other” (Ellison, 2010, p.270).

If one assumes Ellison’s position is correct, acerbic criticisms of the Police Authority are unjust, in comparison with the environment in which the Policing Board now operates. The Policing Board, in its own right, initiated a new dispensation on police and community partnerships, by providing for democratic and local accountability through a network of DPPs. Working in partnership is, undoubtedly, a well-worn cliché. Notions of partnership were, for many years, associated with the traditional British model of policing, and reinforced by the Scarman Report, which recognised “that public tranquillity should have priority over law enforcement” (Newburn and Reiner, 2007, p.915). In reality, partnership working resembles a collective of the willing, rather than an aspiration by all to improve community safety. Reluctance to work in partnership and harness resources towards reducing crime resulted in the Labour Government (1998) enshrining in law for England and Wales, proposals for partnership working in the form of a Crime and Disorder Act. The Patten Report, whilst noting the existence of this legislation, aspired to be different by being “authentically radical” in proposing the development of police/community

dialogue, through the Policing Board and DPPs. Chapter 5 will return to the development of DPPs in due course.

To digress slightly from the tenor of this debate, as Chapter 1 noted, partnership working in NI did occur before the Patten Report was commissioned. For example, below the Police Authority level of accountability there developed a number of Community and Police Liaison Committees (CPLCs), similar in style to committees established by Section 106 of the *Police and Criminal Evidence Act 1984* (PACE) in England, as first proposed by the Scarman Report (Fletcher and Stenson, 2009). Traditionally, police and citizen bodies in England and Wales and NI were unable to attract widespread community involvement with the police (Mulcahy, 2006; Savage, 2007a; Ryan, 2008). The committees in NI were considered “uncritical and deferential” (McGarry and O’Leary, 1999, p.105), and operated as ‘cosy rituals’ (Weitzer, 1995), whilst in England and Wales they became “talking shops” (Savage, 2007a, p.31).

Despite these committees operating in different jurisdictions – one a relatively stable society, the other consisting of disputed territory – community participation could, at best, be termed inactive. Why is this? One reason advanced for such community lethargy, was attributable mainly to the police not being obliged to respond to community demands and needs. Whilst Scarman became the touchstone for police/community relationships, it did not go far enough in compelling the police to do so (Scruton, 1985, p.92). The debate moved no nearer to guaranteeing citizens an effective say in how the police operated within their communities. Scarmanism “became the orthodox wisdom of government and police policy makers, to which at least lip-service had been paid” (Reiner, 1992b, p.778). Indeed, the main restriction on the participatory element of police-public relationships was the state’s unwillingness to devolve power to other stakeholders in the accountability matrix, which tends to negate effective accountability, thus disempowering communities.

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"More recently, democratization theory has identified the need for an empowered deliberating citizenry, particularly in the field of policing... an expanded definition of democratic citizenship to incorporate popular participation whereby the 'majesty of law' (the top-down approach to security) is harmonized with the subjectivity of the people (a bottom-up approach)" (Whitehead, 2002, cited in Ryan, 2008, p.344).

Whitehead advances an idealistic perspective of partnerships, similar to those envisioned by Patten. However, building trust between the police and communities remains one approach for resolving the absence of legitimacy. Ryan (2008) distilled the work of Benhabib (1994) to identify three key practical features for building trust between the police and communities as,

"first, that participation is governed by the norms of equality and symmetry, second, all participants have the right to question or alter the issue under discussion; and third, nothing can limit the agenda or the identity of the participants" (Ryan, 2008, p.344)

Whilst already discussed, but useful at this point to reiterate, CPLCs became the vehicle on which the Police Authority and the RUC fulfilled their legal obligations. Yet, CPLCs "were secretive and the public was largely unaware of their existence" (Ryan, 2008, p.346). Three main reasons for this emerge from this discussion. First, the policing environment of NI remained difficult through an increasingly unstable security situation. Secondly, the Police Authority possessed no power to compel the RUC to incorporate the views of communities in policy documents and third, the Chief Constable "perceived its role [Police Authority] as a provider body that had no authority over the police" (Hamilton *et al.*, 1995, p.23). Collectively, these issues combined, "to favour that which is in the interest of the police over that which is in the interest of the public" (Ryan, 2008, p.345). Holding the police to account was never intended to operate in this fashion; previously, it was explained how trust, transparency and confidence were manifestations of effective accountability. However, progress did occur, albeit tentatively, as structures for accountability evolved but similar to other structures of policing at this time, were perceived as undemocratic or unrepresentative of NI society.

This sub-section has discussed how consulting communities on local policing matters appears an appropriate method for engaging communities and engendering trust, but can become problematic due to the limited availability of resources and technical nature of the language employed (Ryan, 2008, p.343). Moreover, consultative mechanisms “are largely symbolic and rarely lead to sustainable positive relations between police and communities” (Gwinneth, 1993, cited in Ryan, 2008, p.343). This sub-section has discussed how the Policing Board became the fulcrum on which local accountability was managed through a network of consultative bodies designed to improve interaction between local police and communities.

The subsequent paragraphs of Chapter 4 will now advance the debate towards providing a detailed overview on how the Patten Report redefined the problem of providing effective consultation between the police and public. This became “a basic prerequisite to the establishment of a more participatory and accountable style of policing in Northern Ireland” (Ryan, 2008, p.345).

#### **4.2 Accountability patterns and Patten**

As Chapters 2 and 3 discussed, policing now conforms to a globalised and interdependent world, where traditional state orthodoxies have been reformed in the aftermath of widespread changes through a new world order. However, those searching for a complete package of good ideas, with a view to changing the structure of their policing system that better accommodates the differing demands in a complex society, are likely to be disappointed, as ‘best practice’ is often in the eye of the beholder (Wright and Bennett, 2000, p.74). Both contributors articulate an extremely viable observation whilst discussing the need to reform police systems. Such systems are often ‘anchored’ to different levels of government in different societies and, so; the definition applied to ‘best practice’ differs in each. Not only is it difficult to alter police structures, it is exceedingly difficult to alter an organisation’s culture and its members’ behaviour (O’Rawe and Moore, 1997, p.66). Both contend that oversight should ensure coercive powers are not abused, by providing communities with choice to determine how they are policed. Oversight mechanisms in isolation may



prove insufficient, therefore, "it is usually imperative to establish a clear break with the past if the newly established model is to flourish, or at least avoid its own legitimacy crisis through association with the previous discredited regime" (Mulcahy, 2006, p.17).

As NI emerged from conflict, a compelling case existed to make a clear break from the past. As the state commenced administering its own political affairs through devolution, a process followed that enabled communities to legitimise state institutions, including the police. The Patten Commission, acutely aware of the need to reform the policing structure to better engage with society, regarded accountability paramount to the overall success of their reforms. The Patten Report (p.6) outlined a number of tests for improving police legitimacy, including "does it provide for accountability, both to the law and to the community?" The report continued by considering how the police could be held accountable in two ways, the "subordinate or obedient" sense and the "explanatory and cooperative", considerations first discussed by Marshall (1978, p.61). Moreover, the Patten Commission believed

"...a new beginning for democratic accountability is key to a new beginning for policing and to involve the community as a whole in the delivery of policing" (Patten, 1999, p.28).

Patten's aim "to involve the community as a whole" in policing in NI was laudable. Community involvement in policing is, in many respects, conditional and usually dependent on being a victim of crime. Findings from recent research, conducted for England and Wales, found that individuals perceive the police as doing a good job until they became victims of crime. It was further established by the same research, that "satisfaction and confidence in the justice system drops after people come in contact with crime" (*Daily Telegraph*, 21 June 11). As discussed previously, public apathy shown towards police consultative committees enables an understanding to be formed of how inactive and frustrating public participation in policing can be. Police Committees across the UK were established to provide communities with a platform to raise matters of dissatisfaction with the police. Such apathy may have been attributable to an

absence of effective independent complaint procedures through which the public can hold the police to account.

Providing a system “by which the public can formally complain about instances of error and misconduct is the touchstone of police accountability” (Bowling and Phillips, 2012, p.544). The lack of existence of some modicum of independence when investigating police complaints, allows the police to adopt a position of institutional self-preservation brought about by a perceived lack of transparency and openness by the public on how the police operate. This perspective was developed by Reiner (1992a, p.236) who made the point that “only a fully independent system would secure the confidence of the public or the rank and file police.” The debate on investigating police complaints during the past half-century in the UK has, primarily, been centred on structural and procedural questions, mainly to do with who should have responsibility for investigating, charge and sanction (Smith, 2004, p.15). It was in the aftermath of the Brixton disorders that independent investigation of police complaints received further scrutiny in the Scarman Report (1981), which found the mechanisms for police accountability to be wanting (Savage, 2007, p.31).

“My own view is that if public confidence in the complaints procedure is to be achieved any solution falling short of a system of independent investigation available for all complaints... is unlikely to succeed” (Scarman Report, 1981, p.118).

Whilst the investigation of police complaints has evolved in recent decades, the debate, moreover, on the independence of such bodies has endured since the turn of the twenty-first century (Waters and Brown, 2000, p.617). Northern Ireland's departure in 2000 from the traditional concept of the police investigating themselves had its genesis in the Hayes Report (1997). As this sub-section will go on to discuss, the Hayes Report (1997) had subsequently influenced a reformed police complaints system for England and Wales, although not to the extent experienced in NI (McLaughlin, 2007; Savage, 2007).

The Hayes Report placed particular emphasis on creating a police ombudsman completely independent of the police (Walker, 2001, p.154), through what he viewed as “independence, independence, independence” (quoted in Mulcahy, 2006, p.103). The centrality of achieving confidence and independence in policing in NI, to the creation of a new system for investigating police misconduct, was outlined most visibly by the Police (Northern Ireland) Act 1998. The Police Ombudsman’s Office became “an important institution in the governance of Northern Ireland (Patten Report, 1999, p.37; Ryan, 2008, p.348). Its creation was viewed similarly by the first incumbent of that office (Baroness Nuala O’Loan) as “part of a wider strategy to ensure a level of accountability and transparency, which was hitherto unknown anywhere in the world” (NIAC, 2005b, Ev.25; Mulcahy, 2006, p.185). Establishing “the police ombudsman was widely recognized as a major step towards greater accountability and scrutiny of the police” in NI (Mulcahy, 2006, p.176), and designed to provide “an accessible, independent, impartial and robust system for investigating and resolving complaints against the police” (McLaughlin, 2007, p.177). Progressing towards independent investigation of police misconduct clearly represented divergence from past arrangements. Adopting an independent civilian-oriented approach to the investigation of police misconduct was twofold. It was designed to raise confidence levels in the police, whilst supporting how the remaining accountability mechanisms operated.

Historically, Section 24 of the Constabulary (Ireland) Act 1836 provided for an examination “on oath into the truth of any charges or complaint preferred against any (constable) or any neglect or violation of duty in his [sic] office” (Topping, 1991, p.244). The investigation of police complaints was not compulsory, but had been left entirely to the discretion of the Head of the RUC since its inception in 1922. Various Inquiries (Cameron 1969; Hunt 1969; Scarman 1972) made reference to the demands of communities, particularly those of a nationalist persuasion, for a completely independent police complaints system (Mulcahy, 2006, p.38). Whilst the Police Act (NI) 1970 “established procedures for recording and investigating complaints” (Mulcahy, 2006, p.38), responsibility for the investigation of complaints remained vested in the RUC.

Despite the Police Act (NI) 1970 not assuaging nationalist fears over police misconduct by enshrining independent investigation of police complaints in legislation; there remained, moreover, a realisation that complaints against the police would be better served by an independent focus to resolve such disputes. To that end, initial moves to introduce independence and impartiality to the investigation of police complaints were enunciated by the Black Committee (1976). The Police Complaints Board (PCB), which the Black Committee created in 1977, was provided with extremely limited powers. These powers were confined to reviewing “completed investigations”, and making recommendations that RUC officers are “charged with a criminal offence in cases where the RUC Deputy Chief Constable had recommended that none be brought” (Mulcahy, 2006, p.38), provided sufficient evidence existed. By replacing the PCB in 1988, the Independent Commission for Police Complaints (ICPC) introduced an independent supervisory dimension to the overall investigation of police complaints in NI.

\*Although the ICPC’s powers exceeded those of the PCB, this did not have a noticeable impact on the complaint substantiation rate” (Mulcahy, 2006, p.39).

Northern Ireland was not unique in this regard. The problems associated with the independent investigation of police complaints in England and Wales was attributable, likewise, to “the fact that police officers themselves are engaged in investigating the conduct of officers complained against” (Waters and Brown, 2000, p.617). As noted by Waters and Brown (2000, p.619), the Police Act of 1964 had “established the first statutory procedure for dealing with complaints against the police.” It was not until the Police Act (1976), that legislation created the Police Complaints Board for England and Wales. Some years later, the Police and Criminal Evidence Act of 1984 (England and Wales), had placed additional emphasis on structural reform of police complaints, “but it did so only partially” (Savage, 2007, p.32), through introducing an independent element to police oversight (Savage, 2007, p.32; Brain, 2010, p.89) in the form of the Police Complaints Authority (PCA).

Following responses from a Home Affairs Select Committee, the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment, the Macpherson Report (1999), and the Patten Commission (1999), the introduction of completely independent investigation of police complaints in England and Wales was considered (McLaughlin, 2007, p.178). For example, the Macpherson Report (1999, p.333) reiterated the concerns expressed by 'Scarman', some two decades earlier, by recommending a fully independent system for investigating police complaints. These publications had, collectively, influenced, through the Police Reform Act 2002, the introduction of the Independent Police Complaints Commission (IPCC) for England and Wales, which replaced the PCA in 2004. The IPCC's creation was considered "the latest step in the gradual transfer of responsibility for the investigation of police complaints to an independent body" (Smith, 2002, p.40).

The "trade winds" of change had established for NI, and then for England and Wales, separate independent bodies to investigate police complaints. Notwithstanding such changes, differences existed in how independent of the police these organisations had become. Subtle differences did exist on the operational context of both organisations. In NI, "the Police Ombudsman investigates all complaints against the police, no matter how 'trivial'", whereas the structure designed for England and Wales created four levels of investigation which, in the majority of cases, required police input (Seneviratne, 2004, p.335; Savage, 2007, p.39). The investigation of complaints by the IPCC is divided accordingly: "investigation by the police ('minor complaints'); investigation by the police supervised by the IPCC; investigation by the police managed by the IPCC; and investigation by the IPCC itself" (Savage, 2007, p.39). In essence, "despite the name, the IPCC does not meet acceptable standards of independence" (Smith, 2004, p.41) which could, in fact, be construed a misnomer as control of the complaints system for England and Wales remains with the police (Smith, 2006, p.26).

Categorising the investigation of police complaints in this way, allows for a hierarchy of investigation to evolve, dependent on the nature, or seriousness, of each complaint. This appears to represent a particularly inconsistent approach

and is, perhaps, more contingent on resource availability and workload capacity, rather than a commitment to independently hold the police to account. Providing four different levels of investigating police complaints in England and Wales is somehow short of complete independence, to which the Scarman and Macpherson Reports encouraged and, as implemented in NI through the Hayes Report. It may be, therefore, more appropriate for the IPCC to be described a non-police body rather than an independent body (Smith, 2002, p.40)

The Police Ombudsman may have existed longer than the IPCC, but has not evolved as anticipated. That office became embroiled in legacy policing issues, and subsequently came to represent “a surrogate “truth recovery” vehicle” (Ellison, 2007, p.261; Lawther, 2010, p.462). Additionally, “there are questions regarding how sustainable the system can be financially and also in terms of case load volume” (Ellison, 2007, p.261). The spectre of how independent the Police Ombudsman for NI is from the PSNI was highlighted most vividly in a recent report by the Chief Inspector of Criminal Justice in NI. The Chief Inspector raised concerns on how investigating particular types of police complaints had led to a “significant lowering of the operational independence” of that Office.

Concerns about the independence of the Ombudsman's Office (CJINI, 2011) precipitated the issue of a consultation paper (Department of Justice, March 2012) proposing a number of possible models for holding the Ombudsman to account, in light of criticisms over the independence of that office. Although such models have no particular relevance for this study, there was, however, a proposal for a “Separate Commission arrangement for Historic Cases” (DOJ, 2012, p.25). The main question to be considered was whether the already crowded space of police oversight could contend with another oversight body. This viewpoint was raised likewise by the DOJ, who indicated there was “a danger that introducing more actors into decision making could lead to delay or to complex dispute resolution processes” (DOJ, 2012, p.26). This issue will be developed further in Chapter 7 alongside one of the four research findings to emerge from the thematic analysis of the semi-structured interviews.

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It has been outlined in the foregoing sections of this chapter how the scope and meaning of accountability has been extended in a number of directions, well beyond its core sense of being called to account for one's actions (Mulgan, 2000). It was suggested how 'new directions' in police accountability would assist in developing a transparent model of accountability through enhanced consultation, operated from above by government, and from below by community groups and individual citizens. 'New directions' in accountability should also provide for internal organisational control of policing functions and externally from various oversight bodies. These new arrangements would have immense implications for the tripartite arrangement. Although the structure remained more or less intact it was, more importantly, being stretched in different 'directions' by other forms of accountability. A process of accountability had now developed in NI which had the ability, potentially, to replace the weakened tripartite arrangement through effectively holding the police to account and underpinned by a renewed desire for independent investigation of complaints against the police.

## **Chapter 5**

### **Accountability from above and below**



## **5.0 A community mandate to improve police accountability?**

Previous chapters of this thesis recount how the Patten Report “expressed a desire to roll back the centralization of policing which had occurred both in the United Kingdom and Ireland during the last two centuries” (McGarry and O’Leary, 1999, p.385). The degree, to which centralization had evolved, came initially, from a colonialisised paradigm, characterised by rigid state control over the police. Latterly, it became increasingly evident, as Chapter 3 outlined, through successive British Governments’ policies and initiatives, that the “onward march of centralisation” (Savage, 1998, p.4) was a particularly favoured measure for controlling and holding the police to account, especially in terms of fiscal prudence. Recent government initiatives, moreover, presided over a reversal of this trend through decentralising accountability, which facilitated a locally controlled agenda of democratic police accountability to take shape. Consequently, an important theme running through the annals of the Patten Report, proposed that policing should be decentralised through dialogue between the police and communities (Patten, 1999; McGarry and O’Leary 2003; Savage, 2007a).

Chapter 5 will now begin to extract the theoretical assumptions from previous chapters to chart the evolution of local dialogue. In so doing, this chapter will express how DPPs were intended to devolve responsibility and resources to local communities which better enabled them to monitor police performance. But first, this chapter will discuss the threat posed to the Patten accountability framework through an adherence by some communities to locally adopted moral codes being administered through paramilitary groups.

Involving other actors in community safety remained dependent on a security conscious state, like NI, being prepared to relinquish control of policing to ‘others’. The nodal governance paradigm, discussed previously, appeared predicated on “rosy assumptions about local community cohesiveness and the existence of a shared moral code” (Jones, 2007, p.859). It is also prudent to consider how the prerequisite facet of trust, to further progress reformist discourse in transitional environments, is facilitated. That shared “moral code”,

to which Jones ascribes, presents particular problems for some areas, where the 'moral code' demands allegiance to particular paramilitary groups rather than the decreed 'moral code' of the state (see Sluka, 1990; Conway, 1997; Winston, 1997; Brewer *et al.*, 1998; McEvoy and Mika, 2002).

Local 'moral codes' presuppose an informal or alternative criminal justice system imbued with punitive consequences, should community norms, decreed by paramilitaries, be violated (Monaghan, 2002; Knox, 2002). Recent research reveals, "at least within loyalist areas", how the synergy between different moral codes was more than just speculative and disclosed a developing understanding between the police and communities (Topping, 2008a, p.789). Topping continues by explaining how the PSNI, faced with increasing demands and resource constraints (probably a causation factor of the Patten reform process) "have referred (directly and indirectly) members of the public to known paramilitaries" to resolve their problems (Topping, 2008a, p.789).

Revelations of this magnitude clearly accentuate the absence of police legitimacy in some areas, despite monumental reforms to the structure, function and role of the police, together with an improved political infrastructure. This does tend to imply a malaise towards the wider criminal justice system and its constituent parts. However, in a further endorsement of local moral codes, Criminal Justice Inspection for NI (CJINI, 2007) intimated that restorative justice initiatives, which operate in both loyalist and republican areas, were being well run, organised professionally and were, "just as effective and in some cases more so, than formal statutory agencies in dealing with low-level criminality and in providing help and reassurance to victims of crime" (Ellison and O'Rawe, 2010, p.49).

Restorative Justice Schemes have operated in republican and loyalist areas for many years without the formal involvement of the RUC and subsequently the PSNI. This led in 2006 to the British Government, in a further attempt to exert control over state policing and security, prescribe the involvement of the PSNI in restorative justice schemes; otherwise future funding would be denied. At a political level, such schemes were considered contentious (CJINI, 2008, p.13),

by the then Security Minister for NI, David Hanson, who explained how “society would not tolerate officially approved schemes becoming a tool for local paramilitary control, and nor will the government” (BBC News online, 25/7/06).

“That apart, our finding is that the work of the schemes is lawful and that (though they are not without their critics) they make a positive contribution to the welfare of their communities. The police concur with that view” (CJINI, 2008, p.16).

At this juncture a situation transpires where government policy is to deny funding, yet a government sponsored body (PSNI) was heaping approbation on such schemes through a policy of referring victims of crime. Again, this implies how the British Government, notwithstanding Patten's assertions in this regard, remained reluctant to let policing become the purview of ‘other’ actors through fear of paramilitaries usurping political authority. The state, whilst searching for increased control of restorative schemes, denies them funding but research reveals how the state's most visible of institutions, the police, had been referring people to local schemes through unofficial moral codes (Topping, 2008a). This concern was also shared by Community Restorative Justice Ireland (CRJI), who detailed why police intervention was not required.

Everybody in the CRJI, everybody, both staff and volunteers, are put through the government's own vetting agency. We get a full breakdown of everybody's past criminal convictions. So, I do not know what the argument is there” (BBC News online, 25/7/06).

By this standard, it appears the apparent ineffectiveness of state institutions to encourage widespread community support, in comparison to that achieved by local community restorative justice schemes, was recognised by the Patten Commission. The Commission made various recommendations on how the ‘nodal’ concept of security governance could prevail by encouraging involvement from others, with considerable reservations on how the state police operated in their respective communities. The significance of widening the involvement of ‘others’ in the criminal justice system requires “strengthening the governance arrangements, by bringing in people who can provide honest

criticism, and demonstrating public accountability, are going to be essential" (CJINI, 2008, p.12).

Introducing initiatives for radical change is one thing, but enacting legislation compelling others, including the state to act differently, is another. The implementing legislation, the Police (Northern Ireland) Act 2000, was

"roundly criticised not only by the two nationalised parties in Northern Ireland but by most significant human-rights groups, nationalist commentators and civil society organisations" (Doyle, 2010b, p.191).

However, the then SOSNI, Peter Mandelson, described the legislation as a "compromise between nationalist support for the *Patten Report* and unionist opposition" (Doyle, 2010b, p.191, emphasis in original). Negating the all encompassing power of the state called for local police committees to assume an executive role in holding the police to account.

Thus far, this chapter has explored the local need for police accountability, alongside that of local moral codes. Structures designed to hold the police to account locally, appeared in the guise of District Policing Partnership Boards (DPPBs), intended to supplant the role of the elitist and obscure CPLCs (Walker, 2001, p.148). In a 1997 Police Authority inspired survey into CPLCs, 62 percent of respondents "said they were not aware of the existence of the CPLCs" (McGarry and O'Leary, 1999, p.105). Rather surprisingly, DPPBs did not replace, nor did they usurp the limited effectiveness of CPLCs, but were designed to operate commensurate with other fora in a community safety network becoming increasingly "crowded out" (Ellison and O'Rawe, 2010, p.42). Opportunities now prevailed, as Patten envisaged, for broadening the horizon of policing, by encouraging the involvement of 'other' non-state actors in an enhanced community safety paradigm.

In terms of local accountability, the Patten Report initially proposed measures that went beyond this agenda by suggesting that DPPBs be allowed to raise 3p in the pound to be expended on local policing (Shearing, 2000, p.390; Ellison

and Mulcahy, 2001, p.254; Shearing, 2001, p.264; Walker, 2001, p.148; Moore and O'Rawe, 2001, pp.211-212; McGarry and O'Leary, 2004, p.395; Newburn and Reiner, 2007, p.937; Ellison, 2007, p.249; Ryan, 2008, pp.348-349).

"District Councils should have the power to contribute an amount initially up to the equivalent of a rate of 3p in the pound towards the improved policing of the district, which could enable the DPPB to purchase additional services from the police or other statutory agencies, or from the public sector" (Patten Report, 1999, p.35).

In what could be perceived an act of perfidy, the outgoing Police Authority (PANI, 2000, p.14) also cautioned against allowing DPPBs power to secure finance for purchasing additional policing services, citing its opposition for so doing on the potential opportunities it created for terrorist infiltration of the private security industry and beyond (Ryan, 2008, p.351). This position raised the probability of state policing being potentially supplanted by 'service providers' from paramilitary organizations, who already held the balance of power within their respective communities. The net result of amendments tabled by the SOSNI was to maintain the status quo in how the state controlled the police, thereby ensuring the legislation remained "very much a police act" (Mulcahy, 2006, p.171).

The nomenclature associated with such compromises led to DPPBs being renamed District Policing Partnerships (DPPs) losing, simultaneously, any executive function capable of recalibrating the dynamic between the police and communities toward real and meaningful local democratic accountability. This, incidentally, was the only substantive recommendation from the Patten Report which the government abstained from implementing, although "many of the original Patten recommendations were watered down" (Ellison and Mulcahy, 2001, pp.254-255). Various commentators, (Walker, 2001; Moore and O'Rawe, 2001; Ellison and Mulcahy, 2001; Mulcahy, 2006; Ellison, 2007; Ryan, 2008; Moran, 2008; Topping, 2008b; Bayley, 2008; Stenning, 2009; Ellison and O'Rawe, 2010) on their deliberations over DPPs, all made reference to the potential for buying in policing services. The wealth of academic thought given

to such an undertaking highlights its assumed importance for local influence over democratic accountable policing services. Its controversial nature, however, would inevitably ignite the debate between politicians on both sides of the political divide, but for different political reasons.

For reasons of maintaining state control over policing, the state's hand appeared to loom large in this decision, as the role of DPPs became more advisory and consultative, and varied from one police command area to another (Ryan, 2008, p.353). Again, exploring the causes of conflict by attempting to condense 78 years of state conflict into a 128 page report on police reform, which may eventually resolve the legitimacy crisis, had captured the imagination of communities and political adversaries, alike. Similar undertakings, as discussed by previous chapters, had often failed to produce clear solutions to legitimise the police. The legacy caused by political interference in the democratic process of holding the police to account brought further discord to how police accountability really functioned, even threatening the introduction of these committees. Progress on policing remained vital, yet political interference in reforming the RUC was impacting detrimentally on the proposed accountability arrangements.

A central imperative for the 'nodal' governance concept, whereby communities can organise community safety issues more effectively and efficiently, beyond that of the state, still required a central conduit as part of the state apparatus to control and administer additional functions (Shearing, 2000). It was proposed that DPPs would assume this undertaking by adopting the formulaic structure of the Policing Board. DPPs were constituted by a combination of political and independent appointees totalling between fifteen to seventeen persons. However, their initial role became similar in appearance to that of CPLCs, especially in terms of their "advisory, explanatory and consultative capacity" (Walker, 2001, p.148). Under direction from the Police (Northern Ireland) Act 2000, the power of DPPs had been severely curtailed to a mere consultative role, likened to police authorities in England and Wales (Ryan, 2008). The traditional purview of state policing in NI, already under influence from 'market forces', pluralisation and decentralisation, had now the potential to persuade

those previously involved in terrorism, especially in Sinn Fein mandated Councils, (loyalist paramilitaries had no significant political representation at this level in NI), to “muscle in’ on a lucrative source of revenue” (Ellison and O’Rawe, 2010, p.33). Here too, it should be noted, how the reality of this scenario appeared not to sit comfortably with unionist politicians, nor, it seemed, was the British Government prepared to allow total communal autonomy in respect of policing.

As described previously, DPPs were considered a mechanism for empowering communities at the municipal level to become involved with policing, delivering, in the process, community safety reforms espoused by the Patten Report (p.34).

“This sort of multilayered approach seems to offer a reasonable balance between local independence and responsiveness, local accountability and national direction” (Neyroud, 2003, p.592).

Striking a balance between local control and national direction, suggests Neyroud (2003), requires reorientation towards empowering communities to drive local accountability structures (Walker, 2001). In an interview with the (*Guardian*, Nov 2000, cited in Mulcahy, 2006, pp.169-170) Clifford Shearing considered how the Patten Report

“...had been undermined everywhere. The district policing partnership boards that are so vital to the Patten Commission’s vision have been diluted.”

Some commentators (Ellison and Mulcahy, 2001, p.255; Smyth, 2002, p.306; Mulcahy, 2006, p.169; Ellison, 2007, p.253; Mulcahy, 2008, p.124; Moran, 2008, p.106) all referred to Clifford Shearing’s “gutted” portrayal of how the British Government had legislated for DPPBs. Such strident criticisms had fuelled previously held suspicions, on how the state was interfering with releasing control of the police. This approach effectively inhibited dismantling of the security apparatus by frustrating the implementation of the policing agenda envisaged by the Patten Commission for local and democratic accountability.

Devolved and local accountability is one method through which the police can engage with communities and participate in what has been termed one of “the most far-sighted police governance structures in the world” (Topping, 2008a, p.788). To digress slightly, consultation between police and communities has been tried before and, as previously explained in Chapter 3, “consensual policing has been the aspirational norm for post-war liberal democracies” (McLaughlin, 2007, p.81). The natural consequence for local communities can, therefore, be conceptualised as a continuation of the problem-solving process (Topping, 2008b, p.386). Chapter 1 outlined the efficacy and effectiveness of police and community consultative fora in general, with specific emphasis on how CPLCs had developed. It became a notable feature of this process that, while such committees may not have been totally representative or democratic, they operated in an extremely hostile environment, yet the experience of public apathy towards these committees relates similarly to committees operating in relatively stable policing environments in England and Wales. This tends to present broader questions over how state policing is perceived, generally.

This next sub-section will advance the debate on the operational reality of local accountability in NI, and on the effectiveness of the DPPs, following their dilution by political interference from above.

### **5.1 DPPs: the operational reality**

A decade has elapsed since DPPs were introduced, overcoming in some areas considerable hostility, intimidation and violence towards their members and public meetings from dissident republican paramilitary groupings and Sinn Féin activists. Following Sinn Féin’s eventually acknowledgement of policing in 2007, DPPs then operating in republican areas received full political support for the first time in the state’s turbulent police history. Local accountability of the police in many areas remained secondary to paramilitary influence, which continued to upstage the anticipated renaissance in police accountability.

The effectiveness of DPPs remained dependent on the position adopted by those involved in the debate on police accountability. Individuals considered



actively involved in administering the process from a top-down perspective, acclaimed DPPs “a major success story of the new policing arrangements in Northern Ireland” (Mulcahy, 2006, p.174). The then vice chairman of the Policing Board, Dennis Bradley, providing evidence to the Northern Ireland Affairs Committee (NIAC, 2005a, p.18), described how DPPs had transformed the “culture of policing in Northern Ireland, and that the level of public engagement with DPPs was increasing”, whilst a former PSNI Deputy Chief Constable, Paul Leighton, was similarly supportive, heralding DPPs a “tremendous leap forward” (NIAC, 2005a, p.18; Mulcahy, 2006, p.174). Reflecting on ten years since the concept of DPPs was first broached by the Patten Commission, Rea *et al.*, (2010, p.137) describe how DPPs “overall, are a genuine success story...” Rea *et al.*, continue by suggesting that DPPs “...have provided the forum for grassroots engagement in a way that has never happened before.”

Grassroots, or ‘bottom-up’ perspectives, did not necessarily concur with such experiences (Mulcahy, 2006, pp.174-176), which led to “a more nuanced account of these new structures than those offered by the policing board and others” (Mulcahy, 2008, p.127). DPP members opined how they had been “abandoned” by the Policing Board and that inadequate levels of training had been provided (Mulcahy, 2006, p.175). Such criticism, unsurprisingly, was rejected by a Policing Board official who, on providing evidence to the NIAC, described the training provided as satisfactory. This signified yet another example of the diverging perspectives which now prevailed between grass-roots and strategic level opinion on local accountability. This view was supported by a unionist chairperson of a DPP during an interview for this thesis. This interviewee intimated to the interviewer that he was

“...talking to somebody who believes they are a waste of time... if you said to me what has the DPP... done, name me something they have done well, over the last four years... there is nothing” (Respondent 10, line 137).

Such vicissitudes of opinion explain more readily how public perceptions of DPPs were ‘rather more ambivalent’ than those operating at a different level,

Mulcahy (2008). DPPs became staged managed theatres of discussion, designed to diminish local police controversies rather than vehicles to discuss local issues of public concern.

By way of expanding on the gulf between rhetoric and reality, an Omnibus Survey conducted by the Policing Board (Oct, 2003) found that only 37% of respondents had heard of DPPs. More alarmingly, only 4% had 'total confidence' in them addressing their policing problems, while 45% indicated 'some confidence'. When these same questions were posed in a subsequent Omnibus Survey conducted by the Policing Board (Sept, 2010), the figure for those aware of DPPs increased to 59%. A more concerning aspect of these figures centred on how only 4% expressed 'total confidence' in DPPs being able to address local policing problems: the same level as seven years previously. Those who expressed 'some confidence' in DPPs addressing local policing problems had increased by 1% to 46%. When these results were further analysed, no discernable difference existed in opinion across the ethnic divide.

In another Public Consultation Survey on DPPs (NIPB, Feb, 2010), it transpired that only 2% of those surveyed were 'very confident that DPPs could help to address local policing problems, with 44% indicating they didn't know (p.36). In January 2012 an Omnibus Survey (NIPB, 2012, p.10, see Fig 5) indicated that 50 percent of respondents had some confidence in DPPs assisting in addressing local problems (see overleaf).

Table 12: Confidence that DPPs help address local policing problems												
All those who have heard of DPPs Rating	Percentage of respondents											
	2009 (April)			2009 (September)			2010 (September)			2012 (January)		
	C	P	All	C	P	All	C	P	All	C	P	All
Total confidence	2	4	3	3	2	2	2	2	2	3	4	3
A lot of confidence	21	16	18	18	16	17	22	19	20	20	21	20
Some confidence	48	56	53	52	54	53	52	53	52	51	50	50
Little confidence	15	15	15	15	17	17	13	15	15	18	14	16
No confidence at all	4	3	3	5	5	5	3	4	4	3	4	4
Don't know/refusal	10	7	8	6	5	6	7	7	7	4	8	7

Fig 5: NIPB Survey 2012 (source: NIPB)

According to Sir Hugh Orde, a former Chief Constable of PSNI, “Patten put in place not just accountability mechanisms, but also structures that facilitated

conversations between police and communities and allowed effective working relationships to develop" (Orde, 2010, p.109, emphasis in original). Sir Hugh Orde suggested that local conversations between the police and communities signified the beginning of a process of accountability through improving confidence and trust, especially in communities historically opposed to the police. Despite such encouraging words surrounding the implementation of DPPs, communities have conveyed, through such surveys, mixed opinions on the effectiveness of DPPs; but that discussions are taking place should be viewed positively. For example a survey in 2008 found that 79% of respondents knew how to contact their local DPP, while two years later that figure had slightly increased to 87%.

When these findings are balanced against "running costs spiralling to approximately £12m" (Topping, 2008b, p.381) and the process of recruiting independent members to the DPPs in 2003 costing £920,000 (NIAC, 2005a, p.19), local democratic accountability mechanisms are extremely costly to maintain. Topping continued, by suggesting DPPs "have come to mirror the now dated Community Police Liaison Committee" (p.381). The extremely high operating costs associated with DPPs, coupled with an inability to raise revenue, left DPPs extremely weak and subservient to state control which rendered them no more effective than their predecessors (Topping, 2008b).

The Patten Commission's stated aim of removing total responsibility for policing from the state towards other service providers, was encountering subtle political opposition. Such innovatory proposals were competing against

"the government's response [which] at very many levels has been to put these radical notions firmly back in their box and to reconfigure itself quite dramatically in the new proposed security paradigm" (Ellison and O'Rawe, 2010, p.40).

Both contributors continued by outlining how police reform "has been lost in translation and effected only in the most peripheral and marginal of ways" (p.40). The crowding out analogy, espoused by Ellison and O' Rawe (2010,

p.42), was further exploited by government plans to introduce yet another committee into an already overcrowded and multilayered community safety paradigm.

This next sub-section will provoke further debate on why government proposals for introducing Community Safety Partnerships (CSP) was considered an opportunity by the state to construct a partnership which it controlled, and would restrict the development of broader policing initiatives.

## **5.2 Two's company, three's a crowd**

Joining with the Community Police Liaison Committees and the District Policing Partnerships were Community Safety Partnerships "giving the appearance of dynamic community involvement when the reality lends itself more to inertia" (Ellison and O'Rawe, 2010, p.42). An optimist, however, would perceive this development as encouraging additional opportunities for accountability, where the state, in providing communities with various committees to influence the direction of community safety, is venturing outside the normal paradigm of security provision prescribed by Patten. Conversely, Hayes (2010, p.66) offered a rather sceptical perspective, in a sense, by suggesting how the introduction of CSPs, by the Northern Ireland Office (NIO), was designed to "nobble the emerging DPPs".

"However, a paradox of the current situation is that because of this 'crowding out' the NIO has been able to maintain a high level of central direction and has manoeuvred itself into a much more advantageous position to steer policing/security and community safety in a direction of its choosing, while creating the chimera of empowered local communities setting the agenda", (Ellison and O'Rawe, 2010, p.43).

The 'crowding out' thesis was now playing host to several parallel groups collectively involved with community safety, yet operating independently from one another. Indeed, that independence to which the Criminal Justice Inspection for NI (CJINI, 2006, p.16) referred, criticised their lack of cooperation, including an unwillingness to share minutes of meetings. The report continued:

“inspectors were not surprised to find a considerable degree of tension between the two partnerships”, referring to it as ‘difficult’.

There was, nonetheless, broad agreement expressed by academics (Mulcahy, 2006; Topping, 2008b; Ryan, 2008; Moran, 2008; Ellison and O’Rawe, 2010) and several police practitioners, interviewed for this thesis, on the workings of this partnership. Until relatively recently it seemed the NIO was “the only body in Northern Ireland *not* to view the overlapping nature of DPPs and CSPs problematically” (Ellison and O’Rawe, 2010, p.42, emphasis in original). Such arrangements further complicated an already contested and overburdened landscape consisting of roles and responsibilities, reporting mechanisms, different funding streams, and duplication of effort (CJINI, 2006, pp.5-6).

An extremely relevant consideration, when a proliferation of community safety providers exists, should focus on financial provision. Previously, this chapter touched briefly on the increasing costs associated with DPPs, together with their inability to raise funds for local community projects, which was in contrast to the funding available for community projects organised by CSPs. Unlike arrangements for DPPs, CSPs were not on a statutory footing, were controlled through the Northern Ireland Office (NIO) and had an ability to finance local community safety initiatives as decreed by the state. Whereas this responsibility was denied to DPPs who, in theory, remained legally and democratically accountable to local needs, but had no power to fund local projects without approval from their accountability overseers at the Policing Board. The existence of such bodies has cleaved control back towards state-centric responsibility for governance (Stenning 2009; Hayes, 2010). Increasingly, this provided a direct route for the state to continue controlling the power base of local accountability, in a further attempt to dilute the pluralist policing model suggested by Patten.

“Rather we are more inclined to categorize what has occurred in Northern Ireland as attesting quite strongly to a *rational* desire by the state to keep policing and community safety issues fairly centrally controlled and unfairly police oriented” (Ellison and O’Rawe., 2010, p.44, emphasis in original).



“The demand for policing was particularly evident” (Moran, 2008, p.113) but the vacuum created by an absence of trust in law and order was relevant across elements of the ethno-religious divide. Loyalist and republican paramilitaries assumed the legitimate policing authority in particular areas, as disaffected victims of crime looked to them for swift justice. Even with the peace process and policing becoming more representative of communities, police legitimacy remains obscure in some communities.

“Indeed, it remains a fact in Northern Ireland that overt and insidious paramilitary violence still lurks in both Loyalist and Republican communities insofar as ‘sadly, the first port of call in a lot of cases is still the paramilitaries, and that’s the reality’ (*Irish News*, 2008 cited in Topping, 2008a, p.782).

In conclusion, this chapter has argued how, in the absence of police legitimacy, communities have resorted to forms of paramilitary justice from below. It was particularly important for the Patten Commission to recognise legitimacy as a problem by deliberately introducing a community safety agenda that included other forms of service provision and effective means for holding such bodies to account. Whilst the government, outwardly, extolled the virtues of broadening policing, inwardly there appeared a degree of apprehension to devolve responsibility for policing to others, including that of former paramilitaries. This chapter then discussed the introduction of DPPs and how such partnerships did not deliver to grass-roots level, as anticipated, increased mechanisms of accountability.

This brings Section 1 to a conclusion. This thesis has provided, in five chapters, a comprehensive account on the process of bringing NI out of conflict into a modern society in which communities have been provided with increased arrangements for holding the police to account which, in turn, will assist with legitimising the role performed by the police, and not that offered by paramilitaries.

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## **Section 1: An Overview**

Since partition, policing in NI has been particularly contentious. Political dogma coupled with community intransigence has fuelled the flames of conflict that engulfed the RUC, through a perceived or real allegiance in upholding the functions of a contested state. Chapter 1 provided commentary on the development of policing in Ireland and how the unresolved problems from this era had infiltrated the new state of NI. The newly formed RUC were unable to garner widespread support, mainly from the nationalist community. Despite many reform programmes to rectify this position by increasing accountability, the RUC was replaced in 2001 by the PSNI.

Chapter 2 moved beyond the problems of partition to theorise how police legitimacy, power and the state combined to exacerbate the difficulties faced by NI. Whilst this thesis was principally concerned with the development of accountability in NI, it was essential to consider how police accountability had developed in England and Wales before crossing the Irish Sea, which Chapter 3 discussed in the context of police reform in England and Wales, to influence police reform in NI.

Chapter 4 combined the literature discussed in the three previous chapters to nudge the debate towards 'new directions' in which police accountability is now travelling underpinned by a changing role for the state. This chapter also argued how the introduction of various arrangements for holding the police to account had evolved.

Finally, Chapter 5 discussed how the vacuum created within some communities by an absence of police legitimacy and accountability was filled by paramilitaries. This chapter then focussed on how local democratic accountability of the police was to occur through DPPs which, in reality, appeared to resemble those committees which had existed prior to the introduction of the Patten reforms. Chapter 5 concluded by suggesting why the state was displaying a subtle reluctance to release control of policing to 'others', through fear of paramilitaries usurping the role of the state.

## Section 2



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## **Abstract**

The aim of this section is to explore the development of police accountability in NI, as recounted through the experiences of several key practitioners involved in the Patten reform process, and gathered by a series of semi-structured interviews. Respondents were divided into three distinct groups, which consisted of serving and retired senior and chief police officers (R1, R4, R6, R9, R11); practitioners with experience and knowledge of policing in NI who are involved theoretically, practically and operationally in police accountability (R2, R5, R7, R8); and national and local politicians (R3, R10). A more detailed description of the roles performed by each of these respondents is provided in Chapters 6 and 7, and at Appendix 'C' (pp.255-256).

Pivotal to this section of the thesis is the Patten Report (1999), which provides a blueprint of fundamental reform on how the police, at various levels within the state architecture of NI, are held to account. Four recurring themes were elucidated from the analysis and explain, in greater depth, the significance of, and implications for, police accountability structures in NI. The first theme narrates how enhanced levels of accountability contribute towards improving confidence, trust and transparency in policing, whilst the second theme focuses more towards the impact of legacy policing issues on the accountability framework. In this respect, it has been suggested that legacy policing concerns may have a detrimental effect on the present accountability framework, unless changes are contemplated to the level of independence applied by the Police Ombudsman when investigating police misconduct. The third and fourth themes are, to a degree, interconnected. Theme 3 considers the financial implications of sustaining the present configuration of police accountability, given the impact of austerity imposed on public sector bodies in NI, as well as discussing how the financial dilemmas may be surmounted. The fourth and final theme concludes the debate by referring to the level of regulation encountered by the PSNI and the bureaucratization which the existing accountability structures have created.

# **Chapter 6**

## **Research Considerations**

## **6.0 An Introduction**

The title of the second section of this research is:

"The experience of living through changes to policing in Northern Ireland after the Patten Report; a selection of recollections from senior practitioners involved in the process of managing police reform"

Section 1 has explained comprehensively the adversity surrounding the creation of NI, which engulfed the fledgling state with tensions that had existed for many decades concerning British/Irish relations. The working-out of these tensions portrayed "a powerful example of the lethal potential of the politics of competing nationalisms" (English, 2010, p.60). The British Government, in trying to impose a military solution to what effectively became a political problem, imported to NI a tradition of policing which had existed in Ireland for many years. This tradition, embodied in the RUC following partition, was described as "militaristic, unaccountable and divisive" (Ellison and Smyth, 2000, p.xiv) and resembled a model of policing designed for an era, as Chapter 1 describes, when "rampant lawlessness" pervaded Ireland, particularly in rural areas.

The issue of policing, as the state's most visible and powerful symbol, brought this sharply into focus. Publication of the Patten Report (1999) conveyed a real determination to resolve the vexed history of police legitimacy by proposing fundamental change on how contemporary policing was performed. As the country emerged from periods of sustained inter-communal warfare, the debate surrounding the contentious nature of the Royal Ulster Constabulary (RUC) intensified. Political parties, ranging from nationalist and republican to unionist and loyalist, vied for supremacy over how they could influence subsequent proposals for new policing arrangements. Section 1 described how policing had developed as a central pivot of the dispute because the nationalist constituency refused to recognize the legitimacy of the UK state and therefore, especially, refused to recognize the legitimacy of the RUC. The ensuing conflict and

enduring political divergence had served to effectively segregate communities. This led, in many instances, to the RUC being alienated from both religious traditions in NI, but particularly from the Catholic community, many of whom could not identify with the culture, ethos and symbolism which the RUC carried as representatives of the British state in NI. For example, as Chapter 1 discussed, the RUC was considered by the majority of Catholics in NI to be an occupying force whereas, the Protestant community viewed the RUC essential for protecting them from republican terrorism and in maintaining the link with the UK.

Several reports were published aimed at bringing the RUC closer to both communities, through increased accountability structures. Developing effective mechanisms which hold the police to account, whereby all communities can be confident of getting justice from the police and the wider criminal justice system, became the focus of considerable political and academic interest, as the RUC continued its search for legitimacy amongst the nationalist community. Despite several endeavours at replacing lost legitimacy, police reform remained relatively stagnant until 1994, when proclamations of peace from several loyalist and republican terrorist groups operating at that time, precipitated the signing, in 1998, of the Good Friday/ Belfast Agreement (GFA). This Agreement had facilitated the commission of the Patten Report, which subsequently replaced the RUC with the PSNI in 2001.

As Chapters 4 and 5 have outlined in greater detail, the Patten Report proposed a number of recommendations designed to enhance mechanisms for greater and more meaningful forms of police accountability. The purpose of this was to provide greater input from communities in how they were being policed and, in many instances, by whom. Patten's rationale to improve police legitimacy had rather deliberately broadened traditional policing methods, by envisaging a more pluralised paradigm that involved additional state and non-state actors in community safety and criminal justice provision. This created opportunities for the private sector and other public sector providers to embrace policing and community safety, as never before. However, as Chapter 5 discussed, the British Government appeared reluctant to release the power it had exerted over

policing for many years by appearing to frustrate opportunities for 'other' service providers to influence community safety initiatives.

As the PSNI, a new police service with a more 'user-friendly title' than that of the RUC, approached its tenth anniversary in November 2011, I became interested in carrying out primary research into how the early years of post-Patten policing in NI embraced such fundamental and far reaching reforms, particularly reforms which further developed police accountability. Following many years of personal experience and periods of academic study in NI, and at the National Police Staff College, Bramshill, I developed particular interest in how the state and its citizens interact with the police, not just in NI but across the UK in an ever-changing dynamic relationship. Given progress attained in agreeing new structures for police accountability, I was interested in researching the net effect of such arrangements ten years after their implementation. Much has been written in 'Policing the Narrow Ground: Lessons from the transformation of policing in Northern Ireland' (Doyle, 2010), concerning the wider implications of the Patten reform agenda. Less focus, perhaps, was given to what effectively became central to the overall success of the police reform agenda for achieving police legitimacy; that of police accountability.

Following publication of the Patten Report, my knowledge and interest in this subject area widened. As a police practitioner, I became instrumental in introducing and developing many of the recommendations which the Patten Report suggested for local democratic police accountability. The experience gained in this regard will feature in the next sub-section of this chapter, providing as it will, a backdrop to my operational experience through enunciating the challenges of implementing the Patten reforms in a difficult policing environment.

### **6.1 The Research Site**

Before retiring in May 2008, I had served, in total, for thirty-one years in the RUC from 1977 until 2001, and then in the newly formed PSNI. During the final

seven years of my career, I was District Commander for the Strabane District Command Unit (DCU) (2001-2005) and, until retirement, District Commander for Fermanagh DCU (Enniskillen) (2005-2008). Whilst commander for Strabane DCU I was operationally accountable for implementing many of the Patten Report's recommendations, including those proposals which concerned local and democratic police accountability.



Fig 6: PSNI Districts (source PSNI)

The policing environment of Strabane, in which the RUC and then the PSNI operated, was a microcosm of wider policing problems, described in Section 1. The Strabane police area is situated to the North West corner of NI, and nestled between the City of Derry/Londonderry to the north and the provincial County Tyrone town of Omagh to the south. The area covers a geographical expanse of 922 square kilometres and shares a land frontier that abuts County Donegal in the Republic of Ireland (ROI). The area displays a religious ratio of 66%:33% Catholic/Protestant (Strabane District Council). Extrapolating these figures to the main centre of population within the district, Strabane town is a predominately Catholic area with 93.3% of the population from the Catholic faith, whilst 6.1% constitute the Protestant faith. It is difficult to discern how many from each religious faith support either republicanism or loyalism; however, at the 2011 local council elections, Sinn Féin, the political wing of the Provisional Irish Republican Army, was the dominant political party with eight councillors out of a total of sixteen.



Historically, republican paramilitaries, such as the PIRA and the Irish National Liberation Army (INLA), exerted control over their respective fiefdoms by assuming a policing function. Some communities within the Strabane police area adhered to locally designed and enforced moral-codes. Particular communities viewed paramilitaries, whether through fear or acquiescence, as legitimate purveyors of law and order. Chapter 5 provided commentary on how community support enabled paramilitaries to penetrate the vacuum created by the RUC's lack of legitimacy and unacceptability in some areas of NI. Whilst this subject constitutes a research project on its own, it does, nonetheless, highlight perceptions on the magnitude of the task, whether real or imagined, for resolving the lack of legitimacy debate through increasing the opportunities for communities to hold the police to account.

After the ceasefires of 1994, some dissenting republicans in Strabane transferred their allegiances and skill-sets (bomb making, terrorist tactics, intelligence gathering) to newly constituted groups, namely, the Continuity IRA (CIRA) or the Real IRA (RIRA). Widespread, but not universal acceptance of local policing in Strabane, would improve, provided Sinn Fein publicly accepted the new policing arrangements, by engaging with all accountability bodies established under the Patten proposals. A critical emergence from the Patten Report, during my tenure as commander for this area, was the successful introduction of a District Policing Partnership (DPP). Introducing Patten's accountability framework to Strabane, insofar as it related to local accountability, proved rather problematic.

The associated symbolism of convening a group of people to interact openly with the police in a republican dominated environment like Strabane encountered considerable public protest, hostility and intimidation from dissident republican groups and Sinn Fein, towards DPP members, particularly independent members who made a conscious decision to join their local partnership. Creating a DPP in such a particularly contentious police area as Strabane, came to represent success following the inaugural meeting in 2003. Initially, Sinn Fein remained opposed to the proposed police reforms by refusing to acknowledge or participate in any of the police accountability structures.

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Following political agreement between the British and Irish Governments to devolve policing and justice powers to the NI Executive in 2007 led Sinn Féin to publicly embrace the changes and announce their support for policing and justice.

Having outlined the reasons for undertaking this research project, together with providing a strategic overview on policing in a republican community in NI, to which I was familiar, provides opportunities to fuse together theoretical perspectives on NI, discussed in the foregoing chapters of Section 1, with analysis from the semi-structured interviews contained in Chapter 7.

## **6.2 Methodology**

The purpose of this section is to provide an overview of the research methods available. First, I will describe, then secondly, defend, the method selected for collating data which, when analysed, will support or critically challenge, where appropriate, the discussion in Section 1. As outlined in the introduction, the aim of this qualitative study is to determine whether the post-Patten police accountability landscape has been enhanced. To arrive at this position, I have adopted a specific approach for collecting, collating and analysing data, obtained from a range of senior practitioners involved in policing, to address the central research questions outlined in the introduction of this thesis.

Whilst this particular study has obtained data through semi-structured interviews, the interviews are not typical of experiences derived from policing in NI. Additionally, a qualitative method cannot provide an all encompassing depiction of the ongoing police reforms, nor the journey traversed in overseeing changes to the structure, function and legitimacy of the RUC. The qualitative label attached to this research project aims to bring out, as fully as possible, the lived-through experiences of senior practitioners involved with policing. The favoured method of data collection in qualitative research usually encompasses structured open-ended interviews, unstructured discussion; focus group interview, ethnography, participant-observation and documentary review



(Course notes Cambridge University, 2004). It remains possible in research studies to adopt a mixed method approach, through using tools defined as both quantitative and qualitative but, if “the rationale for using mixed methods is not made clear then quality assessment is difficult” (Dale, 2006, p.80). Brewer (2007) outlines how those undertaking research projects select a favoured method of data collection for which they are familiar. No approach to research depends entirely on a single method, and no approach can be construed as superior over another. It is more appropriate for researchers to select a particular method appropriate to the study in which they are engaged.

This research project has been categorised as a Case Study because it involves “a detailed account of a particular example of a phenomenon, experience, event or situation” (Brewer, 2007, p.38). The case study approach was selected because the research question endeavoured to illustrate “new and potentially innovative practices that have been adopted by a particular organisation or organisations” (Scapins, 1990, cited in Brewer, 2007, p.39). As this research was almost unknown territory, the qualitative approach towards studying police accountability in NI was chosen because it adapted to the situation. It also facilitated the collection of data which described the experiences of those involved in policing, either directly or indirectly. The method of data collection employed by this research has, therefore, been through a series of eleven semi-structured interviews.

Academic encroachment into the policing environment is a relatively new phenomenon, when compared to the history of policing in the UK (Sheptycki, 2000), the outcome from which has been to create an enlightened cadre of police researchers (Brown, 1996, p.179). By highlighting this concise description, Brown distinguishes between four types of police researcher (Murji, 2011, p.266): inside insiders; outside insiders; inside outsiders; and outside outsiders. In terms of insider research, generally, Banks (2000 cited in Cotner, 2000, pp.2-3) also identifies four categories of researcher. These categories incorporate “indigenous insiders, those who are members of the community they study; indigenous outsiders, those who were once members of the community

they study; non-indigenous insiders, those who become accepted as insiders; [and] non-indigenous outsiders, those who remain outsiders.”

The “insider/outsider debate has been largely that, a debate” (Chavez, 2008, p.474). However, what does insider research entail? “By insider research, we mean research by complete members of organizational systems and communities in and on their organisations” (Brannick and Cogan, 2007, p.59). As a retired police officer, I considered myself an outside insider, “a particularly dangerous breed” (Horn, 1997, p.299), yet my knowledge and interest in this research area, alongside my network of contacts, evolved whilst a serving police officer. By accepting Brown’s argument, I had assumed the inconsistent title of outside insider, rather than the inside insider position held before retirement. Perhaps, my newly adopted status exuded elements of being a “pseudo-insider” (Herod, 1999, p.325), or a hybrid researcher, dependent on how one is viewed.

Developing Herod’s ‘pseudo-insider perspective illuminates how, in many instances, police researchers may negotiate some, or all of Brown’s and Banks’ descriptions of the researcher, rather than neatly being encompassed in a homogenous group. Rabe (2003, p.149) strongly suggests “the status of the social researcher as ‘outsider’ or ‘insider’ is neither static nor one-dimensional. To be an insider or an outsider is a fluid status.” Indeed, some authors have suggested there is a space of “betweenness” associated with this approach, where one is certainly not an insider but not wholly an outsider either” (Herod, 1999, p.325). For example, Murji (2011, p.266) develops the one-dimensional approach to researchers by suggesting there are groups within the police, (e.g. Black Police Association, minority groups), who are categorised as insider insiders, but may consider themselves outsiders. In identifying this and other groups, an additional cadre of police researchers may emerge as inside outside insiders.

Both Brown and Banks’ typologies provide interesting comment of the relevance, or otherwise, of individuals engaged on insider research, but both do not provide sufficient reason for how those, who perceive themselves as outsiders, relate to their respective quartets of research descriptions. Indeed,

Chavez (2008, p.475) suggests the debate surrounding insider/outsider research has “stagnated” because of the concentration on the various types of bias involved “with either being an insider or an outsider.” It may be such that some researchers have to occupy the space that prevails between being an insider and an outsider, and despite the views expressed by both Banks and Brown, their research status is not easily defined and, hence, may contribute to the stagnation experienced.

Conducting research as an outside insider can surmount access difficulties often encountered by non-inside police researchers’ (Sheptycki, 1994 cited in Leishman, *et al.*, 1996, p.181). Additionally, being an outside insider can bring experiential learning to the research, which other researchers may not necessarily possess through an absence of “cross-over between life-worlds” of the police researcher (Humphrey, 2007, p.15). However, insider researchers also possess a preunderstanding of “such things as people’s knowledge, insights and experience before they engage in a research programme” (Brannick and Cogan, 2007, p.68), and “may have a strong desire to influence and want to change the organisation” (Brannick and Cogan, 2007, p.70). Prior to conducting this research I possessed extensive knowledge on my respondents’ ‘interconnectivity’ and ‘connectedness’ to the police reform process in NI (Desmond, 2004, p.265). However, my intentions were not to influence or change the course of policing in NI, but to identify whether police accountability has been enhanced as a consequence of the police reform agenda.

This ‘debate’, as Chavez refers, has outlined both the methodological advantages and the methodological liabilities, or challenges as Desmond (2004) refers, of conducting insider research. It is now the aim of this sub-section to explain the interview approach taken and why a semi-structured interview method was used to obtain data. This sub-section will then conclude by discussing the evolving dilemmas of elite interviewing.

The qualitative research interview has been likened to a “construction site of knowledge” (Kvale, 1996, p.2) but, in essence, may more resemble a minefield

of obstacles for an unprepared or inexperienced researcher. "The interview is probably the most widely employed method in qualitative research" (Bryman, 2008, p.436), and a prominent research method in the social sciences (King and Horrocks, 2010, p.1). It is suggested that interviewing also "involves a challenge to review, broaden, and enrich the conceptions of knowledge and research in the social sciences" (Kvale, 1996, p.10). The interview process was perceived by Morris (2009, p.209) as one of the most, if not the most, commonly used research tool, and getting it right is particularly important. An interview represents a discussion, "usually between two people. But it is a conversation where one person – the interviewer – is seeking responses for a particular purpose from the other person: the interviewee" (Gillham, 2000, p.1). Gillham develops the interview description by suggesting the structured-unstructured dimension of an interview is a fake.

"Expert interviewers always have a structure, which they use flexibly according to what emerges" (Gillham, 2000, p.3).

Gillham's analysis does have profound impact on a researcher's preparation for an interview, in terms of devising an appropriate structure. This perspective will assume greater resonance as the discussion shines a light onto the dilemmas of using 'elites' in research. Lilleker (2003, p.207) asks whether interviewing is a worthwhile exercise. He addresses his inquisitiveness by suggesting that "interviews do provide insights into events about which we know little: the activities that take place out of the public or media gaze, behind close doors" (Lilleker, 2003, p.208). Kvale, (2007, p.11) augments Lilleker's inquisitiveness by describing how semi-structured interviews "obtain descriptions of the interviewees' lived world" in an effort to understand the "...meaning of central themes of subjects' lived world" (Kvale, 2007, p.11).

Whilst Cohen *et al.*, (2004), suggest the parameters of an interview are many and varied, Silverman (1993, p.92) enumerates six advantages of the interview method, which range from gathering facts through to eliciting reasons and explanations for obtaining qualitative research outcomes. As explained by Bell (1993a, p.91), the interview process can display an advantage of "adaptability",

where responses can be probed through further questioning, rather than when employing a questionnaire. For example, responses to a questionnaire have to be accepted at face value, which inhibits the interviewer from further analysing the response (Bell, 1993a, p.75). However, there are difficulties in conducting interviews because they can be time consuming, which sub-section 6.5 will discuss in greater depth, subjective, and present for the researcher an element of bias (Bell, 1993, p.91).

The respondents interviewed for this research currently occupy or have occupied strategic positions in the police reform process in NI. The past couple of decades have given rise to “a small but growing literature on elites” (Harvey, 2011, p.432). Harvey expands on this by suggesting that scholars use the term elite in a “relational sense, defining them either in terms of their social position compared to the researcher, or compared to an average person in society” (p.433). According to Rice (2010, p.71), some commentators perceive elites as difficult to define... who cannot neatly be placed in a “homogenous group.” Rice continues, by arguing that he is not opposed to the use of the term elite for providing some definition of those who “can best answer particular research questions.” The description of ‘elites’ was further developed by Hornby *et al.*, (1983, p.280) who defined them as “a group in society considered to be superior because of the power, talent, privileges etc, of its members.” However, Ward and Jones (1999, p.303) refer to the term elite as being used without any “conceptual depth” for those perceived as being more powerful or privileged than other undefined groups. It is also useful here to compare the views of Hornby *et al.*, to that expressed by Morris (2009, p.209), who suggests that “elites can be loosely defined as ... those with close proximity to power’ or with particular expertise.”

What emerges from these definitions is that elites appear to exude power and possess relevant expertise of the subject matter. Nevertheless, methodological liabilities, such as the tendency to control the agenda (Morris 2009), or the possibility of elites feeling demeaned or insulted by being interviewed by those with a lower status or power, exist. “[E]lites are as difficult to define as they are to access when compared with other social groups like community organisations

or the general public" (Rice, 2010 p.70). There is a tendency therefore, for elites to protect their reputation, and so will be more guarded in what they say (Cohen *et al.*, 2000, p.122) during interview.

On completion of the data collection process, researchers then conduct a systematic search for recurring themes in a text, including transcripts of interviews, which are typically used when researching a new area. Regarding this research, I have displayed great admiration for those whose professional integrity and knowledge in this subject area was vital for attaining a systematic assessment of the accountability structures and their effectiveness. It was also of particular importance not to permit personal experience and knowledge to influence interviews or the subsequent analysis. It was also necessary to approach the findings with a degree of reflexivity as it remained possible to bring personal presuppositions to the research. I needed, therefore, to be cognizant of this possibility, when interviewing respondents, and when conducting the analysis. In short, there was a problem in developing 'anthropological strangeness'.

The next consideration for the researcher is reactivity. This warrants an understanding of how connected they are to the research and to those willing to participate and, depending on "the extent and nature of these connections, questions arise as to whether the results of research are artefacts of the researcher's presence and inevitable influence on the research process" (Davies, 1999, p.9). In this regard, I was familiar with my personal responses, which needed to be considered for the analysis and interview processes (Etherington, 2004). For example, the impact of questioning people, known on a professional level, was important for the trajectory and validity of the research findings and for preparation of the thematic analysis. It was incumbent not to permit personal experience, knowledge and understanding, first, as a retired police officer and, secondly, as having previously been involved in implementing elements of the Patten Report, to influence or distort the interviews and findings from the thematic analysis. The implications for this could have a profound effect on subsequent decision-making, the research methods, personal values

and biases towards the Patten reforms and, on those who agreed to participate in the research.

This sub-section has provided a brief overview of the chosen research methods and why it was decided to obtain data through a series of semi-structured interviews. I also described the need for reflexivity, when actively involved in a research project, and the issue of reactivity, both of which are particularly salient to this research project. Having selected and defended the appropriate methods to obtain evidence, this next sub-section will focus on the ethical considerations for this research and how those willing to participate were protected.

### **6.3 Ethics**

The main concern during this investigation was whether the research could do any harm? It behoves the researcher to consider all ethical dilemmas, not only those relating to how research is conducted, but equally on how respondents may be identified or compromised during the research process. If promises of anonymity have been guaranteed, considerable ethical dilemmas arise for a researcher to ensure anonymity is maintained. It may, however, be impossible to offer cast-iron guarantees to respondents in circumstances which go beyond the researchers' capability and control, and where serious threats to investigating sensitive issues can lead to death.

Confidentiality and anonymity assumed even greater relevance for this research project following disclosure that the PSNI had made a legal challenge (BBC News Online, 2011b) to the authorities in the United States (US) for access to tape recordings of terrorist testimony, obtained as part of a research study known as 'The Belfast Project'. The 'Belfast Project' was conducted by academics, historians and journalists, operating in conjunction with Boston College, over a five year period from 2001. The research involved interviewing republican and loyalist combatants who, in return for providing rich testimony, frank and open accounts detailing their involvement in the conflict, were assured anonymity by having their participation and testimony retained until after death

(BBC News Online, 2012a). As the repository for taped interviews from the 'Belfast project', Boston College was subsequently directed by a US Court to relinquish ownership of the tapes to US authorities.

The case, which remains at hearing, both in the US and in NI, may have profound consequences for future research projects of this nature, where guarantees of confidentiality are a component part of agreeing to participate in any study. If the request made by the PSNI is granted by the US authorities, it creates a very real threat to all participants, including researchers involved in the 'Belfast Project' of being either murdered or, in respect of former terrorists, arrested or charged with some very serious criminal offences if their past terrorist activity becomes public knowledge. Despite this, and as detailed later in this section, situations do occur, whereby respondents can be compromised if their identities become public.

As the 'Belfast Project' shows, ethical concerns present the researcher with considerable difficulty, due mainly to the absence of a universal code, although, as intimated by Brewer (2007, p.71) "some broad general principles" do exist.

"Researchers who have ignored the courtesies or, even worse, have overstepped ethical bounds can do great harm" (Bell, 1993a, p.53).

As a consequence of this, various professional bodies have produced guidelines which attempt to explain the type of harm which can occur. Due to personal experience of NI, and the contentious nature which research entails into terrorist activity, organised crime and political sensitivities, I remained cognizant of what harm this study may occasion, and of the need to offer an "assurance of anonymity" to those who agreed to participate.

First, I wish to address the issue of harm befalling respondents, which was of immense importance; secondly, I wish to discuss the 'assurance of anonymity' and, thirdly, I will consider the implications of secondary analysis of qualitative data, as it relates to this study. The term harm "can entail a number of facets: physical harm, harm to participants' development; loss of self-esteem; stress"



(Bryman, 2008, p.118). Having reviewed Bryman's principles, I remained satisfied that all discernable measures, including anonymity for respondents and compliance with relevant legislation, such as the Data Protection Act (1998) and Freedom of Information Act (2000), were considered.

The affects which harm can cause for research remained of considerable importance. Where research involves matters of policing and security, especially in societies as volatile as NI, it assumes even greater importance for researchers to reduce the capacity for someone to actually be killed or harm befalling any respondent, researcher or data used in the study. Harm caused by undertaking this research study may manifest in subversive elements identifying participants to the research, especially civilian DPP appointees, even though their involvement in policing is widely publicised in the media and online throughout NI. Whilst this consideration appeared highly unlikely, it remained of considerable importance to maintaining research integrity.

Additionally, further harm could also visit those police officers still serving in NI by affecting future career prospects in several ways. This could occur through failing to obtain promotion, affecting individual integrity and personal credibility, both inside and outside the police service, had they commented critically on particular individuals who occupy prominent positions in the accountability framework and, who remain responsible for appointing senior police officers. It was also incumbent to protect respondents from causing harm to themselves through comments that could be construed as being critical of the position they once occupied, or currently occupy, in the accountability framework, or comments relating to National Security matters.

The second consideration was the "assurance of anonymity" which "is the promise that real names of persons, places, and so forth will not be used in the research report and/or that pseudonyms will be substituted" (Lofland and Lofland, 1984, p.29). Despite this, I was aware of difficulties associated with qualitative research and how anonymity is not as achievable as with quantitative research. "It is very difficult, though by no means impossible, to present field

notes and interview transcripts in a way that will prevent people and places from being identified” (Bryman, 2008, p.119).

In geographical terms, NI is undoubtedly a small country, but exudes a big history contained within an extremely parochial outlook. Being familiar with the difficult political and security terrain of NI, I was aware how most respondents to this project occupied or had occupied positions of senior office in policing, politics and general society throughout NI and beyond. This could leave them more vulnerable and identifiable and transcribed interviews, where necessary, have reflected such possibility. The names of places, people and any other detail that may identify a respondent, or connect them to an important event from the past, have also been redacted. I brought this to the attention of all respondents and no concerns were raised, although my invitation to them to participate in the research was made prior to the Boston College legal challenge becoming public knowledge, the outcome from which may have reflected differently on this research. The process of redaction did not detract from the thrust or quality of data, but it did, more importantly, reduce the remote possibility of respondents being identified from their quotes.

Despite such undertaking, I was familiar with research conducted by Michael Spector (1980) concerning public figures. It was explained how individuals, particularly of the calibre involved in this research, are familiar with “being quoted and may prefer to speak ‘on the record,’ the guarantee of anonymity may impede rather than facilitate access to rich data” (Lofland and Loftland, 1984, p.29). Surprisingly, only one respondent clarified if their participation in the research would be anonymous and no reference to them would be made at any stage. Respondents were also fully aware of the small number of interviews to be conducted for this research project, but not the identities of those participating.

Such a low number of requests for anonymity by respondents to this study tend to reinforce Spector’s account of research involving public figures. Prospective interviewees appeared undaunted by public pronouncements, despite their public profile, now and in the past, having been played-out in a difficult security

theatre where people could be killed. This important consideration may not have been an issue of concern for those involved in Spector's study. An undertaking of anonymity, nonetheless, was afforded to all participants for whom I gave considerable cognizance on how best to protect their anonymity as the study progressed. This was a particularly important undertaking, given the profile each respondent brought to the research, and the unique and special circumstances which NI presents for researchers, against a backdrop of terrorist activity, albeit now on a reducing scale. To do otherwise, could have facilitated the commission of murder.

The final ethical consideration was that of secondary analysis of qualitative data. The "difficulty of making settings and people anonymous and the ethical problems involved in such reuse associated with promises of confidentiality" can create particular difficulties for researchers (Bryman, 2008, p.561). It has already been explained how particular measures were taken to limit any difficulties for those agreeing to participate in this research. In preparing for the interview process, I have only utilised documents or material already in the public domain. No Freedom of Information applications were considered or made to any agency or body for information, nor has any material categorised as 'Secret' or 'Confidential' been used or redacted. All data thus redacted during the transcription process was purely for the protection of respondents. In conclusion, information gleaned during the interview process from this sample of respondents, to which sub-section 6.4 will now turn, is original and can offer potentially rich opportunities for secondary analysis.

#### **6.4 The Respondents**

During thirty-one years of police experience in NI, contact was made at various levels with individuals involved in policing and in implementing reform of the RUC. These contacts provided considerable scope for selecting potential respondents who displayed experience of the pre and post-Patten accountability frameworks. This approach was considered crucial for the quality of the study

because there was a presupposition that potential respondents had, or continued to have, a key role in reconstructing policing in NI.

After compiling a list of respondents, based on their individual experience of policing, and as part of a network of contacts maintained following retirement, I subsequently considered the approach necessary for enlisting their participation. The rationale for inviting the eleven respondents to participate in the research was based on their collective knowledge and experience of policing in NI, in general, and the police reform process, in particular. Before making contact and inviting potential respondents to participate in the study, the issue of 'gatekeepers' was considered alongside a requirement to explore official channels. Gatekeepers are individuals who can control access to respondents, and who can distort research by pointing the researcher at individuals who, from the gatekeeper's perspective, will give the 'right' answers. As potential respondents already knew and trusted me, there existed no requirement to contact 'gatekeepers', and it became a straightforward process of contacting potential respondents to confirm their willingness to participate in the research. Contact was then made with potential respondents by either telephone, e-mail or in person, whereupon the reason for my approach was explained in detail. When this process was complete, and a list of potential respondents compiled, I decided on how interviews were to be conducted, together with relevant data to be elucidated from such interviews.

When respondents had agreed to participate in the study they were categorised and placed into three groups depending on their role and position in the policing debate in NI. The first group of interviewees consisted of serving and retired chief police officers and retired senior police officers. In the UK, a chief police officer holds the rank of Assistant Chief Constable, Deputy Chief Constable or Chief Constable, whilst a senior police officer holds the rank of Superintendent or Chief Superintendent. Individuals assigned this group were reference accordingly. R1 (serving chief police officer), R4 (retired senior police officer), R6 (serving chief police officer), R9 (retired senior police officer) and R11 (retired chief police officer). These individuals possessed intimate knowledge on the Patten reform process, having been involved at the highest levels with

the UK and ROI Governments, and the USA Administration, during, and after implementation of the GFA and the Patten recommendations for reform of the RUC. These individuals were also involved with representatives of the Patten Commission.

The second group of interviewees consisted of individuals who possessed experience and knowledge of policing in NI, and were involved theoretically, practically and operationally in the police reform process. The positions held by those assigned to this group was categorised as follows: R2 (Head of a police accountability body), R5 (senior policy shaper in the Patten reform agenda), R7 (writer on policing issues and author of several books on policing) and R8 (Catholic DPP member). The third group comprised two politicians: a national politician from the Labour Party and responsible to the UK Government for Policing in NI (R3); and a local unionist politician who had been involved in the GFA negotiations, before being appointed chair of a DPP (R10).

Following the selection of respondents, a series of topics, capable of gleaning relevant data for analysing, were considered as possible discussion points during interviews. The thirteen research topics centred on the historical consequences of policing in NI; the advantages and benefits of the various accountability mechanisms that emerged from the Patten reform programme; how the accountability structures would assist in shaping the future structure and function of the police and, thus, legitimise the PSNI; and, finally, the dilemmas anticipated for the PSNI by increased accountability in a society emerging from conflict.

### **6.5 The Interview and Transcription Process**

It was the intention to interview all respondents in person. However, for various reasons, two interviewees were unavailable for face-to-face interviews. This resulted in their interviews being conducted via emailed responses. I decided on this approach because such individuals possessed considerable experience of the Patten reforms, and the value each could bring to the research, outweighed any decision to consider interviewing alternative respondents. One

respondent was external to NI before the Patten reforms were introduced, and both individuals had considerable experience of policing systems in other parts of the world. This, I believe, brought an additional international dimension to the research which other respondents, although experienced in this regard, may not necessarily have provided. The remaining nine semi-structured interviews were conducted in various parts of NI and at several locations in London. I agreed with respondents a date, time and location suitable to them.

Prior to the commencement of each interview, participants were provided with an informed consent form (Appendix 'A', pp.250-252) which they were requested to read and, if agreeable, sign and date. The nature and context of the research was explained; the university at which the research was being undertaken, alongside details of academic supervisors; that respondents' participation in the research was voluntary; that respondents could refuse to answer any questions and decline to have their respective interview audio recorded; reasons why the interviewee had a contribution to make; and the extent of the interviewer's interest in this research field (Loftland and Loftland, 1984; Bell, 1993; Bryman, 2008). With the exception of the two emailed responses, all interviews were digitally recorded by agreement. Most respondents appeared familiar with the standard process adopted by researchers, prior to any interview. This conveyed a powerful example of the experience which this sample of respondents had.

As with any method of gathering data there are limitations. The audio recording of interviews allows the interviewer to concentrate on the flow and direction of the interview rather than on taking notes. This provides the researcher with opportunities to peruse the transcribed copy of the interview during the analysis stage whereas, an interviewer who decides only to make notes is not able to give full attention to what is being said during the interview and, thus, reduces interview capacity (Loftland and Loftland, 1984). Interviews were conducted with eleven respondents, all of whom had different experiences of policing. Discussion then began with each respondent, concerning their practical experiences of the historical dilemmas associated with policing in NI, as outlined in the academic literature in Section 1. On reflection of the first interview, the

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interview process was modified by reducing down, from thirteen to ten, the number of topics for discussion (Appendix 'B', pp.253-254). During the first interview, an element of duplication was detected in what some topics were implying, and the responses subsequently given. Having carefully considered these changes, I was satisfied that such modifications did not diminish the capacity or quality of subsequent interviews or data to be assimilated.

Interviews ranged in duration from twenty-five to fifty-three minutes and only the interviewee and interviewer were present during all face-to-face interviews. Some notes were also taken for prompting other secondary questions for which clarification was sought and for capturing additional data. This documentation has also been securely preserved. On completion of interviews, respondents were thanked for their respective contributions and asked had they anything further to add. Only one respondent provided additional comment to that already contributed, whilst another respondent requested a copy of their transcribed interview for checking purposes, prior to granting permission for its inclusion in the thesis. This request was facilitated and, when checked for accuracy, the respondent returned their transcribed copy of the interview. Two interviews were briefly interrupted when the interviewee answered a telephone call. On both occasions, respondents asked their caller to ring back.

Following the completion of each interview, the process of transcribing the data commenced. This process was considerably complex and involved approximately eight to ten hours transcription for each interview to ensure confidentiality and accuracy of content was maintained. Initially, the transcription was completed by hand, before conversion to typed copy. Following transcription of each interview, responses were carefully read to again ensure confidentiality was maintained. Additionally, this was used as an early indicator of the themes emerging from each interview. All nine digital recordings have been backed up with information securely stored alongside typed copies of the eleven interviews. At all times, before during and following interview, respondents were reassured of confidentiality. Had the Boston College situation occurred prior to this research commencing, I would have been obliged to draw to the interviewee's attention, the potential seriousness of the consequences for

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each interviewee's participation in the research. To maintain confidentiality, a unique code was assigned to all transcribed interviews and remains in sole possession of the researcher.

As previously outlined in this chapter, respondents were categorised and placed into three groups: the police, individuals with experience and knowledge of policing in NI, who are involved theoretically, practically and operationally with policing, and politicians. Initially, data was analysed on an individual group basis. This process was undertaken by reading the interview responses in detail, identifying recurring themes and linking patterns relative to that distinct group of respondents. Emerging themes were then allocated a unique reference number which assisted in identifying, then linking, the emerging themes from the two other groups. On completion of this phase of the data collection process, a thematic analysis was conducted on all themes identified from the interviews, and which straddled all the three groups. At the conclusion of this process, four recurring and interlocking themes were identified, which warranted further discussion concerning the experiences of policing in NI as recounted in discussions with key strategic practitioners involved in restructuring policing in NI.

This chapter commenced by providing the reader with an overview of the research site which served as a microcosm of the policing problems of NI. It was then outlined how personal experience and values could impact on shaping the conduct of this research by influencing the analysis and subsequent findings. Chapter 6 continued by detailing the ethical dilemmas which research of this nature involves, and how protection for its participants and findings was vital in capturing and reporting on the data. The concluding paragraphs then discussed how the sample was selected, the processes followed to encourage those whose participation was vital and how the subsequent interview and transcription processes were conducted. In conclusion, Chapter 6 has provided a detailed account of the important research considerations undertaken to ensure the validity of this process and research findings. Chapter 7 will now provide commentary on the themes that have emerged from the thematic analysis of the eleven semi-structured interviews.



# **Chapter 7**

## **Analysis and discussion of the semi-structured interviews**

## **7.0 Strategy for analysing the data**

Chapter 7 is organised in two parts and represents the second of three chapters which comprise Section 2. As mentioned previously, Section 2 performs a different function to that of Section 1. Section 1 has reviewed the academic literature on policing amongst “competing nationalisms” in NI, but with particular emphasis on the development of police accountability and legitimacy. The first part of this chapter will deal exclusively with an analysis of the eleven semi-structured interviews, whilst the second, and final part of Chapter 7, will discuss the research issues and dimensions, together with the academic literature contained in Section 1.

As described in Chapter 6, respondents were categorised and placed in three groups: the police; individuals with experience and knowledge of policing in NI, and politicians. Following an analysis of the interviews, four interlocking themes emerged, as follows: (1) enhanced accountability creates confidence in policing; (2) the impact of historical legacy issues on the current accountability framework; (3) the financial costs associated with maintaining the current accountability framework; and (4) over-regulation and bureaucratization.

### **7.1 Theme 1**

#### **Enhanced accountability creates confidence in policing.**

The term ‘confidence’ and the structural arrangements for police accountability in NI emerged across the three chosen groups, that inclusion as a theme, in its own right, was compelling. The word confidence, in this respect, is used as an all embracing term. For this purpose, it will also denote transparency, trust and reassurance, terms which emerged in equal measure from the thematic analysis. This also led to the emergence of a sub-theme, which described the need to measure accountability between the pre-Patten and post-Patten policing eras to determine an appropriate benchmark.

Before discussing the analysis, it is worth considering the views expressed by the inaugural Chairman of the Policing Board, Sir Desmond Rea, who in a recent interview encapsulated the issues to which Theme 1 relates, where he described how police accountability in NI had been enhanced by the Patten reforms.

“The Policing Board and the architecture of accountability for policing has been central to confidence building in the community. The Board and the model of police governance it provides through its political and independent membership has delivered democratic accountability of policing” (Rea, News Letter, 2011).

In turning to this first theme, discussion on the analysis begins by explaining the extent to which respondents considered post-Patten police accountability to be enhanced. This was viewed a necessary undertaking for improving community confidence in the police. This issue came through during an interview with the Head of a police accountability body.

“Absolutely it’s been enhanced. I, as you would expect, have a high regard for the Patten Report. I think it was quite brilliant in its structure, design, without being prescriptive. It set a pathway to a new model and the three building blocks; I’ve always said are human rights, accountability and policing with the community and the rest fundamentally, how you deliver that. In my previous role as the [name removed] I always focussed on those three areas and did thematics, [inspections of different areas of policing by selecting a theme, for example, policing with the community], as a matter of fact, in each of those three areas. I think those were the underpinnings of the Patten Report. I always make the point that it would not have happened without the leadership of the police and the willingness to engage in that. Certainly [Sir] Ronnie Flanagan brought the organisation along with him to the door of Patten. [Sir] Hugh Orde took them through the door and over time, of course, Matt Baggott, now chief constable, is focussing on trying to focus on policing with the community. So I think it’s been very much a success” (Respondent 2 line 29)

This respondent went on to describe how the Patten recommendations provided three building blocks on which police reform was built. Such building blocks subsequently provided the foundations on which the three pillars of police accountability; the Policing Board, District Policing Partnerships (DPPs) and the

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Police Ombudsman for Northern Ireland (PONI) have become established fixtures in legitimising the PSNI.

As outlined in Section 1, the policing environment is now inherently different, from a political and security perspective, to that experienced by the RUC from 1922 until 2001. This dimension prompted a serving chief police officer who, when asked if police accountability had been enhanced post-Patten, replied emphatically, "Yes, I do believe it has been considerably enhanced" (Respondent 6 line 35). This perspective was expressed also by the Head of a police accountability body. When asked the same question, this respondent replied, "Absolutely it's been enhanced (Respondent 2 line 29). Respondent 2 (line 43) expanded on this dimension of the analysis by suggesting "it's been very much a success." The current police accountability structure in NI was similarly endorsed by a chief police officer. "I keep saying, I think it's a far better model than what we've got here" [England and Wales] (Respondent 1, line 278). This opinion was then further corroborated by a national Labour politician.

"So there's a very robust, comprehensive, [accountability framework], frequently the Chief Constable in Northern Ireland, there were two in the time I was there, would say that probably it was the strongest, strictest Oversight arrangements anywhere in the world. I think that is probably true" (Respondent 3, line 41).

Despite these dimensions of police accountability in NI, dissenting voices existed. A writer on policing issues remained unconvinced by such developments and declared that, "I don't believe it's been enhanced at all" (Respondent 7 line 35), whilst a local unionist politician adopted a similar position by concluding, "...not at all" (Respondent 10 line 22). Considerable debate during interviews then ensued concerning how effective, or otherwise, was the current accountability architecture and how the building blocks described previously by the Head of an accountability body, support the three pillars of police accountability. However, time and space do not permit further debate in this context.

Public confidence in policing remains of fundamental importance in NI to address and resolve the contentious issue of police legitimacy, trust and political policing, now that policing, in the words of the Head of a police accountability body, has been taken “through the door”, in terms of reforming the RUC (Respondent 2 line 40). A serving chief police officer was rather categorical in describing how accountability “has been considerably enhanced, I think both symbolically and in reality” (Respondent 6 line 35). This view concurred similarly with opinion offered by a national Labour politician who endorsed the new accountability arrangements.

“Well I think without doubt it’s been enhanced. I mean confidence has to come before accountability in a way and because of the changing make-up of the PSNI, compared to the RUC, with Catholic officers touching 30%, which was roughly the aim of the Patten Commission. Because you’ve got greater representation, you’ve got greater engagement with the community. That all in a sense, is a prerequisite of good healthy accountability but where everything is begrudged and difficult. But I think if you’ve got the public confidence and you’ve got a more representative police service then accountability sits on the top of that, I think, in a more healthy way” (Respondent 3 line 50).

In terms of ‘reality’, this was illustrated by a chief police officer in referring to membership of the Policing Board and how it “is now more representative of Northern Ireland politics” (Respondent 6 line 43). This was similar to the view offered by a retired senior police officer, who alluded to the changing political landscape contributing to improvements in confidence levels on policing.

“I think the biggest change you know, around police accountability, has been the political support from what previously would have been people who were very disaffected by the police and, I think, that’s the biggest change” (Respondent 4 line 93).

In building the level of confidence held by communities towards the police, the Head of a police accountability body offered an extremely simple description of accountability. This respondent described how accountability “is about being perceived to respond to the community” (Respondent 2 line 283). On this point, and a worthwhile consideration, a chief police officer suggested how the

accountability arrangements in NI, in comparison to those which existed in England and Wales, were “far more public, far more transparent” (Respondent 1 line 31). This respondent continued by describing accountability as necessary for “building confidence in policing” (line 65), whilst a retired senior police officer suggested “its public confidence, it’s having a transparent arrangement in how the police work and what they do” (Respondent 4 line 125). This perspective was supported by both a retired senior police officer who suggested it “creates confidence” (Respondent 9 line 34) and by a retired chief police officer who felt “it does help build confidence” (Respondent 11 line 74).

The term confidence can manifest itself in several guises. This position brings an important dimension to the issue and may affect the analysis and argument, but there is insufficient time and space to analyse it here. A writer on policing issues cautioned against a lack of transparency in the system.

“The whole system of justice and that’s one glaring deficiency in my view that there isn’t sufficient transparency in the way decisions are taken. The way the decisions are implemented, there’s no point having debates on radio phone-in programmes afterwards. That only intensifies community disillusionment and [lack of] confidence” (Respondent 7 line 533)

This respondent continued by providing a rather practical perspective of what, in this person’s opinion, can diminish trust and confidence in the accountability framework.

“I think what I would just say, police oversight and policing [is] not a cosy conspiracy between the organisation and the oversight bodies. They are there to do a job on behalf of the public and there’s far too much no comment and it’s none of your business” (Respondent 7, line 499).

“...but there is a basic tendency to do everything behind closed doors afterwards, and that’s the mentality that needs to be broken. That both on the part of the police and on the part of the oversight bodies they need to conduct themselves far more openly and accountably in public and show people what they do, why they do it and how effective they are” (Respondent 7, line 506).

Respondent 7's perspective raises two separate issues. The first dimension relates to whether the police deliver justice and redress for citizens, and the second dimension relates to the police, as part of the nation-state, being transparent and open to public scrutiny.

However, a senior policy shaper in the Patten reform agenda, whilst referring to transparency, considered how the

"...current system is more transparent to the public and provides superior access to objective investigation. The process contributes to police legitimacy in the eyes of the public." (Respondent 5 line 22)

This respondent continued by suggesting that public opinion, over time

"...is realistic and fair minded and if they perceive that the accountability process and the police are inclined to produce results that are fair and reasonable, support for the police will be enhanced: trust building is essential" (Respondent 5 line 39).

In offering a similar perspective, a national Labour politician outlined how accountability "is all about trust in the end" (Respondent 3 line 76), whilst a writer on policing issues articulated a more radical perspective when describing how

"...the post-Patten landscape is not very good and the oversight mechanisms are far from as effective and as credible and, indeed, as confidence inspiring, as they should be" (Respondent 7 line 169). "Then the Policing Board itself, in my view, is guilty of sterile thinking of a complete failure to come up with new ideas" (Respondent 7 line 159).

Prior to the current Patten inspired accountability framework being introduced to NI, the political environment did not lend itself to cross-party support for the accountability structures which evolved from the Hunt reforms in 1969. That said, the PSNI now inhabit an environment denied the RUC. This was a dimension to the analysis offered by a retired senior police officer.

"And that's why, I suppose, depending on who you speak to, you will get different responses about that. Without trying to extend into a long sort of argument, if you look at pre-Patten, its not that there wasn't accountability pre-Patten, there was accountability pre-Patten. That was HMIC we had the IPCC, we had Policing Plans had been introduced at that stage, sorry we had a Police Authority that was there, so there was mechanisms that where there. There can be another debate about how efficient they were or how effective they were, how good they were doing but certainly having worked at command level, in a sense of support to command level when the old Police Authority was in place, I can tell you there were substantial tensions between the old Police Authority and the RUC and, in particular, with one or two of the Chief Constables who served at that time" (Respondent 4, line 53).

This respondent, by providing an insider's perspective, outlined a formalised account on how accountability, in its purest and theoretical sense, existed during the pre-Patten era. Missing from this account, however, were references to community perceptions of the accountability arrangements, and how confident they could be of obtaining satisfaction. Communities in the pre-Patten era, as discussed in Section 1, appear not to have featured in the accountability structure the way Patten some years later envisaged communities having a say in policing, through local DPPs and other fora.

The main issues that emerged from the analysis, relating to confidence in local structures of accountability, centred on the overall contribution of District Policing Partnerships (DPPs) to local policing. The role of DPPs, according to a chief police officer, "is not so much to hold the District Commander to account, but to monitor police performance, and again that's done publicly and the local media are invited" (Respondent 6, line 208). In this regard the issue of performance is two-fold. It is about local policing being accountable by providing communities with statistical data on how the police are delivering justice, and how communities engage with the police and challenge performance. This was a similar point raised by the Head of a police accountability body, who suggested "that different District Policing Partnerships have dealt with accountability in a different way and people see accountability as different" (Respondent 2 line 88). Whilst the analysis produced no definition of what police accountability, in this regard, actually represented, there was



support towards the functionality of DPPs and how they remained the only fora where local frustrations with the police could be discussed in public.

A retired senior police officer viewed this local arrangement as facilitating the engagement of police and communities in a formal process which “brings a nice formality and a transparency to that formality” (Respondent 4 line 290). This was similar to an arrangement by the forerunner to DPPs. The Community and Police Liaison Committees (CPLCs) were not as representative of communities as DPPs and did not operate in all police command areas throughout NI. Despite this, DPPs were considered capable of providing greater opportunities for communities to become involved in policing, yet the issues, which follow, describe how public participation in DPPs has been questionable.

A retired chief police officer viewed the idea and principle behind DPPs as good, but was not sure “that’s what happens in it” (Respondent 11 line 162). Despite this perception, the analysis depicts how public meetings suffered from public apathy and low attendance. A writer on policing issues termed these meetings “a cosy ritual” (Respondent 7 line 62). A Catholic member of a DPP referred to how “public meetings are not as well supported as they could be, but, yet again, that’s Province-wide” (Respondent 8 line 149). A local unionist politician and chair of a DPP considered how DPPs served “no useful purpose” (Respondent 10, line 37).

The Head of a police accountability body clearly articulated the importance of grass-roots, bottom-up approaches to local problems and what can be achieved by local relationships in building confidence between the police and communities.

“The term grass-roots accountability comes to mind. I think it’s the most important factor, an underrated factor of the Patten reforms and hasn’t seen its potential yet...” (Respondent 2, line 260)

Communities have often been described as being the ‘eyes’ and ‘ears’ of the police. This analogy was developed by a chief police officer who relayed

comments from a community worker in New York who likened the community to “the muscle and brain of the police” (Respondent 6 line 71). In this regard, a retired senior police officer acknowledged how

“District Policing Partnerships should be the voice, ears, mouth and touch of local communities... It acts as a footbridge between local community needs and the overall priorities of the local police.” (Respondent 9 line 59)

This respondent explains how DPPs fuse the needs of local communities with police priorities in the form of a local policing plan which is then discussed at meetings. The potential for developing DPPs through the present structure was considered problematic whilst power continued to be exerted centrally from the Policing Board. This dimension may explain why a chief police officer held opinion that DPPs tend to be process driven “and not necessarily responsive to local needs” (Respondent 6 line 234) and, as stated earlier by a local unionist politician, “serve no useful purpose” (Respondent 10, line 37).

Several respondents developed this dimension of the debate by suggesting that mechanistic and centralised proposals for holding the police to account appear unsuitable for achieving confidence and trust in local policing. “If accountability is just a kind of mechanistic set of arrangements, then you are not getting the best out of it to say the least” was a view expressed by a national Labour politician (Respondent 3, line 113). This respondent continued: “I also think this is the really important thing at local level it’s really important that people have a say in how their communities are policed” (Respondent 3, line 101). For communities to have a role in how they are policed, necessitates the existence of independent oversight structures. These structures should be capable of holding the police to account through creating confidence that they are independent of the police.

The Office of the Police Ombudsman (PONI) was regarded as one of the mainstays of the post-Patten policing era for achieving confidence in the police and accountability arrangements through independent investigation of police misconduct. Introduced in 2000, following publication of the Hayes Report

(1997), the Police Ombudsman was designed to operate juxtaposition with the other police oversight bodies.

A chief police officer outlined the importance of the Police Ombudsman.

"First of all, I think, the establishment of the Ombudsman's office was one of the most important steps in increasing public confidence and ensuring fairness and equity in the issue of complaints against the police" (Respondent 6 line 266).

Introducing independent investigation of police complaints was viewed with particular importance by a retired senior police officer when asked if the introduction and impact of the Police Ombudsman had improved police accountability, the reply was, "substantially!"

"I would go so far as to say that side by side with the actual Patten changes themselves, the Ombudsman has been the most singular success in terms of improving police accountability and I think they have to be balanced and measured in this" (Respondent 4, line 331).

However, such opinion was not shared by a writer on policing issues who did not consider the Ombudsman "has begun to make the objectives that were articulated by Hayes" (Respondent 7 line 391).

The importance of independent investigation of police misconduct for creating confidence in the accountability structure became a recurring issue across interviews. "I don't think anybody could argue that whole separation of holding the police to account and police complaints did improve on it" was the opinion of a retired chief police officer (Respondent 11, line 191), whilst a retired senior police officer alluded to how "the delivery of justice through objective investigation and transparency has improved accountability" (Respondent 9, line 71).

A retired senior police officer considered the independence of the Police Ombudsman Office of paramount importance for creating an "objective conduit between the public and the actions of the police. The public expect the Police

Ombudsman to deliver justice to them when they feel victimized by the police. Delivering justice through investigation and transparency has improved accountability" (Respondent 9, line 72). The view of a senior policy shaper in the Patten reform agenda described how "on balance and over time, PONI has significantly contributed to police accountability in Northern Ireland" (Respondent 5 line 79).

Whilst the Police Ombudsman has impacted significantly on police accountability, the Policing Board was considered of equal importance in maintaining overall confidence in the accountability structure. Despite the NI Assembly introducing a Minister of Justice following the devolution of Policing and Justice to NI in 2007, a need to retain the Policing Board as part of the accountability architecture was identified from the analysis. The importance attached to this issue will be discussed at length later, when explaining the degree to which politics previously influenced policing, and why several respondents to this study believe appointing independents to the accountability structures may reduce the influence which politics can exert over policing.

There were however, no outright suggestions to abolish the Policing Board. In fact, a chief police officer cautioned against making any such changes.

"For clear pragmatic reasons to meddle with something which has delivered far higher level of confidence in policing, in terms of the wider community, that has delivered a police service that is far more representative of the community and has ridden some difficult times, quite successfully, would be very high risk" (Respondent 1, line 139).

Another chief police officer was equally supportive of how the Policing Board had dealt with some politically sensitive issues, and described how

"... [t]he board has proven its capacity to be pretty resilient and, in the midst of crises, to be one political structure that has stood the test of time" (Respondent 6 line 167).

Despite the positive sentiments from Respondents 1 and 6, a local unionist politician considered reform of the Policing Board necessary (Respondent 10 line 7). This respondent was in favour of refining membership of the Policing Board and how it performs its accountability mandate. Where respondents tend to suggest the Policing Board is effective, concentrates on political matters which have a tendency to impact negatively on policing. This, I suggest, is hardly a surprising assertion, given the dominance of political appointees on the Board, and the history of political interference in operational policing matters prior to 'Direct Rule' in 1972, which Section 1 discussed.

Thus far, the debate on police accountability delivering greater levels of confidence has recounted how police accountability provides for community confidence in policing. Confidence in the police, and what it actually implies from a NI perspective, was considered at length by a national Labour politician. This respondent introduced an entirely new interpretation of confidence in the police.

"I think often when people were asked about confidence in policing; the response they gave was very much a political response. It was about, do you approve of? Do you have confidence in the new arrangements for policing, the PSNI so on and so forth? ...but, of course, that confidence in my [name removed] is about something else that's the confidence about the operational effectiveness of the police and so you've got, in a sense, two measures of confidence, operational effectiveness but confidence in the structure and architecture in policing and, I think, sometimes the two things... you know given we are only a few years beyond Patten, the two things did get mixed up." What will increasingly be the case as the policing arrangements are now settled business, the confidence issue will become much more on the operational effectiveness in the future. Interestingly enough, those figures might go down but people will have to cope with that, I'm sure they will. They can do, in the confidence of knowing that they've got robust arrangements of accountability in place. But increasingly people will want to know how quick do the police respond, how thorough are they, etc?" (Respondent 3 line 131).

To clarify the position, this respondent, in response to a supplementary question stated:

"I may have misunderstood; maybe people did think that the police nine times out of ten were perfect. I somehow felt what people were really responding to was the question, you know, do you approve of these new arrangements for policing in Northern Ireland and people were very much behind them but it will become more and more operational effectiveness" (Respondent 3 line 156).

In this regard, the national Labour politician suggests that when confidence in the police as an institution improves and the accountability arrangements mature, then community confidence in the police will evolve likewise, from a position of having confidence in the police as a state institution, to one of expressing confidence in how the police deliver a service to communities when dealing with crime and other social issues of concern. Sentiments attributable to this contributor place the term confidence in a different context from that offered by other interviewees.

Despite the existence of increased police accountability structures, the difficulty in NI of achieving equilibrium in policing was never far removed from the debate. It has been discussed how police accountability provides for public confidence in policing yet, as a retired chief police officer explains, improving confidence in one community, may adversely affect another. For example, this respondent suggested that increased police accountability may have contributed to the nationalist community experiencing more confidence in policing.

"This is one I struggle with... because, on the one hand, that question has to be in the context of what was before, so, has post-Patten, the accountability framework helped build confidence, absolutely, particularly in one community where there was little or no confidence but it may have reduced confidence to some extent in the other community, not wholly but there may have been a shifting of the balance. Has it improved confidence across the board on policing? I think it has. It helped resolve some of the conflicts and some of the tensions around policing and it's proved from that perspective. It has helped to build trust in the very fact that in the community more people are willing to apply from a community that in the past wouldn't have applied, giving some sense of legitimacy around policing" (Respondent 11, line 25).

Building on these sentiments, a local unionist politician suggested, rather despondently, that “within the unionist community, confidence with the police is rock bottom” (Respondent 10 line 104). Unionists have always voiced their opposition to the Patten reforms, because they believed there was no requirement to reform the RUC. Dimensions of this debate illuminate the intractable nature of policing and how building confidence and trust in the police by communities is not straightforward.

As the theme of confidence developed, there also emerged a sub-theme on how accountability should be measured and benchmarked across the Hunt and Patten eras to determine whether accountability has been enhanced in NI.

### **Sub-theme**

#### **Measuring accountability and how can it be benchmarked?**

As Chapter 4 argued, considerable difficulties exist when agreeing a universal definition of accountability, yet a plethora of definitions on the subject do exist. From the outset, a writer on policing issues anticipated practical difficulties in measuring accountability, which tends to sideline the effectiveness dimension which came through earlier in this discussion. This respondent continued by comprehensively detailing a conversation influentially argued with Lord Patten.

“We saw we were coming out of conflict and that hopefully a more conventional policing environment was going to exist, and so, it fell to the Patten Commission then to carry that work forward. They struggled for a long time with accountability. I personally had a very intellectually stimulating afternoon with Patten himself, discussing this. I produced for him a draft, possibly a definition of accountability which could be put in legislation, in the end they decided not to go for a definition but instead made specific recommendations to improve the interface between the police and the community. As a result of those discussions and thoughts about it afterwards, I believe that a much more useful word is oversight. What we have is oversight mechanisms of the police, whether its by the Ombudsman, whether its by the Police Board or indeed whether its by the Committee for Justice at the Assembly but, I think, oversight is a much more useful term and a much more

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credible term in terms of describing the function of community monitoring of the police in the way that it does its job, either for good or for bad" (Respondent 7 line 10).

As this research involves police accountability and its operational capacity over two different phases in the history of policing in NI, several respondents quite rightly identified a need for accountability to be benchmarked and measured across the two periods. A retired senior police officer was rather measured in how the differentiation between the pre and post-Patten eras should be approached, offering, in the process, an extremely valuable opinion for the thematic analysis to ponder.

"I'm not sure that police accountability has been enhanced because it's back to what I posed [sic] at the beginning. Benchmark accountability for me and then if you do that you can sit and have some sort of measurement and say well it's better than what it was or it's worse than what it was" (Respondent 4 line 83).

This respondent appeared to suggest how changes to environmental conditions should be countenanced, in considering whether the accountability landscape of NI has changed, post-Patten. Whilst discussing the effectiveness of the accountability mechanisms, the Head of an accountability body suggested how "you can't do that without change in society as well, so there is a tandem process at work..." (Respondent 2 line 59). This assertion tends to augment the dimension offered above by a retired senior police officer.

In developing this "tandem process", a national Labour politician suggested there has "got to be two levels of this, you've got to have the apparatus of accountability which means a Policing Board, it means the power of the Ombudsman to investigate complaints and all the rest of it. It's that day in day out relationship between those who are policed and those who do the policing about identifying what the priorities are of working together to make the community safer" (Respondent 3, line 115). A writer on policing issues brought the opinions offered by the Head of a police accountability body and a national Labour politician clearly into focus by outlining why, in any society, there existed a requirement for effective police accountability.



"The police are the regulators of law and order, so as the rest of the world shows, there's vast scope for corruption, improper behaviour, indeed for repressive behaviour and so it's absolutely essential, in a free society, that there are checks and balances and oversight" (Respondent 7 line 116).

A retired senior police officer assumed a similar position to that of the writer on policing issues.

"It lets people see... the police works in a non-corrupt way because as you will be aware in other jurisdictions, and I'm referring to mostly outside the UK, corruption is sometimes the most critical thing that you will hear of police services and, I base that on my personal knowledge of having worked in some European jurisdictions with European police services and this corruption, which the perception of it, whether it's there or not, can be quite hard sometimes to determine but certainly the perception is very obvious" (Respondent 4 line 126).

The proposition offered by the Head of a police accountability body, that changes in society should be considered when comparing the different accountability arrangements, supports the perspective previously suggested by a retired senior police officer (Respondent 4) on how benchmarking accountability is necessary, not just by introducing structures that provide for accountability, but to consider other environmental factors, *inter alia*, around politics, security, societal changes and public expectation.

Collectively, these respondents, and others, have contributed to an interesting debate on police accountability in NI by describing why robust accountability structures remain important for improving public confidence in the police. Certainly, in respect of the UK, and probably around the world, the Patten framework for accountability is unprecedented. The model was predicated on a depth of research conducted by the Commission in various countries around the world. Nothing definitive was elucidated from the analysis to support whether pre and post-Patten style accountability could be benchmarked. What the analysis did consider, however, is that current accountability mechanisms may

be more comprehensive, democratic and independent than heretofore, albeit, as Theme 3 will discuss, rather expensive to maintain.

In narrating the analysis for this theme, I began with comments attributable to the inaugural Chairman of the Policing Board. I will, therefore, conclude this theme with comments from the present incumbent, Brian Rea, who described the accountability model in NI as “renowned locally, nationally and internationally” (Rea, 2011)

In conclusion, Theme 1 has extensively discussed the accountability frameworks which existed in NI during the pre and post-Patten eras. The complexity of determining a suitable benchmark rendered comparison of the pre and post Patten periods difficult. What did transpire from the analysis, nonetheless, was how the issues of confidence, trust, transparency and political support for policing are all necessary requirements for effective police accountability. The confidence, trust, transparency and political support for policing, achieved during the past decade, are now encountering new challenges. The legacy of NI's past, because of unresolved police controversies during the conflict, has presented a negative dimension to these findings. What emerged, subsequently, from the analysis became fundamental to the future trajectory of this research.

## **7.2 Theme 2**

### **The impact of historical legacy issues on the current accountability framework**

The ‘hand of history’ metaphor, so famously coined by the then British Prime Minister, Tony Blair, has come to represent momentous change in NI during the past decade. The weight of that history, in the guise of legacy policing issues and internal politics, returned to grasp hold negatively of the current police accountability structures. The issue of politics infiltrating the accountability structures became a concern during discussions with respondents.

Theme 2 will now discuss how emerging problems encountered by the Patten accountability framework, in the form of how legacy policing issues and politics may impact negatively on police accountability. The analysis which follows will concentrate, first, on legacy policing issues and independent oversight of police complaints; and secondly, on how this situation may impact negatively on confidence in the Policing Board and DPPs.

As Theme 1 discussed, effective accountability arrangements remain necessary for public confidence in the police. However, these improvements, especially in the area of independent oversight of policing, may experience difficulties for the Police Ombudsman's Office, from legacy policing issues, for which it was not established or equipped. This finding came through during an interview with a retired chief police officer.

"I think it started to become rockier because we introduced the past into it and the past is divisive. So guess what, investigating the past is divisive" (Respondent 11, line 193).

Concerns, likewise, were then raised on the direction taken by the Ombudsman's Office to address legacy complaints against the police. A writer on policing matters attributed this to an obsession

"...with the past. Its public responses and its reports have overwhelmingly been to do with the past and they have generated controversy about events of the past. It all seems entirely remote from the way that the PSNI does its job today and I don't believe that there are not instances of dubious behaviour, at the very least, on the part of the police today. They're not being properly monitored and properly investigated in a confidence building way because of the vast amount of resources of the office that are set, and continue to be set or focussed, on the past" (Respondent 7 line 392).

Continuing in similar vein, a national Labour politician, described the need "to get history off the back of the Ombudsman" (Respondent 3 line 412). Expanding on this assertion, this respondent, whilst recognising earlier interventions on this matter, alluded to how this might be achieved.

"I think that organisation was not really designed to do that level of work so you know somehow or other... either he needs to be resourced. I think probably better would be some kind of the [sic] Historical Enquiries Team (HET) or some new framework that might be put in place to deal with the past but to move that away so that he can just get on with dealing with today which is a big enough responsibility but I think something needs to happen there to move history away from the Ombudsman and let him concentrate on today's policing" (Respondent 3, line 413).

Commenting on the important role performed by the Police Ombudsman, a chief police officer felt the Ombudsman was being undermined because

"...the institution of the Office of the Police Ombudsman was a really important milestone in police accountability in Northern Ireland but that institution is steadily being undermined by all sorts of factors" (Respondent 6, line 282).

This respondent continued by outlining how

"[t]he other thing that's undermining the confidence of the Ombudsman, I think, is the whole issue of legacy and I can talk forever about this particular issue. The ombudsman is currently sitting with, I understand, about 122 legacy complaints, things that happened in the 70's 80's 90's that required huge resources to be allocated to them" (Respondent 6, line 299).

Factors to which this chief police officer refers, concern independent investigation into alleged historic police misconduct which has, in recent months, exposed the Ombudsman's Office in a very public and political way. There was a developing tendency in interviews for respondents to reflect on how the divisive history of policing in NI may impact negatively on the current accountability arrangements. A national Labour politician referred to how

"...I was always conscious, particularly because of the Ombudsman's role in investigating the past, there was always a kind of backlog of work that maybe some frustration around that..." (Respondent 3, line 312).

In continuing, a chief police officer alluded to the fact that resources required to deal with current complaints against the police were being “diverted into things that happened 10, 20, 30 years ago, where the hurt of society has still not healed. That’s not the fault of the Police Ombudsman, that’s the fault of the Executive and the politicians who have not yet found a way through dealing with the past which isn’t a criminal justice process issue” (Respondent 6, line 307).

In terms of healing, as mentioned by this chief police officer, a writer on policing issues rather colourfully expressed a view

“...that it’s wrong to continue to pick at the scabs of the past. This society will never heal its division if that is done” (Respondent 7 line 143).

By trying to address the legacy of policing, a retired chief police officer, during that person’s tenure as president of an influential organisation in NI, argued how the Office of the Police Ombudsman “should look backwards for no more than two years... I just think they’ve given them an incredibly difficult job and its part of the whole past...” (Respondent 11 line 212).

How the issue of past atrocities in NI, not just those relating to addressing police misconduct, has received considerable political attention. Initially, the Eames/Bradley Report recommended the establishment of an “Independent Legacy Commission”, and estimated the cost of dealing with the past in NI, over a five year period, at £300 million. In addition, the work of the Historical Enquiries Team (HET), established to investigate unsolved murders, including those of police officers, continues. However, the Lundy Report (BBC News Online, 2012b) into the independence of the HET, suggested members of the military are being treated preferentially to non-state or paramilitary suspects. Moreover, the existence of these bodies has been unable to satisfy the increasing demand by victims to deal effectively with past contentious issues; yet no viable alternative has been agreed. A writer on policing issues expressed an opinion that

"...there has to be some sort of reconciliation or Truth Commission. I'm utterly opposed to it. I believe the money should be devoted to looking after the victims and survivors and make sure that while they may feel a sense of injustice, at least, their health's protected, that they get proper care and support for emotional and physical difficulties" (Respondent 7, line 145).

As Theme 1 has shown, the Police Ombudsman was considered the single most important mechanism for achieving confidence in the accountability framework. It appears from the perspective of this writer on policing issues, that investigations conducted by the Police Ombudsman into past police controversies, may potentially impact on confidence in that Office.

"...I believe that the whole ombudsman's office has been compromised, not fatally by the way that it has been conducted and by the emphasis there has been on the past. There's very, very few, if any, reports that have come out with anything to do with current policy ...and I don't believe the police are any better behaved or worse behaved than they were in the past but there are still undoubtedly incidents of incivility and things of that sort which are not being addressed because the ombudsman's office doesn't have the resources or the will to do that and so that's a huge negative in the post-Patten landscape" (Respondent 7, line 149).

Thus far, several contributors to this research have described the Police Ombudsman's Office as probably representing the most successful structure in the whole police reform process. Another dimension to this finding relates to how unresolved legacy policing controversies may contribute negatively to the confidence which communities derive from independent investigation of police complaints. The following paragraphs will start to build upon the experience which the legacy of politics and policing could present for the current accountability arrangements, and how the state was accused of curbing the ability of DPPs to exert power beyond that of state control. This developed more as a sub-theme on how the conflict's legacy around the relationship between policing and politics could affect the current police accountability framework. This sub-theme begins by addressing the debate on appointing additional independent appointees to the various accountability bodies, namely the Policing Board and DPPs.

## **Sub-theme**

### **Politicos verses Independents**

Northern Ireland's political history is undoubtedly divisive, the impact of which is never far removed from the reality of present day thinking on police accountability. The analysis from Theme 1 discussed, *inter alia*, retention of the Policing Board, despite the appointment of a Minister for Justice. Notwithstanding this dimension of the debate, there was considerable support from the findings, for independent appointees to the 19 person Policing Board to be in the majority, with greater ability to hold the police to account. From the perspective of NI, as shown by the analysis, an independent appointee should be perceived as having no political baggage or affiliation to any political party. Whilst this remains a laudable aspiration in theory, the reality however, in such a parochial environment as NI, is more difficult to discern.

A writer on policing issues provided a timely reminder of the parochial environment by alluding to the impact on the RUC from past political interference.

"It's interesting that the evidence of the Hunt Commission was never published until recently and since it was published, it hasn't been given the attention it deserves because it was quite clear the police themselves were absolutely appalled at the way they were used as political pawns. The way that they were put into positions where they had to force Orange marches through areas where they weren't wanted and where they had to carryout political policing in a way that offended their professional standards and their professional principles" (Respondent 7 line 282).

Individual party politics, together with political appointees to the Policing Board, generated considerable debate amongst respondents on how it was envisaged current accountability arrangements could constrain political opportunism, thus preventing a return to the era described by Respondent 7.

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"I think it is, and I'm saying this in the backdrop of hearing the Justice Committee saying you don't need a Policing Board. I think we do for this reason: Patten very clearly recommended it should always be there just to note that they did [Patten Commission]. I think the Justice Committee and the Policing Board can complement each other" (Respondent 2, line 208).

The issues discussed during interviews, suggest the Policing Board, as an accountability mechanism, is necessary, not least, to maintain a 'buffer' between politics and the police. This was the opinion of a retired senior police officer who explained how the Policing Board "acts as a buffer between the Assembly and the police" (Respondent 9, line 54). This view was also expressed by a policy shaper in the Patten reform agenda who referred to how an "independent Policing Board buffers the police from political interference and provides the chief constable with a sounding board for strategic plans and offers others feedback on police programs and initiatives" (Respondent 5, line 56). A writer on policing issues suggested why the Policing Board "needs to be there to provide a buffer between the police and the community and, above all, political control" (Respondent 7, line 308). This was also the perspective offered by a chief police officer who presented a view that the Policing Board creates

"a buffer between the police and the Minister of Justice where political control could easily be alleged if it were not true, but certainly might be a perception that if the chief constable were directly accountable to the Ministry of Justice there are bound to be allegations of political policing, as it is, but if you were directly accountable to the Minister that's bound to increase those allegations" (Respondent 6, line 149)

These dimensions highlight the debilitating nature of politics on policing, if mechanisms are not in place to balance power between the police, communities and politicians. This was an issue on which a retired chief police officer commented.

"I do genuinely believe that we should maintain the Policing Board, not least because to create that gap between the political role of the Justice Department. So, I suppose it's that separation between the political, the administrative and the operational" (Respondent 11, line 103).



Despite these perspectives on the relationship between the police, communities and politics, a retired senior police officer expressed concern that the Policing Board

"...has been overtly political... (Respondent 4 line 458) ...I still think there's too much politics in the board" (Respondent 4 line 463).

A resolution to such a situation developing for the Policing Board was offered by a retired chief police officer.

"I think good strong independent members [this means not someone who is a member of, or sponsored by, a political party] on that board can make a difference, there were a good strong set of independents on that Board, I think that's why we made progress" (Respondent 11, line 116).

The value derived from having a majority of independent members on the Policing Board was a dimension of the debate to which other contributors commented. For example a local unionist politician suggested,

"...the people that sit on it are no longer lay people [as opposed to politicians] as such. You must nearly need to have a degree or something like that" (Respondent 10, line 123).

A retired senior police officer then outlined how

"Independents are extremely important...", (Respondent 4 line 227), "I think elected representatives are important but I do think the board is weighted... too heavily weighted, in a sense of the political people and, I think, they in turn have a power sway where they can swamp the independents and the voice of the independents" (Respondent 4 line 467).

The role of independents was also endorsed by a chief police officer who suggested how

"...the role of independents is very, very powerful in representing a view that is in touch with what is going on locally" (Respondent 6 line 142).

The distinction provided by this Respondent is heavily weighted. It does appear to suggest how independents are in touch with local issues and, by implication; the politicians are out of touch.

The views of Respondents 4 and 6 above were pulled together by the Head of a police accountability body.

"I don't think the independents were appointed in the manner that Patten saw, with youth and gender. I mean, I think they tick the boxes but you could argue that the independents represent certain political views as well which were not community views truly, but that's for another day" (Respondent 2 line 216).

The issue of independence of the accountability structures was mentioned also by a retired chief police officer.

"I think our difficulty at the moment is they didn't appoint sufficient independents on the Board, a ten/nine split" (Respondent 11 line 137).

A writer on policing issues highlighted a discussion with Lord Patten concerning why independent membership of the Policing Board should outnumber political appointees.

"I support the whole thing Patten was at, but the one thing he and I differed on, very fundamentally, was I believed, and I argued very strongly with this, that the independent lay members on the police board, as it became known, should outnumber the political members, ["Assembly members drawn from the parties that comprise the new Northern Ireland Executive", Patten 1999, p. 30], so that there was always a community balance of non-politics and, I believed, that was an important safeguard in Northern Ireland to prevent, even covert political control of the police and it would also have minimised the way the police were used as a political football, in my view" (Respondent 7 line 46).

Increasing the number of independents was also suggested by a retired senior police officer, who envisaged the Policing Board consisting more of independent than political members to reduce the influence of politicians.

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"Yes, there is a need for a separation – if that is really possible in a political world – between political interests and policing" (Respondent 9, line 50).

The distinction between politicians and independents, which came through during interviews, created a rather interesting dimension to the accountability arrangements for DPPs, especially at a local level.

"How the DPPs have worked out was never the way Patten envisaged them at all... some of the things are there about, certainly his vision was a mix of independence and political people and what not. He saw them as much more influential, much more integrated structure..." (Retired senior police officer, Respondent 4, line 249).

The DPPs are represented by a mix of independents and all political parties, whereas, previously, this was not the case as Community Liaison Committees, for extremely valid reasons, were unable to garner acceptance across all political parties and communities. So, for that reason alone, DPPs are more structured towards representing local policing. A writer on policing issues expressed a different opinion by suggesting how

"...the present policing board works effectively. I've a number of reasons for saying that. First of all, it's still stuck in the tired old rut of the previous Police Authority; it operates in exactly the same way. Many of the staff [are] the same, while perhaps a higher public profile, there's no real substance to it [and] they just repeat the basic fundamentals, most of the chairmen have been invisible" (Respondent 7 line 53).

This interviewee appeared more vexed with Officials from the Policing Board, who administer the bureaucracy, rather than with appointed members. This respondent made the point that, unless Policing Board Officials change how business is performed and conducted, then reform of policing would not occur, and politics would continue to dominate the accountability structures.

"In my view the Policing Board needs to exist, it needs to be there, it needs to have robust protection from being ...it needs to have independence in the way that the Ombudsman has..." (Respondent 7 line 305).

As Theme 1 discussed, the main problem in making an assumption that accountability has been enhanced, is determining a benchmark between the period before and following Patten. It may be, that accountability frameworks during both periods were applicable to the era in which they belonged, but the dominance of politics and an unstable policing environment were viewed as being the main contributory factors for not determining a benchmark.

Another dimension to emerge from the analysis concerned how DPPs operated against a backdrop of political dominance influenced by the legacy of the past. The academic literature, to which Chapter 5 refers, regarding continued state control of policing, together with data gleaned from interviews, outlines the difficulties created by the Northern Ireland Office (NIO) in not merging DPPs and CSPs. This may presume that government's intentions were to prevent local control of policing from below, especially, by those involved in terrorist activity. Apart from costs allied to Patten's accountability framework, which is discussed in Theme 3, concern was articulated regarding the DPPs' continued juxtaposition with Community Safety Partnerships. This relationship was discussed in Chapter 5 as being a measure by which the state could limit the power of DPPs, despite a recommendation to the contrary in the Patten Report. This situation was referenced by a retired senior police officer.

"It's a personal view but my personal view was you know creating the Community Safety Partnerships separate from DPPs was a mistake..." (Respondent 4, line 263).

A chief police officer made reference also to the relationship between DPPs and CSPs.

"The more representative, the more relevant you make it to local communities the more power it gets. And it is also something about getting them to understand in addition to the accountability but the shared responsibility for making things better. So the more outward facing they become the more joined up they become with of course the peculiarity in Northern Ireland of Community Safety Partnerships" (Respondent 1 line 174).

The Head of a police accountability body referred to the dichotomy created by operating two similar committees.

"...one of the dysfunctionalities was, in my view, was they set up the Community Safety Partnership, who had the money and so again I was recommending in the team that they get back to Patten and create one body representing the community, give them the money and the power but for what ever reason it didn't happen" (Respondent 2 line 138).

A national Labour politician then alluded to the relationship between the DPPs and CSPs.

"Having said all of that, I think and felt this very strongly and indeed before finishing... put out a consultation paper to this effect. It was time to move on, that you've got the DPPs and they represented the same geographical areas, they have different responsibilities, they had different funding arrangements but they were often the same people and covering many of the same issues" (Respondent 3, line 243).

However, it is now the intention of the Department of Justice (DOJ), who replaced the NIO, to amalgamate both Partnerships. The separate roles performed by both the DPPs and CSPs will soon be rectified which, in the opinion of the Head of a police accountability body

"...would be an important move, a decade too late in my view but sometimes politics, practical politics comes into play as opposed to the theory" (Respondent 2 line 144).

For example, since devolving Policing and Justice to NI, the British Government appears content for the Department of Justice to oversee the entire police accountability framework, and by amalgamating DPPs and CSPs is a visible way of demonstrating that change.

If the historical dilemmas of the past are to be assuaged, partnerships need to provide communities with a voice on community safety but, as findings from this study suggest, DPPs did not develop as originally intended. As Chapter 5

recounted, the Patten Report had recommended DPPs having an ability to generate income at 3p in the pound for local councils. A retired senior police officer was adamant this proposal was potentially threatening to the Policing Board, in terms of power and control (Respondent 4 line 303) and, following legislation being enacted by the British Government, this recommendation was not included. Politicians appeared to have no resolve to tolerate independent appointees to the accountability structures holding the balance of power.

This theme has analysed how the weight of history has impacted on the independent investigation of police complaints and may, potentially, harm confidence in the effectiveness of the other two components in the accountability framework. Analysis of the interviews have portrayed the Police Ombudsman as performing an extremely valuable function in creating community confidence in policing, but its preoccupation with investigating historical police activity has proved unsettling and may even affect confidence levels in the impartiality and effectiveness of that Office.

### **7.3 Theme 3**

#### **The financial costs associated with maintaining the current accountability framework.**

Whilst the accountability proposals introduced by Patten have received extensive approval, costs for maintaining this framework of regulation appear not to have engrossed analogous deliberation. The financial cost of police accountability became another interlocking theme. Prominence on expanding expenditure, allied to creating, then maintaining the Patten agenda for accountability, was discussed in Chapter 5. The significance of costs attributable to policing in the UK during the eighties and nineties was outlined in Chapter 3 as a means of explaining how successive British Governments, when faced with challenges to centralise control of the police through increased accountability, opted instead for respective Secretaries of State for Northern Ireland and England and Wales to oversee police accountability mechanisms

(Jones, 2003). Endeavours to return the police from centrally imposed controls to more locally inspired democratic control, through various levels of accountability, precipitated a fundamental rethink on the overall role performed by police authorities in England and Wales. This consideration had “received much impetus through publication of the Patten Commission Report” (Kempa and Johnston, 2005, p. 186).

Analysis recounting this theme implies how a cost-benefit analysis of the accountability framework is essential. In this regard, costs for maintaining the accountability structures, including what has to be forgone, versus the benefits in maintaining the framework in its present form, emerged from the analysis. Now turning to Theme 3 (the financial costs associated with maintaining the current accountability framework), this came through in an interview with a chief police officer who commented how, “in terms of cost, it is now a very expensive operation and, of course, it's the Minister that decides the budget” (Respondent 1 line 109).

“It's a really interesting subject. As a framework for holding the police to account, I think it's got an awful lot of strengths. The cost in a way, it's the cost, it's a very expensive system, i.e. what cost accountability? For everyone in Northern Ireland it's not a matter of cost that's important. It is important! I don't think that's good enough anymore. So I think accountability, to some extent, has to be tempered by the cost of it and you've got to get the balance right” (Respondent 1, line 337).

This chief police officer, aware of increased costs to maintain the accountability framework, suggests how a balance between providing for effective oversight, while reducing operating costs is necessary, irrespective of contrary opinion. There develops here, a cross-link between commentary in Theme 2 pertaining to the Police Ombudsman being overwhelmed by historical investigations, and why costs assume such importance. A retired senior police officer, whilst discussing the necessity to preserve the Policing Board, made reference to the costs associated with police accountability in NI. These comments were qualified by explaining that

"...I think, if you were looking at this in a straight business sense and by that I mean money, flat structures and how do you get from A-Z without missing out the other twenty-four letters in the middle, then I would come down and say to you, you don't need a Policing Board. I think when I look at this a little bit more, I come round to the side of that the Board should be there. I think the Board brings, I'm not saying that the Board's perfect, that's another debate, but I think the Board brings the various mix of political parties and independents together and, independents for me here is the crucial thing..." (Respondent 4 line 179).

A retired chief police officer made brief reference to costs related to the Policing Board by cautioning against any action proposed to reduce, for pure financial reasons, the capability of the current accountability arrangements.

"I think the danger is, you look at the Board at the minute and say, "do away with this, it's not working" but the concept, the principles, I think, are important if we are loyal to what it was intended to do at the start and it does create that gap between the 'chief' and the political establishment" (Respondent 11, line 121).

Despite opinions from a retired senior police officer and a retired chief police officer, a writer on policing issues provided a more robust perspective on why the accountability mechanisms in NI demand "radical thinking" (Respondent 7 line 366) that would

"...end the expensive charade that there is at the moment, make the whole process far more effective: It would contribute to the well-being of society in a much more dynamic way" (Respondent 7, line 367).

Remaining with the cost of police accountability, a chief police officer suggested why the Policing Board needed to improve its effectiveness and efficiency (Respondent 6 line 137)

"...because the budget for the board, year on year, is just under 9 million [pounds sterling], I think it's 8.6 million. That's very, very expensive in terms of comparisons with GB forces in the mainland, UK mainland", (Respondent 6 line 137). "Nearly nine million pounds a year which could be better directed towards frontline policing" (Respondent 6, line 163).



Additionally, this chief police officer made reference to the administrative costs and outlined how the Policing Board could reduce the number of appointed members (which currently sits at 19), and how 64 officials to support the function of the Policing Board “seems excessive” (Respondent 6 line 158).

The breadth of thought provided by a retired senior police officer and a chief police officer appear closely aligned to the opinion expressed by another chief police officer. This tends to support an understanding that accountability mechanisms in NI, whilst expensive, should be more cost-effective. This was an issue to which the Head of a police accountability body considered relevant in terms of the financial implications associated with maintaining an accountability framework of this stature.

“I think all of that is where we are and is accepted... expected by society nowadays and there's a cost to that, not only our cost but the cost to police of servicing all these agencies. I think [Sir] Hugh Orde used to talk about 14 as he flashed up their logos and my analogy is to you, the price of accountability oversight is you're moving production to overhead in business terms and there has to be a balance to that. I think it's driven by a larger societal and accountability demands in democratic societies but there is definitely a cost but the question is: is it too much? My answer would be no and because it's how it's applied” (Respondent 2, line 356).

As explained previously by a chief police officer, operating costs for the Policing Board are “expensive” in comparison with Police Authorities in Great Britain (Respondent 6 line 138). Conversely, the Head of a police accountability body considered such costs necessary for maintaining an effective framework of accountability, given the abnormal circumstances of NI. This respondent tends to imply that costs are heavy, but the benefits outweigh the costs. That said, a national Labour politician captured the tenor of both perceptions by explaining how arrangements for police accountability were stronger in “Northern Ireland than we have elsewhere in the United Kingdom” (Respondent 3 line 162).

In conclusion, it has been suggested how the current accountability structure is undoubtedly expensive to maintain and operate. When considered alongside legacy issues, costs become exponential. The increasing expenditure on

providing police accountability may assume greater significance, as society in NI continues to normalise and less emphasis placed on the police. In the meantime, and a decade following their implementation, the accountability structures appear to be solidifying, although, as Theme 2 suggests, challenges remain. As the accountability structures become embedded in the fabric of criminal justice policy, together with an ongoing reduction in public spending, police accountability arrangements may become an area of public policy where costs are examined by the NI Executive. Interestingly, the findings did not suggest dismantling or streamlining the accountability architecture to reduce costs, but some interviewees did express disquiet at increasing expenditure, which has steadily increased since 2003. These respondents went on to outline how savings could be accrued through a fundamental overhaul of the regulatory framework. The regulatory framework became the fourth and final interlocking theme to emerge from the analysis.

## **7.4 Theme 4**

### **Over-regulation and bureaucratization**

The previous three interlocking themes discussed in this chapter have provided a comprehensive indication of the challenges faced by Patten's accountability framework. The past ten years of police reform appear to have generated additional demands for the PSNI, as it interacts with more organisations and oversight bodies which, previously, may not have existed or engaged with the RUC.

It is with over-regulation and bureaucratization that this theme now turns. Perhaps an unintended consequence of this, but a particularly pertinent one, nonetheless, concerns how other factors, predominately external, have contributed to bureaucracy, risk-aversion, oversight and regulation of the PSNI. The practical outworking from such a complex structure for holding the police to account, attracted recent comment from the PSNI Chief Constable, who suggested how

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"...the downside of Patten was over-regulation and huge bureaucracy" (Baggott, 2011).

The obligation to regulate the police is an essential characteristic of the multifarious history of policing in NI. Independent bodies, such as the HMIC, Criminal Justice Inspection (NI), the Policing Board, *inter alia*, occupy part of that huge mosaic of bureaucracy which encapsulates the PSNI. A retired chief police officer made reference to this.

"I absolutely agree any organisation needs oversight, but where you have and, I think, there's eleven or twelve statutory organisations who have oversight of the police, who all have different parts of it" (Respondent 11, line 241).

The contribution from this respondent was indicative of other opinions gleaned from the analysis of this theme. This is, undoubtedly, attributable to their intimate understanding of the unique environmental factors presented by NI, together with the fundamental position which regulation occupies in the overall dynamic relationship which holds the PSNI to account. Moreover, a chief police officer developed the concept of regulation by dividing the term into formal and informal regulation, and viewed it an issue for senior leadership to resolve.

"So I'm not sure I'm persuaded, in terms of other people playing in our world again there's what I would call informal and formal regulation and, I think, in a way again it's the role of senior management to deal with that... people who think they want a piece of our world" (Respondent 1 line 245).

This perspective only added to the growing complexity of oversight and regulation of the PSNI, which a chief police officer felt was "actually quite important" (Respondent 1 line 250).

Formal and informal regulation was also referred to by a retired chief police officer.

"I said there were eleven or twelve statutory organisations but that doesn't take account of the Committee on the Administration of Justice (CAJ), all these other

groups that do come in to see you to hold you to account. To give you ideas on recommendations, so, I do think, how do you do it differently? That's a good question and I'm not sure I have a clear answer in my head. I do think control, probably by the board, almost as a constant through all this. I do think there's a need for much more thematic type inspections rather than have this dipping into every part of the organisation. So you have a thematic inspection that could be made up of the policing board, HMIC maybe someone on the Select Affairs Committee but that there's much more collective thinking [more of the oversight bodies are coordinating their inspections and communicating with each other] on what parts of policing they want inspected" (Respondent 11 line 270).

This retired chief police officer raises an important dimension of the debate concerning thematic inspections which, in the present context is noted, but will be left to one side. At variance to the views of a retired chief police officer (Respondent 11), but in keeping with several points raised by a serving chief police officer (Respondent 1), *ante*, the Head of a police accountability body suggested how

"...you can't say there's too much [regulation] because it was democratically prescribed. All you can do is deal with the outcomes..." (Respondent 2 line 379).

An entangled web of regulation and oversight evolved for very good reason from the accountability framework, following Patten which, if not counterbalanced or refined, may create inertia in the overall objectives of the process. This was clearly explained by a retired chief police officer.

"The time spent on oversight, even in my last post [name removed] the incredible amount of time I spent preparing around the policing board, around the Select Affairs Committee, around the Department of Justice, NIO as it was then, it was just constant demands on your time which went down through the organisation" (Respondent 11 line 235).

Notwithstanding the resources devoted to oversight, a chief police officer alluded to how the power of the police needed to be balanced against regulation and oversight.

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"It's not a hierarchical thing, you have to remember we are operating independently and that is a huge amount of power which rightly needs to be subject to some check and balance" (Respondent 1, line 253).

The range and diverse array of powers retained by the police was also offered by a retired senior police officer who discussed power in the context of international human rights.

"...I'm inclined to think any organization, with considerable legal powers, can't have too much oversight and regulation" (Respondent 9 line 78).

This retired senior police officer provided an extremely forceful and persuasive argument around how powers are exercised by the police, not just in a country emerging from conflict, but in society, generally. However, such oversight and regulation comes at a cost, not just financial, as discussed by Theme 3, but also at a cost, in the widest sense of that word, for any organisation to manage the varying degrees of compliance sought from oversight and regulation.

"The pressure from such oversight rests with the leadership and management of the PSNI to deliver constant effective and efficient policing and at the same time support the personnel at all times – people who work in the PSNI should feel and expect management support; this is not always the case and indeed is a huge issue for leadership/management across all organisations [public and private] in the UK" (retired senior police officer, respondent 9, line 80).

This retired senior police officer may have looked through the prism of oversight, wearing rose-tinted spectacles, but whilst acknowledging the need for as much oversight and regulation as possible, this respondent provided no evidence on the effects which such a position may impose for an organisation, other than to defer the 'pressures', as mentioned previously by a chief police officer (Respondent 1), to management and leadership. However, such problems were not specific to oversight and regulation, as suggested by a retired senior police officer, but more about "the duplication of this oversight and regulation, which is the issue" (Respondent 4 line 352). A further consideration was developed by a

chief police officer, who acknowledged the need for the police to be regulated, and suggested the time to move position on regulation had arrived.

"I would be the first to acknowledge in 2001, when the PSNI was born, that there was a real need and a public outcry for clearer accountability, clearer openness and transparency and lots of oversight... Now, all of that was there for very good reason, but I think we are now ten years on and there does come a point when you have to move from what the 'chief' [PSNI] would call from regulation to responsibility" (Respondent 6, line 327).

It could be argued how a desire to move from 'regulation' to 'responsibility' appears a logical progression, if somewhat idealistic, in the politically charged policing environment of NI. It does, to an extent, bring the analysis back to the responsibility of management and leadership, as discussed *ante*, by a chief police officer (Respondent 1) and a retired senior police officer (Respondent 9). Leadership of the PSNI has, in recent times, expressed opinion on the level of oversight and bureaucracy. The Chief Constable, Matt Baggott, on the tenth anniversary of the PSNI, described the organisation as being "shackled" by regulation, which was having an impact on the effectiveness of his organisation.

"There was a time where regulation was important to winning confidence. Now I think that over-regulation is a shackle. I think there is a need for politicians and the public sector to take a step back and say: You know something, we're spending money on this lengthy process but we're not spending money on what the public want" (Baggott, 2011, cited in McBride, 2011, p.6).

Comments from the PSNI Chief Constable encapsulate the four findings from this thematic analysis. In the above quote, the Chief Constable referred to the issue of confidence in the PSNI (Theme 1); how regulation has helped to develop confidence in the PSNI (Theme 4) in a developing society (Theme 2). The Chief Constable continued by mentioning the financial implications of accountability, (Theme 3), which should now focus debate on future processes for holding the PSNI to account.

Comments from the Head of a police accountability body were at variance with those of the Chief Constable. This interviewee outlined why the current climate

of NI was not conditioned for a change to the regulation and bureaucracy that accompanied oversight of the PSNI.

"[t]he concept of independent oversight is a moving feast and it should be because society and police and everybody are moving through time, so you can't freeze it in time. So it's all about balance and getting the right amount of oversight. As I said, the police would say 14 bodies of oversight and they would include the Human Rights Commission, Equality Commission, the law of course, the media and agencies like ours and previously the Oversight Commission. I think all of that is where we are and is accepted... expected by society nowadays and there's a cost to that, not only our cost but the cost to police servicing all these agencies. I think Hugh Orde used to talk about 14 as he flashed their logos and my analogy is to you, the price of accountability, oversight is you're moving production to overhead in business terms and there has to be a balance to that. I think it's driven by a larger societal and accountability demand in democratic societies but there is definitely a cost but the question is: is it too much? My answer would be no and because it's how it's applied. Let me tell you why its no. In my view its no, is that is where societies are, democratic societies are now the demand for transparency, openness and accountability. The pendulum has not swung back yet to realising the cost and the potential impediment," (Respondent 2, line 350).

A retired chief police officer commented, similarly,

"You spend a considerable amount of time meeting the demands of oversight, rather than doing the job. I think what was clear is it doesn't take away from the importance of oversight but I do think we have to find the balance and the pendulum swung too far, serving those demands of oversight became more important than doing your job" (Respondent 11 line 258).

The demands which oversight can create for the PSNI were alluded to by the Head of a police accountability body, who indicated how

"...I'm sure the view of the police, they would say too much oversight, but the alternative is too little and what is that balance, I don't know. It's about getting the balance right" (Respondent 2 line 384).

The opinions outlined above by the Head of a police accountability body, and a retired chief police officer, tend to reinforce another dimension of this debate offered by a chief police officer who stressed that oversight and regulation needs balanced by self-scrutiny and a reliance on professionalism (Respondent 6 line 340).

The difficulty with making progress in a contested setting, where oversight and regulation of the police is paramount, was brought sharply into focus by this chief police officer (Respondent 6 line 390), who described how the PSNI in 2008 was enveloped by over 3,000 recommendations from a range of oversight bodies. This level of intrusive supervision would create operational difficulties for any organisation faced with such an array of recommendations. The PSNI, according to this chief police officer, has reduced that figure to around 240 recommendations through technology, and becoming "much more robust at saying no" (Respondent 6, lines 404 and 418 respectively).

Whilst the PSNI may have reduced the level of outstanding recommendations, a retired chief police officer provided a practical example of the difficulties encountered by the PSNI when reviews occur and substantial recommendations for change are preferred.

"...I had tried to bring a lot of the recommendations into one or two big recommendations and what happens then is, there's another inspection, another set of recommendations and then there's another one, looks and this changes, it is dysfunctional" (Respondent 11 line 255).

This account was not dissimilar to that provided by a retired senior police officer.

"Certainly the police themselves have created structures in recent years which have captured all these recommendations because one of the problems for the police, as you will remember in the past, they dealt with different parts of the organisation and actually they just disappeared into their respective areas of policing but there was no one central handle around where is all these things, what are we doing about them, and the police now have got that, which is good in that they can now map and say: that's what we've done about that, or, this is



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what we are doing about that, so, there's some mechanism and structure around how all these things are being dealt with" (Respondent 4 line 413).

A chief police officer, nonetheless, appeared more forthright in apportioning blame for the level of recommendations on the PSNI, because

"...sometimes the police service is the author of its own misfortune, of course we draft policies and procedures that try to deal with the nth degree of detail. If this happens, this is what you should do. If that happens that is what you should do. So our policies need to be much more risk and principled based" (Respondent 6 line 356).

The accountability framework, and increased oversight, may have unwittingly contributed to a risk-averse culture creeping into the PSNI. This was a view expressed by a retired chief police officer.

"...I think it has created a risk-averse culture in policing, it has reduced discretion among policing and so, I could answer that question in two ways but I certainly think when you see what the accountability frameworks have done around policing, and I mean right from the top, it has, almost in some ways, neutered the ability of professional judgement and, as I say, has made that risk-averse right down to the bottom of the organisation" (Respondent 11 line 37).

A national Labour politician was somewhat measured regarding the impact which increased accountability imposes on an organisation.

"I think there is a broader issue here, which no doubt needs to be teased out that you need this high level of accountability but it can't become so overbearing that it becomes a strait jacket and that people are no longer prepared to use their instincts and back their hunches..." (Respondent 3 line 336).

Constraining police officers by controlling the degree to which they are "allowed to act on their own initiative" was, for a writer on policing issues, one of the great failings of policing today. "They've lost sight of the commonsense and practicality" (Respondent 7 line 491).

Thus far, this theme of over-regulation and bureaucratization has discussed the advantages and disadvantages of oversight and regulation, yet despite protestations from the PSNI Chief Constable; there remains a continuing need for oversight and regulation, despite the bureaucracy it presents. A further analysis of the interviews was undertaken to identify suggestions on how over-regulation and bureaucracy might be streamlined.

"I think it needs a new structure and it needs one body to lead on it and, I think, there's a piece of work to be done in there, in relation to it. HMIC has traditionally been the inspectorate of constabularies for the UK. There could be an argument that it does it because it's got the expertise around the policing and other things. Equally, I would say CJINI [Criminal Justice Inspection Northern Ireland] are maybe the people who should do this because they have a responsibility, unlike the rest of the UK or indeed even in Europe, the CJINI have responsibility for inspection right across the justice system, so actually they've got this overarching view of all the elements of the justice system, the prosecution system, the courts, the prisons, probation service etc" (Retired senior police officer, respondent 4, line 362).

A similar perspective was offered by a policy shaper in the Patten reform agenda.

"The missing element is a single designated audit capability, and, in this respect, the overlap between the HMIC and CJINI should be resolved. From a purely personal viewpoint I would favour designation of CJINI as the audit body for policing issues" (Respondent 5 line 89).

This respondent (line 92) clarified, in greater detail, the reason why it appeared appropriate for CJINI to lead on inspection rather than HMIC.

"It was an inherent condition of the Belfast Agreement and the Independent Commission on Policing that policing should be domiciled within Northern Ireland with a style and operating procedures consistent with the will and desires of the citizens. HMIC is an excellent oversight body and there is much to be learned from their policies and standard operating procedures, but their one-size-fits-all style is in conflict with the notion of greater self-government in Northern Ireland and a bespoke style of policing. As example, PSNI set out to

install the concept of Policing with the Community as recommended by the Independent Commission. An audit of neighbourhood policing by HMIC several years into the change process made it readily apparent that HMIC was intent on ensuring a system adopted for England and Wales, with little comprehension of what PSNI was attempting to carry out. If this is not resolved either predictable friction will result, or else PSNI will bow to compliance with the style of policing elsewhere in the U.K., abandoning the opportunity for a discrete system and style befitting the wants and needs of the people of Northern Ireland."

The views outlined above from a retired senior police officer and a policy shaper in the Patten reform agenda support the theory of a lead agency, such as the CJINI, assuming this role. A retired chief police officer was equally concerned at the current arrangements, and suggested the need for a more coordinated approach to oversight by explaining how oversight bodies should have a plan, that enunciates which aspects of policing need inspected over a three to five year period (Respondent 11 line 291). This respondent (line 276) also recommended the Policing Board, as a fulcrum of the accountability architecture, performing the lead role by controlling access to the PSNI from oversight bodies.

In summary, over-regulation and bureaucratization was considered a necessary feature of society, where trust and legitimacy in the police was absent amongst some communities. Despite the current accountability framework being operational for a decade, and political support for policing more widespread, the findings from this research support the continuing level of regulation and bureaucratization but that a more efficient system needs identified, was not in doubt. It was suggested, likewise, how a lead agency, such as the CJINI or the Policing Board, could be appointed to control the oversight and regulation processes, and thus reduce duplication of effort and increasing costs. In essence, this suggestion appears a viable proposition, which in terms of capacity and reducing costs, may become a real consideration.

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## **Summary of Themes**

Before this thesis begins the process of bringing together the findings from the analysis discussed in the first part of this chapter, with the academic literature contained in Section 1, it is worth recapping on the themes discussed. The themes which emerged from the analysis are (1) enhanced accountability creates confidence in policing; (2) the impact of historical legacy issues on the current accountability framework; (3) the financial costs associated with maintaining the current accountability framework; and (4) over-regulation and bureaucratization.

Theme 1 began by explaining how the police accountability structures were necessary for attracting increased confidence and trust from communities. As the analysis progressed to discuss how the current arrangements may have enhanced accountability, it was met with a proposition to determine a suitable definition by which to benchmark the pre and post-Patten periods. Whilst this was laudable, and relevant to the validity of the findings, no definition of a benchmark was realised.

Moving to Theme 2, the analysis then recounted how legacy policing issues posed a real challenge for the independence of the Police Ombudsman. By not resolving the issues of legacy, the capacity to impact negatively on levels of public confidence in the accountability structures was increased. A volatile combination of legacy and politics had engulfed the Police Ombudsman with potentially devastating consequences. The analysis then went on to highlight a continuing requirement to preserve the Policing Board, and why respondents favoured independent appointees holding the balance of power over their political colleagues on the Policing Board and DPPs. Those interviewed, perceived this situation as a means of diluting unwarranted political control over policing. Interviewees also referred to how the independence of local DPPs to deliver delegated forms of police accountability was being stymied from the central control which the Policing Board exerts over local DPPs.

The third theme focussed on the increasing costs involved in maintaining the current three pillar accountability structure. This debate was based on a cost-benefit analysis between maintaining the accountability framework in its current guise and what has to be forgone, versus the benefits derived from the accountability framework. Whilst this was an important undertaking, concern was not so much about saving money, important though this is, but more about a measured response on how costs incurred by the current accountability framework are necessary in a country emerging from decades of conflict.

Finally, the fourth and final interlocking theme considered how over-regulation and bureaucratization could have a negative effect on the PSNI. Another dimension to this debate discussed how the present oversight inspection process may benefit from being streamlined by the appointment of a lead oversight agency that would control the level of regulation, bureaucratization and duplication of effort experienced by the PSNI.

### **7.5 Discussion**

The aim of this part of Chapter 7 is to move beyond the four interlocking themes to identify the analysis with the literature reviewed in Section 1. Before doing so, it is timely to again reiterate the four interlocking themes. These themes are (1) enhanced accountability creates confidence in policing; (2) the impact of historical legacy issues on the current accountability framework; (3) the financial costs associated with maintaining the current accountability framework; and (4) over-regulation and bureaucratisation.

The roles which interviewees perform, or have performed, have been referenced in the first part of this chapter, in addition, this information will again be highlighted in the discussion which follows in the second part of Chapter 7, as well as being outlined at Appendix 'C' (pp.255-256).

## **7.6 Theme 1: A discussion**

### **(Enhanced accountability creates confidence in policing)**

The police accountability structures in NI have been regarded as representing the most far-sighted structure of governance in the world (Topping, 2008, see p.114). Opinion expressed by two chief police officers (R1, 6); head of a police accountability body (R2) and a national Labour politician (R3), (see p.150), all outlined how the Patten reform agenda was designed to enhance police accountability. However, some pessimism was expressed by a writer on police issues (R7) and a local unionist politician (R10) (see p.150) who both offered an alternative perspective on whether accountability had been enhanced.

The first interlocking theme to emerge from the analysis relates to how confidence in policing assists in legitimising the role of the police, through creating robust accountability structures. This aspect of the debate was in congruence with dimensions of the literature discussed in Section 1 (Walker, 2001, Blair, 2010, see p.63; Mulcahy, 2006, see p.69; Hutchinson, 2009, see p.73). The opinions expressed by a retired senior police officer (R4, see p.151, 152); the head of a police accountability body (R 2, see p.151); a national Labour politician (R 3, see p.159); a chief police officer (R 1, p.152); a retired senior police officer (R9) and a retired senior police officer (R11) (see p.152); a national Labour politician (R3) and a policy shaper in the Patten reform agenda (R5) (see p.153) all refer to confidence, trust and transparency as being necessary elements of police accountability.

Whilst the analysis concentrated on the confidence building aspect of the accountability arrangements, particularly the important roles performed by the Police Ombudsman and the Policing Board (Shearing, 2001, see p.93; Mulcahy, 2006; McLaughlin, 2007, see p.101); a retired senior police officer (R4) and a chief police officer (R6) (see p.157); a policy shaper in the Patten reform agenda (R5), a retired senior police officer (R9), a retired chief police officer (R11) (see p.157, 158); two chief police officers (R1, 6 see p.158), several respondents

(see below) outlined how they believed DPPs had not developed as Patten envisaged.

Patten had envisaged community confidence in policing occurring through local DPPs. The DPPs, to some extent, were heralded a major success story in creating interaction between the police and local communities (Mulcahy, 2008; NIAC, 2005, Rea *et al.*, 2010 see p.115; Orde, 2010, see p.117). Yet, evidence presented by Ellison (2010), and findings from public opinion surveys, (see pp.116-117), together with grass-roots opinion (Mulcahy, 2006, 2008, see p.115) do not necessarily subscribe to this assertion. This was an issue raised by a local unionist politician (R10, see p.115), who, despite being the chair of a local DPP, viewed DPPs "a waste of time". The debate continued by referring to opinion from the head of a police accountability body (R2, see p.154), a writer on police issues (R7), a Catholic member of a DPP (R8), a retired chief police officer (R11) (see p.155), and a local unionist politician (R10, see p.156), all of whom suggested that DPPs had not attracted the community support anticipated. A chief police officer (R6, see p.156), the head of a police accountability body (R3) and a local unionist politician (R10) (see p.156) outlined reasons for expressing this opinion, which ranged from apathy towards policing, to structural deficiencies in how the Policing Board controlled DPPs centrally. These findings were consistent with Ellison (2010), who suggested the accountability structures had been successfully implemented, but community support for the PSNI had not advanced accordingly.

"What I have suggested thus far is that the police reform process in Northern Ireland has been quite successful at the level of establishing the institutional structures for policing, but much less evidently so in establishing cross-community participation with the PSNI" (Ellison, 2010, p.258).

Discussion in Chapter 5 (see pp.106-120) then focussed on the structural deficiencies of DPPs. The discussion ranged from how DPPs had been "gutted" by the British Government (Ellison and Mulcahy 2001; Mulcahy, 2006, 2008; Moran, 2008; Ellison, 2007, see p.113); how DPPs were prevented from raising funds through a local precept (Shearing, 2000, 2001; Ellison and Mulcahy, 2001; Walker, 2001; Moore and O'Rawe, 2001; McGarry and O'Leary, 2004,

Newburn and Reiner, 2007; Ellison, 2007; Ryan, 2008, see pp.110-111); through to their relationship with Community Safety Partnerships (Ellison and O'Rawe, 2010; Hayes, 2010, see p.118; Mulcahy, 2006; Topping, 2008; Ryan, 2008; Moran, 2008; Ellison and O'Rawe, 2010, see p.119). Several respondents also made reference to the relationship between DPPs and CSPs, but their comments, which Theme 3 revisits, relate more to costs and duplication, rather than on the effectiveness of DPPs.

It was explained in Section 1, and outlined in the analysis, why DPPs may not have realised their potential. The significance of this dimension of the debate was attributable to DPPs being perceived as "uncritical and deferential" (McGarry and O'Leary, 1999, see p.96), "largely symbolic" (Ryan, 2008, see p.98), "explanatory" (Walker, 2001, see p.112), "advisory and consultative" (Ryan, 2008, see p.112). The literature was further analysed to establish reasons why consultative committees, such as DPPs, were unable to attract greater community participation. When such opinion was compared with how committees in England and Wales functioned, no discernable difference was found (Mulcahy, 2006; Savage, 2007a; Ryan, 2008, see p.96). The literature did explain how committees operating on both sides of the Irish Sea were perceived as being either "cosy rituals" (Weitzer, 1995, see p.96) or "talking shops" (Savage, 2007a, see p.96).

Accountability bodies which occupy the crowded space of police oversight in NI have clearly demarcated boundaries. Chapter 5 made reference to why some loyalist and republican communities, previously disenfranchised on policing (see Chapter 1, sub-sections 1.3, 1.4), have not sought participation in local policing but, instead, resort to unconventional methods for obtaining justice. However, as Chapter 5 (see p.106) contends, local difficulties prevail as paramilitaries continue to administer justice from below. In a further endorsement of Ellison's evidence, together with findings from this study, during 2008-2010, 272 paramilitary assaults occurred and only 4% detected by the PSNI (McDonald, 2012). This may suggest that either confidence in local policing, within some loyalist and republican areas remains low, or paramilitaries continue to exert power by usurping the role of policing. If this dimension is viewed alongside



utterances from the PSNI Chief Constable, when he proposes how confidence levels in the PSNI are that organisation's "share price" (Topping, 2012), does create a problem for the policing of these communities.

Another interesting aspect of the analysis relates to the inherent danger of creating a comparison between past and present accountability arrangements in NI. This was an issue to which a retired senior police officer (R4, pp.162-163) and a writer on policing issues (R7, see p.163) referred. Some interviewees were correct to challenge the research to identify a suitable benchmark before considering a comparative analysis of the Hunt and Patten periods. Whilst the literature was not reviewed specifically for this purpose, some literature did support opinion that Hunt's proposals did not garner the anticipated community or political support, especially from the nationalist community (see Ryder, 1989; 2004; McGarry and O'Leary, 1997; Ryan, 2008). This may have been, in part, attributable to Hunt's proposal to create a police force in NI more akin to the British Model (McGarry and O'Leary, 1999; Ellison and Smyth, 2000; Ellison and Mulcahy, 2001; Walker, 2001; Mulcahy, 2006, 2008, see p.40), rather than proposing a police organisation which adapted the cultures of two opposing nationalisms (McGarry, 2000; Moore and O'Rawe; Walker, 2001; O'Rawe, 2002-03; Ellison, 2007; Hayes, 2010; Doyle, 2010, see p.8; Powell, 2008, see p.25), as was realised in the symbols and culture of the PSNI.

In conclusion to this sub-section, findings from this theme have suggested that police accountability in NI has been enhanced by the establishment of the Policing Board and the Police Ombudsman, although particular concern was raised in the literature and by respondents on the operational effectiveness of DPPs. Nonetheless, the creeping challenges to the authority of the PSNI in some areas, and the inability of the state to agree a solution for dealing with past police controversies may, potentially, hinder further progress on policing. As proposed by the thematic analysis, unless existing contention over the past in NI is assuaged, detrimental consequences for police accountability may ensue. The impact which historical policing issues present for the current accountability arrangements emerged as another recurring theme, where

political differences for dealing with legacy issues has given rise to policing becoming further entwined in the political maelstrom of the past.

## **7.7 Theme 2: A discussion**

### **(The impact of historical legacy issues on the current accountability framework)**

The second interlocking theme to emerge from the analysis relates to the 'weight of history' debate on the accountability structures. Investigating historical police activity by the Office of the Police Ombudsman was highlighted by interviewees as an issue capable of impacting negatively on confidence levels in the independence of that Office. Removing this responsibility from the Police Ombudsman would allow that Office to concentrate on investigating current complaints against the police, of which there are around 3,000 each year (PONI). If such a situation was to persist, then investigating the past may impinge on the overall effectiveness of the two remaining pillars in the accountability framework. It is now the intention of this discussion to connect dimensions of the literature discussed in Section 1 with the findings from the analysis on whether a relationship exists between legacy issues and public confidence in the accountability framework.

"Polls taken before June 2011 showed particular trust in the Office of Police Ombudsman, but three critical reports since then have led nationalist politicians to express deep concern about the independence of the office" (Nolan, 2012, p.8).

One of those "critical reports" was issued by CJINI (2011) who described how the Police Ombudsman had lowered the level of independence. If this finding is accepted in conjunction with the "flawed nature of the investigation process used in historical cases" (CJINI, 2011, p.33), then confidence in the independence of the Police Ombudsman may be undermined. The Report continued by placing in context the impact which Northern Ireland's divisive past could have on the future of the Police Ombudsman's Office.

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\* These are very difficult cases and the Police Ombudsman has stated that the OPONI can deal with only two historic cases a year and that it would take around 50 years to complete the historical work it currently has registered" (CJINI, 2011, p.11).

The issue of capacity for investigating past police activity by the Police Ombudsman's Office was highlighted by a chief police officer (R6, see pp.166-167) and a writer on policing issues (R7, see pp.167-168) as being of considerable concern.

Apart from the financial implications associated with legacy investigations, the enormity of investigating such complaints may generate additional difficulties for the independence, or otherwise, of the Police Ombudsman. The dynamic this creates for the state's continued reliance on the Police Ombudsman to investigate historic policing issues, led the main Catholic supported political parties, Sinn Fein (SF) and the Social Democratic Labour Party (SDLP), to call on the Ombudsman to resign. Both Parties claimed that confidence in the impartiality and independence of the Police Ombudsman had been undermined. Regardless of this criticism, the Police Ombudsman had previously endured similar political rhetoric from the Democratic Unionist Party (DUP).

Two different Ombudsmen, challenged at different periods by opposing political parties in NI, may suggest that Office is operating independently and impartially, but, as was previously discussed, the flawed nature of the investigation process had the potential to affect public confidence in the Ombudsman's independence (CJINI, 2011; DOJ, 2012). This position highlights the difficulties for the police in a politically sensitive environment, and for those appointed to hold the police to account. This perspective resonated with opinion derived from a retired chief police officer (R11, see pp.165, 167); a national Labour politician (R30), a chief police officer (R6) and a writer on policing issues (R7) (see pp.165-168), all of whom expressed a view that the Police Ombudsman had been placed in an invidious position by investigating past misconduct, for which its function had not intended. The whole purpose of independent investigation of police complaints

was to build confidence, not only in the Patten accountability framework, but in policing generally. Instead, that Office has evolved into investigating historic police issues as well.

Whilst analysing respondents' interview transcripts, the relationship between politics and the independence of the accountability structures emerged as another finding. In this regard, there was a correlation between the literature and interviewees of the need to manage political influence over policing (see Chapter 1). Even though political appointees to the Policing Board and DPPs were in the majority (Patten Report, 1999; Hillyard and Tomlinson, 2000; Loveday, 2000; Moore and O'Rawe, 2001; McGarry and O'Leary, 2004; Mulcahy, 2006; Savage, 2007a; Moran, 2008; Ryan, 2008, see p.94), findings from this study explain the reasons and merits of why independent appointees to the accountability structures should hold the balance of power. This view was offered by both a serving chief police officer (R6) and a retired chief police officer (R11) (see p.171); a writer on policing issues (R7) and a retired chief police officer (R11) (see p.172). Moreover, a writer on policing issues (R7, see p.172) alluded to a discussion on this subject with the Patten Commission concerning the appointment of more independent representatives than political representatives to the accountability structures. Notwithstanding these concerns, the head of a police accountability body (R2), a policy shaper in the Patten reform agenda (R5), a chief police officer (R6), a writer on policing issues (R7) and a retired senior police officer (R9) (see pp.170-171) all made reference to how the accountability arrangements appertaining to the Policing Board and DPPs, perform a 'buffer' role between the police and politicians. However, according to a retired senior police officer (R4), a local unionist politician (R10) and a retired chief police officer (R11) (see pp.171-172), too much politics in NI still exist in policing.

The relationship between politics and the oversight of policing was recently brought to the fore by the appointment of a Sinn Fein Councillor as an independent member on the newly established Policing and Community Safety Partnerships, which will replace the DPPs and CSPs (McBride, 2012). This begs the question, for which there appear no conceivable answers: when is an

independent totally independent? This remains an area of unease for the independence of the police accountability structure in NI, and could form the basis for future research into the independence of police accountability generally, now that Police and Crime Commissioners have been appointed in England and Wales and held accountable by Police and Crime Panels.

In conclusion, the dimensions of this theme began by discussing the remit of the Police Ombudsman's Office to investigate legacy policing matters. It was suggested how this practice, potentially, could impact negatively on the two remaining accountability Bodies. As the analysis evolved, the power of politics over policing in NI discussed why interviewees were more inclined to favour independent appointees to the Policing Board and DPPs, rather than political appointees holding the balance of power.

### **7.8 Theme 3: A Discussion**

**(The financial costs associated with maintaining the current accountability framework)**

The third interlocking theme to emerge from the analysis focussed on the costs associated with maintaining the accountability structures in their present guise. Chapter 5 provided data on expenditure incurred by the Policing Board and the DPPs from 2003 (NIAC, 2005a; Topping, 2008b, see p.117). The costs associated with maintaining the accountability framework was of particular relevance to a chief police officer (R1, see p.177), a retired senior police officer (R4), a retired chief police officer (R11) and a writer on policing issues (R7) (see p.178), and the head of a police accountability body (R2, see p.179).

Local democratic accountability of policing was considered a central thread running through the Patten Report, but as Theme 1 outlined, local accountability may not have evolved as Patten envisaged. This finding was augmented by opinion from the head of a police accountability body (R2), a writer on policing issues (R7), a Catholic member of a DPP (R8), and a retired chief police officer (R11) (see p. 155). It was also the opinion of a national Labour politician (R3), a

chief police officer (R6) (see p.156); and a local unionist politician (R10) (see p.156).

The financial costs of introducing and maintaining the accountability framework in NI appeared not to be afforded the prominence for which it subsequently warranted. Of particular concern to the British and Irish Governments and, moreover, the US Administration during negotiations in the fledgling peace process in 1998, was reform of the RUC. Engendering confidence building measures in the overall accountability structures was viewed by those involved in the negotiations as a step towards that goal. As Chapters 1, 4 and 5 have outlined, the political objective was to assemble a policing landscape capable of enabling communities, previously opposed on the RUC's position in the conflict, to become involved with the police and, where necessary, hold them to account. This dimension came through in discussions with a national Labour politician (R3), a chief police officer (R6) and a local unionist politician (R10) (see p.156).

A chief police officer (R1, see p.177); a retired senior police officer (R4) and a retired chief police officer (R11) (see p.178); the head of a police accountability body (R2) and a chief police officer (R6) (see p.179) all suggested how the accountability structures in their present format were crucial for improving policing. A writer on policing issues (R7, see p.179) described how radical thinking was needed concerning the financial costs of the Policing Board, whilst a chief police officer (R6, see p.181) believed the Policing Board could do a lot to improve its effectiveness. Analysis of the semi-structured interviews, together with other sources of open data consulted for this research (BBC online, 2010; Reed Report) explain how improvements to the accountability framework, through economies-of-scale, are achievable by introducing a range of measures. For example, this could involve reviewing how the Policing Board operates; amalgamating DPPs and CSPs into one partnership (this is already underway as outlined in Theme 2); and reviewing the level of oversight and regulation, to which the next theme refers, may contribute towards reducing the financial cost of the police accountability structures in NI.

Finally, in pure fiscal terms, the aforementioned proposals offer practicable opportunities to reduce expenditure. The real and symbolic outcomes of police accountability, post-Patten, seem at this point to outweigh the increasing financial implications of maintaining the current accountability framework. This dimension to the findings was offered by the head of a police accountability body (R2), a retired senior police officer (R4) and a chief police officer (R6) (see pp.178-179). Despite these assumptions, there was a realisation by a chief police officer (R1, see p.177); a retired senior police officer (R4) and a retired chief police officer (R11) (see p.178); the head of a police accountability body (R2), a national Labour politician (R3), a chief police officer (R6) and a writer on policing issues (R7) (see pp. 178-179) that public funding for the accountability bodies established under the new beginning to policing in NI was of considerable importance, but that current expenditure in maintaining the structure appeared justified because of the fractious nature of policing in NI.

## **7.9 Theme 4: A discussion**

### **(Over-regulation and bureaucratization)**

As discussed in Section 1, the absence of trust and confidence in some communities led to the RUCs' legitimacy being contested. Previous attempts by the Hunt Commission, and other independent inquiries, to reform the RUC were not fully implemented. Despite this, improvements to the RUC were noted (Kilbrandon Inquiry, 1984; Brewer and Magee, 1991; Weitzer, 1995, see p.38 and p.42). As accountability mechanisms evolved from the Hunt Report, so to, had oversight and inspection of the RUC. It was the opinion of a chief police officer (R1, see p.181) and a retired chief police officer (R11) (see p.182), that for very valid and compelling reasons, policing in NI has encountered inspection and oversight in many forms, internal, external, formal and informal. For example, a retired senior police officer (R4, see pp.188-189) outlined why HMIC had a remit to annually inspect the RUC, and then the PSNI from 2001.

The extent to which this dimension of the findings featured during interviews will now be examined. The head of a police accountability body (R2, see p.182); a

chief police officer (R6, see p.184); and a retired chief police officer (R11, see pp.185-186) explain why there existed a compelling reason to regulate policing, given the contested history of NI. Several interviewees went on to provide reasons why they considered regulation to be necessary. For example, a chief police officer (R1, see p.183) alluded to the powers exercised by the police, whilst a retired senior police officer (R9, see p.183) viewed regulation of the police contingent on their responsibilities under human rights legislation. The connectivity between human rights and policing was also discussed in Chapter 1 (see p.9 and p.34).

As Chapters 1 and 3 outlined, the 'trade winds' of police reform in England and Wales (Savage, 2007a; Grieve, 2008) blew increasingly steadily across the Irish Sea, depositing a deluge of corresponding reform on the RUC. Savage (1998) crystallised arguments about the way that in the UK – as in the other advanced liberal democracies, subject to the forces of globalisation – there have been similar pressures towards flexibility and the other elements of modernisation. Developments in police reform in the UK held similar consequences for NI. Such progress had assisted in developing oversight and inspection of the RUC through an increased desire to change police culture (Lewis and McQuillan see p.78). This gave rise to the RUC being increasingly exposed to levels of oversight and regulation than experienced by forces, elsewhere, in the UK.

As with any new initiative, unforeseen or bureaucratic outcomes occur, especially when developing a new beginning to policing in a country emerging from decades of ethno-religious conflict. The objective of police accountability to improve confidence levels in the police, as Theme 1 discussed, has contributed to the regulation and bureaucracy now encountered by the PSNI. This was a point to which the SDLP policing spokesperson, Alex Attwood, and former member of the Policing Board, could not subscribe. He explained on the SDLP website how

"[t]he problem is not the demands of oversight and accountability, as some claim – the problem is reluctance by some within the police service to agree the changes and strategies that get officers behind desks out onto the ground."



This viewpoint did not correspond with those expressed by a chief police officer (R6) or, indeed, comments by the PSNI Chief Constable (see pp.181, 184). For example:

"So we're sitting with 35 legacy Inquests being reopened at the last count and the Attorney General is adding to that list almost weekly. We're sitting with Public Inquiries still outstanding. The Historical Enquiries Team (HET), 2,000 unsolved murders and everything regardless of where it started; be it Bloody Sunday Inquiry; be it an Ombudsman Investigation; be it HET whatever, comes back to the police ultimately. The Saville Inquiry into Bloody Sunday, the file is now sitting with the police to investigate [PSNI recently announced they have commenced a murder investigation into the deaths on Bloody Sunday] ...so you know you go full circle around this whole architecture of independence and accountability and where does the file end up, with the police. Now there has to be a better way" (R6).

For a variety of reasons, a retired chief police officer (R11, see p.185) and a chief police officer (R6, see p.186) supported the requirement for oversight and regulation, but focussed more on suggesting how both could be more efficiently managed. This chief police officer (R6, see p.186) then made reference to the 3,000 outstanding recommendations from third party oversight bodies, whilst a retired chief police officer (R11, see p.186) referred to a practical example of bureaucracy which regulation and oversight had created. What was not apparent from this discussion however, was the level of duplication which such an outstanding number of recommendations demand. To address this problem the PSNI introduced the Overview System, which a chief police officer (R6, see p.186) said had reduced outstanding recommendations to around 240. It was further proposed by a retired senior police officer (R4) and a policy shaper on the Patten reform agenda (R5) (see p.188); and a retired chief police officer (R11, see p.189) that appointing a lead oversight body, such as Criminal Justice Inspection (NI) or the Policing Board, may assist in regulating the plethora of other actors now engaged with police oversight.

The analysis of Theme 4 has centred on oversight of the police, and the resultant bureaucracy which regulation creates. Several respondents continued by suggesting that compelling reasons prevail why regulation of the police,

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during periods of transition in police reform, is necessary. Other respondents expressed a view, that whilst they concurred with the process of oversight, they believed it could be better managed by appointing a lead oversight body to coordinate all inspections by those who possess a legal obligation, or vested interest in policing. It was felt this approach would minimise duplication, reduce costs and streamline the process.

The aim of this chapter has been to link the literature in Section 1 with opinions expressed by respondents to this study. Chapter 7 began by recounting the four themes that emerged from the analysis of respondents' interviews. To recap, these themes are (1) enhanced accountability creates confidence in policing; (2) the impact of historical legacy issues on the current accountability framework; (3) the financial costs associated with maintaining the current accountability framework; and (4) over-regulation and bureaucratisation. Following a discussion on the findings, the second part of Chapter 7 moved the argument beyond the analysis to discuss how the views of respondents correlated to the literature reviewed in Section 1.

In conclusion, it was the view of respondents to this study that police accountability in NI has been enhanced, yet a number of issues remain unresolved. These issues concern how DPPs engage with communities; the unresolved legacy of Northern Ireland's past impacting negatively on confidence levels attained by the current accountability structures, particularly the Police Ombudsman; and on the implications for the PSNI of increased oversight and bureaucracy. These issues will now be contextualised in the concluding chapter of this thesis to advance the knowledge and understanding of police reform in NI and beyond.

# **Chapter 8**

## **Conclusions**

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## **8.0 The purpose of the research**

The purpose of this thesis has been to conduct a qualitative study on the development of police accountability and legitimacy in NI, prior to, and following, publication of the Patten Report in 1999. This approach, initially, focussed on how policing developed in Ireland, before emphasising the particular problems of legitimacy encountered by the RUC following partition in 1922. The thesis then went on to recount how the post-Patten era set out to change the dynamic which had existed between the police and communities in NI for many decades. By so doing, this research has facilitated an opportunity to discuss the importance of police accountability and legitimacy, and how reform of the political institutions in NI was contingent on creating conditions for policing to become more representative of communities. It was recognised throughout the thesis how the RUC's existence had encapsulated and exacerbated, not only the causes of the country's ethno-religious conflict, but influenced solutions to the conflict proposed at various intervals from 1922.

The aim of this thesis was discussed in the introduction by illustrating the reasons why the RUC did not achieve legitimacy amongst the nationalist community. Identifying these problems was not as straightforward as some may envisage and created many points of departure. This was not simply a conflict confined to two competing nationalisms, the sum of which was wider. In NI the "vast majority of data tend to be presented in terms of Catholic views and Protestant views, which also creates some problems" (Wright and Bryett, 2000, p.43). To consider views on policing, in terms of religious affiliation or national identity, tends to compartmentalise such opinion. But views do prevail and are held equally across the religious divide, making compartmentalisation difficult to discern, whereas compartmentalising these views, suggests, somewhat erroneously, that "homogeneity exists within these categories" (Wright and Bryett, 2000, p.44). But as was outlined throughout Section 1, this assumption is not valid. For example, not all Catholics aspire to a United Ireland, nor do all Protestants wish to remain part of the union with Great Britain.

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"The Catholic population is not, of course, homogeneous in its views of the police. A small proportion (particularly in the middle class) regard the progressive trends in policing as a significant advance on the past" (Weitzer, 1985, p.51).

The literature in Chapter 1 discussed how resolving the problems of policing was considered both a political and security imperative and outlined the antecedents on why several reports, Bennett, Scarman, Cameron, Hunt, *inter alia*, provided recommendations for constructing effective mechanisms for holding the police to account. Partisan politics, commensurate with oppressive legislation, combined to generate conditions for ethno-religious conflict to occur. Progress has occurred in NI, but, as Chapter 1 contends, that transition has made minimal contribution to integration across the primary political cleavage. Whilst this remains reflective of tribalised political affiliation since partition, it should be considered in the context of recent data, where 16% of respondents in NI indicated they would currently vote for a United Ireland (Nolan, 2012, p.138). That figure increased to 33% of Catholic respondents opting for a similar outcome in the longer term (Clarke, 2011; Nolan, 2012, p.143; see also Nolan, 2012, p.138 for comprehensive figures). This data, when taken together with findings from the NI Life and Times Survey (2010), indicates that half of Catholic respondents (52%) (McDonald, 2011; Clarke, 2012) see the long term future of NI as part of the UK, but continue to vote along "tribal lines" (Clarke, 2012).

These statistics not only form a rather interesting contextual dynamic but, provide opportunities for further academic study, when considered in conjunction with other data which depicts Catholics below the age of 35 in NI as the majority population, and Protestants above that age in the majority (Nolan, 2012, p.20). Recent data from the Department of Education for NI indicates that 60% of entrants to higher education are deemed Catholic (Clarke, 2012; Nolan, 2012, p.107), although only 6.5% of the population attend integrated education (Nolan, 2012, p.154). Nonetheless, these findings demonstrate why community divisions remain, and how dogmatic opinion on competing nationalisms has been marginalized by the practical and political implications of a changing world

order. Despite the conflict being attributable to the alienation of the nationalist community from the fabric of NI for many decades, because of allegiance to the Republic of Ireland, this appears to be no longer of particular importance. For example, many reasons now exist for Catholic opposition to a United Ireland: devolved authority in NI; police reform through a more representative organisation; the economic austerity measures affecting the Republic; the Irish banking crisis; the Eurozone bailout of the Irish economy; equality and human rights legislation, *inter alia*, have effectively undercut the longstanding rationale for years of political violence based on national identity and contested state legitimacy.

Chapter 2 reminds the reader why NI was viewed a failure in nation-state building. This chapter discussed how globalisation and the involvement of other 'actors' on the world stage assisted in creating conditions for resolving the conflict, part of which necessitated restructuring of the police. If NI in the past did not operate as a normal state, where the law-enforcement agencies experienced widespread legitimacy, then the transition in recent years appears to have changed that situation, given the research previously discussed. Such changes to policing, commensurate with political development, have combined to reduce the causes for conflict.

Chapter 3 moved the focus of the debate from NI to the reforms experienced by the police in England and Wales from the 1980s. It was outlined how the changing role of the state had precipitated many of the reforms encountered in subsequent decades by the police, through reforms which centred on governance and accountability. This assisted by moving the discussion towards the evolution of the police from being a 'Force' to being a 'Service'. This chapter also notes the importance of these changes and how they influenced thinking by the Patten Commission during their deliberations on policing.

By focussing on the literature discussed in Chapters 1, 2 and 3, Chapter 4 investigated, and then advanced, the debate for new directions in police accountability. This chapter initially discussed how the meaning of accountability had evolved somewhat from its original meaning. In considering

the changes to accountability, suggested in the Patten Report, alongside proposals for independent investigation of police complaints, this chapter illustrated how the accountability structures could commence the process of building trust in policing.

Chapter 5 addressed the need for local police accountability structures to create a mandate for communities to work alongside the police. However, the continuing spectre of communities resorting to paramilitary groups for justice, suggests that confidence in policing within some areas of NI remains vague. This tends to imply that the balance of power in these communities rests with paramilitary groups and not the state, and remains an area for further research. This chapter then concluded by discussing some concerns on how improvements in local accountability could be made.

Chapter 6 outlined the research methodologies, requirements and considerations for this study, whilst Chapter 7 recounted the thematic analysis by discussing the themes which emerged from the research, and how these themes have connected with the literature in Section 1. The findings which emerged from this research will be considered in the next sub-section.

### **8.1 Summary and Implication of main findings**

This study has produced four key findings. It appears from the research that a relationship exists between confidence levels in policing and the legitimisation of the role performed by the police. This process enables communities to enter into a contract with the police, provided independent accountability structures exist. Whether the present accountability arrangements in NI are deemed more effective than those introduced following the Hunt Report could not be determined from either the literature or from analysis of the interviews. Notwithstanding this position, the revised structures for holding the police to account provide additional mechanisms for communities to engage with local police and, where necessary, hold them to account. But does engagement, in isolation, effectively hold the police to account? If so, why are some communities still resorting to paramilitaries? This appears to be an area of

interest around confidence in policing, which attracted substantial debate during the interviews.

Whilst interviewees did suggest that accountability structures have been enhanced, they expressed concern at how the District Policing Partnerships had not evolved as Patten envisaged. This in part was attributable to the British Government's apparent reluctance to reduce control of policing to 'other' actors, in accordance with Patten recommendations. Added to this issue, was a requirement by local accountability bodies to report directly to the Policing Board, which further inhibited and stifled local identity with the police. A recent decision by the Department of Justice to amalgamate District Policing Partnerships and Community Safety Partnerships into one partnership to address the issues which Chapter 5 recounted has commenced.

A second finding from the study concerned historic alleged police misconduct, which illustrated why the Police Ombudsman's Office is susceptible to being undermined by the legacy of conflict. If the conflict's legacy on policing is not addressed by removing the legal obligation on the Ombudsman to investigate historical policing issues, then it is reasonable to assume the remaining mechanisms in the accountability framework will be similarly affected. In line with the research findings, the implications of this problem for the Police Ombudsman are currently being addressed by the Department of Justice. This issue has become a matter of importance to continuing public confidence in the post-Patten accountability landscape. It is the outcome from this research, that responsibility for legacy police complaints should be removed from the Ombudsman's Office and entrusted to a separate body to work alongside the Historical Enquiries Team. To do otherwise could potentially unravel the confidence in the independence of Patten's oversight model. If confidence levels in police accountability mechanisms are to improve, there needs to exist a divergence between past, current and future policing activity for the institutions which oversee that process.

The third and fourth findings from this research are somewhat connected. Costs associated with maintaining the accountability framework attracted



particular concern from respondents. Although a consensus of those interviewed indicated the policing environment was not currently conducive to making changes to the accountability mechanisms, opinions were offered on how structures could be improved. It was suggested that effectiveness and efficiency in the accountability structures could be improved by reducing, where feasible, unnecessary expenditure by creating a system, whereby all bodies mandated with an oversight role over the PSNI could emerge under the guidance of a lead organisation. That organisation should be entrusted with coordinating the oversight and inspection processes of the PSNI. This in turn will reduce the possibility of duplication, unnecessary bureaucracy, and streamline the crowded and cluttered landscape of police oversight. It will also open a plethora of opportunities to improve policing through meaningful recommendations for change. Whilst this role could be assumed by the Policing Board, it appears more appropriate for this function to be performed by Criminal Justice Inspection (NI). By so doing, the independence and integrity of the process will be maintained.

## **8.2 Future directions and wider implications of this research**

This study has created several opportunities for further research to be considered. It is the intention of this sub-section to discuss how the research findings extend our knowledge and understanding of police reform and accountability in NI and beyond. The first area of interest entails the independence of the police accountability bodies in NI. How independent of political influence are such bodies, and how representative of public opinion have they become? The proposed line of research is based on findings from this study regarding the mix of political and independent appointees on the accountability bodies, which Chapter 7 discussed. When considered alongside the influence which politics can exert over the Police Ombudsman's role, and the appointment of a local politician as an independent member to a police accountability body, described in Chapter 7 (see pp.198-199), challenge the very ethos of independence. Whilst this research finding relates specifically to NI, it does suggest a need for a demarcation between politics and policing, irrespective of geography, now that Police and Crime Commissioners have

been introduced in England and Wales, and held to account by Police and Crime Panels. This necessitates the maintenance of distance between the operational independence of the police and for political advancement of those engaged in police accountability.

As discussed in Chapter 4, the police complaints structures for NI, and for England and Wales, were created following publication of the Hayes Report (1997), which strongly influenced the Patten Commission's perspective on independent investigation of police misconduct. Both structures were intended to improve public concern that police misconduct would be independently investigated or supervised. In NI all complaints against the police are investigated by the Police Ombudsman despite the recent criticism at the lowering of the level of independence. The structure operating in NI was not replicated entirely in England and Wales because the IPCC provides four levels of investigation, depending on the nature of the complaint.

Based on findings from this research, consideration should be afforded to restructuring the IPCC towards complete independence from the police. In recent times, revelations concerning the Hillsborough disaster, issues surrounding the Miner's strike in 1985, 'Plebgate' and other high profile matters now coming to the fore, may impact negatively on public confidence in policing in England and Wales if such matters are not seen to be investigated independently. This situation has resonance with how legacy policing issues are being investigated in NI. Should the independence of the Police Ombudsman's Office in any way be diminished, it could affect public confidence in policing. It is, therefore, feasible to suggest that the structure of the IPCC should mirror that of the Police Ombudsman. Whilst it is preferable that such bodies do not investigate legacy matters, however, if mandated to continue doing so, they should be properly resourced and independent of the police.

The second area for future research concerns confidence in the accountability structures. More research needs to be undertaken to determine what confidence in policing actually represents; how it applies to accountability bodies; and the degree to which communities understand the term confidence in

police accountability. Confidence in policing is an all embracing term which encompasses all police activity. This finding can be applied equally throughout the UK, especially as accountability arrangements for England and Wales move towards adopting similar structures operating in NI.

The third area for future research is a comparative study on the compatibility of police accountability on both sides of the Irish Border. This research has discussed how Ireland's partition created two new police organisations, but with very different roles. It would be current to research the development of accountability in An Garda Síochána by using this research to conduct a thematic analysis on the evolution of police accountability across the two jurisdictions. This research could also investigate how independent investigation of police complaints is being undertaken on both sides of the Irish Border.

The fourth and final area for possible future research relates to how regulation and bureaucratization can be minimised without reducing the quality, or the process of oversight becoming a straitjacket for the effectiveness of the police. This finding extends our understanding of how policing has become more accountable. The advent of police reform in NI precipitated a growing bureaucracy, and with the introduction of Police and Crime Commissioners, and Police and Crime Panels, it is reasonable to assume that similar problems may eventually evolve in England and Wales.

In conclusion, this thesis set out to determine whether police accountability in NI, post-Patten, has been enhanced. It is correct to conclude that opinion from those interviewed for this study suggests the accountability arrangements which now exist, have enhanced accountability, in addition to providing increased opportunities for communities to hold the police to account. What this thesis could not determine, however, was whether the present accountability structure is more effective than that which it replaced. For a number of reasons outlined throughout both Sections 1 and 2, the research could not establish a suitable benchmark in which to compare the two periods under review. This limited the opportunity to conclusively state that policing in NI is now more accountable

than the period before the Patten reforms were introduced. Despite this position, all political parties in NI are now represented on the Policing Board and DPPs, which tends to suggest the accountability arrangements implemented from the Patten Report have assisted in further legitimising the role performed by the PSNI.

## **Bibliography**

**ACPO (1990)** *Setting the Standards for Policing: Meeting Community Expectations*, London: Association of Chief Police Officers.

**ACPO (2001)** *Reassurance – Civility First: A Proposal for Police Reform*, London: Association of Chief Police Officers.

**ACPO (2001)** *Blue print for Policing in the 21<sup>st</sup> Century*, London: Association of Chief Police Officers

**Albert, C. (2008)** *The Peacebuilding Elements of the Belfast Agreement and the Transformation of the Northern Ireland Conflict*. Frankfurt: Lang.

**Alderson, J. (1979)** *Policing Freedom*. Plymouth, UK: MacDonald and Evans.

**Alderson, J. (1984)** *Law and Disorder*. London: Hamish Hamilton.

**Allen, M., Carter, I. and Donlon, J. (1994)** What is Quality all about? Paper presented at *Leadership Development Programme (4/94)*, Police Staff College, Bramshill, England, unpublished.

**Allen, R. and Wright, A. (1997)** Learning the Right Lessons from New York: Direct Accountability and Zero-tolerance, *Police Research and Management*, Vol 1 (1), 45-50.

**Allen, G. (1998)** *The Garda Síochána: Policing Independent Ireland 1922-1982*. Dublin: Gill and Macmillan.

**Alvesson, M. and Skoldberg, K. (2009)** *Reflexive Methodology: New Vistas for Qualitative Research*, 2nd edn. London: SAGE.

**Annesley, H. (1992)** Police Foundation Lecture. *Police Journal*, Vol 65, 287-296.

**Annesley, H. (1994)** The Complex Role of the Royal Ulster Constabulary, *Police Chief*, Vol LXI (8), 14.

**Arthur, P. (1986)** Policing and Crises Politics – Northern Ireland as a Case Study, *Parliamentary Affairs*, Vol 39 (3), 341-353.

**Audit Commission (1990)** *Effective Policing: performance review in police forces*. Police Paper No 8. London: HMSO.

**Audit Commission (1993)** *Helping with Enquiries: Tackling Crime Effectively*, Police Paper No 12. London: HMSO.

**Audit Commission (1996)** *Streetwise: Effective Foot Patrol*. London: HMSO.

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**Audit Commission (1999)** *Seeing is Believing. How the Audit Commission will carryout Best Value Inspections in England*. London: HMSO.

**Audit Commission (2001)** *Best foot forward: headquarters' support for police basic command units*. London: HMSO.

**Bachman, R. and Schutt, R. K. (2007)** *The Practice of Research in Criminology and Criminal Justice*, 3<sup>rd</sup> ed. London: SAGE.

**Baker, M. (1996)** On What Authority? *Policing*, Vol 2 (3), pp. 10-13.

**Baldwin, R. (1987)** Why Accountability, *British Journal of Criminology*, Vol 27 (1), 97-117.

**Bardon, J. (1992)** *A History of Ulster*. Belfast: Blackstaff Press.

**Baron, R. A. (1983)** *Behaviour in Organisations*, 2<sup>nd</sup> ed. Boston: Allryn and Bacon.

**Bassett, D., Haldenby, A., Thraves, L. and Truss, E. (2009)** *A new force, Reform*: London.

**Bayley, D. H. (1995)** *Patterns of Policing*. New Brunswick, NJ: Princetown University Press.

**Bayley, D. H. (2008)** Post-Conflict Police Reform: Is Northern Ireland a Model? *Policing*, Vol 2 (2), 233-240.

**Bayley, D. H. and Shearing, C. D. (1996)** The Future of Policing, *Law and Society Review*, Vol 30 (3), 585-606.

**BBC News (2006)** *New proposals for Justice Schemes* [Online]. Available at: [www.bbc.co.uk/news](http://www.bbc.co.uk/news) (Accessed: 5 October 2011).

**BBC News (2010)** *Policing Board 'lacks direction' and long term vision* [Online]. Available at: [www.bbc.co.uk/news](http://www.bbc.co.uk/news) (Accessed: 24 October 2011).

**BBC News (2011a)** *Policing board faces calls for its abolition* [Online]. Available at: [www.bbc.co.uk/news](http://www.bbc.co.uk/news) (Accessed: 24 October 2011).

**BBC News (2011b)** *Northern Ireland police seek access to Troubles tapes, 13/5/11* [Online]. Available at: [www.bbc.co.uk/news](http://www.bbc.co.uk/news) (Accessed: 24 January 2012).

**BBC News (2011c)** *Audit Office presses Policing Board on report criticism* [Online]. Available at: [www.bbc.co.uk/news](http://www.bbc.co.uk/news) (Accessed: 24 October 2011).

**BBC News (2012a)** *Boston College defends role in fighting tapes action, 24/1/12* [Online]. Available at: [www.bbc.co.uk/news](http://www.bbc.co.uk/news) (Accessed: 24 January 2012).

**BBC News (2012b)** *Work of the Historical Enquiries Team to be reviewed*, 5/4/12 [Online]. Available at: [www.bbc.co.uk/news](http://www.bbc.co.uk/news) (Accessed: 5 April 2012).

**Behn, R. D. (2001)** *Rethinking Democratic Accountability*. Washington DC: Brookings Institute.

**Beirne, M. (2001)** Progress or placebo? The Patten Report and the future of policing in Northern Ireland, *Policing and Society*, Vol 11 (3), 297-319.

**Beirne, M. and O'Brien, M. (2010)** The Perception of Policing Change from the Perspective of Human- Rights Non-Governmental Organisations (NGOs), in Doyle, J. (ed.) *Policing the Narrow Ground: Lessons in the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy. pp. 145-164.

**Belfast Telegraph (2008)** *Row after Orde claims board puts tribalism before policing* [Online]. Available at: [www.belfasttelegraph.co.uk/local-national](http://www.belfasttelegraph.co.uk/local-national) (Accessed: 24 October 2011).

**Belfast Telegraph (2010)** *Policing Board meets over report* [Online]. Available at: [www.belfasttelegraph.co.uk/local-national](http://www.belfasttelegraph.co.uk/local-national) (Accessed: 24 October 2011).

**Bell, J. (1993a)** *Doing Your Research Project A Guide for First-time Researchers in Education and Social Science*, 2nd ed. Buckingham: Open University Press.

**Bell, J. B. (1993b)** *The Irish Troubles: A Generation of Violence 1967-1992*. Dublin: Gill and Macmillan.

**Bell, C. (2006)** Peace Agreements: Their Nature and Legal Status, *The American Journal of International Law*, Vol.100, pp. 373-412.

**Benhabib, S. (1994)** Deliberative Rationality and Models of Democratic Legitimacy, *Constellations*, Vol 1 (1), 26-52.

**Bennett Report (1979)** *Report of the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland*, (Cmnd 7497.), London: HMSO.

**Best, C. G. (1999)** Policing in Partnership: Myth or Reality in a Divided Society? *Police Review*, October.

**Bew, P., Gibbon, P. and Patterson, H. (1979)** *The State in Northern Ireland: 1921-1972*. Manchester: Manchester University Press.

**Bichard, Sir Michael (2004)** *Bichard Inquiry Report*. London: House of Commons.

**Birch, R. (1990)** Managing Policing: The challenge of the 90's, *The Police Journal*, 216-223.

- Blair, T. (1999)** Facing the Modern Challenge; The Third Way in Britain and South Africa, Paper presented at the Parliament Building, Cape Town, South Africa, 8 January.
- Blair, Sir Ian (2009)** *Policing Controversy*. London: Profile Books.
- Blair, Sir I (2010)** Policing: Continuity, Consensus and Controversy, *The Political Quarterly*, Vol 81 (2), 167-175.
- Bloomfield, K. (1994)** *Stormont in Crisis: A Memoir*. Belfast: The Blackstaff Press.
- Blunkett, D. (2003)** *Civil Renewal: A New Agenda*, Edith Kahn Memorial Lecture, June. London: Home Office.
- Bowling, B. and Sheptycki, J. (2012)** *Global policing*. London: SAGE.
- Boyd, G. (2008)** Accountability in Northern Ireland, USA and South Africa, *Police Professional*, June 2008.
- Brain, T. (2010)** *A History of Policing in England and Wales from 1974, A Turbulent Journey*. Oxford: Oxford University Press.
- Brannick, T. and Cogan, D. (2007)** In Defense of Being "Native": The Case for Insider Academic Research, *Qualitative Research Methods*, Vol 10 (1), 59-74.
- Brewer, J. (1990)** *The RIC: An Oral History*. Belfast: Institute for Irish Studies.
- Brewer, J. (1991)** Policing in divided societies: theorizing a type of policing, *Policing and Society*, Vol 1 (3), 179-191.
- Brewer, J. (1993)** Public Images of the Police in Northern Ireland, *Policing and Society*, Vol 3 (3), 163-176.
- Brewer, R. (2007)** *Your PhD Thesis: How to plan, revise and edit your thesis*. United Kingdom: Studymates.
- Brewer, J., Lockhart, B. and Rodgers, P. (1998)** Informal social control and crime management in Belfast, *British Journal of Sociology*, Vol 49 (4), 570-585.
- Brewer, J. and Magee, K. (1991)** *Inside the RUC: Routine Policing in a Divided Society*. Oxford: Clarendon.
- Bridges, L. (2011)** Localism and police reform - improving or fragmenting accountability? *Criminal Justice Matters*, Vol 86 (1), 34-35.
- Brogden, M. (1987)** The Emergence of the Police – The Colonial Dimension, *British Journal of Criminology*, Vol 27 (1), 4-14.



**Brogden, M. (1995)** An Agenda for Post-Troubles Policing in Northern Ireland – The South African Precedent, *The Liverpool Law Review*, Vol 17 (1), 3-27.

**Brogden, M. (2001)** The Patten report: A unitary solution to a multi-dimensional problem, *Policing and Society*, Vol 11 (3), 273-295.

**Brown, J. (1996)** Police research: some critical issues, in Leishman, F., Loveday, B, and Savage, S. P. (eds.) *Core Issues in Policing*, Harlow: Longman. pp. 177-190.

**Bryman, A. (1984)** The Debate about Quantitative and Qualitative Research: A Question of Method or Epistemology? *British Journal of Sociology*, Vol 35 (1), 75-92.

**Bryman, A. (2007)** The Research Questions in Social Science Research: What is its Role? *International Journal of Social Research Methodology*, Vol 10 (1), 5-20.

**Bryman, A. (2008)** *Social Research Methods*, 3<sup>rd</sup> ed. New York: Oxford University Press.

**Bryman, A. and Stephens, M. (1996)** The Importance of Context: Qualitative Research and the Study of Leadership, *Leadership Quarterly*, Vol 7 (3), 353-371.

**Bryman, A., Becker, S. and Sempik, J. (2008)** Quality Criteria for Quantitative, Qualitative and Mixed Methods Research: A view from Social Policy, *International Journal of Social Research Methodology*, Vol 11 (4), 261-276.

**Bryne, E. (2009)** Nexus of terror: The Relationship between Organised Crime and Terrorism, *Intersect*, Vol 19 (4), 10-12.

**Butler, A. J. P. (1992)** *Police Management*, 2<sup>nd</sup> ed. England: Dartmouth Publishing Company.

**Butler, D. and Halsey, A. H. (eds.) (1978)** *Policy and Politics*. London: Macmillan.

**Butterfield, R., Edwards, C. and Woodall, J. (2004)** The New Public Management and the UK Police Service, *Public Management Review*, Vol 6 (3), 395-415.

**Butterfield, R., Edwards, C. and Woodall, J. (2005)** The New Public management and Managerial Roles: the Case of the Police Sergeant, *British Journal of Management*, Vol 16 (4), 329-341.

**Callahan, M., H. (2005)** Drug Trafficking in Northern Ireland, in Ciment, J. D. and Shanty, F., G. (eds.) *Organized Crime: From Trafficking to Terrorism: An International Encyclopaedia*, Vol 1. California: ABC-CLIO Inc. pp. 145-148.

**Caless, B. (2011)** *Policing at the Top the roles, values and attitudes of chief police officers*. Bristol: The Policy Press.

**Cambridge University (2004)** *Research in Action: what works in policing* [Lecture to Senior Leadership Development Programme] 6-10, December.

**Cameron, Honourable Lord (1969)** *Disturbances in Northern Ireland: Report of the Commission appointed by the Governor of Northern Ireland*. (Cmnd 532.), London: HMSO.

**Campbell, C. and Ní Aoláin, F. (2003)** Local Meets Global: Transitional Justice in Northern Ireland, *Fordham International Law Journal*, Vol 26, 871-892.

**Campbell, C., Ní Aoláin, F. and Harvey, C. (2003)** The Frontiers of Legal Analysis: Reframing the Transition in Northern Ireland, *The Modern Law Review*, Vol 66 (3), 317-345.

**Cassels, Sir J (2008)** *Independent Committee of Inquiry into the Role and Responsibilities of the Police*. London: Police Foundation.

**Chan, J. B. L. (1999)** Governing police practice: limits of the new accountability, *British Journal of Sociology*, Vol 50 (2), 249-268.

**Chavez, C. (2008)** Conceptualizing from the Inside: Advantages, Complications, and Demands on Insider Positionality, *The Qualitative Report*, Vol 13 (3), 474-494.

**Christensen, T. and Laegreid, P. (2001)** New Public Management, *Public Management Review*, Vol 3 (1), 73-94.

**Clarke, L. (2011)** Survey: Most Northern Ireland Catholics want to remain in UK, *Belfast Telegraph* (17 June 2011).

**Clarke, L. (2012)** Northern Ireland report: Statistically the future is Catholic and female, *Belfast Telegraph*, 1 March [Online]. Available at <http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland> (Accessed: 5 May 2012).

**Coakley, J. (2001)** The Belfast Agreement and the Republic of Ireland, in Wilford, R. (ed.) *Aspects of the Belfast Agreement*. Oxford: Oxford University Press. pp. 223-244.

**Cohen, L., Manion, L. and Morrison, K. (2004)** *Research Methods in Education*, 5<sup>th</sup> ed, London: Routledge.

**Committee on the Administration of Justice (1988)** *Police Accountability in Northern Ireland*. Belfast: CAJ.

**Committee on the Administration of Justice (1995)** *The agenda for change-human rights, the Northern Ireland conflict and the peace process*. Belfast: CAJ.

**Committee on the Administration of Justice (2009)** Policing with the Community Patten's 'New Beginning' 10 years on, *Conference 18-19 November*: Belfast.

**Committee on the Administration of Justice (2011)** *Human Rights and Dealing with Historical cases – A Review of the Office of the Police Ombudsman for Northern Ireland (16 June 2011)*. Belfast: CAJ.

**Connolly, M., Law, J. and Topping, I. (1996)** Policing Structures and public accountability in Northern Ireland, *Local Government Studies*, Vol 22, (4), 229-244.

**Constantine, T. (2010)** The Role of the Oversight Commissioner, in Doyle, J. (ed.) *Policing the Narrow Ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy. pp. 79-98.

**Conway, P. (1997)** A response to paramilitary policing in Northern Ireland, *Critical Criminology; an international journal*, Vol 8 (1), 109-121.

**Conway, V. (2008)** Lost in Translation: Ireland and the Patten Report, *Northern Ireland Legal Quarterly*, Vol 59 (4), 411-428.

**Conway, V. and Walsh, D., P. J. (2011)** Current Developments in police governance and accountability in Ireland, *Crime, Law and Social Change*, Vol 55 (2/3), 241-257.

**Cope, S., Leishman, F. and Starie, P. (1997)** Globalization, new public management and the enabling State: Futures of police management, *International Journal of Public Sector Management*, Vol 10 (6), 444-460.

**Cotner, T. (2000)** *Participant Observation Inside Out: Becoming Insider and Outsider in a Familiar Research Setting, Getting Good at Qualitative Research*, Symposium Presented at the Annual Meeting of the AREA, New Orleans, Louisiana, April.

**Crawford, A. (2003)** The pattern of policing in the UK; policing beyond the police, in Newburn, T. (ed.) *Handbook of Policing*. Cullompton: England. pp. 136-168.

**Crawford, A., Lister, S., Blackburn, S. and Burnett, J. (2005)** *Plural Policing, the mixed economy of visible patrols in England and Wales*, Bristol: The Policy Press.

**Criminal Justice Inspection Northern Ireland (2005)** *Inspection of the Office of the Police Ombudsman for Northern Ireland*, Belfast: CJINI.

**Criminal Justice Inspection Northern Ireland (2006)** *An Inspection of Community Safety Partnerships*, Belfast: CJINI.

---

**Criminal Justice Inspection Northern Ireland (2007)** *Community Restorative Justice Ireland: Report of a pre-inspection of schemes in Belfast and in the North West with a view to accreditation under the Government's Protocol for Community Based Restorative Justice*, Belfast: CJINI.

**Criminal Justice Inspection Northern Ireland (2008)** *Community Restorative Justice Ireland: Report of an Inspection*, Belfast: CJINI.

**Criminal Justice Inspection Northern Ireland (2009)** *Policing with the Community: An inspection of Policing with the Community in Northern Ireland*, Belfast: CJINI.

**Criminal Justice Inspection Northern Ireland (2011)** *An inspection into the independence of the Office of the Police Ombudsman for Northern Ireland*, Belfast: CJINI.

**Criminal Justice Review (2000)** *Review of the Criminal Justice System in Northern Ireland* [Online]. Available at: [http://www.nio.gov.uk/review\\_of\\_the\\_criminal\\_justice\\_system\\_in\\_northern\\_ireland.pdf](http://www.nio.gov.uk/review_of_the_criminal_justice_system_in_northern_ireland.pdf) (Accessed: 12 August 2010).

**Critchley, T. A. (1967)** *History of the Police in England and Wales, 1900-1966*. London: Constable.

**Cunningham, M. (2001)** *British Government Policy in Northern Ireland: 1969-2000*. England: Manchester University Press.

**Daily Telegraph (2011)** The police should not fear the people's voice, 13 May.

**Dale, A. (2006)** Quality in Social Research, *International Journal of Social Research*, Vol 9 (2), 79-82.

**Darby, J. (1986)** *Intimidation and the Control of Conflict in Northern Ireland*. New York: Syracuse University Press.

**Davies, C. A. (1999)** *Reflexive Ethnography: A Guide To Researching Selves and Others*. London: Routledge.

**De Bréadún, D. (2001)** *The Far Side of Revenge: Making Peace in Northern Ireland*. Cork: The Collins Press

**Democratic Dialogue (1998)** *Two-tiered policing: a middle way for Northern Ireland?* Discussion paper Democratic Dialogue: Belfast.

**Denscombe, M. (2007)** *The Good Research Guide for Small-Scale Social research Projects*, 3<sup>rd</sup> ed. England: Open University Press.

**Department of Applied Social Sciences: John Grieve Centre for Policing, Security and Community Safety (2008)** *Professional Doctorate in Policing, Security and Community Safety, Research Methods 1*, Module Handbook, 19-21 September 2008.

**Department of Justice for Northern Ireland (2012)** *Future Operations of the Office of the Police Ombudsman for Northern Ireland: A consultation paper*, Belfast: DOJ.

**Desborough (1919 and 1920)** *Reports of the Committee on the Police Service England, Wales and Scotland*, Part 1 (Cmd 253, London: HMSO), Part 2 (Cmd 574, London: HMSO).

**Desmond, M. (2004)** Methodological challenges posed in studying an elite in the field, *Area*, Vol 36 (3), 262-269.

**Ditch, J. S. (1977)** Direct Rule and Northern Ireland Administration, *Administration*. Vol 25 (3), 328-337.

**Dixon, W. J. (1999)** *Popular Policing: Sector Policing and the Reinvention of Police Accountability*. PhD thesis. Brunel University.

**Docking, M. (2003)** *Public Perceptions of police accountability and decision making* [Online]. Available at: <http://collection.europarchive.org/tna/20080305164517/homeoffice.gov.uk/rds/pdfs2/rdsolr3803.pdf> (Accessed: 14 April 2009).

**Downes, M. (2010)** Between Symbolism and Substance: Police Reform in Post-Conflict Contexts, in Doyle, J. (edn.) *Policing the Narrow Ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy. pp. 277-299.

**Doyle, J. (ed.) (2010a)** *Policing The Narrow Ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy.

**Doyle, J. (ed.) (2010b)** The Politics of the Transformation of Policing, in Doyle, J. (ed.) *Policing the Narrow Ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy. pp. 167-211.

**Dubnick, M. (2005)** Accountability and the Promise of Performance: In Search of the Mechanisms, *Public Performance and Management Review*, Vol 28 (3), 376-417.

**Dunn, S. and Nolan-Haley, J. (1998)** Conflict in Northern Ireland after the Good Friday Agreement, *Fordham International Journal*, Vol 22 (4), 1370-1388.

**Eames, R. and Bradley, D. (2009)** *Report of the Consultative Group on the Past*, Belfast.

**Economic and Social Research Council (2006) *Research Ethics Framework*, London: HMSO.**

**Edwards, C. J. (2005) *Changing police theories for 21<sup>st</sup> Century Societies* 2<sup>nd</sup> edn. The Federation Press: Sydney.**

**Ellison, G. (2000) Reflecting all shades of opinion: public attitudinal surveys and the construction of police legitimacy in Northern Ireland, *British Journal of Criminology*, Vol 40 (1), 88-111.**

**Ellison, G. (2007) A Blueprint For Democratic Policing Anywhere in the World? Police Reform, Political Transition, and Conflict Resolution in Northern Ireland, *Police Quarterly*, Vol 10 (3), 243-269.**

**Ellison, G. (2010) Police-Community Relations in Northern Ireland in the Post-Patten Era: Towards an Ecological Analysis, in Doyle, J. (ed.) *Policing the Narrow Ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy. pp. 242-276.**

**Ellison, G. and Mulcahy, A. (2001) Policing and Social Conflict in Northern Ireland, *Policing and Society*, Vol 11 (3), 243-258.**

**Ellison, G. and O'Rawe, M. (2010) Security governance in transition: The compartmentalizing, crowding out and corralling of policing and security in Northern Ireland, *Theoretical Criminology*, Vol 14 (1), 31-57.**

**Ellison, G. and O'Reilly, C. (2008) 'Ulster's policing goes global': The police reform process in Northern Ireland and the creation of a global brand, *Crime, Law and Social Change*, Vol 50 (4-5), 331-351.**

**Ellison, G. and Smyth, J. (2000) *The Crowned Harp Policing Northern Ireland*. London: Pluto Press.**

**Engel, S. T. (2006) Human Rights and Democratic Police Reform in Northern Ireland, in Pino, N. and Wiatrowski, M. D. (eds.) *Democratic Policing in Transitional and Developing Countries*, Aldershot: Ashgate, pp. 165-178.**

**English, R. (2003) *Armed Struggle: A History of the IRA*. London: Macmillan.**

**English, R. (2010) *Terrorism: How to Respond*. Oxford: Oxford University Press.**

**Ericson, R. V. and Haggerty, K. D. (1997) *Policing the Risk Society*. Oxford: Clarendon Press.**

**Ericson, R. V. and Haggerty, K. D. (2005) The policing of risk, in Newburn, T. (ed.) *Policing: Key Readings*. Cullompton: Willan. pp. 550-564.**

**Erkkila, T. (2004)** Governance and Accountability-A shift in Conceptualisation Paper presented at the Annual Conference of *European Group of Public Administration*, 1-4 September. Available at: <http://www.estudiosirlandeses.org/Christian%20Mailhes.htm> (Accessed 12 March 2009).

**Etherington, K. (2004)** *Becoming a Reflexive Researcher: Using Our Selves in Research*. London: Kingsley.

**Eveleigh, R. (1978)** *Peace Keeping in a Democratic Society: The Lessons of Northern Ireland*. London: Hurst.

**Ewing, K. D. and Gearty, C. A. (1990)** *Freedom under Thatcher Civil Liberties in Modern Britain*. Oxford: Oxford University Press.

**Farnham, D. and Horton, S. (eds.) (1996)** *Managing the New Public Services*. Basingstoke: Macmillan.

**Farren, S. (1999)** Ulster's police will have to serve two masters. *Daily Telegraph*, 29 October, p.21.

**Faulkner, D. (2006)** *Crime, State and Citizen: a field full of folk*, 2<sup>nd</sup> ed. Winchester: Waterside Press.

**Ferlie, E., Ashburner, L., Fitzgerald, L. and Pettigrew, A. (1996)** *The New Public Management in Action*. Oxford: Oxford University Press.

**Ferret, J. (2004)** The State, policing and "Old Continental Europe": managing the local/national tensions, *Policing and Society*, Vol 14 (1), 49-65.

**Fielding, N. G. (1991)** *The Police and Social Conflict: Rhetoric and Reality*. London: The Athlone Press.

**Fielding, N. G. (1995)** *Community Policing*. Oxford: Oxford University Press.

**Fielding, N. G. (2005)** *The Police and Social Conflict* 2<sup>nd</sup> ed. London: Glass House Press.

**Flanagan, Sir R (1996)** Summary and Key Findings, *Fundamental Review of Policing*, 1-16. Belfast: RUC.

**Flanagan, Sir R (1998)** Why I want to see real and improved police changes, *Belfast Telegraph*, 30 April, p.13.

**Flanagan, R. (2007)** *The Review of Policing: Final Report*. London: Home Office.

**Fleming, J. (2010)** Learning to Work Together: Police and Academics, *Policing*, Vol4 (2), 139-145.

**Fletcher, R. and Stenson, K. (2009)** Governance and the London Metropolitan Police Service, *Policing*, Vol 3 (1), 12-21.

**Flynn, N. (1988)** A consumer-oriented culture? *Public Money and Management*, Vol 8 (1), 27-31.

**Flynn, N. (2007)** *Public Sector Management*, 5<sup>th</sup> ed. London: Sage.

**Foster, R. F. (1988)** *Modern Ireland 1600-1972*, London: Penguin Books.

**Frampton, M. (2010)** *Return of the militants: violent dissident republicanism*, International Centre for the Study of Radicalisation and Political Violence, Kings College, London.

**Freel, R. and Toner, S. (2010)** *Perceptions of policing, justice and organised crime*, NISRA Statistical Bulletin 3/2010.

**Freel, R. and Toner, S. (2011)** *Perceptions of policing, justice and anti-social behaviour*, Department of Justice/NISRA Statistical Bulletin 2/2011.

**Fukuyama, F. (1992)** *The End of History and the Last Man*. Great Britain: Penguin.

**Fulton Report (1968)** *The Civil Service, Vol 1: Report of the Committee*, (Cmnd 3638.), London: HMSO.

**Garland, D. (1996)** The Limits of the Sovereign State, *British Journal of Criminology*, Vol 36 (4), 445-471.

**Gethins, M. (2010)** *Catholic police officers in Northern Ireland: voices out of silence*. Manchester: Manchester University press.

**Giddens, A. (1998)** *The Third Way: The Renewal of Social Democracy*. Cornwall: The Polity Press.

**Gillham, B. (2000)** *The Research Interview*. London: Continuum.

**Gilroy, P. and Sim, J. (1987)** Law and order and the state of the left, in Scraton, P. (ed.) *Law, Order and the authoritarian state: readings in critical criminology*. Milton Keynes. Open University Press.

**Godfrey, J. (2007)** Who is to Guard the Guards themselves? A Contribution to the Current Debate on the Accountability of Policing, *Policing*, Vol 1 (4), 495-500.

**Goldstein, H. (1990)** *Problem-Oriented Policing*. New York, NY: McGraw-Hill.

**Goldstock, R. (2004)** Organised crime in Northern Ireland [Online]. Available at: [www.nio.gov.uk](http://www.nio.gov.uk) (Accessed: 1 April 2010).



---

**Goldsmith, A. J. (ed.) (1991)** *Complaints against the Police: the Trend to External Review*. Oxford: Clarendon Press.

**Goldsmith, A. and Lewis, C. (2000)** *Civilian Oversight of Policing: Governance, Democracy and Human Rights*. Oxford: Hart.

**Gordon, J. (2008)** Post-conflict Transformation: The Process of Constitutional Legitimation of the Police in Northern Ireland, *Ethnopolitics*, Vol 7 (1), 137-157.

**Gould, P. (1998)** *The Unfinished Business: How Modernisers Saved the Labour Party*. London: Little, Brown and Company.

**Gray, A. and Jenkins, W. I. (1986)** Accountable Management in British Government: some reflections on the Financial Management Initiative. *Financial Accountability and Management*, Vol 2 (3), 171-186.

**Greenwood, J. and Wilson, D. (1989)** *Public Administration in Britain Today*, 2<sup>nd</sup> edn. London: Unwin Hyman.

**Grieve, J., Harfield, C. and Macvean, A. (2007)** *Policing*, England, SAGE.

**Grieve, J. (2008)** *Book Review Guardian*, Police Reform Forces for Change, 12<sup>th</sup> January.

**Guelke, A. (2001)** International Dimensions of the Belfast Agreement, in Wilford, R. (ed.) *Aspects of the Belfast Agreement*. Oxford: Oxford University Press. pp. 245-263.

**Gunn, L. (1988)** Public Management: A third approach? *Public Money and Management*, Vol 8 (1), 21-25.

**Hadfield, B. (1990)** Legislating for Northern Ireland at Westminster, in Connolly, M. E. H. and Loughlin, S. (eds.) *Public Policy in Northern Ireland: adoption or adaptation?* Belfast: Policy Research Institute. Queens University. pp. 55-73.

**Hadfield, B. (2001)** Seeing it Through? The Multifaceted Implementation of the Belfast Agreement, in Wilford, R. (ed.) *Aspects of the Belfast Agreement*. Oxford: Oxford University Press.

**Hagan, F. E. (2006)** *Research Methods in Criminal Justice and Criminology*, 7<sup>th</sup> ed. USA: Allyn and Baco.

**Hague, L. and Willis, M. (2001)** Views on the Northern Ireland Policing Board, *Research and Statistical Bulletin*, (8/2001). Belfast: NISRA/NIO.

**Hamilton, A., Moore, L. and Trimble, T. (1995)** *Policing a Divided Society: Issues and Perceptions in Northern Ireland*. Coleraine: Centre for the Study of Conflict.

- 
- Harfield, C. (2006)** A Paradigm Shift in British Policing, *British Journal of Criminology*, Vol 46 (4), 743-761.
- Harnden, T. (1999)** *'Bandit Country': The IRA and South Armagh*. London: Hodder and Stoughton.
- Harvey, C. J. (2001)** *Human Rights, Equality and Democratic Renewal in Northern Ireland*. Oxford: Hart Publishing.
- Harvey, W. S. (2011)** Strategies for conducting Elite Interviews, *Qualitative Research*, Vol 11 (4), 431-441.
- Hayes, M. (1997)** *A Police Ombudsman for Northern Ireland: a review of the police complaints system in Northern Ireland*. Belfast: HMSO.
- Hayes, P. (1998)** Parallel governments: An option for Northern Ireland, *Regional and Federal Studies*, Vol 8 (3), 89-103.
- Hayes, M. (2010)** Building Cross-Community Support for Policing, in Doyle, J. (ed.) *Policing the Narrow Ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy. pp. 59-67.
- Hayes, B. C. and McAllister, I. (2001)** Sowing Dragon's Teeth: Public Support for Political Violence in Northern Ireland, *Political Studies*, Vol 49 (5), 901-922.
- Held, D. (1995)** *Democracy and the Global Order: From modern state to Cosmopolitan Governance*. Cambridge: Polity Press.
- Held, D. (1996)** *Models of Democracy*, 2<sup>nd</sup> ed. Cambridge: Polity Press.
- Hennessey, T. (1997)** *A History of Northern Ireland: 1920-1996*. Dublin: Gill and Macmillan.
- Herlihy, J. (1999)** *The Dublin Metropolitan Police: A short history and genealogical guide*. Dublin: Four Courts.
- Hermon, Sir J (1997)** *Holding The Line*. Dublin: Gill and Macmillan.
- Herod, A. (1999)** Reflections on interviewing foreign elites: praxis, positionality, validity and the cult of the insider, *Geoforum*, Vol 30, 313-327.
- Hillyard, P. and Tomlinson, M. (2000)** Patterns of Policing and Policing Patten, *Journal of Law and Society*, Vol 27 (3), 394-415.
- HMIC (2001)** *Going Local: The BCU Inspection Handbook*. London: HMSO.
- HMIC (2004)** *Modernising the Police Service*, London: HMSO.
- HMIC (2005)** *Closing the Gap: A Review of the 'Fitness for Purpose' of the Current Structure of Policing in England and Wales*. London: HMSO.
-

---

**HMIC (2008)** *Review of Citizen Focus Policing*, London: HMSO.

**HMIC (2010)** *Police Governance in Austerity*, London: HMSO.

**Home Office (1983)** *Home Office Circular 114/83, Manpower, Effectiveness and Efficiency in the Police Service*, London: Home Office.

**Home Office (1993)** *Police Reform: A Police Service for the Twenty-First Century*, London: Home Office.

**Home Office (2001)** *Policing a New Century: A Blue-print for Reform*. (Cmnd 5326.), London: HMSO.

**Home Office (2003)** *Getting the Best Leaders to Take on the Most Demanding Challenges*, London: Home Office.

**Home Office (2004a)** *One Step Ahead: A 21<sup>st</sup> Century Strategy to Defeat Organised Crime*. London: Home Office.

**Home Office (2004b)** *Building Communities, Beating Crime: A Better Police Service for the 21<sup>st</sup> Century*, (Cmnd 6360.), London: Home Office.

**Home Office (2010)** *Policing in the 21<sup>st</sup> Century: Reconnecting police and the people*. London: Home Office.

**Hood, C. (1991)** A Public Management for All Seasons, *Public Administration*, Vol 69 (1), 3-19.

**Horn, R. (1997)** Not 'one of the boys': women researching the police, *Journal of Gender Studies*, Vol 6 (3), 297-308.

**Hornby, A. S., Cowie, A. P. and Gimson (eds.) (1983)** *Oxford Advanced Learners Dictionary*. Oxford: Oxford University Press.

**House of Commons (1998)** *Civil Service Management Reform: The Next Steps*, (Cmnd 494.), London: HMSO.

**House of Commons (1989)** *Development in the Next Steps Programme*, (Cmnd 348.), London: HMSO.

**House of Commons (1990)** *Progress in the Next Steps Initiative*, (Cmnd 481.), London: HMSO.

**Hudson, B. (2007)** Diversity, crime, and criminal justice, in Maguire, M., Morgan, R. and Reiner, R. (eds.) *The Oxford Handbook of Criminology*. Oxford: Oxford University Press. pp.158-175.

**Humphrey, C. (2007)** Insider-Outsider Activating the hyphen, *Action Research*, Vol 5 (1), 11-26.

---

**Hunt Committee (1969)** *Report of the Advisory Committee on Police in Northern Ireland*, (Cmnd 535.). London: HMSO.

**Hutchinson, A. (2010)** Deviance, Accountability and Reform in Policing, *Policing*, Vol 4 (4), 337-339.

**Ibbs, Sir Robin. (1998)** *Improving Management in Government: The Next Steps*. London: HMSO.

**International Monitoring Commission (2004)** *First Report of the Independent Monitoring Commission*, London: The Stationery Office.

**International Monitoring Commission (2004)** *Second Report of the Independent Monitoring Commission*, London: The Stationery Office.

**Independent Monitoring Commission (2004)** *Third Report of the Independent Monitoring Commission*, London: The Stationery Office.

**Independent Monitoring Commission (2005)** *Fourth Report of the Independent Monitoring Commission*, London: The Stationery Office.

**Independent Monitoring Commission (2005)** *Fifth Report of the Independent Monitoring Commission*, London: The Stationery Office.

**Independent Monitoring Commission (2005)** *Sixth Report of the Independent Monitoring Commission*, London: The Stationery Office.

**Independent Monitoring Commission (2005)** *Seventh Report of the Independent Monitoring Commission*, London: The Stationery Office.

**Independent Monitoring Commission (2008)** *Eighteenth Report of the Independent Monitoring Commission*, London: The Stationery Office.

**Innes, M. (2005)** Why 'Soft' Policing is Hard: On the Curious Development of Reassurance Policing, How it Became Neighbourhood Policing and What This Signifies About the Politics of Police Reform, *Journal of Community and Applied Social Psychology*, Vol 15, 156-169.

**Innes, M. (2006)** Reassurance and the "New" Community Policing, *Policing and Society*, Vol 16 (2), 95-98.

**Innes, M. and Fielding, N. (2002)** From Community to Communicative Policing: Signal Crimes: And The Problem Of Public Reassurance, *Sociological Research Online*, Vol 7 (2), 1-16 [Online]. Available at: <http://www.socresonline.org.uk/7/2/innes.html> (Accessed: 4 February 2009).

**Irving, B. (2004)** Proof of evidence to the Home Office Select Committee considering the White Paper, *Policing a New Century: a Blueprint for Reform*, London: Home Office.

- Jackson, J. and Sunshine, J. (2007)** Public Confidence in Policing: A Neo-Durkheimian Perspective, *British Journal of Criminology*, Vol 47 (2), 214-233.
- Jackson, J. and Bradford, B. (2009)** Police Legitimacy, *Policing Today*, Vol (3), 45-47
- Jefferson, T. and Grimshaw, R. (1984)** *Controlling the Constable*. London: Fredrick Muller.
- Jenkins, S. (2006)** *Thatcher and Sons, A Revolution in Three Acts*. London: Allen Lane.
- Johnston, L. (1992)** British Policing in the Nineties: Free Market and Strong State, *International Criminal Justice Review*, Vol 2 (1), 1-19.
- Johnston, L. (2000)** Private policing: problems and prospects, in Leishman, F., Loveday, B. and Savage, S. (eds.) *Core Issues in Policing* 2<sup>nd</sup> edn. Harlow: Longman.
- Jones, T. (2003)** The governance and accountability of policing, in Newburn, T. (ed.) *The Handbook of Policing*, Cullompton: Willan. pp. 603-627.
- Jones, T. (2007)** The Governance of Security: Pluralization, Privatization, and Polarization in Crime, in Maguire, M., Morgan, R. and Reiner, R. (eds.) *The Oxford Handbook of Criminology*, Oxford: Oxford University Press. pp.841-865.
- Jones, T. and Newburn, T. (2002)** The Transformation of Policing? Understanding current trends in policing systems, *British Journal of Criminology*, Vol 42 (1), 129-146.
- Jones, T. and Newburn, T. (eds.) (2006)** *Plural Policing: A Comparative Perspective*. London: Routledge.
- Jones, T., Newburn, T. and Smith, D. J. (1996)** Policing and the Idea of Democracy, *British Journal of Criminology*, Vol 36 (2), 182-198.
- Judge, T. (2009)** 'Policing by Consent', *Policing*, March,
- Keatinge, P. (1978)** *A Place among the Nations, Issues of Irish Foreign Policy*, Institute of Public Administration. Dublin: Mount Salus Press.
- Kelly, M. J. (1998)** Legitimacy and the Public Security Function, in Oakley, R. B., Dzeidic, M. J. and Goldberg, E. M. (eds.) *Policing the New World Disorder: Peace Operations and Public Security*, Washington DC: National Defense University Press. pp. 399-431.
- Kempa, M. and Johnston, L. (2005)** Challenges and Prospects for the Development of Inclusive Plural Policing in Britain: Overcoming Political and Conceptual Obstacles, *The Australian and New Zealand Journal of Criminology*, Vol 38 (2), 181-191.

**Kempa, M. and Shearing, C. (2005)** *Post Patten reflections on Patten*, paper presented at Queens University, Institute of Criminology and Criminal Justice, Belfast, June.

**Kemshall, H. (2006)** Crime and Risk, in Taylor-Gooby, P. and Zinn, J. (eds.) *Risk in Social Science*. Oxford: Oxford University Press. pp. 76-93.

**Kezar, A. (2003)** Transformational Elite Interviews: Principles and Problems, *Qualitative Inquiry*, Vol 9 (3), 395-415.

**Kilbrandon Inquiry (1984)** *Northern Ireland, Report of an Independent Inquiry*, Lord Kilbrandon, Chair. London: British Irish Association, November 1984.

**King, N. and Horrocks, C. (2010)** *Interviews in Qualitative Research*. London: SAGE.

**Knox, C. (2002)** 'See No Evil, Hear No Evil'. Insidious Paramilitary Violence in Northern Ireland, *British Journal of Criminology*, Vol 42 (1), 164-185.

**Kvale, S. (1996)** *An Introduction to Qualitative Research Interviewing*. London: SAGE.

**Kvale, S. (2007)** *Doing Research Interviews*. London: SAGE.

**Lacey, N. (1994)** Government as Manager, Citizen as Consumer: The Case of Criminal Justice Act 1991, *The Modern Law Review*, Vol 57 (4), 534-554.

**Lawther, C. (2010)** Securing the Past: Policing and the Contest over Truth in Northern Ireland, *British Journal of Criminology*, Vol 50 (3), 455-473.

**Leighton, B. R. and Normandeau, R. (2000)** *A vision for the future of policing in Canada*. Ministry of Supply and Services: Ottawa.

**Leishman, F., Cope, S. and Starie, P. (1995)** Reforming the police in Britain: New public management, policy networks and a tough "old bill", *International Journal of Public Sector Management*, Vol 8 (4), 26-37.

**Leishman, F., Loveday, B. and Savage, S. P. (eds.) (1996)** *Core Issues in Policing*, Longman: Harlow.

**Leishman, F., Loveday, B. and Savage, S. (eds.) (2000)** *Core Issues in Policing*, 2<sup>nd</sup> edn. Longman: Harlow.

- Lewis, T. and McQuillan, A. (1993)** "To assess the strategic impact on the Royal Ulster Constabulary over the next decade of the proposed changes in the Police Service including:- the government White Paper on the Police Service, the Sheehy Report and the Royal Commission on Criminal Justice and review the consequences for the Vision, Mission and Organisation of policing in particular circumstances of Northern Ireland", Paper presented at the 30<sup>th</sup> Senior Command Course, Police Staff College, Bramshill, England, unpublished.
- Lieven, A. (2012)** *Pakistan: A Hard Country*. London: Penguin.
- Lijphart, A. (1969)** Consociational Democracy, *World Politics*, Vol 21 (2), 207-225.
- Lijphart, A. (1999)** *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. USA: Yale University Press.
- Lilleker, D. G. (2003)** Interviewing the Political Elite: navigating a potential minefield, *Politics*, Vol 23 (3), 207-214.
- Lindblom, C. (1979)** Still Muddling, not yet through, *Public Administration Review*, Vol 39 (6), 26-37.
- Livingstone, S. and Morison, J. (1995)** An Audit of Democracy in Northern Ireland, *Fortnight Magazine*, pp.3-26.
- Lloyd, K. (2007)** Police Accountability in the New Labour era, *Criminal Justice Matters*, Vol 67 (1), 30-31.
- Loader, I. (1994)** 'Democracy, Justice and the Limits of Policing: Rethinking Police Accountability', *Social and Legal Studies*, Vol 3 (4), 521-544.
- Loader, I. (2000)** Plural Policing and Democratic Governance, *Social and Legal Studies*, Vol 9 (3), 323-345.
- Loader, I. and Walker, N. (2001)** Policing as a Public Good: Reconstituting the Connections between Policing and the State, *Theoretical Criminology*, Vol 5 (1), 9-35.
- Lofland, J. and Lofland, L. H. (1984)** *Analyzing Social Settings: A Guide to Qualitative Observation and Analysis*. 2<sup>nd</sup> ed. California: Wadsworth Publishing Company.
- Long, M. (2003)** Leadership and performance management, in Newburn, T. (ed.) *Handbook of Policing*. Cullumpton: Willan. pp. 628-654.
- Loveday, B. (1994)** The Police and Magistrates' Court Act, *Policing*, Vol 10 (4), 221-233.

- Loveday, B. (1999)** Government and Accountability of the Police, in Mawby, R. I. (ed.) *Policing across the World: Issues for the Twenty-first Century*. London: UCL Press. pp.132-150.
- Loveday, B. (2000)** New directions in accountability, in Leishman, F., Loveday, B. and Savage, S. P. (eds.) *Core Issues in Policing*, 2<sup>nd</sup> ed. Harlow: Longman. pp.213-231.
- Loveday, B. and Reid, A. (2003)** *Going Local: Who Should Run Britain's Police?* London: Policy Exchange.
- Lukes, S. (2005)** *Power: A Radical View*, 2<sup>nd</sup> edn. Basingstoke: Palgrave Macmillan.
- Lynch, G. W. (2010)** Human Rights and Police Reform, in Doyle, J. (ed.) *Policing the Narrow Ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy. pp.39-47.
- Macpherson, W. (1999)** *The Stephen Lawrence Inquiry*. London: HMSO.
- Maguire, M. and Wilson, D. (2002)** Views on the Northern Ireland Policing Board, 1/2002, February 2002. Belfast: NISRA/NIO.
- Maguire, M., Morgan, R. and Reiner, R. (eds.) (2007)** *The Oxford Handbook of Criminology*, 4<sup>th</sup> ed. Oxford: Oxford University Press.
- Mailhes, C. (2005)** Northern Ireland in Transition: The Role of Justice, Universite des Sciences Sociales, Toulouse, 1-15 [Online]. Available at: <http://www.estudiosirlandeses.org/Christian%20Mailhes.htm> (Accessed: 12 March 2009).
- Manning, P. K. (2010)** *Democratic Policing in a Changing World*. London: Paradigm.
- Mapstone, R. (1992)** The Attitudes of Police in a Divided Society: The Case of Northern Ireland, *British Journal of Criminology*, Vol 32 (2), 183-192.
- Mark, R. (1977)** *Policing a Perplexed Society*. London: Allen and Unwin.
- Mark, R. (1979)** *In the Office of Constable*. London: Collins.
- Markham, G. and Punch, M. (2007a)** Embracing Accountability: The Way Forward-Part One, *Policing*, Vol 1 (3), 300-308.
- Markham, G. and Punch, M. (2007b)** Embracing Accountability: The Way Forward - Part Two, *Policing*, Vol 1 (4), 485-494.
- Marshall, G. (1978)** Police Accountability Revisited, in Butler, D. and Halsey, A. H. (eds.) *Policy and Politics*, London: Macmillan and reprinted in Newburn, T. (ed.) (2004) *Policing: Key Readings*. Cullumpton: Willan, pp.624-635.



- Matassa, M. and Newburn, T. (2003)** Policing and terrorism, in Newburn, T. (ed.) *Handbook of Policing*. Cullompton: Willan, pp.467-500.
- Mawby, R. I. (1990)** *Comparative Policing Issues: The British and American Experience in International Perspective*. London: Routledge.
- Mawby, R. I. (1999a)** Policing Across the World: issues for the twenty-first century. London: UCL Press.
- Mawby, R. I. (1999b)** Variations on a theme: the Development of Professional Police in the British Isles and North America, in Mawby, R. I. (ed.) *Policing Across the World: Issues for the Twenty-first century*, London: UCL Press. pp.28-58.
- Mawby, R. I. (2000)** Core policing: the seductive myth, in Leishman, F., Loveday, B. and Savage, S.P. (eds.) *Core Issues in Policing*, 2<sup>nd</sup> edn. Harlow: Longman. pp.107-123.
- Mawby, R. I. (2003)** Models of policing, in Newburn, T. (ed.) *Handbook of Policing*. Cullompton: Willan. pp.15-40.
- Mawby, R. C. and Wright, A. (2003)** The police organisation, in Newburn, T. (ed.) *Handbook of Policing*. Cullompton: Willan. pp.169-195.
- Mawby, R. and Wright, A. (2005)** Police Accountability in the United Kingdom, a paper written for the *Commonwealth Human Rights Initiative*, January 2005, pp.1-18.
- McBride, S., J. A. (2011)** Baggott: Release us from the shackles of red tape, *News Letter*, 4 November, p.6, Belfast.
- McBride, S., J. A. (2012)** 'Independent' policing board member is SF Councillor, *News Letter*, 26 May, Belfast.
- McDonald, H. (2011)** The Kingdom will remain United – In Ireland, at least, *The Guardian* (17 June, 2011).
- McDonald, H. (2012)** Belfast teenager shot by appointment *The Guardian* (4 May, 2012).
- McEvoy, J. (2006)** Elite Interviewing in a Divided Society: Lessons from Northern Ireland, *Politics*, Vol 26 (3), 184-191.
- McEvoy, K. and Mika, H. (2002)** Republican hegemony or community ownership? Community restorative justice in Northern Ireland, in Feenan, D. (ed.) *Informal Criminal Justice*, Ashgate: Aldershot, pp.61- 72.
- McEvoy, K. & Morison, J. (2002)** Beyond the "Constitutional Moment": Law, Transition, and Peacemaking in Northern Ireland, *Fordham International Law Journal*, Vol. 26 (4), 959-995.

**McGarry, J. (1988)** The Anglo-Irish Agreement and the prospects for Power Sharing in Northern Ireland, *The Political Quarterly*, Vol 59 (2), 236-250.

**McGarry, J. (1998)** Political Settlements in Northern Ireland and South Africa, *Political Studies*, Vol 46 (5), 853-870.

**McGarry, J. (2000)** Police Reform in Northern Ireland, *Irish Political Studies*, Vol.15 (1), 173-182.

**McGarry, J. (2002)** 'Democracy' in Northern Ireland: experiments in self-rule from the Protestant Ascendancy to the Good Friday Agreement, *Nations and Nationalism*, Vol 8 (4), 451-474.

**McGarry, J. & O'Leary, B. (1999)** Policing Northern Ireland: Proposals for a new start. Belfast: Blackstaff Press.

**McGarry, J. and O'Leary, B. (2004)** The Politics of Reform in Northern Ireland, in McGarry, J. and O'Leary, B. (2004) *The Northern Ireland Conflict, Consociational Engagements*. Oxford: Oxford University Press. pp.371-403.

**McGarry, J. and O'Leary, B. (2004)** The Northern Ireland Conflict Consociational Engagements. Oxford: Oxford University Press.

**McGloin, J. P. (2003)** Shifting paradigms: Policing in Northern Ireland, *Policing An International Journal of Police Strategies & Management*, Vol 26 (1), 118-143.

**McGovern, C. J. (2004)** *Holding the police to account in a divided society the Northern Ireland reforms*. MA thesis, The University of British Columbia.

**McGovern, C. J. (2008)** Police Accountability in Northern Ireland – Moving Away from the New Public Management Model. Paper presented at *New Public Management and the Quality of Government Conference*. University of Gothenburg, 13-15 November, unpublished.

**McLaughlin, E. (2001)** The Permanent Revolution: New Labour, new public management and the modernization of criminal justice, *Criminal Justice*, Vol 1 (3), 301-318.

**McLaughlin, E. (2005)** New Labour, New Localism and the Democratic Renewal of Police Accountability, *Howard Journal of Criminal Justice*, Vol 44 (5), 473-489.

**McLaughlin, E. (2007)** *The New Policing*. London: SAGE.

**Metcalfe, L. and Richards, S. (1987)** *Improving Public Management*. London: SAGE.

**Millen, F. and Stephens, M. (2012)** Police Authorities, Accountability, and Citizenship, *Policing*, Vol 6 (3), 261-271.

- Millie, A. and Herrington, V. (2005)** Bridging the Gap: Understanding Reassurance Policing, *The Howard Journal*, Vol 44 (1), 41-56.
- Milton-Edwards, B. (1996)** Policing the Peace: Northern Ireland and the Palestinian Case, *Contemporary Politics*, Vol 2 (3), 79-100.
- Mitchell, P. (2001)** Transcending an Ethnic Party System? The Impact of Consociational Governance on Electoral Dynamics and the Party System, in Wilford, R. (ed.) *Aspects of the Belfast Agreement*. Oxford: Oxford University Press. pp.28-48.
- Mitchell, T. (2003)** The Real Business of Policing, in Adlam, R. and Villiers, P. (eds.) *Police Leadership in the Twenty-first Century Philosophy, Doctrine and Developments*. Hampshire: Waterside Press. pp 146-156.
- Monaghan, R. (2002)** The Return of "Captain Moonlight": Informal justice in Northern Ireland, *Studies in Conflict and Terrorism*, Vol 25 (1), 41-56.
- Moore, B. (2007)** Original Sin and Insider Research, *Action Research*, Vol 5 (1), 27-39.
- Moore, L. (1998)** Policing and Change in Northern Ireland: The Centrality of Human Rights, *Fordham International Law Journal*, Vol 22 (4), 1575-1607.
- Moore, L. and O'Rawe, M. (2001)** A New Beginning for Policing in Northern Ireland? in Harvey, C. J. (ed.) *Human Rights, Equality and Democratic Renewal in Northern Ireland*, Oxford: Hart Publishing. pp.181-214.
- Moran, J. (2004)** Paramilitaries: 'ordinary decent criminals' and the development of organised crime following the Belfast Agreement. *International Journal of the Sociology of Law*, Vol 32, 263-278.
- Moran, J. (2008)** *Policing the Peace in Northern Ireland: Politics, Crime and Security after the Belfast Agreement*. England: Manchester University Press.
- Morgan, R. (1987)** Police Accountability: Developing the Local Infrastructure, *British Journal of Criminology*, Vol 27 (1), 87-96.
- Morgan, R. (2012)** Crime and Justice in the Big Society, *Criminology and Criminal Justice*, Vol 12 (5), 463-481.
- Morgan, R. and Smith, D. J. (eds.) (1989)** *Coming to Terms with Policing: Perspectives on Policy*. London: Routledge.
- Morris, Z. S. (2009)** The Truth about Interviewing Elites, *Politics*, Vol 29 (3), 209-217.
- Mulcahy, A. (2000)** Policing History: The Official Discourse and Organisational Memory of the Royal Ulster Constabulary, *British Journal of Criminology*, Vol 40 (1), 68-87.

**Mulcahy, A. (2006)** *Policing Northern Ireland: Conflict, Legitimacy and Reform*. Cullompton: Willan.

**Mulcahy, A. (2008)** Community Policing in Contested Settings: The Patten Report and Police Reform in Northern Ireland, in Williamson, T. (ed.) *The Handbook of Knowledge-Based Policing Current Conceptions and Future Directions*. England: Wiley. pp.117-138.

**Mulcahy, A. and Ellison, G. (2001)** The Language of policing and the struggle for legitimacy in Northern Ireland, *Policing and Society*, Vol 11 (3), 383-404.

**Mulgan, R. (2000)** 'Accountability': An Ever-Expanding Concept? *Public Administration*, Vol 78 (3), 555-573.

**Mullins, B. (1999)** Insider or outsider, both or neither: some dilemmas of interviewing in a cross-cultural setting, *Geoforum*, Vol 30, 337-350.

**Murji, K. (2011)** Working Together: Governing and Advising the Police, *Police Journal*, Vol 84, 256-271.

**Myhill, A. (2007)** Police Authorities' Public Accountability Role: Learning from three Community Engagement Demonstration Projects, *Policing*, Vol 1 (2), 173-183.

**Newburn, T. (ed.) (2003)** *Handbook of Policing*, Cullompton: Willan.

**Newburn, T. (ed.) (2005)** *Policing Key Readings*. Cullompton: Willan.

**Newburn, T. and Reiner, R. (2007)** Policing and the Police, in Maguire, M., Morgan, R. and Reiner, R. (eds.) *The Oxford Handbook of Criminology*. Oxford: Oxford University Press. pp.910-952.

**Neyroud, P. (1998)** Intelligent Zero Tolerance: An examination of Police Strategies and Performance, *Police Research and Management*, Vol 2 (2), 3-15....

**Neyroud, P. (2003)** Policing and ethics, in Newburn, T. (ed.) *Handbook of Policing*. Cullompton: Willan, pp.578-602.

**Neyroud, P. (2005)** ACPO and the NPfA: A new Professional Future, presentation to ACPO Conference.

**Neyroud, P. and Beckley, A. (2001)** *Policing, Ethics and Human Rights*. Cullompton: Willan.

**Nolan, P. (2012)** *Northern Ireland Peace Monitoring Report, Number One*, Northern Ireland Community Relations Council: Belfast.

**Nordberg, D. (2010)** Accountability and Responsibility: The source of the confusion?

**Northern Ireland Affairs Committee (2005a)** *The Functions of the Northern Ireland Policing Board* (HC108). London: Stationery Office.

**Northern Ireland Affairs Committee (2005b)** *The Functions of the Office of the Police Ombudsman for Northern Ireland* (HC 344). London: Stationery Office.

**Northern Ireland Affairs Committee (2005c)** *The Functions of the Office of the Police Ombudsman for Northern Ireland: Responses by the Government and the Office of the Police Ombudsman for Northern Ireland to the Committees Fifth Report of Session 2004-05* (HC 394). London: Stationery Office.

**Northern Ireland Affairs Committee (2006)** *Organised Crime in Northern Ireland, Third Report of session, 2005-06, Vol 1*, London: The Stationery Office.

**Northern Ireland Affairs Committee (2008)** *Policing and Criminal Justice in Northern Ireland: the cost of policing the past* (HC 333). London: Stationery Office.

**Northern Ireland Office (2006)** *Developing Policing and Justice in Northern Ireland: A Discussion Paper* [Online]. Available from <http://cain.ulst.ac.uk/issues/politics/docs/nio/nio1600206> (Accessed: 9 February 2011).

**Northern Ireland Office and Department of Justice, Equality and Law Reform (2008)** *Cross-border Crime Assessment* [Online]. Available at [www.nio.gov.uk](http://www.nio.gov.uk) (Accessed: 20 March 2010).

**Northern Ireland Policing Board (2003)** *Public perceptions of the Police, DPPs and the Northern Ireland Policing Board* (Omnibus Survey, October 2003). Belfast: NIPB.

**Northern Ireland Policing Board (2004)** *Public perceptions of the Police, DPPs and the Northern Ireland Policing Board* (Omnibus Survey, October 2004). Belfast: NIPB.

**Northern Ireland Policing Board (2008)** *Public perceptions of the Police, DPPs and the Northern Ireland Policing Board* (Omnibus Survey, September 2008). Belfast: NIPB.

**Northern Ireland Policing Board (2009)** *Public perceptions of the Police, DPPs and the Northern Ireland Policing Board* (Omnibus Survey, September 2009). Belfast: NIPB.

**Northern Ireland Policing Board (2010)** *District Policing Partnerships (DPPs) Public Consultation Survey* (February, 2010). Belfast: NIPB.

**Northern Ireland Policing Board (2010)** *Public perceptions of the Police, DPPs and the Northern Ireland Policing Board* (Omnibus Survey, September 2010). Belfast: NIPB.

**Northern Ireland Policing Board (2012)** *Public perceptions of the Police, DPPs and the Northern Ireland Policing Board*, (Omnibus Survey, January, 2012). Belfast: NIPB.

**Nye, J. S. (2002)** *The Paradox of American Power*. Oxford: Oxford University Press.

**Oakley, R. B., Dziedzic, M. J. and Goldberg, E. M (1998)** *Policing the New World Disorder: Peace Operations and Public Security*. Washington DC: National Defense University Press.

**O'Dowd, D. J. (1993)** Creating a Vision for the Future of Policing, *The Police Journal*, Vol LXVI (1), 47-60.

**O'Leary, B. (1998)** The Nature of the Agreement, *Fordham International Law Journal*, Vol 22 (4), 1628-1667.

**O'Leary, B. (2001)** The Protection of Human Rights under the Belfast Agreement, *Political Quarterly*, Vol 72 (3), 353-365.

**O'Leary, B. (2003)** The Character of the 1998 Agreement: Results and Prospects, in Wilford, R. (ed.) *Aspects of the Belfast Agreement*. Oxford: Oxford University Press. pp.49-83.

**O'Leary, B. and McGarry, J. (1996)** *The Politics of Antagonism: Understanding Northern Ireland*, 2<sup>nd</sup> edn. London: Athlone Press.

**Oliver, I. (1987)** *Police, Government and Accountability*. London: Macmillan.

**Oliver, I. (1996)** Police Accountability in 1996, *Criminal Law Review*, 611-621.

**Oliver, I. (1997)** *Police, Government and Accountability*, 2<sup>nd</sup> ed. London: Palgrave Macmillan.

**O'Loan, Baroness N (2010)** The Police Ombudsman for Northern Ireland-Some Personal Reflections, in Doyle, J. (ed.) *Policing the Narrow Ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy. pp.113-127.

**O'Malley, P. (2005)** Policing, politics and postmodernity, in Newburn, T. (ed.) *Policing: Key Readings*. Cullompton: Willan. pp.715-732.

**O'Rawe, M. (2002-03)** Transitional Policing Arrangements in Northern Ireland: The Can't and The Won't of the Change Dialectic, *Fordham International Law Journal*, Vol 26, 1015-1073.

**O'Rawe, M. and Moore, L. (1997)** *Human Rights on Duty: Principles for Better Policing - International Lessons for Northern Ireland*. Belfast: Committee on the Administration of Justice.

---

**Orde, Sir H (2010)** Leading the Process of Reform, in Doyle, J. (ed.) *Policing the Narrow Ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy. pp.99-12.

**Oversight Commissioner (2007)** *Overseeing the Proposed Revisions for the Policing Services of Northern Ireland*. Report 19 [Final Report] (31 May 2007) Belfast: Office of the Oversight Commissioner.

**Patten Report (1999)** A New Beginning: Policing in Northern Ireland, *The Report of the Independent Commission on Policing for Northern Ireland*, London: The Stationary Office.

**Patten, C. (2010)** Personal Reflections on Chairing the Policing Commission, in Doyle, J. (ed.) (2010) *Policing the Narrow Ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy. pp.13-26.

**Perry, R. (2011)** The Devolution of Policing in Northern Ireland: Politics and Reform, *Politics*, Vol 31(3), 167-178.

**Phillips, C., Jacobson, J., Prime, R., Carter, M. and Considine, M. (2002)** *Crime and Disorder Reduction Partnerships, Round One Progress*, Police Research Series, Paper 151, London: HMSO.

**Pino, N. and Wiatrowski, M. D. (eds.) (2006)** *Democratic Policing In Transitional and Developing Countries*. Aldershot: Ashgate.

**Police Act (Northern Ireland) 1970**, Belfast, HMSO.

**Police Act (Northern Ireland) 2000**, Belfast: HMSO.

**Police Authority for Northern Ireland (1996)** *'Everybody's Police': A Partnership for Change*. Belfast: PANI.

**Police Authority for Northern Ireland (1996)** *'A Partnership for Change': A Report on Further Consultation by the Police Authority for Northern Ireland*. Belfast: PANI.

**Police Authority for Northern Ireland (1998/99)** *'Listening to the Community working with the RUC...' a report on police performance in Northern Ireland*. Belfast: PANI.

**Police Authority for Northern Ireland (2000)** *Annual Report 1999/2000*. Belfast: HMSO.

**Police Foundation (2006)** *Police Governance and Accountability, Oxford Policing Policy Forum* [Online]. Available at: <http://www.police-foundation.org.uk>. (Accessed: 4 January 2011).

- 
- Pollitt, C. and Bouckaert, G. (2000)** *Public Management Reform: A Comparative Analyses*. Oxford: Oxford University Press.
- Posen, I. (1995)** *Home Office Review of Police Core and Ancillary Tasks*. London: HMSO.
- Powell, J. (2008)** *Great Hatred, Little Room: Making Peace in Northern Ireland*. London: The Bodley Head.
- Prenzler, T. (2000)** Civilian Oversight of Police, A Test of Capture Theory, *British Journal of Criminology*, Vol 40 (4), 659-674.
- Prince, M. (1988)** *God's Cop the biography of James Anderton*. London: Muller.
- Rabe, M. (2003)** Revisiting 'insiders' and 'outsiders' as social researchers, *African Sociology Review*, Vol 7 (2), 149-161.
- Raine, J. W. and Dunstan, E. (2007)** Enhancing Accountability in Local Policing, *Policing*, Vol 1 (3), 327-341.
- Ratcliffe, J. H. (2008)** *Intelligence-Led Policing*. Cullompton: Willan.
- Rawlings, P. (2002)** *Policing A Short History*. Cullompton: Willan.
- Rawlings, P. (2003)** Policing before the police, in Newburn, T. (ed.) *Handbook of Policing*. Cullompton: Willan. pp.41- 65.
- Rea, D., Donnelly, D. and Fitzsimons, J. (2009)** *International comparison research: models of police governance and accountability*. Belfast: NIPB.
- Rea, B. (2011)** Platform, *News Letter*, 4<sup>th</sup> November.
- Rea, D., Bradely, D. and Gilligan, B. (2010)** Public Accountability: The Policing Board and the District Policing Partnerships, in Doyle, J. (ed.) *Policing the Narrow Ground: Lessons from the Transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy. pp.128-144.
- Reed, K. (2010)** *Reality Testing Report Northern Ireland Policing Board*. Belfast: Reed Consulting.
- Reiner, R. (1989)** Where the buck stops: chief constables' views on police accountability, in Morgan, R. and Smith, D. J. (eds.) *Coming to terms with policing: Perspective on Policing*. London: Routledge, pp.195-216.
- Reiner, R. (1991)** *Chief Constables*. New York: Oxford University Press.
- Reiner, R. (1992a)** *The Politics of The Police*, 2<sup>nd</sup> edn. Hertfordshire: Simon & Schuster.
-



**Reiner, R. (1992b)** Policing a Postmodern Society, *The Modern Law Review*, Vol 55 (6), 761-781.

**Reiner, R. (1993)** Police accountability: Principles, patterns, and practices, in Reiner, R. and Spencer, S. (eds.) *Accountable Policing: Effectiveness, Empowerment and Equity*. London: Institute of Public Policy Research, pp.1-23.

**Reiner, R. (2003)** Policing and the Media, in Newburn, T. (ed.) *Handbook of Policing*. Cullompton: Willan, pp.259-282.

**Reiner, R. (2010)** *The Politics of the Police*, 4<sup>th</sup> ed. Oxford: Oxford University Press.

**Reiner, R. and Spencer, S. (1993)** *Accountable Policing: Effectiveness, Empowerment and Equity*. London: Institute of Public Policy Research.

**Rhodes, R., A. W. (1994)** The hallowing out of the State: the changing nature of the public service in Britain, *The Political Quarterly*, Vol 65 (2), pp.138-152.

**Rice, G. (2010)** Reflections on interviewing elites, *Area*, Vol 42 (1), 70-75.

**Roulston, B. (2002)** Assembling the Jigsaw: Truth, Justice and Transition in the North of Ireland, *Race and Class*, Vol 44 (1), 87-105.

**Rowan, B. (2011)** Policing the province still the most difficult task in UK: Orde, *Belfast Telegraph*, 4 November, p.6.

**Royal Ulster Constabulary (1992)** *Statement of Purpose and Values*, Belfast: RUC.

**Royal Ulster Constabulary (1993)** *RUC Charter*, Belfast: RUC.

**Ruane, J. and Todd, J. (1996)** *The Dynamic of Conflict in Northern Ireland: power, conflict and emancipation*. Cambridge: Cambridge University Press.

**Ruane, J. and Todd, J. (2001)** The politics of Transition? Explaining Political Crises in the Implementation of the Belfast Good Friday Agreement, *Political Studies*, Vol 49 (5), 923-940.

**Ryan, B. J. (2008)** Northern Ireland's District Policing Partnerships and the Participatory Ideals, *Irish Political Studies*, Vol 23 (3), 341-361.

**Ryder, C. (1989)** *The RUC, A Force Under Fire*. London: Methuen.

**Ryder, C. (2004)** *The Fateful Split: Catholics and the Royal Ulster Constabulary*. London: Methuen.

**Ryder, C. (2009)** Organised crime and racketeering in Northern Ireland, in Dingley, J. (ed.) *Combating Terrorism in Northern Ireland*. Oxon: Routledge, pp.128-136.

---

**Sabot, E. C. (1999)** Dr Jekyll, Mr H(i)de: the contrasting face of elites at interview, *Geoforum*, Vol 30, 329-335.

**Salisbury, H. (2004)** *Public Attitudes to the Criminal Justice System: The Impact of Providing Information to British Crime Survey Respondents*, Home Office Report 64/04 London: HMSO.

**Savage, S. P. (1984)** Political Control or Community Liaison? Two Strategies in the Reform of Police Accountability, *Political Quarterly*, Vol 55 (1), 48-59.

**Savage, S. (1990)** A War on Crime? Law and Order Policies in the 1980s' in Savage, S. and Robins, L. (eds.) *Public Policy Under Thatcher*. London: Macmillan.

**Savage, S. P. (1998)** The shape of the future, *Criminal Justice Matters*, Vol 32 (1), 4-6.

**Savage, S. P. (2003)** Tackling tradition: Reform and modernisation of the British police, *Contemporary Politics*, Vol 9 (2), 171-184.

**Savage, S. P. (2007a)** *Police Reform Forces For Change*. Oxford: Oxford University Press.

**Savage, S. P. (2007b)** Give and Take: The Bifurcation of Police Reform in Britain, *The Australian and New Zealand Journal of Criminology*, Vol 40 (3), 313-334.

**Savage, S. P. and Leishman, F. (1996)** 'Managing the Police: A Force for Change?' in Farnham, D. and Horton, S. (eds.) 2<sup>nd</sup> ed. *Managing the New Public Services*. London: Longman. pp.242-259.

**Savage, S. and Robins, L. (1990)** *Public Policy Under Thatcher*. London: Macmillan.

**Savage, S. P. and Wilson, C. (1987)** "Ask a Policeman": Community Consultation in Practice, *Social Policy and Administration*, Vol 21 (3), 252-263.

**Savage, S. P., Charman, S. and Cope, S. (1996)** Police Governance, the Association of Chief Police Officers and constitutional change, *Public Policy and Administration*, Vol 11 (2), 92-106.

**Savage, S. P, Charman, S. and Cope, S. (2000)** The policy-making context: who shapes policing policy? In Leishman, F., Loveday, B. and Savage, S. P. (eds.) *Core Issues in Policing*, 2<sup>nd</sup> ed. Harlow: Longman, pp.30-51.

**Scarman Tribunal. (1972)** Violence and Civil Disturbances in Northern Ireland in 1969, *Report of Tribunal of Inquiry*, Vol.1 (Cmnd 566.), London: HMSO.

**Scarman, Lord (1981)** *The Brixton Disorders*, 10-12 April (Cmnd 8427.), London: HMSO.

---

- Scruton, P. (1985)** *The State Of The Police*. London: Pluto Press.
- Scruton, P. (1987)** *Law, Order and the Authoritarian state: readings in critical criminology*. Milton Keynes: Open University Press.
- Seneviratne, M. (2004)** Policing the Police in the United Kingdom, *Policing and Society*, Vol 14 (4), 329-347.
- Sharp, D. (2005)** Who Needs Theories in Policing? An Introduction to a Special Issue on Policing, *The Howard Journal*, Vol 44 (5), 449-459.
- Shearing, C. D. (2000)** A 'New Beginning for Policing', *Journal of Law and Society*, Vol 27 (3), 386-393.
- Shearing, C. D. (2001)** A nodal conception of governance: Thoughts on a policing commission, *Policing and Society*, Vol 11 (3), 259-272.
- Shearing, C. D. (2010)** The Curious Case of the Patten Report, in Doyle, J. (ed.) *Policing the Narrow Ground: Lessons from the transformation of policing in Northern Ireland*. Dublin: Royal Irish Academy, pp.27- 38.
- Sheehy, Sir P (1993)** *Inquiry into Police Responsibilities and Rewards*, (Cmnd 2280.1.), London: HMSO.
- Sheptycki, J. W. E. (ed.) (2000)** *Issues in Transnational Policing*. London: Routledge.
- Sheptycki, J. (2001)** Reflections on policing divided societies, *Policing and Society*, Vol 11 (3), 235-241.
- Silverman, D. (1993)** *Interpreting Qualitative Data*. London: SAGE.
- Silverman, D. (2006)** *Interpreting Qualitative Data: Methods for Analyzing Talk, Text and Interaction*, 3<sup>rd</sup> edn. London: SAGE.
- Silverman, D. (2009)** *Doing Qualitative Research*. London: SAGE.
- Sinclair, G. (2012)** Exporting the UK Police 'Brand': The RUC-PSNI and the International Policing Agenda, *Policing*, Vol 6 (1), 55-66.
- Singer, L. and Cooper, S. (2008)** *Inform, Persuade and Rewind: An Evaluation of a Project to Improve Public Confidence in the Criminal Justice System*, Ministry of Justice Research Series, 15/08, London: Ministry of Justice.
- Skogan, W. G. (2008)** Why reforms fail, *Policing and Society*, Vol 18 (1), 23-34.
- Sluka, J. A. (1990)** *Hearts and Minds, Water and Fish; support for the IRA and INLA in a Northern Irish Ghetto*. Greenwich, CTR: JAI Press.

**Smith, D. (2007)** *Confidence in the Criminal Justice System: What Lies Beneath?* Ministry of Justice Research Series 7/07, London: Ministry of Justice.

**Smith, G. (2002)** The Police Complaints Commission: independent from whom? *Criminal Justice Matters*, Vol 47 (1), 40-41.

**Smith, G. (2004)** Rethinking Police Complaints, *British Journal of Criminology*, Vol 44 (1), 15-33.

**Smith, G. (2006)** Police complaints in the reform era, *Criminal Justice Matters*, Vol 63 (1), 26-27.

**Smyth, J. (2001)** Community Policing and the Reform of the Royal Ulster Constabulary, *Policing: An International Journal of Police Strategies and Management*, Vol 25 (1), 110-124.

**Smyth, J. (2002)** Symbolic power and police legitimacy: The Royal Ulster Constabulary, *Crime, Law and Social Change*, Vol 38 (3), 295-310.

**Social Democratic and Labour Party (1995)** Policing in Northern Ireland, *Paper presented at the 25<sup>th</sup> Annual Conference*, 17-19 November Newcastle: Northern Ireland.

**Social Democratic and Labour Party (2009)** *Attwood: PSNI Report must lead to Police Reform* [Online]. Available at: [www.sdlp.ie](http://www.sdlp.ie) (Accessed: 13 February 2011).

**Spector, M. (1980)** Learning To Study Public Figures, in Shaffir, W. B., Stebbins, R. A. and Turowetz, A. (eds.) *Field Work Experience: Qualitative Approaches to Social Research*. New York: St. Martin's Press. pp.98-110.

**Stalker, J. (1988)**, *Stalker*, London: Harrap.

**SACHR (1998)** *Submission to Independent Commission on Policing for Northern Ireland*, Standing Advisory Committee on Human Rights: Belfast.

**Standing Conference on Crime Prevention (1991)** *Safer Communities: The Local Delivery of Crime Prevention through the Partnership Approach (Morgan Report)* London: Home Office.

**Stanley, E. (2005)** Truth Commissions and the recognition of State Crime, *British Journal of Criminology*, Vol 45 (4), 582-597.

**Stenning, P. (2009)** Governance and accountability in a plural policing environment - the story so Far, *Policing*, Vol 3 (1), 22-33.

**Stenson, K. (1993)** Community policing as a governmental technology, *Economy and Society*, Vol 22 (3), 373-389.

**Stenson, K. (1998)** Beyond histories of the present, *Economy and Society*, Vol 27 (4), 333-352.

**Stenson, K. (2008)** Governing the Local: Sovereignty, Social Governance and Community Safety, *Social Work and Society International Online Journal*, Vol 6 (1), pp. 2-14 [Online]. Available at: [http://www.socwork.net/2008/1/special\\_issue/stenson](http://www.socwork.net/2008/1/special_issue/stenson) (Accessed: 8 February 2011).

**Stenson, K. (2009)** Governance and Policing, *Policing*, Vol 3 (1), 5-6.

**Stephens, M. and Becker, S. (eds.) (1994)** *Police Force, Police Service: Care and Control in Britain*. Basingstoke: Macmillan.

**Stephenson, Sir Paul. (2009)** Doing it my way, *Police Review*, 6 February, pp.18-21.

**Stevens, J. (2005)** *Not for the Faint-Hearted: My Life Fighting Crime*. London: Weidenfeld and Nicolson.

**Sussman, P. (2000)** Conflict and hope in Northern Ireland: breaking the cycle of violence available at: [www.cnn.com/SPECIALS/2000/n.ireland/overview.html](http://www.cnn.com/SPECIALS/2000/n.ireland/overview.html)

**Taylor, R. B. (1994)** *Research Methods In Criminal Justice*. USA: McGraw-Hill.

**Taylor, P. (2001)** *Brits: The War against the IRA*. London: Bloomsbury.

**Teitel, R. (2000)** *Transitional Justice*. Oxford: Oxford University Press.

**Thatcher, M (1993)** *The Downing Street Years*. New York: HarperCollins.

**The Agreement (1998)** *It's your Decision*, Agreement reached in the multi-party negotiations between the British and Irish Governments.

**Tilley, N. (2003)** Community policing, problem-oriented policing and intelligence-led policing, in Newburn, T. (ed.) *Handbook of Policing*, Cullompton: Willan. pp.311-339.

**Tilley, N. (2008)** The Development of Community Policing in England: Networks, Knowledge and Neighbourhoods, in Williamson, T. (ed.) *The Handbook of Knowledge-Based Policing: Current Conceptions and Future Directions*. England: Wiley. pp.95-116.

**Topping, I. (1991)** The Police Complaints System in Northern Ireland, in Goldsmith, A. J. (ed.) *Complaints against the Police: the Trend to External Review*. Oxford: Clarendon Press. pp.233-257.

**Topping, J. R. (2008a)** Diversifying from within: Community Policing and the Governance of Security in Northern Ireland, *British Journal of Criminology*, Vol 48 (6), 778-797.

---

**Topping, J. R. (2008b)** Community Policing in Northern Ireland: A resistance narrative, *Policing and Society*, Vol 18 (4), 377-396.

**Tupman, B. and Tupman, J. T. (1999)** *Policing in Europe, Uniform in Diversity*. England: Cromwell Press.

**Uglow, S. (1988)** *Policing Liberal Society*. Oxford: Oxford University Press.

**Walker, N. (2000)** Transnational contexts, in Leishman, F., Loveday, B. and Savage, S. (eds.) *Core Issues in Policing*, 2<sup>nd</sup> edn. England: Pearson Education. pp.83-104.

**Walker, C. (2001)** The Patten Report and Post-Sovereignty Policing in Northern Ireland, in Wilford, R. (ed.) *Aspects of the Belfast Agreement*, Oxford: Oxford University Press. pp.142-165.

**Walker, N. (2003)** The pattern of transnational policing, in Newburn, T. (ed.) *Handbook of Policing*. Cullompton: Willan, pp.111-132.

**Walker, S. (2005)** *The New World of Police Accountability*. Thousand Oaks, Ca: SAGE.

**Walsh, D., P. J. and Conway, V. (2011)** Police governance and accountability: overview of current issues, *Crime, Law and Social Change*, Vol 55, 61-86.

**Ward, K. G. and Jones, M. (1999)** Researching local elites: reflexivity, 'situatedness' and political temporal contingency, *Geoforum*, Vol 30, 301-312.

**Waters, I. (2000)** Quality and Performance monitoring, in Leishman, F., Loveday, B. and Savage, S. (eds.) *Core Issues in Policing*, 2<sup>nd</sup> edn. England: Pearson Education. pp.264-287.

**Waters, I. (2007)** Policing, Modernity and Postmodernity, *Policing and Society*, Vol 17 (3), 257-278.

**Waters, I. and Brown, K. (2000)** Police Complaints and the Complainants' Experience, *British Journal of Criminology*, Vol 40 (4), 617-638.

**Weitzer, R. J. (1985)** Policing a Divided Society: Obstacles to Normalization in Northern Ireland, *Social Problems*, Vol 33 (1), 41-55.

**Weitzer, R. J. (1987)** Policing Northern Ireland Today, *Political Quarterly*, Vol 58 (1), 88-96.

**Weitzer, R. J. (1990)** *Transforming Settler States: Communal Conflict and Internal Security in Northern Ireland and Zimbabwe*. Oxford: University of California Press.

**Weitzer, R. J. (1995)** *Policing Under Fire: ethnic conflict and police-community relations in Northern Ireland*. Albany, New York: SUNY Press.

**Weitzer, R. J. and O'Hearn, D. (1997)** Policing Under Fire. Ethnic Conflict and Police – Community Relations in Northern Ireland, *The American Journal of Sociology*, Vol 102 (6), 17-55.

**White, R. W. and White, T. F. (1995)** Repression and the Liberal State: The Case of Northern Ireland, 1969-1972, *Journal of Conflict Resolution*, Vol 39 (2), 330-352.

**Whyte, J. (1990)** *Interpreting Northern Ireland*. Oxford: Clarendon.

**Winston, T. (1997)** Alternatives to Punishment Beatings and Shootings in a Loyalist Community in Belfast, *Critical Criminology: an International Journal*, Vol 8 (1), 122-128.

**Wilford, R. (ed.) (2001)** *Aspects of the Belfast Agreement*. Oxford: Oxford University Press.

**Wilkinson, S. (2010)** Research and Policing – Looking to the future, *Policing*, Vol 4 (2), 146-148.

**Williamson, T. (ed.) (2008)** *The Handbook of Knowledge-Based Policing Current Conceptions and Future Directions*. England: Wiley.

**Willmot, H. (1992)** Postmodernism and Excellence: The De-differentiation of Economy and Culture, *Journal of Organisational Change Management*, Vol 5 (1), 558-68.

**Wilson, M. (2006)** *Views on Organised Crime in Northern Ireland, Findings from the January 2006 Northern Ireland Omnibus Survey*, Research and Statistical Bulletin, 5/2006. [Online]. Available at: [www.nio.gov.uk](http://www.nio.gov.uk) (Accessed 11 April).

**Wolff Olins (1988)** *A Force for Change: A Report on the corporate identity of the Metropolitan Police*. London: Wolff Olins.

**Wolff, S (2001)** Context and Content: Sunningdale and Belfast Compared, in Wilford, R. (ed.) *Aspects of the Belfast Agreement*. Oxford: Oxford University Press, pp.11-27.

**Wright, J. and Bryett, K. (2000)** *Policing and conflict in Northern Ireland*. London: Macmillan.

**Wright, A. (2002)** *Policing, an introduction to concepts and practice*, Cullompton: Willan.

**Young, H. (1989)** *'One of us'*. London: Macmillan.

**Zedner, L. (2006)** Policing before the police: The historical antecedents of contemporary Crime Control, *British Journal of Criminology*, Vol 46 (1), 78-96.

# **Appendix A**

## **Informed Consent**



## **Request to participate in a Professional Doctorate thesis examining police accountability in Northern Ireland (Informed Consent)**

### Research Project:

***“A Qualitative Study to identify the development of mechanisms designed to improve police accountability and legitimacy in Northern Ireland, prior to, and following, publication of the Patten Report.”***

### Researcher: Clifford Best

Dear Participant,

My name is Clifford Best and I am a retired police officer, having retired from the Police Service of Northern Ireland in May 2008. Since then, I have been a Professional Doctorate student at the London Metropolitan University (LMU). The theme of my research is police accountability in Northern Ireland prior to, and following, publication of the Patten Report in 1999. This thesis will provide a historical analysis of policing in Northern Ireland and place the role of the Royal Ulster Constabulary in the context of a country in transition. The various mechanisms for holding the police to account, prior to, and following, publication of the Patten Report will be considered. When completed, this thesis will be submitted as part of the requirement for the completion of a Professional Doctorate in Policing, Security and Community Safety. My research is being supervised by Dr Chris Rhodes, Professor John Grieve and Professor Kevin Stenson. They can be contacted at LMU on 0207 133 5179 to verify my credentials.

This letter constitutes an agreement to participate in this research project and provides you, the interviewee, with some information concerning the research and how I intend to store the information gleaned from you. Information will be recorded in hand-written format and, for reasons of accuracy and capture of relevant information, I intend also, subject to your authorisation, to audio record the interview. Information gleaned through this interview will be treated in the strictest of confidence, and will at no stage be attributed to any individual, unless agreement has been obtained beforehand. On completion of the research, it will be submitted to the London Metropolitan University in partial fulfilment for a Doctorate of Policing, Security and Community Safety. I will also retain a personal copy of my research which may include all, or portions of the research in future presentations, workshops and at other fora. I may also use my research findings for future journal submissions and inclusion in a book.

A copy of this research will be made available through the London Metropolitan University, where access will be unrestricted to members of the university. I will

also make copies available to all participants, should they wish to view the final research report.

If you would prefer not to participate in any audio recording, I would be most obliged if you would complete a written response to this questionnaire.

If you have any further questions, I will be pleased to answer them prior to commencement of the interview.

By signing this letter you give free and informed consent to participate in this research.

Name (Please Print) \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

# **Appendix B**

## **Interview Questions**

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## Interview Questions

### Interviewee Reference Number

### Date, Time and location of interview:

1. Can you please describe your idea or concept of how the framework for police accountability operates in Northern Ireland?
2. Do you believe that police accountability in Northern Ireland has been enhanced post-Patten? If so, how has it been enhanced?
3. What kind of benefits do you think accountability provides in improving police/community relationships?
4. Can you describe how accountability can help in improving public confidence in policing?
5. Following the devolution of Policing and Justice to the local Northern Ireland Assembly, is it necessary, for accountability purposes, to maintain a Northern Ireland Policing Board? If so, why do you feel this is the case?
6. Could you describe the role performed by District Policing Partnerships can enhance local police accountability in Northern Ireland?
7. How do you feel the Police Ombudsman for Northern Ireland (PONI) has helped to improve police accountability in Northern Ireland?
8. Do you believe the Police Service of Northern Ireland is subject to too much oversight and regulation? If so, how would you improve this position?
9. If you could change two areas within policing in Northern Ireland, dealing specifically with police accountability, what would these two areas be?
10. Have you anything else you would like to add that may assist my research?

# Appendix C

List of Respondents to this study

Respondent 1	Chief Police Officer
Respondent 2	Head of a Police accountability body
Respondent 3	National Labour Politician
Respondent 4	Retired Senior Police Officer
Respondent 5	Policy shaper in Patten reform agenda
Respondent 6	Chief Police Officer
Respondent 7	Writer on policing issues
Respondent 8	Catholic member of a DPP
Respondent 9	Retired Senior Police Officer
Respondent 10	Local Unionist Politician
Respondent 11	Retired Chief Police Officer