



Perfidious Britannia

The Patten report on the Northern Ireland police service has been eviscerated

Brendan O'Leary
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Northern Ireland's police bill, now in its committee stages, is supposed to provide a new beginning for the Royal Ulster Constabulary, as a crucial part of the peace process. But it does not, in fact, implement the report of the independent Patten commission as it was supposed to.

1. Impartiality:

Patten recommended symbols "free from association with the British or Irish states". The RUC was not a neutral title - so under Patten it was to go, period. The union flag and the portrait of the Queen at police stations were to go - to disassociate the police from identification with the union and the crown.

The bill, by contrast, proposes that the secretary of state can decide on names and emblems in the future - a power that might be exercised by Andrew MacKay. Such a name as "the police service of Northern Ireland, incorporating the RUC", is neither neutral nor even bi-national.

2. Representativeness:

Patten advocated recruiting cultural Catholics and non-Catholics 50:50 for the next 10 years. Thus 30% would be of Catholic origin by year 10, and between 17% and 19% within four years (above the critical mass of 15% he claimed necessary to change the police's character) - and that the new service would be more female-friendly.

The bill is a mockery. The period of recruitment on a 50:50 basis is reduced to three years, with any extension dependent on the secretary of state. The bill is silent on aggregation, Patten's policy for years with a shortfall in the recruitment of suitably qualified cultural Catholics, and it is also silent on targeting. It is not clear that the government is committed to Patten's "critical mass". We face the vista of a diminishing minority of Protestant males policing a growing minority of cultural Catholics.

3. Non-partisan control:

Patten's proposed policing board met this objective. His proposed district policing partnership boards (DPPBs) would have done the same.

The bill again is a travesty. A weighted majority rule will give unionists a blocking minority on matters as fundamental as pursuing inquiries into allegations about police misconduct or incompetence. This is a direct violation of the terms of reference of the agreement.

4. Efficient policing:

Patten proposed effective and lucid accountability arrangements.

The bill is multiply at odds with Patten. It fails to provide a clear and effective system of accountability. The secretary of state is, perversely, empowered to prevent an inquiry by the board if it is deemed not to be in the interests of efficiency and the effectiveness of the police - as if the prime activity of a board which requires a weighted majority to start an enquiry will be to embark on wasteful investigations. The full-time reserve, which Patten recommended should be disbanded, in the interests of efficiency and promoting fast changes in composition, is left on a statutory basis. And the DPPBs have been eviscerated because of propaganda about paramilitaries on the rates.

5. Human rights:

Patten proposed new and serving officers would have knowledge of human rights built into their training. He also recognised that "bad apples", with a record of disrespect for human rights, had to be weeded out.

The police bill as tabled is almost a parody of Patten. It restricts the new oath, which includes a commitment to human rights, to new officers. It places responsibility for a code of ethics not with the policing board, but with the chief constable. No procedures for rooting out the "bad apples" are specified. The chief constable is effectively in charge of normalisation. All this might have mattered less had the new oversight commissioner's expertise been in the area of human rights. It is not. It is in drug policy enforcement.

6. Decentralisation:

Patten suggested giving elected local governments opportunities to influence the policy formulation of the policing board through their DPPBs.

The bill, by contrast, maintains centralisation in multiple ways. It gives power to the secretary of state that Patten intended to be devolved. Patten recommended councils be able to contribute up to the "equivalent of a rate of 3p in the pound" to pay for extra policing services. This is not in the bill, which looks designed to protect the police from being obligated to interact with a range of statutory agencies.

7. Democratic accountability:

Patten's report was an able expression of contemporary democratic thought that policing should not be the monopoly of a centralised hierarchy, detached from society. The proposed "policing board", was to bring together 10 elected politicians with nine appointed members, representative of "business, trade unions, voluntary organisations, community groups and the legal profession".

A similar logic lay behind the proposals to let the board negotiate the annual budget and for public deliberation instead of meeting "behind closed doors". The report was intended to let police managers manage, but to hold them to account for their implementation of the board's general policing policy.

What, by comparison, is in the bill? Proposals to strengthen the secretary of state, to strengthen the powers of the chief constable, to weaken the new policing board, and to return policing to the police - rather than have policing negotiated by a network of mutually supportive agencies.

The chief constable has powers to refuse to respond to reasonable requests by the board. The board cannot inquire into the past, and is more or less prevented from inquiries into police misconduct or incompetence in the future.

The board's role in budgetary planning is downgraded into being a lobbying group for the chief constable. The board is so weakened that the discredited policing authority has rightly condemned the bill! The ombudsman, the equality commission and the human rights commission have no appropriate free-ranging rights of access to policing documents. The chief constable is not even required to declare his staff's individual participation in secret societies.

The Patten report and the bill were supposed to be consistent with the Belfast agreement. Patten's report was; the bill is not. It does not represent the promised "new beginning". It has been seen through and condemned by the SDLP, the Women's Coalition, the Catholic church, the Committee on the Administration of Justice, the ombudsman, the existing police authority, the Irish government, and President Clinton - as well as by Sinn Fein and the IRA.

The bill is a fundamental breach of faith, perfidious Britannia in caricature. It represents Old Britain; it was drafted by the forces of conservatism, for the forces of conservatism. It keeps or preserves the powers of the secretary of state, the Northern Ireland office, and the chief constable. Unamended, the bill will ensure that neither the SDLP or Sinn Fein sit on policing boards, or recommend their constituents to join the police; that the RUC remains unreformed; and that leakage from the provisionals into the Real and Continuity IRAs will grow into a stream.

Parliament must rectify this disgrace.

Professor Brendan O'Leary is co-author of Policing Northern Ireland .

comment@guardian.co.uk