



## **DOCTORAL THESIS**

### **The police process**

### **accountability and external civilian oversight of policing reform in Northern Ireland**

*Author*  
Kearney, Ciaran

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**The Police Process:  
Accountability and External Civilian Oversight  
of Policing Reform in Northern Ireland.**

Ciarán Jude Kearney, BSc. (Hons), MSc.

Faculty of Social Sciences of Ulster University.

Thesis submitted for the degree of Doctor of Philosophy.

February 2018.

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“If it isn’t written, it isn’t real”.

As Professor Ben Turok explained his own philosophy of life, over lunch five years ago in the December sunshine of South Africa, his words stayed with me. Professor Turok is an eminent scholar, a prolific writer, a former Minister in Nelson Mandela’s first Government of National Unity, and a lifelong anti-apartheid activist. Little did he know the seed he had planted in my mind. I carried it home and some of what grew from it is in this thesis.

Or, perhaps it had always been there. My late parents Oliver and Brigid both fostered my desire for self-improvement and scholarship. From my father, I learned the value of research and its potential for leveraging change in society. From my mother, I learned the magic of language and how words matter. I hope the research findings and words chosen within this thesis do honour to their memory. My family circle and my friends have given me great heart and help throughout. As this project ends, I look forward to enjoying their company again.

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*Níl sé ach do-dheanta go dtí go bhfuil sé deanta...*

For Jane....

‘Out of the night that covers me,  
Black as the pit from pole to pole.  
I thank whatever gods may be  
For my unconquerable soul.’

~ W. E. Henley.

....and for  
..Nonkululeko  
..Nokokhanya  
..Naledi  
..Siyabonga

## **Abstract.**

This study investigates accountability and external civilian oversight of policing reform in Northern Ireland, envisioned under the Patten Commission's programme of reforms in 1999. Emerging from the Patten Commission's report was a new architecture of accountability built around three institutions: the Police Service of Northern Ireland (PSNI); the Northern Ireland Policing Board (NIPB); and the Police Ombudsman for Northern Ireland (PONI).

Almost twenty years after the Patten Report was published, it is an opportune time to examine how these accountability arrangements may effect policing reform and whether there are clearly identifiable factors which enable or inhibit the efficacy of external civilian oversight. It is also timely to reflect upon the values, attitudes and beliefs held by those involved in external civilian oversight, and whether these attitudes can be differentiated across the actors and agencies involved in external civilian oversight in Northern Ireland.

Employing both Q methodology and semi-structured interviews with elite actors (n=62) across the three institutions, this study has developed a re-conceptualisation of policing accountability from an ecological systems perspective. Through this a new framework of 'triadic accountability' is proposed, comprising of three distinct and interdependent dimensions of situational (s); relational (r); and transformational accountability.

Using this new framework, the study derives from findings what it calls the 'Nine I's' of triadic accountability which include idiosyncrasies (s), independence (s), intelligence (s), information-sharing (r), individuals (r), incidents-handling (r), improvements (t), iterative nature (t), and internalisation(t). Furthermore, the values, attitudes and beliefs of elite actors were found to diverge into two distinct perspectives. Together with the 'Nine I's' of triadic accountability, this illustrates how external civilian oversight of policing reform in Northern Ireland has been found to have a duality or mixed effect - the "agathakakological" effect suggesting that it is now time for Patten to be revisited.

## **Abbreviations.**

BNS - British National Security

CAJ - Committee on the Administration of Justice

CJINI- Criminal Justice Inspectorate for Northern Ireland

COIN- Counter Insurgency

DoJ - Department of Justice

DUP - Democratic Unionist Party

ECO - External Civilian Oversight

EST - Ecological Systems Theory

GCHQ- Government Communications Head Quarters

GFA - Good Friday Agreement

HET - Historical Enquiries Team

HIU - Historical Investigations Unit

HMIC- Her Majesties Inspectorate of Constabulary

HMRC- Her Majesties Revenue and Customs

ICP - Independent Commission on Policing (aka Patten Commission)

IPT - Investigatory Powers Tribunal

IRA - Irish Republican Army

MI5 – British Security Service (aka BSyS)

MoD - Ministry of Defence

NCA - National Crime Agency

NIPB - Northern Ireland Policing Board

NIO - Northern Ireland Office

PONI- Police Ombudsman for Northern Ireland

PSNI - Police Service of Northern Ireland

RIC- Royal Irish Constabulary

RIPA- Regulation of Investigatory Powers Act

RUC - Royal Ulster Constabulary

SDLP- Social Democratic and Labour Party

SF - Sinn Féin

SHA - Stormont House Agreement

SOCA- Serious and Organised Crime Agency

SSR - Security Sector Reform

UDA - Ulster Defence Association

UVF - Ulster Volunteer Force

## Chapter One: Introduction

*“It ought to be remembered that there is nothing more difficult to take in hand, more dangerous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things. This is because the innovator has for enemies all those who have done well under the old conditions and not very active defenders in those who have done well under the new”* (Machiavelli, 1513, p.9).

### 1.1 Introduction

Throughout Britain’s colonial conquest of its island neighbour Ireland, “the old conditions” and “a new order of things” have been in perpetual contest. For most of the last one hundred years since the partition of Ireland, this contest has been viscerally and violently expressed. By the end of the twentieth century, negotiations between parties to the conflict led to a de-escalation of violence and the promise of a new social and political dispensation. Organs of state associated with the old regime were earmarked in this process for reform, including what one eminent policing scholar described as “the state made flesh”: the police (Punch, 2000, p.322). So important to the social and political transformation of society in Northern Ireland was the agenda for policing reform, that an International Commission was established and chaired by Conservative MP Lord Chris Patten. Before finalising their report and package of proposed reforms (ICP, 1999), he and his fellow Commissioners undertook an unprecedented, extensive series of public consultation events. At the close of one such consultation event in County Down, Patten was challenged by an elderly woman who had been bereaved during the conflict: “It’s all very well coming here and giving us all that stuff about generosity and that. You go home after this is over. We have to stay with our histories and experience all around us” (Patten, 2017, p.181).

Two decades on, these histories and experiences of the past still impinge upon the Patten Commission’s proposals for policing reform, including its new architecture for accountability. In Belfast’s High Court on 21<sup>st</sup> December 2017, relatives of those killed in the 1994 Loughinisland massacre heard Justice McCloskey acknowledge their loss and dignity before publicly denouncing the Police Ombudsman’s office and ruling the Loughinisland report (PONI, 2016) was unlawful. That judgment alone raises questions for oversight of policing and policing reform. Outside the court, advisors to retired police officers who won the case remarked aloud that while the Loughinisland families’ grief was acknowledged, the

bereaved families of police officers killed had been ignored (researcher fieldnotes, 21<sup>st</sup> December, 2017). This perceived disparity is a curious anomaly. Since the Police Service of Northern Ireland (PSNI) was formed in 2001, 16 officers have died in the line of duty, most in road traffic collisions (RTCs) ([www.policememorial.org](http://www.policememorial.org)). During the conflict (1968 – 1994), there were 300 officers of the Royal Ulster Constabulary (RUC) killed (Ryder, 2000). However, no police officer was killed in the Loughinisland massacre. Yet this case illustrates the complex, dynamic context in which policing oversight and policing reform exists. In January 2018, an application was made for Justice McCloskey to recuse himself on grounds of “unconscious bias”. Ultimately, the preliminary judgement was set aside and Justice McCloskey agreed that the case should be heard again before a different judge (BBC, 2018).

Anomalies, inconsistencies and contradictions evoked by this case and others are not empirical artefacts or outliers. Nor are they embarrassing aberrations to be ignored by social scientific research. Rather, these idiosyncrasies constitute potentially significant data in themselves (Zeineddine & Pratto, 2017, p.26). Indeed, to be more than a managerial audit or evaluative review of accountability, external civilian oversight and policing reform in the Northern Ireland, the socio-legal and political environment within which these processes occur must be observed and understood. An ecological systems approach to development, change or reform (Pratto, 2016; Johnson, 2008) is one which offers to facilitate this objective. Within ecological systems theory (Bronfenbrenner, 1979; 1992; 1999; 2009) shared values, attitudes and beliefs are salient in facilitating change and development. The corollary to this is that the link between accountability, external civilian oversight and policing reform may be open to investigation through the values, attitudes and beliefs of elite actors involved in its exercise.

Providing the anchor for this study is the Patten Commission’s programme of reform which said that “a new beginning for democratic accountability is a key to the new beginning to policing” (ICP, 1999, p.28). Emerging from the Commission’s report was a new architecture of accountability built around three institutions: the Police Service of Northern Ireland (PSNI); the Northern Ireland Policing Board (NIPB); and the Police Ombudsman for Northern Ireland (PONI). The NIPB and PONI are separate bodies with distinct remits jointly dubbed as the “Patten institutions” (Shearing, 2010, p.29). They were expected by the Patten Commission to have a co-operative and collaborative relationship for external civilian



oversight (ECO) of the PSNI. Yet, as the Patten Commission conceded at the time: “Accountability...is at least as much a matter of the culture and ethos of the service as it is of the institutional mechanisms” (ICP, 1999, p.22). Proceedings against PONI’s Loughinisland report (PONI, 2016) tend to suggest accountability still excites opposition within the ecology of policing. How this ‘opposition’ may affect policing oversight or reform lies at the heart of this study.

## **1.2 What is accountability?**

The study of accountability in any subject area, as Dubnik (2014(b) argues, is not without its ontological challenges. This is because there are two distinct dimensions or forms of accountability: one is institutional; the other is relational (2014(b), p.650). Going further, it is suggested that the future of scholarship on accountability should give increasing weight to the study of relational accountability because of Dubnik’s view that ‘account-giving relationships and associated behaviours form the foundation of governance’ (2014(b), p.651). This ontology finds favour with scholarship on policing accountability more specifically when it has been argued that “formal structures are less important than living procedures, an insight which is especially true for mechanisms of accountability located outside the institutions they are supposed to control” (Bayley, 1990, p.176). Herein, prominent policing scholar Prof. David Bayley gives particular emphasis to the living procedures in the exercise of accountability through external oversight mechanisms, something which other research has given support (eg: Savage, 2013a, 2013b). In underscoring and elaborating upon the salience of the interactions between those engaged in the delivery of policing accountability to the study of the subject itself, Woods and Shearing (2013) citing Latour (1987, p.273) noted that: “the acting together is the cause of power...Governance is thus the consequence of an intense activity of enrolling, convincing and enlisting.”

In this regard then, accountability is a “relational concept” connecting i) those who are accountable with those to whom they account; and ii) associating these and other parties through performance of (shared) tasks (Bovens, Schillemans & Goodin, 2014, p.6). Yet before a false dichotomy is conjured up between the study of institutional accountability and relational accountability, Dubnik (2014b) credits Bovens (2005) and Philips (2009) with building “a conceptual-theoretical bridge between these two ontologies” (Dubnik, 2014b, p.651). Whilst recognising the special significance ascribed by others to the “living procedures” of policing accountability (Bayley, 2008; Savage, 2013a, 2013b), this research

study seeks to further reinforce the intellectual scaffolding that has already been erected between the understanding of accountability in the institutional and the relational sense. Consequently, this research has intentionally adopted an explicitly interdisciplinary approach from an early stage in a decision which reflects the growing ambition and increasing call for scholarship to transcend traditional boundaries between disciplines. Additionally, an interdisciplinary approach to the study of accountability also finds support within research on the subject (eg: Bovens et al, 2014; Dubnik, 2014b).

### **1.3 Why accountability?**

Arguably, the passage of time since the publication of the Patten Report might be sufficient alone to justify a research study of this kind. However, there is also a wider policy need and broader public interest which further justifies research in this field. Such public interest has, undoubtedly, been influenced by recent global events. Some scholars contend that policing oversight in western societies is at “a critical juncture” (Porter & Prenzler, 2012, p.153).

In 2014, widespread public protest and civil unrest broke out in North America after two defining incidents: firstly, the police shooting of Mr. Michael Brown in Ferguson and secondly, the death of Mr. Eric Garner in police custody (Walters, 2014). While these deaths spurred debate in the USA and internationally about police accountability, previous academic research by social psychologists in the USA had already confirmed the salience of implicit bias in police use of force (Correll, Park & Judd, 2002; Correll, Hudson, Guillermo & Ma, 2014). International dismay about violent confrontation between police and citizens in the USA prompted Secretary General Ban Ki Moon of the United Nations to exhort the US Administration to “do anything possible to respond to the demands of greater accountability” (UN, 2014, December 4). In response to public protests and calls for policy reform, the then US President Barak Obama established a Task Force on Policing Reform. The Task Force gathered evidence from many practitioners and scholars including those places where policing reform was regarded as having been successful, like Northern Ireland. Published in May 2015, that report concluded that some form of civilian oversight of policing is important “in order to strengthen trust with the community”. The Task Force report noted the dearth of empirical evidence on civilian oversight and called upon the US Department of Justice to expand its research programme to include civilian oversight and collate case studies of

existing civilian oversight (President's Task Force on 21<sup>st</sup> Century Policing 2015, p.26 ) arguing that "Civilian oversight alone is not sufficient to gain legitimacy; without it, however, it is difficult, if not impossible, for the police to maintain the public's trust" (President's Task Force on 21<sup>st</sup> Century Policing, 2015, p.26).

Scholars have suggested that civilian oversight of policing in western societies is at "a critical juncture" (Porter & Prenzler, 2012, p.153). Recent research in Scotland has raised serious questions about the efficacy and independence of civilian oversight of policing (Malik, 2017). In Ireland, Professor Dermot Walsh cautioned that "the problems...associated with policing in this country cannot be satisfactorily addressed by ad hoc, piecemeal measures such as the establishment of a Police Authority" (Walsh, 2014). Referring to the Patten Commission as a blueprint, Walsh called upon the government in the Republic of Ireland to establish an inquiry "to be carried out by a Commission of experts". Similarly, Conway (2014) advocated a new emphasis on human rights-based policing in the spirit of Patten. While these calls appear to go unheeded, two Ministers of Justice and two Garda Chief Commissioners have been forced to resign since 2014 amidst public controversies engulfing An Garda Síochána (McDonald, 2017, November 28). Eventually, a new Commission on the Future of Policing in Ireland was established in May 2017 by the Irish Government, chaired by a former member of the Patten Commission, Kathleen O'Toole (O'Toole, 2017, May 24).

Policing oversight and policing reform appear to be inextricably linked, a finding which is especially important for the purpose of this study. However, in this symbiotic relationship clarity of purpose appears to be dissipated by lack of definitional consensus about the construct of external civilian oversight itself. The absence of conceptual consensus or presence of confusion is underlined by the interchangeable language in the literature which refers to "citizen review" boards and panels (Claybo, 2012; Buren, 2007); "civilian review" (Sen, 2010); "civilian" "external" or "citizen oversight" (Prenzler, 2011, p.284). More recently, the concept of "external civilian oversight" has come into vogue (McDaniel, 2015). For instance, the concept of External Civilian Oversight (or ECO) is employed in research by Harris (2013) into the Police Inspectorate of Kosovo. Walker (2001) defines civilian oversight as "a procedure for providing input into the police complaints process by people who are not sworn officers." (Clarke (2009, p.2) expands on this to refer to "governmental institutions that empower individuals who are not sworn officers to influence how police

departments formulate policies” in addition to handling complaints. How best to describe or define the minimal requirements or best practice models for civilian oversight will be explored in greater detail in chapter 4. Yet, difficulties in prescribing optimal parameters for external civilian oversight reflect the conceptual challenges evident more widely in the history of the study of accountability.

#### **1.4 The roots of accountability**

Controversy about the misuse of force and power is not a phenomenon born in the 21<sup>st</sup> century. Dismayed by the moral degradation and political corruption rampant in 1<sup>st</sup> century Rome, satirist Juvenal lamented: “Sed quis custodiet, ipsos custodes? Who will guard the guardians themselves?” (ICP, 1999, p.7). This rhetorical lament has echoed throughout the last two millennia as an epigraph for accountability, and in particular, for policing accountability. Whilst, the word accountability was not uttered by Juvenal, the practice of accounting from which it has emerged has modest heritage in the book-keeping of ancient civilisations in Mesopotamia, five thousand years ago (Bovens et al. 2014, p.3). Perhaps, this passage of time itself serves itself as a confounding factor for scholars attempting to define accountability as a concept. Building upon scholarship on conceptual political analysis by Sartori (1970), it is argued that the study of accountability has been afflicted and conflicted by ‘conceptual stretching’ (Flinders, 2014, p.661). Perhaps, the readiness of researchers to retrofit accountability as a concept to institutional arrangements and individual behaviours and practices across disparate fields is in itself philosophically unsound. Either way, the greatest consensus in accountability studies appears to be that there is little consensus about the concept itself (Flinders, 2014). In fact, it appears that accountability is intrinsically and inherently conflicted. This contested quality may in fact be a quintessential part of the concept of accountability (Bovens et al. 2014, p.2).

Notwithstanding manifest diffusion or confusion in the definition of the concept itself, there has been an inexorable surge in the use of the word accountability since the late 1960s (Dubnik, 2014a). This has led scholars to ascribe a special significance and status to accountability as a “golden concept” (Bovens, Hart and Schillemans, 2008) or a “cultural keyword” (Dubnik, 2014a, p.24). This cultural cache has extended to dramatisations and fictional representations. In 2012, the cinematic production of “Skyfall” featuring a fictional

British intelligence officer called James Bond included a prickly exchange about “civilian oversight” between the head of MI5 and the chair of a parliamentary committee. Again in Gavin Hood’s “Eye in the Sky” (2016) the remote and real-time dialogue of fictional characters involved in a chain of command regarding a possible drone strike, is pregnant with the emotion, politics and the legality of accountability. These are doors behind which the public can only see because of the artistic and fictional portrayals screened. Yet, they serve to illustrate and validate Dubnik’s (2014a) ascription of “cultural keyword” status to accountability.

How accountability in policing relates to real-life experience has been potently articulated in Britain and Ireland. Perhaps nowhere more so than in the aftermath of the inquests into the Hillsborough Disaster in 1989. One of those instrumental in the campaign by the families of those killed in the Hillsborough disaster is Professor Phil Scraton. He has written extensively on the events which led to the deaths of the 96 Liverpool football fans in Hillsborough in April 1989, and the institutional cover-up which ensued thereafter (Scraton, 2016). Interviews with families of those killed repeatedly referred to the need for accountability (Channel 4, 2016, April 26). The use of the word accountability in this context seems to have distinctive connotations. Although not a feature of empirical research for this study, social media posts and political discourse after the Hillsborough inquest concluded in April 2016 revealed the prevalence of the word accountability. While an Independent Police Complaints Commission (IPCC) investigation into the Hillsborough disaster goes on, none of the former police officers under investigation will face misconduct proceedings because all of them have retired (Conn, 2017, January 13). However, three former senior police officers and a solicitor who represented them face criminal proceedings after the IPCC referred files to the Crown Prosecution Service (CPS) (IPCC, 2017, June 27).

In Northern Ireland, reaction and commentary to publication of a report by the Police Ombudsman for Northern Ireland into the killing of 6 people in Loughinisland in 1994 appear to illustrate this same point. In June 2016, the Police Ombudsman published a new report into issues of complaint by the families of those killed in Loughinisland (PONI, 2016, June 9). An earlier report in 2011 by a previous Police Ombudsman into the same case had been successfully challenged and overturned in court by the families. Whilst the detail of this will be examined later in this study, it is pertinent to note that the publication of the new 2016 report by the Police Ombudsman into Loughinisland included an indictment of police wrongdoing and failings at the time of the killings. Among the findings by the Police

Ombudsman was that there was evidence of collusion by the police in relation to Loughinisland and criminal activities surrounding the event (PONI, 2016, June 9). In discharging the duty under law to investigate complaints of police misconduct and wrongdoing, the report represented a very significant outcome in policing accountability in Northern Ireland. Having had their complaint upheld by the Police Ombudsman, the bereaved families and their legal representatives said after the Loughinisland report that they now sought accountability (BBC, 2016, June 9). In his own response to the report, the PSNI Chief Constable told the Northern Ireland Policing Board that he hoped the former police officers implicated in the Loughinisland report would be held accountable for their wrongdoing (PSNI, 2016, June 9). The fact that investigations completed as an act of holding the police to account, by a statutory authority for policing accountability, should result in demands for greater accountability, hints at the complexity of this concept, and of public expectation. The experience of the families bereaved by the Hillsborough disaster and the Loughinisland massacre point to the reality of humanity behind and within the statutory processes of policing accountability, while Appendix 1 illustrates a more detailed chronology of other critical incidents and key milestones in the accountability and external civilian oversight of policing in the Northern Ireland which have emerged during the course of this study

## **1.5 Accountability in Security Sector Reform**

Literature on the international application of policing accountability repeatedly situates this concept within field of Security Sector Reform (SSR). The genesis of Security Sector Reform (SSR) can be traced to the late 1990s when it became aligned to the international development agenda of British foreign policy in post-conflict societies or fragile and vulnerable states (Frei, 2011; Hanggi, 2004; & Edmunds, 2007).

Since that time, SSR has become a core policy objective of the United Nations (UN), European Union (EU) and Organisation for Security and Cooperation in Europe (OSCE) (Anderlini & Conaway, 2004). Political and financial support for SSR has come from the United States Agency for International Development and the UK Department for International Development. Increasingly, SSR has been adopted by development donors including the World Bank, European Union and UN Development Programme. (Anderlini & Conaway, 2004). From the standpoint of development donors, SSR helps direct aid and

development assistance (Hanggi, 2004). SSR is also seen as a framework for the integration and co-ordination of international intervention in post-conflict societies, including the secondment or deployment of personnel from international (security) agencies. “Security Sector Reform is considered to be the process through which security sector actors adapt to the political and organisational demands of transformation” (Edmunds, 2007, p.27).

Policing accountability, including specific provisions for external civilian oversight of the police, is a central element of SSR. In fact, two normative elements common to all definitions of SSR are identified by Haangi (2004, p.5) namely: the creation of operationally effective, efficient and affordable security agencies within the state; and the formation of effective independent oversight bodies. According to Timothy Edmunds, a leading scholar on the subject, a key objective of SSR is to create a “framework of democratic civilian control” for reformed security agencies (Edmunds, 2004, p.3-4). Similarly, political advocates of SSR within the United Nations Assembly repeatedly emphasise the indivisibility of accountability in security and policing for overall democratic reform and conflict transformation. For example, the Canadian Ambassador to the United Nations said that through SSR a country “seeks to establish effective, accountable and representative security institutions in a manner consistent with democratic norms and sound governance principles” (Rishchynski, 2011, October 12).

In post-conflict societies, SSR is presented with very particular challenges (Edmunds 2007). In these circumstances, SSR is also expected to address the legacy of the past, to include those involved in conflict (both state and non-state forces) participating in a process of Disarmament, Demobilisation and Reintegration (DDR) (Hanggi, 2004). Literature also highlights the plurality of modern policing itself, even in societies in transition from conflict (eg: Singh, 2008). Frequently, security agencies and personnel are deployed from outside a state, within a post-conflict society, as part of SSR serving to further enumerate the potential plurality of policing *in situ*. Also common is the transition of some of those previously engaged in conflict to roles within new restructured and reformer security or policing structures. This signals complexities for accountability in the outworking of SSR.

For example, since 1999, Kosovo has been an independent protectorate of the United Nations, although it has aspirations to independence. In the subsequent 17 years, security and policing in Kosovo has undergone a huge programme of reform, including the deployment of UN forces and establishment of new arrangements for policing accountability. On 27 June

2014, 2 men were convicted of the rape of a young girl as a war crime. This was 15 years after the UN mission in Kosovo began and was the first conviction for rape as a war crime, although rape was widespread during the conflict in Kosovo (Gill, Geis, Kreiger, McCormack, Paulussen & Dorsey, 2015) This may underscore another concern raised in research for SSR that it fails to respond to the gender-related conflict issues (Anderlini & Conaway, 2004) and that it is conceptually ill-equipped to respond effectively to the legacy of past conflict (Caprini, 2006). In 2006, an external civilian oversight body for policing in Kosovo was established. Research has indicated that the Police Inspectorate of Kosovo (PIK) has played a generally positive role in policing reform there though the research itself did not consider whether the PIK helped to ameliorate deficiencies outlined above in the development of SSR within the region (Harris, 2013). Elsewhere in the western Balkans, including Bosnia and Herzegovina, Croatia, Albania, Georgia and Macedonia, research suggests that there have been serious problems with SSR, with too little progress on policing accountability, including external civilian oversight with claims that: “International actors during and after the conflict have identified police reform as a priority component of lasting conflict resolution in the western Balkans but the results are still not satisfactory” (Caprini, 2006, p.16).

Frei (2011) concurs that the lack of focus on governance and accountability is “the major failing of SSR in practice” (Frei, 2011, p.14). Yet there appears to be comfort with a paradigm which affords primacy to a counter-insurgency in policing reform in post-conflict societies, even at the expense of accountability (Frei, 2011; Claybo, 2011). Other research contends that the approach of the international community, especially the United States of America, to SSR in post-conflict societies has become “excessively coloured by terrorism-related concerns” (Caprini, 2006, p.20) to the detriment of accountability.

Over and over again, literature on SSR emphasises the social and political context as necessarily informing arrangements for policing accountability (eg. Caparini & Marenin, 2004). Like modern policing, policing accountability “is to be found in a plurality of formats rather than in one single place” (Scott, 2012, p.139). Nevertheless, it is argued that “the same basic mechanisms for police accountability should apply”. (McDaniel, 2015, p.18). Perhaps more fundamentally, as prominent policing scholar Professor David Bayley (2008) has cogently explained, the normative principles of democratic policing are predicated upon accountability, including external accountability (Bayley, 2008, p.208).



## 1.6 Accountability in Northern Ireland

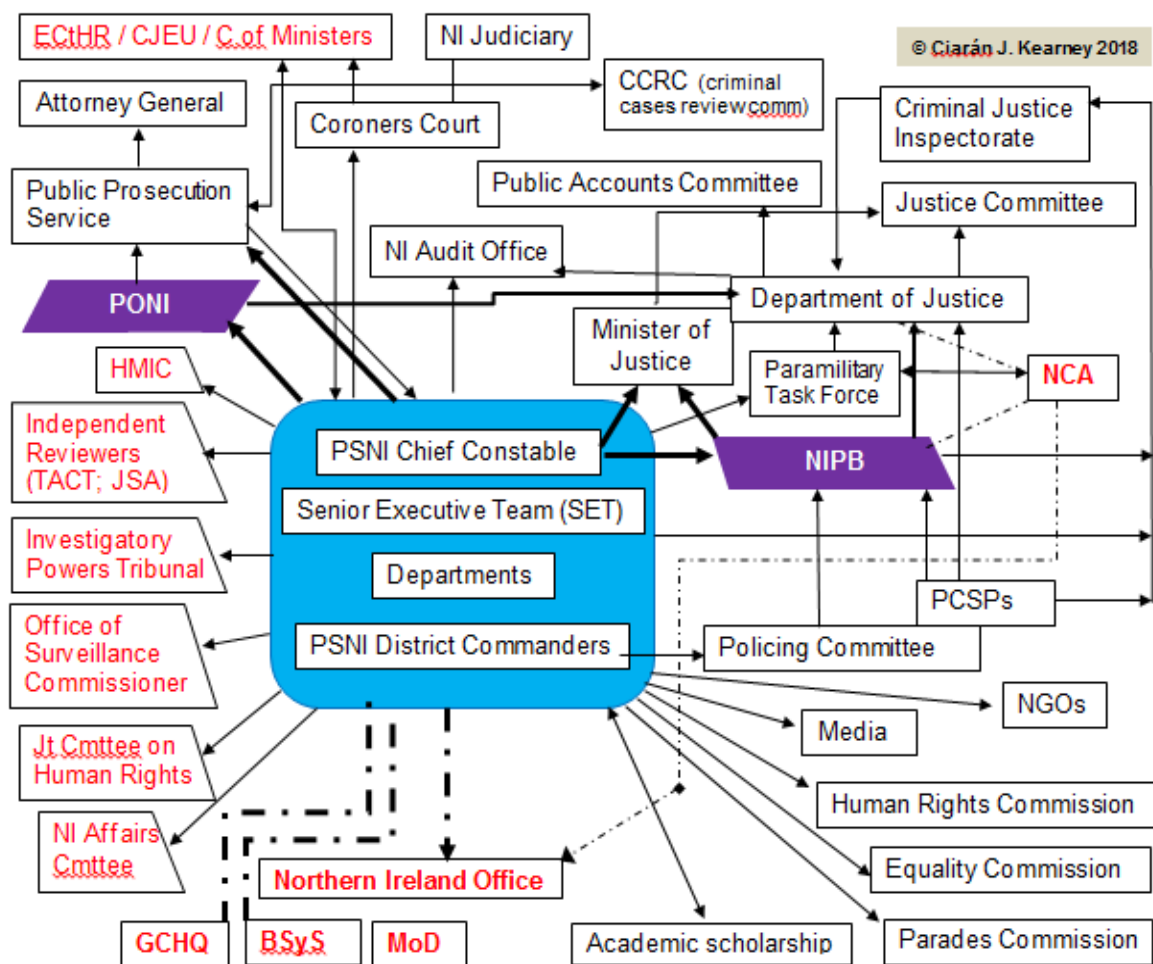
In the transition from conflict to peace in Northern Ireland, huge importance was placed on SSR (Gormley-Heenan, 2008). Decades of conflict in Northern Ireland witnessed a society become heavily militarised with no effective accountability for policing (Moore & O' Rawe, 2000), something explored in more depth in Chapter 2. With the advent of the peace process, negotiations between parties to the conflict sought to achieve a new dispensation. In the watershed accord, the Good Friday Agreement 1998, policing reform was given prominence:

“The participants believe it essential that policing structures and arrangements are such that the police service is professional, effective and efficient; fair and impartial; free from partisan political control; accountable, both under the law and to the community it serves; representative of the society it polices, and operates within a coherent and co-operative criminal justice system, which conforms with human rights norms” (GFA, 1998, p.22).

Furthermore, the Agreement ratified the terms of reference for an Independent Commission on Policing to be established to bring forward recommendations for reform of policing in Northern Ireland (Hillyard & Tomlinson, 2000). After extensive public consultation and engagement; verbal and written submissions; and sampling relevant academic literature on policing reform, the ICP published its report in September 1999 under its chairperson Lord Chris Patten, with whose name the report has become synonymous (Doyle, 2010). This made 175 recommendations, including extensive proposals in relation to external civilian oversight (ECO) and policing accountability. Two new statutory authorities, described as the “Patten institutions” (Shearing, 2010, p. 29) assumed primary responsibility for ensuring policing accountability. These were constituted as the Northern Ireland Policing Board (NIPB) and the Police Ombudsman for Northern Ireland (PONI). There is widespread consensus about the importance of the NIPB and PONI in the accountability architecture of policing post-Patten. Since taking up office in May 2014 the current PSNI Chief Constable has added his support for police accountability (PSNI, 2014, December 10). Yet, 16 years after these ‘Patten institutions’ were first established in the same epoch as the new Police Service of Northern Ireland, a complex and cluttered landscape of oversight and accountability has emerged. This led the first Chief Constable of the PSNI Sir Hugh Orde to have proclaimed on several occasions to be “...the most accountable police Chief in Europe” (cited in Markham &

Punch, 2007, p.301). In sympathy with this burden, policing scholar Peter Neyroud once described the landscape of policing accountability in Northern Ireland as something which resembled the London Underground (Neyroud, 2005). While this portrayal of policing oversight will be discussed in detail later (Chapter 4), the study explored this idea by mapping out how policing oversight might look as a map (Figure 1). While not referring to Northern Ireland specifically, Koppells (2005) argues external oversight has now begun to overwhelm organisations. He pathologises the phenomenon as M.A.D.: Multiple Accountabilities Disorder (Koppells, 2005) arguing that the myriad of external bodies to which an agency may be accountable evokes confusion and dysfunction in the agency itself.

Figure 1: Policing oversight mapped like the London Underground.



Yet in the architecture of accountability envisaged by the Patten Commission (1999), the pre-eminence of certain institutions was intended to be very clear. PONI and NIPB have emerged through, and as direct result of the process of policing reform, and specifically the Patten Commission. Originally, a collaborative interaction between PONI and NIPB was envisaged,

but previous research questioned whether this objective would be pursued (Moore & O Rawe, 2000). Since the inception of the new accountability arrangements, academic research into PONI have been small in number and scale (eg: Prenzler, 2011; Savage, 2013b; Doherty, 2013; Seneviratne, 2004). Equally, there have been limited examinations of the NIPB although research reports have been carried out on its behalf (Byrne, Topping and Martin 2014) while both the NIPB and PONI are referenced in significant research by Lundy (2009; 2011). Together with the PSNI, these two agencies continue to be at the centre of negotiations for implementation of further policing reform, most recently arising from the Stormont House Agreement (SHA, 2014). Furthermore, the importance and interdependence of the PONI, NIPB and PSNI in policing reform is illustrated by the fact that public survey data on public confidence in policing collected annually by the Department of Justice combines these three agencies together. That is why these agencies and senior officials in each of them provide the focus for this study on accountability and the exercise of external civilian oversight (ECO).

## **1.7 Theoretical Orientation**

In his seminal work, “The Open Society and its enemies” (1945, vol.1&2), Sir Karl Popper offers a withering criticism of Wittgenstein’s assumption of the hidden value of language and an excoriating critique of the historicism of Marx and Engels. Yet, these epistemological divergences do not denude institutions of social value and meaning, as Popper outlines:

“Human institutions such as the state are not rational, but we can decide to fight to make them more rational. We ourselves and our ordinary language are, on the whole, emotional rather than rational; but we can try to become a little more rational, and we can train ourselves to use our language as an instrument not of self-expression (as our more romantic educationalists would say) but of rational communication” (Popper, 1945 (1), p.482).

Without adopting or abridging Popper’s epistemology, his exposition of ‘critical rationalism’ (1945(1), 1978) accommodates the irrationality of institutions and the emotionalism implicit within institutional processes. Inherent in this is the role of the individual as an agent of meaning and an actor within a group or institution. Although held to be Popper’s epistemological polar opposite, interpretivism and social constructivism also recognises the individual at the centre of studying social relations and social processes. Interpretivism seeks

to construe a situation from the standpoint of the actor, observing what is taken into account by the actor and how the actor interprets this account (Blumer-Mead, 1969, p.56). Whereas, social constructivism (Gergen, 1985) prizes the process of building or ‘constructing’ knowledge in a shared activity with others, within a given social context and that the building blocks of this social construction are language. The importance of values, attitudes and beliefs within prevailing social circumstances is fundamental to scientific research (Lincoln & Guba, 1985. Cited in Reilly, 1997, p.37). Investigating the attitudes held by individuals has long been expounded as an effective pathway to exploring and understanding social relations and processes (Asch, 1952, p.577). The salience of values and attitudes shared by individuals within a group is a core concept common to many distinct and distinguished spheres of scholarship, including the theory of power and power relations (Dahl, 1957; Weber, 1978); the legitimacy of power (Bottoms & Tankebe, 2012); and the effects of group norms and values upon individual attitudes and beliefs (Sherif, 1936; Tajfel & Turner, 1979).

Implicit in the aforementioned research, is the contention that the situational context in which social attitudes and behaviour occurs has a direct and significant effect. Social perception and cognition interact with the individual characteristics and social or situational context (Lewin, 1935). Social and situational context include history, culture and gender (Horowitz & Bordens, 1995). This construct of “situated cognition” credited to Vygotsky (1978) is explained as follows: “thought always occurs in a pragmatic problem setting including the cultural assumptions that are brought to the task” (Nisbett et.al., 2001, p.306). The salience of culture assumptions and situational context are fundamental to the epistemological and ontological underpinnings of this research.

Whilst explaining the inherent falsifiability of scientific theory, Popper (1978) also underlines the interplay between research and socio-historical context: “Knowledge cannot start from nothing – from a tabula rasa – nor yet from observation. The advance of knowledge consists, mainly, in the modification of earlier knowledge.... Neither observation nor reason are authorities. Intellectual intuition and imagination are most important, but they are not reliable : they may show us things very clearly, and yet they may mislead us. They are indispensable as the main sources of our theories; but most of our theories are false anyway. The most important function of observation and reasoning, and even of intuition and imagination, is to help us in the critical examination of those bold conjectures which are the means by which we probe into the unknown... The more we learn about the world, and the deeper our learning, the more conscious, specific, and articulate will be our knowledge of what we do

not know, our knowledge of our ignorance. For this indeed, is the main source of our ignorance – the fact that our knowledge can only be finite, while our ignorance must necessarily be infinite” (Popper, 1978, p.28).

Still another challenge to all scientific research is the ‘law of contradiction’ which holds that scientific theories should avoid contradiction at all costs (Popper, 1978). There has been a strong tradition in Western philosophy of attempting to integrate observed contradictions into social scientific research. Hegel was the first exponent of this philosophy of science although his ideas were further developed and popularised by the political philosophy of Mark and Engels. However, an alternative to the philosophical orientation towards the approach of scientific research to dialecticism exists within eastern philosophy (Choi & Nisbett, 1997; Nisbett et al, 2001). This philosophical position is one which does not subordinate contradiction to a system of rules or laws which according to western dialecticism integrate and reconcile, even on a temporary basis, the contradictions which may be manifest (from thesis to antithesis and ultimately synthesis). This alternative philosophy is one which not only acknowledges contradictions but expects their co-existence (Choi & Nisbett, 1997; Nisbett et al, 2001). This presents a compelling argument for re-considering or reformulating of western scientific orthodoxy which requires contradictions uncovered to be reconciled.

These are prescient philosophical considerations for this study. A society emerging from conflict like the Northern Ireland, in which aspects of State have been politically contested, is anticipated to experience continuing contradictions. The corollary to this is a theoretical and conceptual framework which accommodates co-varying and co-existing contradictions while helping to explain their association to one another. As Chapter 4 will go on to explore in detail, the framework adopted for this purpose derives from ecological systems theory (EST : Bronfenbrenner, 1979; 1992; 1999; 2009) with a critical realist epistemology and ontology. The intrinsic link between situational context and cultural assumptions is expected to be manifest in the exploration of attitudes. Before investigating the attitudes and beliefs of those elite actors involved in the exercise of external civilian oversight, the socio-historical context from which policing reform emerged invites attention. That will be the focus of Chapter 2.

## 1.8 Structure of Thesis

Brief reference has already been made to subsequent chapters which elaborate and explore in greater detail several of the key concepts central to this study. To aid navigation of this study, the sequence and structure of chapters and main elements of each in turn are outlined below.

As mentioned above, Chapter 2 explores the socio-historical and political context from which the agenda for policing reform in Northern Ireland has emerged. This chapter relies upon a review of relevant literature, supplemented by archival research, documentation and scoping interviews with elite actors who were involved in negotiations on policing reform and arrangements for accountability and external civilian oversight central to this study.

Chapter 3 outlines the methodological challenges considered in embarking upon this study and explains how a method appropriate to this study was chosen and then operationalized. Techniques employed by the researcher to mitigate bias, increase the validity of findings and ensure the highest ethical standards were upheld throughout this study are also summarised.

Chapter 4 further elaborates upon the theoretical and conceptual challenges of undertaking this research and provides an in-depth analysis explaining the researcher's adoption of an ecological systems perspective within a broader interdisciplinary research framework.

Research findings are outlined in Chapters 5, 6 and 7 according to the postulated concept of triadic accountability. Accordingly, the presentation of these exploratory results are each in turn of the dimension of triadic accountability which the study considers. Chapter 5 looks at results for Situational Accountability (s); Chapter 6 summarises results for Relational Accountability (r); and Chapter 7 outlines results for Transformational Accountability (t).

The final and principal section of results is Chapter 8. This tests the main hypotheses postulated in this study that participants hold distinctive beliefs, attitudes and values about accountability and its relationship to policing reform. The finding that two distinct social perspectives are held by participants in this study and that the differences largely accord with agency affiliation gives Chapter 8 increased significance. The implications of these findings for the wider study of accountability and external civilian oversight of policing reform are discussed in Chapter 9. Finally, the study concludes with Chapter 10 returning to the main research questions and hypotheses underpinning this study and areas for future research.

## **1.9 Research Question**

The primary research question which is drawn from this introductory overview of policing reform and accountability in Northern Ireland is: ‘In what way does accountability and external civilian oversight impact on policing and policing reform in Northern Ireland?’

In addressing this fundamental question, some secondary questions are also considered: firstly, what are the values, attitudes and beliefs held by those elite actors involved in external civilian oversight about accountability and its impact on policing?; secondly, how do these attitudes differentiate elite actors involved in external civilian oversight?; and finally, what are the factors which enable or inhibit the efficacy of external civilian oversight?

Further, in seeking answers to these questions, this study also tests two hypotheses concerning participant’s perspectives on accountability and external civilian oversight for policing reform (Chapter 8). These hypotheses are:

H1 - that at least two distinct social perspectives are held by participants in this study;

H2 - that these social perspectives may be differentiated according to agency affiliation.

## **1.10 Conclusion**

The overall purpose of this research study is to objectively and rigorously examine the architecture of accountability as envisaged by the Patten Commission through the NIPB, PONI and PSNI and to question and whether this accountability architecture helps or hinders policing reform. It does so through an exploratory reconceptualization of accountability to fully integrate levels of analysis inclusive of the local ecological system. This is conceptualised and articulated as form of ‘triadic accountability’, encompassing three distinct strands: situational (s); relational (r); and transformational (t). Thereafter, the study tests two specific hypotheses about the attitudes, beliefs and values among elite actors towards accountability and external civilian oversight of policing reform. This is because these attitudes can provide an important insight into the effect and effectiveness of external civilian oversight as operationalised through the new architecture. In doing so, this study seeks to make a contribution to knowledge within the academy through the articulation of the new concept of ‘triadic accountability’ developed through the course of this research and to the practice of accountability in general, and specifically within the agencies in this study.

## **Chapter Two: A New Beginning to Policing Accountability**

### **2.1 Introduction**

Policing in Ireland evolved within a specific political and socio-historical context. Colonial rule and political conflict informed and directed the development of policy and creation of policing institutions across the island as a whole. Other literature provides a comprehensive historical narrative of the evolution of policing in Ireland (Conway, 2013; Ryder, 2000; Farrell, 1976, 1983; Mulcahy, 2006). Building upon that, this chapter identifies episodes which serve to illuminate the socio-historical context within which policing reform, and in particular policing accountability, first became the focus of political negotiations. Efforts to negotiate new arrangements for policing accountability in Northern Ireland, particularly since the Good Friday Agreement, are especially germane to this study and invite more detailed attention. Yet, in order to discern the dynamics which propelled the process of policing reform, the socio-historical and political context for policing in Northern Ireland must be understood and discussed. This chapter discusses both this and the question of why accountability became interwoven with the contestation of policing.

### **2.2 The British Model of Policing in Ireland (1920s – 1960s)**

Until the late 19<sup>th</sup> century, both Belfast and Derry retained their own police forces and it was not until 1925 that the city of Dublin's own metropolitan police was dissolved (Campbell, 1994, p.5). In fact, it was the 1920s before centralisation of policing in Ireland came about, and this was short-lived, coinciding as it did with the greatest political upheaval in the country and eventual partition (McGarry & O'Leary, 2000, p.85).

Before the partition of Ireland under the terms of the 1921 Anglo-Irish Treaty, the British government had already succumbed to pressure from James Craig's Ulster Unionist Party to establish an Ulster Special Constabulary. The constitution of the Ulster Unionist Party made special provision for joint membership of the Orange Order. Therefore, it followed that the first Northern Ireland Executive, exclusively comprised of the Ulster Unionist Party, made provisions to lift the ban on recruits to the police force holding joint membership of the Orange Order, a ban which previously existed for RIC officers (Mc Garry & O' Leary, 2000, p.30-31). Perhaps more germane to the pathway for policing in the emergent six-county state,



recruitment to the Specials was overseen directly by the self-styled Commanding Officer of the Ulster Volunteer Force (UVF) Mr Wilfred Spender. He argued for the Specials to be recruited exclusively from the ranks of the UVF in what unionists clearly viewed as a process of “legitimizing their defence force” (Ryder, 2000, p.39). For others, the policing arrangements in the newly partitioned north-eastern counties of Ireland represented the “armed wing of unionism” (Farrell, 1983). Consequently, the inception of the politically contested state of Northern Ireland was mirrored in the contested legitimacy of the state’s new police force: the Royal Ulster Constabulary (RUC) (ICP, 1999). A Heads of Agreement between Michael Collins and leader of the new Stormont regime James Craig included plans to form a Committee in Belfast, comprising of Catholics and Protestants, to investigate complaints of intimidation and violence, including by the police. This was never implemented and the continuing violence in Belfast, including the infamous McMahon murders by the Brown Square gang comprised of police officers, drew stinging criticism in correspondence from Collins to Craig (Collins, 1922, April 27).

## **2.2 Policing and Civil Rights (1968- 1971)**

Towards the late 1960s, policing had become inextricably intertwined with the escalation of conflict in Northern Ireland. One milestone in this era was the well-known 1968 Civil Rights march in Duke Street, Derry city. Prince (2012) says this “did not merely mark the shift from one era to another, it was vital to bringing about that shift” (2012, p.394). Importantly, research has drawn attention to the fact that the RUC’s risk assessment of the march itself had concluded that “there would have been breaches of the peace” if the Civil Rights marchers, which were a non-violent protest movement, had been permitted to follow their proposed route (Prince, 2012). After Stormont imposed a banning order on the march, the RUC mobilised water cannons and deployed double the normal number of police officers in a show of force (Prince, 2012).

Three British MPs invited to observe the Civil Rights march drafted a report after the event (Kerr, Kerr & Ryan, 1968). The observers’ written account records how police baton-charged the crowd of Civil Rights marchers on two consecutive occasions. Police used their batons “vigorously” and both batons and police water cannon were used “quite indiscriminately” against men, women and children, including local residents uninvolved in the Civil Rights

march. One of those injured was M.P. Gerry Fitt who was among those attending the Civil Rights march. The observers concluded: "The police used considerable violence in clearing the pavements and we stress that, in the main, we saw very little evidence of retaliation from any member of the crowd" (Kerr et al. 1968). However, Inspector William Meharg, the RUC officer in charge of the policing operation on the day, had a very different account of the march, one which absolved the police of any wrong-doing:

"I was present in Duke Street from shortly after 4pm. From then and until the meeting concluded at about 4.40pm I did not see any policeman with a drawn baton. Apart from halting the procession in Duke Street, no action was taken by the police to break up the meeting or to disperse those in attendance... Fourteen police were injured – two are detained in hospital.. reference is made in to-day's 'IRISH NEWS' that police outrageously attacked the vital parts of the male anatomy; that men were struck on the testicles with the baton. Inquiries at hospital indicate that no person attending there for treatment made any complaint of receiving an injury to such a part and no person was treated for such an injury" (Meharg, 1968a).

A confidential report from Londonderry General Hospital of all those attending with injuries following the march on Duke Street was obtained by the RUC Inspector (Meharg, 1968b). There were 76 civilians treated in hospital, including 8 children under 14 years of age. Few of those attending hospital specifically identified police batons as the source of their injury. Nonetheless, the hospital records revealed that two-thirds of these were treated for lacerations, including two children. Most of those were wounds to their heads. Meharg sent the confidential hospital statistics to the Minister for Home Affairs in Stormont with a cover letter in which he wrote: "As you can see from the hospital report, this puts at nought the allegations of police brutality" (Meharg, 1968b).

The completely contradictory accounts between the three British MPs (Kerr et al.1968) and the RUC Inspector (Meharg, 1968a, 1968b) were the subject of further comment by Anthony Peacocke, then the Inspector General of the RUC. In his report, Peacocke claimed that the number of RUC officers injured in Duke Street was double the number recorded in confidential hospital statistics taken by Meharg (Peacocke, 1968). Discounting the witness statement by the MPs, the Inspector General made no comment on specific allegations of police brutality, writing instead:

“I have... absolute confidence in the accuracy of the reports prepared by County Inspector Meharg...I am satisfied that he handled the situation in the best possible manner in the light of the circumstances prevailing” (Peacocke, 1968).

The 1968 Civil Rights march marked a turning point in twentieth century Irish history (Prince, 2012), an argument promoted not just by academics but also by some political figures, such as Sinn Féin’s Gerry Adams who remarked:

“At the moment the RUC smashed their way into the crowd at Duke Street it was as if all the small things that had happened suddenly came together in a more coherent and ominous shape...There would be no turning back. What had started as a campaign for civil rights was developing into a struggle for national rights” (Adams, 1986, p.17).

#### **2.4 The Scarman Tribunal (1969)**

The Scarman Tribunal was established an inquiry in 1969 to look into these incidents of violence and disturbances in more detail. One such incident widely reputed to be the first killing of this stage of the conflict, was the death of Mr. Samuel Devenny (McKittrick, Kelters, Feeney & Thornton, 1999). On 19<sup>th</sup> April 1969, a sit-down in Derry by Civil Rights protestors was dispersed by the RUC. In the disorder which ensued, several police raids were made into the predominantly nationalist Bogside area. By the end of the day 79 civilians had been injured. In one incident, RUC officers broke open the door of the home of the Devenny family. The occupants were violently assaulted by the RUC, among them Mr Samuel Devenny and several of his children. Two people, Mr Samuel Devenny and his neighbour had been beaten unconscious, each sustaining multiple head wounds from police batons. As RUC officers exited the family home, one of the older children leaned over his father to remove the broken teeth from his mouth as he continued to haemorrhage blood. Although hospitalised, Mr Devenny never recovered from the assault and passed away 3 months later on 17<sup>th</sup> June 1969 after multiple heart attacks (McKittrick, et al. 1999).

Several months later, after being newly elected as a local MP, Ms Bernadette Devlin, who was also one of the leaders of Northern Ireland Civil Rights Association, raised the circumstances of Mr Devenny’s death in the House of Commons. Having noted that the inquest into Mr Devenny’s death was unable to return anything other than an open verdict

because of the statute governing the coronial system, Ms Devlin went on to highlight that an internal inquiry by the RUC had called upon police officers present in Mr Devenny's house to come forward for an identification parade before the victim's family. No RUC officer presented himself for identification. A complaint was brought about the incident to the RUC on behalf of the Devenny family by their solicitor. By this time, the position of RUC Inspector General had been dissolved, and Anthony Peacocke was replaced by English policeman Sir Arthur Young as the first Chief Constable RUC (Ryder, 2000, p.116). Young requested a team from the London Metropolitan Police headed by Detective Chief Superintendent Kenneth Drury to examine the RUC's own investigation into Mr Devenny's death. While Drury's report confirmed the role of the RUC in the attack on Mr Devenny, he could not identify which of the 24 officers on duty that in Derry may have been involved. The report prompted Sir Arthur Young to publicly criticise a "conspiracy of silence" within his own force (PONI, 2001, October 4). Although the findings of the Drury review were submitted to Young, they were not disclosed to the Devenny family.

Although the Ministry of Home Affairs in Northern Ireland admitted liability in a criminal injury claim brought by members of the Devenny family, no disciplinary action or criminal prosecution was ever brought against any of the RUC involved in the attack. More than three decades later, the case of the attack on Samuel Devenny was re-examined by the newly established Office of the Police Ombudsman for Northern Ireland on foot of a complaint by the Devenny family. It was one of the first cases arising from the conflict to be examined by the new Police Ombudsman. Using special retrospective powers of investigation to examine matters which were 'grave and exceptional' relating to the death of Mr Devenny, the Police Ombudsman found evidence to support some parts of the family's complaint of police misconduct and wrong-doing. However, the Police Ombudsman's report concluded that it would not be possible after the lengthy intervening time to pursue disciplinary action against the officers involved (PONI, 2001, October 4).

Mr Devenny's death was not to be the last attributable to the police in this period. On 14<sup>th</sup> August 1969, the first child of the conflict was murdered. His name was Patrick Rooney and he was nine years old (McKittrick et al, 1999, p.34-36). The Scarman Tribunal later concluded: "the boy Patrick Rooney was killed in his father's flat...by a Browning machine gun fire from a Shorland police vehicle" (Scarman, 1972, p.162). Between the time of the police attack on Civil Rights demonstrators and others in Duke Street in October 1968 and the 15<sup>th</sup> August 1969, there were 8 civilians who had died as a result of use of force by the

RUC and Ulster Special Constabulary. Five of these people were shot dead by the police. In October 1969, Victor Arbuckle became the first RUC officer murdered during the conflict. He was killed by loyalists in Belfast (Sutton, 1989). No member of the RUC or the Ulster Special Constabulary was brought before the courts or disciplined for any of these deaths.

Rejecting the case that the RUC acted with partisanship or sectarianism during the period 1969 to 1972, Lord Scarman believed that the RUC struggled manfully in a situation outside of their control. He concluded that their failings arose in the main from a shortage of officers and exhaustion rather than any significant mistakes. Nonetheless, Lord Scarman conceded that the Catholic community no longer believed the RUC was impartial. In Scarman's view, the RUC "came to treat as their enemies...those who persisted in displaying hostility and distrust towards them. Thus, there developed the fateful split between the Catholic community and the police" (Scarman, 1972, p.15).

As events unfolded and the conflict intensified during the 1970s and 1980s, this fateful split became a limitless and impassable gorge. During a four year period of internment (1971-1975), police officers, working alongside British Army troops deployed in 1970, used their powers of arrest twenty-times more often against nationalists and republicans than against unionists and loyalists. The European Court of Human Rights would later rule that the RUC used violence against many of those whom it detained (*Ireland v UK* [1978] 5310/71). The use of force, including lethal force, during joint RUC / British Army operations would be at the centre of controversy throughout the conflict and epitomised "how complex the interface between military and policing functions renders any debate about accountability" (O'Rawe & Moore, 1997, p.150). However, it would be more than two decades later before these complexities and contradictions embedded into policing, with adverse consequences for accountability, would be uncovered in research about historic investigations (Lundy, 2011).

## **2.5 The Cameron Commission (1969)**

In addition to the Scarman Tribunal, the Cameron Commission, appointed by the Stormont Executive, was established to provide another form of independent oversight of policing, though neither advanced an agenda for policing reform. It reported in 1969 on the public unrest which had followed in the months after the Civil Rights march the previous autumn in Duke Street (Cameron, 1969). Both the Commission and the Scarman Tribunal were time-

bound and constrained in their remit. Neither had been empowered by its appointing authority to conduct effective investigations; to bring disciplinary action against police officers; or to make recommendations for reform of policing. More importantly, Mulcahy (2006) contends that reports by both Cameron and Scarman erroneously ascribed these fault-lines in policing to competing community perceptions rather than systematic abuse of police powers (2006, p.28-29). Even at this early stage, formal state analysis and narratives of the events as they unfolded studiously avoided what McGarry and O'Leary identify as the precipitating impact of police partiality upon the emergence of political conflict (2000, p.31).

Instead, proposals for reform of policing in Northern Ireland awaited the findings of a separate report by Lord Hunt, appointed by the British Prime Minister in 1969. When the Hunt Report (1970) was published, it received a broadly positive welcome from Civil Rights leaders and political leaders in the nationalist community whose own agenda for policing reform had been limited up to that point to the repeal of the Special Powers Act (O'Dochartaigh, 2005). However, it has been argued that the Hunt Report was premised upon a false and untenable precept of recasting the RUC. Much of this hinged on Lord Hunt's implicit objective to transplant the English model of 'policing by consent' to an Irish policing context defined by colonial rule and the conflict and contested polity (Mulcahy, 2006, p.30).

## **2.6 The Hunt Report (1969) and Formation of the Police Authority (1970)**

The Hunt report argued that in order to repair relationships between the Catholic and nationalist community and the RUC, that the police force must eschew its role in security of the Northern Ireland state (Mulcahy, 2006, p.29). Lord Hunt's report made 47 recommendations including: that the RUC should be disarmed; the B Specials should be disbanded but replaced by a new Ulster Defence Regiment (UDR); and, that there should be a new approach to police recruitment, with increased numbers of full-time officers and a new RUC reserve (Ryder, 2000, p115). Alongside this were proposals for a change in the image and tone of policing. A new blue uniform resembling the police in Britain was recommended by Hunt to replace the paramilitary khaki green colour of the RUC. Closer links to British police forces were to be encouraged, beginning with a new rank structure in the RUC to resemble their British counterparts. More emphasis on community engagement and accountability was also recommended by the Hunt report with a new police-community

relations unit, new internal procedures to receive complaints about the police, and the creation of a new civilian oversight body to be called the Police Authority (Ryder, 2000; McGarry & O'Leary, 2000; Ó Dochartaigh, 2005; Mulcahy, 2006). However, the Hunt Report was never fully implemented. Unionists and the RUC itself balked at the idea that the uniform might change and were angry at the prospect that Orange Order membership might be grounds for refusing entry to the RUC (Ryder, 2000). Other recommendations by Hunt to disarm the RUC and end emergency laws were also never implemented (O'Rawe & Moore, 1997, p.139).

The newly established civilian oversight body, the Police Authority, had the power to appoint the Chief Constable of the RUC. However, this power to appoint was subject to veto by the Northern Ireland Office. In at least one instance, the recommendation for Chief Constable following interview by the Police Authority was vetoed by the Northern Ireland Office and resulted in an alternative appointee (Ryder, 2000, p.367). The Authority also had significant financial responsibilities. The budget for the RUC was secured and held by the Police Authority, and accounting officer duties resided with the chief executive of the Police Authority (Police (Northern Ireland) Act, 1970). It was responsible for the police estate and considered to be the employer of civilian staff working within the RUC, including the medical staff who attended police stations to examine detainees (Taylor, 1980, p.196). This would later prove to be most important in relation to allegations of police misconduct, including torture of detainees (Taylor, 1980). In fact, the Police Authority also had the power to fire the Chief Constable (s.7, Police (NI) Act, 1970). During the three decades that it existed, this power was never exercised by the Police Authority. For most of its existence, minutes of Authority meetings were unavailable to the public and it conducted nearly all of its business in closed sessions (O'Rawe & Moore, 1997, p.140). The Authority was under a legal duty to "keep itself informed as to the manner in which complaints of the public against members of the police force are dealt with" (s.12(1), Police (NI) Act, 1970). The Police Authority even had its own Complaints Committee and was empowered to establish a public Tribunal to investigate police wrong-doing (s.13(2), Police (NI) Act, 1970).

Yet despite these powers and during more than three decades of existence, the Police Authority never garnered widespread support across the political spectrum in Northern Ireland. Throughout its existence, the Police Authority was strongly opposed by nationalist and republican political representatives. The SDLP argued that the Police Authority was inherently flawed and should be scrapped and replaced (Wright & Bryett, 2000, p.52-54).

Sinn Féin remained trenchantly opposed to both the RUC and the Police Authority and it was condemned as an ‘integral part of the ‘apparatus of repression’ by the IRA (Ryder, 2000, p.336). A unionist Councillor and member of the Police Authority was abducted and murdered in December 1972 (Ryder 2000, p.125). Michael Murphy, a Catholic educationalist who sat on the Police Authority resigned in June 1986, after a public death threat was issued against members (Ryder, 2000, p.336). Civic society also withdrew support for the Police Authority with the umbrella organisation, the Irish Congress of Trade Unions refusing to participate (O’Rawe & Moore, 1997, p.140). That said, opposition to the Police Authority was not restricted to the nationalist/republican community and civil society. It was also the subject of unionist political criticism with the DUP refusing to take seats on it (McGarry & O Leary, 2000). Even among the RUC, contempt for the Authority would surface. Police officers meeting to discuss the aftermath of the 1985 Anglo-Irish Agreement were outspoken in their criticism of the Police Authority, although their views were recorded covertly (Ryder, 2000, p.328). As for those who took up their seats on the Policing Authority, each of them was directly appointed by the Secretary of State, on advice from the Northern Ireland Office (Police (NI) Act, 1970) which had immediate implications for the independence of the Authority itself (Taylor, 1980 , p.46). In its first term of office, several of those appointed to the Authority were Justices of the Peace or were already recipients of honorary awards from the British Queen suggesting that “The Police Authority was an integral part of the Establishment” (Taylor, 1980, p.47). Additionally, it was not only the membership of the Police Authority which was unrepresentative of the demographic makeup of society in Northern Ireland. At its inception, most of the officials were drawn from the Stormont Ministry of Home Affairs (Weizter, 1995, p.67).

## **2.7 Ulsterisation & the Diplock system (1976)**

However, it was in the exercise of accountability, or rather the failure to hold the police to account, that the Police Authority would come to draw fiercest criticism. As internment ended in December 1975, a significant shift occurred during 1976 in the direction of policing policy with a confidential paper “The Way Ahead” drafted by former Ministry of Defence official John Bourne (Taylor, 1980, p.43). This argued for the primacy of the police, a change referred to by senior figures in the British security establishment as ‘Ulsterisation’ (Ryder,



2000; Coogan, 1995; Burke, 1987). In tandem, was swift implementation of recommendations by Lord Diplock, another English judge, which had the effect of significantly amending the Emergency Provisions Act 1973. Among the provisions were arrangements for one-judge, no-jury courts, commonly referred to as Diplock courts after their exponent (Coogan, 1995; Burke, 1987). Other significant amendments were made to extend the time police would be permitted to detain an arrested person without charge and the terms of section 6 under which a detainee may be interrogated by the RUC. Importantly, and to the concern of lawyers, the vagueness of s.6 did not explicitly preclude “the use or threat of physical violence” (Taylor, 1980, p.35). Alongside this, a new headquarters directive was issued by the then Chief Constable of the RUC Kenneth Newman. Marked ‘Secret’ and referenced ‘SB 16/13’, the directive was issued on 26<sup>th</sup> July 1976 giving guidance and direction to all Divisional Commanders which distinguished between the treatment by the RUC of those detainees to be interviewed from those to be interrogated (Taylor, 1980, p.68). In other words, those regarded by the RUC as ‘terrorist suspects’ could be interrogated without the same legal safeguards and constraints as might apply to ordinary detainees (Taylor, 1980, p.69). In tabling additional legislation, the Prevention of Terrorism Act in 1974, British Home Secretary Roy Jenkins was forthright in describing to the House of Commons the government’s intent: “These powers are draconian. In combination, they are unprecedented in peace-time. I believe they are fully justified to meet the clear and present danger” (HC Deb 1974-5, vol 882, col 35. 25 November 1974).

Police violence against detainees previously witnessed in the early 1970s (*Ireland v UK* [1978] 5310/71) remerged within the new ‘Ulsterisation’ paradigm. In fact, internees including ‘the Hooded Men’ were effectively ‘guinea pigs’ for police interrogation tactics within a new counter-insurgency framework (McGuffin, 1974). What happened in Palace Barracks in 1971 became “a blueprint for Castlereagh” (Taylor, 1980, p.21). This became a testing time for the Police Authority in its formative years. From 1976 onwards, allegations accumulated of the use of torture and physical violence against detained in police stations at Castlereagh, Omagh and Gough Barracks (Faul and Murray, 1978; Amnesty, 1978).

In the case of Robert Barclay, the Court of Appeal quashed his conviction on grounds that “there was clear evidence that the accused had sustained serious injuries whilst in custody at Omagh RUC station”, making his conviction unsafe (Taylor, 1980, p.138). A complaint of police brutality by Mr Barclay led to charges being brought against the RUC detectives who interrogated him. That case came before Lord Justice Gibson (who had been one of the three

Appeal Court judges who threw out Mr Barclay's conviction). Lord Justice Gibson said he could not rule out the possibility that Mr Barclay's injuries were self-inflicted: "...there is not any reason why a man could not bang his ear, for instance, against a wall or damage his eye against some object in the cell" (Lord Justice Gibson, 1979, cited in Taylor, 1980, p.146). The perception that prisoners or people detained injured themselves in order to make vexatious or malicious complaints was one shared at the highest ranks of the RUC (Hermon, 1997, p120). Lord Justice Gibson ruled that Mr Barclay was not an honest or reliable witness and acquitted the two RUC detectives on that basis. On 25 April 1987, Lord Justice Gibson and his wife were later murdered in an IRA bomb attack, an incident which itself was the subject of an inquiry (Cory, 2003, December 18).

Apart from those disclosures which emerged before the courts, the Police Authority was also in receipt of detailed information from doctors who gave medical examinations to those in detention. However, information disclosed to officials of the Authority was not always passed onto members of the Authority (Taylor, 1980, p. 260-261). Rather than holding the police publicly to account, the secretary of the Authority and chair of the Authority's Complaints Committee Mr Ivor Canavan aimed instead "to dry up the problems at source" (Taylor, 1980, p196 & 279). The RUC repeatedly refused a request from members of the Police Authority's Complaints Committee to meet and be better informed by the internal RUC committee chaired by senior officer Jack Hermon, which was ostensibly monitoring complaints from detained persons. It was to this Hermon Committee, not the Police Authority, that the RUC Chief Constable at the time Kenneth Newman contended the doctors should send details of detainees' injuries (Taylor, 1980, p277). Over the course of several years, a pattern emerged: increased scrutiny of treatment of detainees by police surgeons, the Police Authority or others (Amnesty, 1978; Faul and Murray, 1978) led to a temporary subsidence in complaints of brutality and switches made in RUC personnel conducting interrogations. However, the Hermon Committee did not recommend disciplinary action against those involved.

## **2.8 The Bennett Report (1979)**

Two members of the Police Authority, Mr Jack Hassard and Mr Donal Murphy, repeatedly attempted to have the Police Authority exercise its power to insist on a report from the RUC Chief Constable or to invoke a Tribunal to investigate complaints of police brutality. Their

attempts to obtain information from the RUC in response to the doctors' concerns were repeatedly thwarted (Mulcahy, 2006, p.40). When the Police Authority eventually agreed to Hassard and Murphy's request to instigate a Tribunal into the injuries sustained by a Mr. James Rafferty whilst in RUC custody, the Tribunal eventually collapsed. In March 1979, the secretary of the police surgeons, Dr. Irwin, gave a television interview in which he spoke of 150-160 cases over the previous three years where he had examined detainees whose injuries in RUC custody were most likely not self-inflicted (Taylor, 1980, p.319).

Within days, a report was published by the Bennett Committee set up two years earlier by the British government to examine allegations of police brutality in custody (Ryder 2000, p.196). The Bennett Report (1979) was perceived by senior police officers as "a considerable but not total vindication of the RUC" (Hermon, 1997, p.119). Yet, it concluded that there had been police brutality (Ryder, 2000, p.197). It recommended that the RUC should be more forthcoming in disclosing any information which the Police Authority sought in the discharge of its duties (Bennett, 1979, p.129). It also exhorted the Police Authority to be more robust its existing powers to require reports and institute Tribunals (Taylor, 1980, p.326). By this time, Dr. Irwin had retired and both Jack Hassard and Donal Morgan resigned from the Police Authority. Although he had been serving on the Police Authority as a nominee of the Irish Congress of Trade Unions, the trade union umbrella group refused to replace Mr Hassard and withheld support from that point onward for the Authority (Mulcahy, 2006, p.41).

The institutionalised defects of the Police Authority extended beyond its duty to those who complained about police misconduct or wrongdoing and deficit in transparency. The Authority had no oversight, or apparent readiness to oversee, those aspects of policing which encroached upon security matters (O'Rawe & Moore, 1997, p.140). This was exemplified in the tripartite relations between the RUC Chief Constable, Secretary of State and the Police Authority. Whilst ostensibly this constellation constituted tripartite arrangements at the heart of policing accountability pre-Good Friday Agreement, "the Police Authority (PANI) is clearly the 'poor relation' in this accountability triangle" (O'Rawe & Moore, 1997, p.143).

Areas where this ineffective model of accountability became most apparent included the use of force in public order policing (O'Rawe & Moore, 1997, p.141) or killings where the police had been directly or indirectly implicated (Stalker, 1988). With 17 fatalities during the conflict from plastic and rubber bullets by the RUC or British Army, the retention and deployment of these weapons by the police would always be controversial, not least among

the nationalist and republican among whom most fatalities and injuries had occurred from discharge of plastic bullets. Primary legislation necessitated that any resource, including weaponry, requisitioned by the RUC would first required approval from the Police Authority, as the purchasing body. Each RUC requisition would be itemised and submitted to one of the Authority's sub-committees. (Taylor, 1980, p.47). In relation to plastic bullets, the Police Authority appeared aloof from and indifferent to concerns about repeated purchase of the weapons (O'Rawe & Moore, 1997, p.141). CAJ found evidence about plastic bullets which raised concerns about the indiscriminate and "sectarian" use of the weapons with 5340 out of 6000 plastic bullets discharged, used by the RUC against nationalists (O'Rawe & Moore, 1997, p.275-276). After discussions it held with the RUC Chief Constable in December 1996 about the events of the summer, the Police Authority said publicly that it had "accepted the Chief Constable's explanation about the deployment of PBRs (plastic baton rounds / plastic bullets) in July." (PANI, 1997, p.15. Cited in O'Rawe & Moore, 1997, p.275).

## **2.9 The Stalker Affair (1983-1986)**

The Police Authority role in oversight was evidenced in its scrutiny of police use of lethal force or involvement in state killings. In 1984, John Stalker, then Deputy Chief Constable of Greater Manchester Police, was appointed by the British government to investigate widespread allegations of a 'shoot-to-kill' policy by the RUC and British Army. In the jurisdiction of any other police force in Britain, his role in the investigation would have been supervised by the new Police Complaints Authority which had been formed in Britain (Stalker, 1988, p. 23). However, the Police Authority for Northern Ireland had no input into the remit of Mr Stalker or his appointment, revealing a lacuna in the policing oversight framework at that time. Despite the fact that the catalyst for the Stalker Inquiry was three incidents involving multiple fatalities where a 'shoot-to-kill' policy by the RUC had been alleged, there appears to have been no contact or communication of any kind between the Police Authority and John Stalker (Stalker, 1988). Even when open court proceedings, prior to the Stalker Inquiry, heard RUC Constable John Robinson give evidence that his superiors ordered him to tell lies about the killings, the Police Authority appears to have been unmoved and inert (Stalker, 1988). This inertia contrasts with the perspective held by senior police officers who had already realised that "nobody would be satisfied with further RUC statements or internal investigations. Only an independent investigation would do" (Hermon,

1997, p.156). That was already underway under the stewardship of Mr Stalker who secured evidence to interview senior RUC officers as part of his inquiry into allegations of a 'shoot-to-kill'. In March 1986, Mr Stalker shared copies of his interim report. He concluded that he may have to request the suspension and removal from duty of one or more officers and reasoned that he would have to discuss this with the Police Authority (Stalker, 1988, p.264). However, Stalker's contact with the Police Authority never occurred: "The risk of allowing me even to make such a request must have been too great, and I believe that in April 1986 a government decision was made to end my involvement in the inquiry. A decision of this importance would be unlikely to have been made at anything less than the highest levels" (Stalker, 1988, p.264).

Even in the aftermath of the truncated involvement of Mr Stalker, the Police Authority did not appear to lift a finger in relation to the policy of shoot-to-kill. This refusal to engage with policing actions which caused public concern was illustrated again in 1996 when David Cook and Chris Ryder were sacked from the Authority (O'Rawe and Moore, 1997, p.145). As members of the Police Authority, Cook and Ryder had objected to the routine flying of the Union Jack over police stations and the requirement for police officers to swear an oath of allegiance to the Queen ( McGarry & O'Leary, 2000, p.101). For expressing these views, Cook and Ryder were subject to a vote of no confidence and then sacked by NIO Minister Sir Patrick Mayhew serving to underline the lack of autonomy and independence of the Police Authority (McGarry & O'Leary, 2000, p.101; O' Rawe and Moore, 1997, p.145).

Some have described the ineffectiveness of the Police Authority as a symptom of threats against its members (Moran, 2008, p.103). However, most research concludes the Police Authority was an entity which utterly failed in the discharge of its duties (Mulcahy, 2006, p. 40). Neighbourhood offshoots from the Police Authority referred to as Community Police Liaison Committees were equally ineffective, lacking transparency and failing to hold the police to account. Together these organs were criticised by some as window-dressing on the RUC and unrepresentative of the community in Northern Ireland, certainly in the minds of Catholics, nationalists and republicans (Weizter, 1995, p. 229-243). By the late 1990s, the reputation of the Police Authority had become so tarnished that establishing completely new accountability mechanisms was the only option (Wright & Bryett, 2000, p.120). In reality, policing in this heavily militarised society, buttressed by draconian emergency powers, had existed in Northern Ireland since partition without any effective accountability (Moore & O'Rawe, 2000; McGarry & O'Leary, 2000).

## 2.10 The Police Complaints System

One of the damaging impacts of policing oversight was the handling of complaints against the RUC. As the evidence from Duke Street 1968 onwards made clear, complaints about the police had to be made to the police to be investigated by the police. Eventually, a new Police Complaints Board (PCB) was established in September 1977 with extremely limited powers to supervise the decision made by a senior RUC officer about the investigation of any complaint (Mulcahy, 2006, p.38). In the course of its ten year existence, the PCB only challenged 1% of outcomes of the RUC's internal investigations into its own conduct (Weizter, 1995, p.188). Many observers felt that the PCB was not effective in holding the police to account (Dickson, 2014). The PCB failed to stem the flow of complaints about police brutality against detainees and involvement in extra-judicial killings (Murray & Faul, 1978).

Under the Police (NI) Order 1987, the PCB was replaced by a new Independent Commission for Police Complaints comprising seven commissioners and 16 staff. Like its predecessor the PCB, the ICPC was external to the RUC. While RUC officers retained control of investigations into complaints against their fellow officers (Seneviratne, 2004), their investigation was supervised by a designated Commissioner of the ICPC. Upon completion of complaints investigations by the RUC, recommendations regarding discipline or referrals to the Director of Public Prosecutions remained a matter for the RUC Chief Constable to determine. The ICPC would be limited to providing a statement of satisfaction about the complaint investigation (Dickson, 2014). These changes did little to make policing more accountable, and perhaps that was the intention for as Mulcahy (2006) writes : “This abstract privileging of procedure over outcome, a core element of the liberal legal tradition, was persistently used to discredit complainants” (2006, p.38). Nationalist politicians remained insistent that the system of police complaints was inadequate (Wright & Bryett, 2000, p.54).

A case which brought to the fore, arguably as much as any other, failings in policing and policing accountability was the circumstances surrounding the murder of human rights lawyer Rosemary Nelson. Ms. Nelson had been the subject of death threats and harassment by some members of the RUC, something for which both the RUC Chief Constable and the NIO Minister for Security Adam Ingram denied all knowledge (Nelson Inquiry, 2011).

Nevertheless, the treatment of Ms. Nelson was put on the record with a specially appointed UN rapporteur Mr Param Kumaraswamy and was the subject of a complaint supervised by the ICPC. The supervising Commissioner Ms Geralyn McNally expressed dissatisfaction with the RUC's internal investigation into police intimidation of Ms Nelson. Ms McNally herself was later the subject of a death threat (Nelson Inquiry, 2011). Ms McNally's dissatisfaction with the RUC internal investigation was discussed by the Northern Ireland Office (NIO). NIO advice drew attention to "the need, or otherwise, to act on the cumulative total of material suggesting problems in the RUC handling of defence lawyers. The fact that the latest piece of material is from our "own" Independent Commission for Police Complaints cannot be discounted lightly" (Nelson Inquiry, 2011, p.225). In March 1999, Ms Nelson was murdered in an undercar booby-trap bomb. In the aftermath, particular criticism had been levelled at the role of the RUC Chief Constable Ronnie Flanagan in response to prolonged concerns about the campaign of intimidation and threats against Ms Nelson by some police officers. Both the chair of the Police Authority and the chair of the ICPC publicly defended the RUC Chief Constable. The ICPC was later scrapped following the report by Dr. Maurice Hayes which recognised the failure of policing accountability in Northern Ireland and proposed a new complaints system (Hayes, 1997). In his report, Dr. Hayes reflected upon the problems with police complaints systems in other societies : "...one of the lessons to emerge most strongly from foreign attempts to use civilian investigators is that...those systems which failed did so because of police opposition" (1997, p.11). His report paved the way for the establishment of a new independent, investigation and complaints system, enshrined in the Police (Northern Ireland) Act 1998 as the Police Ombudsman for Northern Ireland. However, the Police Ombudsman for Northern Ireland did not commence operation until after the Patten Commission had reported (ICP, 1999). Dr. Hayes himself was appointed to the Patten Commission and further statutory provisions were made for PONI in subsequent legislation (Police (NI) Acts 2000 & 2003).

Later, in remarks he had prepared to introduce a roundtable discussion as part of this study (2016, January 12), the late Dr. Maurice Hayes was adamant that it was not enough that the Office of the Police Ombudsman for Northern Ireland was independent in law. He argued that the people within the office, most especially the Police Ombudsman, must be independent in mind and virtue. That is why he viewed the legal construction of 'corporation sole' as an essential ingredient of PONI. The Police Ombudsman ought to be afforded the same protection as a senior judge and the person in this role needed to be someone "who can

look the police in the eye”. The Police Ombudsman should be focussed on matters of serious public concern and not encumbered with issues about the standard of service delivery, in the view of Dr Hayes. In this regard, he was also very clear that it was hugely detrimental for police officers to be permitted “to leave the field of accountability”. Dr. Hayes believed that retired police officers “should not have a right to refuse to co-operate with the Police Ombudsman in some instances as his view that the matter is under investigation relate to some of the most serious criminal acts where the lives of people had been lost” (Hayes, 2016, January 12).

## **2.12 Prelude to Policing Reform**

As evident since the inception of the Northern Ireland state, the direction of policy on policing was inextricably linked with developments in politics. Before Dr. Maurice Hayes had been tasked with reviewing the system of police complaints, there were already detailed discussions behind the scenes about the need for negotiations to end the conflict (Mallie & McKittrick, 1996). Following the emergence of the Hume-Adams dialogue, referred to by Sinn Féin as the Irish Peace Initiative (Mallie & McKittrick, 1996, p.247) it had also been revealed that secret contact directly between the British government and Sinn Féin had been ongoing for many years (Mallie & McKittrick, 1996, p.232 - 255). Latterly, under the watchful eye of the Northern Ireland Office permanent under-secretary Sir John Chilcott and his officials Quentin Thomas and Jonathan Stephens, the Secretary of State Sir Patrick Mayhew had been exchanging secret messages with Sinn Féin (Mallie & McKittrick, 1996, p.235). After the British and Irish government had announced the Downing Street Declaration in December 1993, the IRA announced a ceasefire on 31 August 1994. Loyalist paramilitaries would subsequently announce an end to their armed actions as well. In the weeks which followed, NGOs strategized about forging an agenda to promote human rights in the months ahead. This led to a joint statement issued on International Human Rights day, 10 December 1994, which stated: “Just as the conflict in NI has led to emergency laws and assaults on democratic rights and freedoms in all the jurisdictions on these islands, so the opportunity must now be taken to dismantle this apparatus of repression..” (CAJ, 2013, p.18). This step was followed up by an event in January 1995 under Chatham House rules between CAJ and other NGOs with senior police officers and officials from the Northern Ireland Office and Irish Department of Foreign Affairs, among others (CAJ, 2013, p.18).



When the Forum elections were held in 1996, discussions within the Forum during 1996 included the subject of policing reform, a senior unionist negotiator said that participants could not reach any agreement about changes to the RUC (Interview with researcher, 2016). It has often been claimed that this impetus came from within the RUC itself (Ryder, 2000). Yet while the British Secretary of State's secret pre-ceasefire communications were ongoing, a consultation document was launched entitled "Policing in the Community: policing structures in Northern Ireland" (NIO, 1994). Sir Patrick Mayhew subsequently said that there were public "misunderstandings about the scope and intent of the currently planned reforms" (NIO, 1996). By May 1996, the Northern Ireland Office had drafted a white paper on "Foundations for Policing: proposals for policing structures in Northern Ireland" (NIO, 1996, Cmnd. 3249) pre-empting multi-party negotiations scheduled to commence on 10<sup>th</sup> June 1996. It also pre-empted the review by Dr. Maurice Hayes of the police complaints system, a review of emergency legislation in Northern Ireland and a review of policing undertaken by the RUC following the ceasefires, all of which were due to be complete by summer 1996. In the foreword to the white paper, the Secretary of State for Northern Ireland outlined overarching principles which should provide "the common ground" for future policing (NIO, 1996, Cmnd. 3249). He said that the central thrust of the proposals in the white paper included "the need to achieve greater efficiency and effectiveness in policing, together with greater public accountability" (NIO, 1996, Cmnd. 3249). However, the white paper proposed that the Police Authority should be strengthened, though not dissolved and the NIO Minister underlined that policing reform would be an evolutionary process, contingent on the prevailing political and security environment. Nevertheless, the white paper was an indication of official recognition of systemic policing failures. Following the white paper, the final legislation was to be informed by impending negotiations (NIO, 1996, Cmnd. 3249).

### **2.13 The Flanagan Review (1997)**

Meanwhile, claims that the RUC was intent on reforming itself frequently point to the Fundamental Review of Policing carried out by the RUC Chief Constable Ronnie Flanagan (Ryder, 2000). Until now, such claims had been difficult to validate since the Fundamental Review of Policing (aka. the Flanagan Review) had only been published in summary however this research project has since gained access to the full report. The Flanagan Review of the RUC states that "the continuing significant absence of terrorist violence during the

summer of 1995 gave an opportunity for a fundamental review of policing to take place” (para.2.1) under the direction of the RUC Chief Constable (para 2.2). The review was led by the RUC itself, with five police officers and an official from the Police Authority carrying out most of the research. A steering group was made up of the RUC, Police Authority and Northern Ireland Office. The group was chaired by the RUC Deputy Chief Constable Ronnie Flanagan with Mr. Peter May and Mr. Alan Tipping consulting on behalf of the Northern Ireland Office. The final report by Flanagan’s review group was 224 pages long and contained 189 recommendations. The Flanagan Review covered 18 sub-headings : Service; Operational Structure; Management and Operational Support; Crime and Intelligence Support; Community Services Department; Senior Command & Other Departments; Resourcing responsibilities and structures; Financial Services; Technical Services; Personnel Services; Police Manpower; Civilian Staff; Information Systems; Administrative Procedures; Management meetings; Personnel Issues; and Organisational Style. Most of the recommendations related to internal restructuring of RUC systems and departments. The report also outlined three scenarios relating to the political and security environment which were considered by the Review Team. Implementation of the proposed changes was made contingent upon an assessment that there would be an enduring ceasefire and an end to the conflict.

Senior PSNI officers have said that the Flanagan review team was replaced by a new Change Management Team to implement the Patten Report, with only two of the Flanagan review team kept on. The Flanagan review was no longer a focus for the police: “Our focus was on implementing Patten” (interview with researcher, 2016). However, on several occasions during this study, the Fundamental Review by the former Chief Constable of the RUC Ronnie Flanagan has been cited by some as the catalyst for policing reform. A senior unionist negotiator said that two-thirds of Patten was already underway thanks to Flanagan’s Fundamental Review of the RUC (interview with researcher, 2016). One former RUC Special Branch officer has claimed: “There were few recommendations in Patten not already in the RUC’s Fundamental Review” (Matchett, 2017, July 5). Having obtained full access to Flanagan’s review of the RUC, those proposals were compared with the Patten Commission’s report (ICP, 1999). The fact that both reports had different mandates and objectives has already been discussed. Yet, other stark contrasts emerge from the comparative analysis. By content analysis, recommendations by both reports were compared in terms of the specific focus of this study on accountability and external civilian oversight. Two chapters of the

Patten Report were devoted to accountability. There are no chapters on accountability in Flanagan's Fundamental Review. In the Patten Report, 38 of the 175 recommendations were about accountability. Of the 189 recommendations in Flanagan's Fundamental Review, not one was about accountability. The Patten Report has 128 numbered pages containing 108 mentions of accountability or accountable and 97 mentions of human rights. Flanagan's Fundamental Review has 224 numbered pages containing 13 mentions of the word accountability or accountable. Several of these are references to reports by others which talk about accountability and there are no mentions of human rights in Flanagan's Fundamental Review. The final sentence of the last paragraph of content (p.196) does refer to "a sense of pride in the RUC along with a caring attitude and a respect for the rights of individuals".

In summary, the Flanagan review was very different from the Patten Report. Yet, the claim that the Flanagan review heralded policing reform continues to be promoted by some. This in itself reveals an interesting phenomenon in the ecological system within which policing accountability exists. For among those who publicly make this claim are, by their own admission, opponents of the Patten Commission's programme of reforms. This suggests a perceptual bias about the Flanagan Review which may be more than wishful thinking.

## **2.15 Mandelson's Police (NI) Act 2000 and the Implementation of Patten**

The publication of the Patten Report in 1999 was met by some police and figures within political unionism with a vocal, often emotional rejection of the reforms proposed. The name of the RUC became a rallying point for this rejection. One interviewee involved in negotiations described how the Ulster Unionist leader travelled to Dublin with the RUC Widows Association. Together, they implored the Taoiseach Bertie Ahern not to "betray" the memory of RUC officers killed during the conflict by changing the name to the PSNI. Whilst sympathetic to those bereaved, the Irish Government was convinced that a name change was essential: "(David) Trimble told (Tony) Blair : "Hands off our police". And Blair replied: "That's the problem: that's why we can't reverse reform" (interview with researcher, 2016).

The Northern Ireland Office were more ambivalent. When first tabled, the Police (Northern Ireland) Bill 125, section 1(1) stated: "There shall be a body corporate to be known as the Northern Ireland Policing Board (in this Act referred to as the Board)". The Bill also made

provision for establishing the “Royal Ulster Constabulary GC Foundation” for the purpose of marking the sacrifices and honouring the achievements of the RUC (s.63(1)). The Bill, which would become nicknamed after the Secretary of State Peter Mandelson who tabled it, also reflected the Northern Ireland Office’s ontological position towards policing. Whereas the Patten Report referred more than one hundred times to a future new “police service”, the Mandelson Bill spoke only of the “police force”. This was recognised by nationalist negotiators: “There clearly was a fight back by the State or by the establishment to try and stunt the kind of change or control by the citizens of the police. In other words that the police would be genuinely a policing service, a public service, rather than a police force” (interview with researcher, 2016).

While not disbanding the RUC, the Patten Report recommended under “Culture, Ethos & Symbols” that, “it should be named the Northern Ireland Police Service” (1999, p.99): “The problem is that the name of the RUC, and to some extent the badge and the uniform too, have become politicised – one community effectively claiming ownership of “our” police force and the other community taking the position that the name of the police is symbolic of a relationship between the police and unionism and the British state. The argument about symbols is not an argument about policing, but an argument about the constitution” (1999, p.99). However, during the passage of the Mandelson Bill, the British government gave way to unionist demands to such an extent that Professor Clifford Shearing wrote at the time: “The Patten Report (has) not been cherry picked – it has been gutted” (Shearing, 2000, November 14). In particular, proposals in the Patten Report on the powers of PONI and NIPB were curtailed. For instance, the British Secretary of State told the House of Commons that he considered the Patten proposal that the NIPB could initiate reports and inquiries into any aspect of policing was “an extreme power, ranking it alongside the Board’s ability to call on the Chief Constable to retire. The Government have therefore included safeguards on the exercise of the power... to protect the police from the risk of vexatious, repetitive or capricious behaviour by the Board in initiating inquiries and reports” (HC deb 06 June 2000, vol. 351 cc177-263, p.182)

A senior Irish government negotiator said the push-back against reform was severe: “The British tried to dilute Patten. Didn’t accept Patten. They felt it went too far. In the first instance, there were redrafts done with the Commissioners coming concerned to the (Irish) government to get input” (interview with researcher, 2016). Although aware of the magnitude

of what was at stake in the Peace Process and broader social and political transformation, a senior British negotiator confirmed his government's preoccupation with "handling political fallout, particularly on the unionist side" (interview with researcher 2015):

"...what we ended up doing was a rather unseemly kind of juggling act where Peter (Mandelson) tried to get the unionists on board by offering unilateral changes on some of the symbolic issues which of course then made it very difficult for Sinn Fein on the other side who tried to start pulling the bedsheet back in their direction... In the end we ended up about right, more by accident than by design" (interview with researcher, 2015).

Patten's proposal on the name of the new police service was targeted by unionists and the Secretary of State Peter Mandelson responded: "Finally, let me address the name of Northern Ireland's police, which in Patten's and the Government's view, is strongly linked to the new start that we want in policing. Many people in Northern Ireland – I mean largely, but not exclusively, Unionists – have never set their face against change, accept the case for reform allowing recruitment from all parts of the community, but equally are determined to protect the good name, the honour and the record of the RUC, and in particular, want it to be clear that the RUC is not being denigrated or disbanded. I believe that the final form of the Bill will achieve that...I believed that the sensible way forward was to provide in the Bill a legal description that incorporates the Royal Ulster Constabulary – effectively the title deeds, as I put it, of the new service – making it clear that disbandment is not taking place, while at the same time introducing a new name, the Police Service of Northern Ireland, which will be used for all working and operational purposes" (HC deb 06 June 2000, vol. 351 cc177-263, p.184)

With the enactment of the Mandelson Bill as the Police (NI) Act 2000, a new section 1(1) was inserted as follows : "The body of constables known as the Royal Ulster Constabulary shall continue in being as the Police Service of Northern Ireland (incorporating the Royal Ulster Constabulary)". Describing other studies into changing police culture, Chan (1997, p.54) states that "police bureaucracies are an embodiment of contradictions". Mandelson's construct of inserting the RUC into the "title deeds" of the PSNI is not known to have any legal precedent or significance. Yet, this divergence from Patten's recommendation engendered a conflicted identity for the new police service from its inception. Moreover, it institutionalised an embodied contradiction. On its own, it may not have hindered progress. Yet this contradiction was embedded in the ecological system. Later, in legal action by retired

RUC officers against PONI's Loughinisland report (2016) submissions on their behalf before the court would invoke Mandelson's "title deeds" (researcher fieldnotes 1<sup>st</sup> December 2017). Moreover, it is clear that the political emotions of policing reform, especially with respect to the name of the RUC, still reside in the ecological system surrounding the new beginning:

"More emotional issues with this (policing reform) than any other issue (in negotiations). A really challenging issue to deal with. Many people I represent have had relatives in the RUC who were murdered. Any move to disband RUC would be a betrayal. A new dispensation on policing should be about transformation. Symbolism, name, badge – that was emotionally challenging... I see the result as being a marked increase in public confidence in policing across the community in NI... I still struggle with issues such as the name." (senior unionist negotiator, interview with researcher 2016).

Within a four year period (2000-2004), four major pieces of primary legislation linked to reform of the policing and justice system in Northern Ireland were enacted in Westminster. In fact, in the course of two decades of negotiations up to the time of the Stormont House Agreement (SHA, 2014), the agenda for policing reform has routinely featured. This indicates the dynamic nature of the ecological system within which the PSNI, NIPB and PONI had already begun to operate. Yet, there were two further significant changes afoot. Both of these related to changes in British strategic security policy, not advancing reform.

## **2.16 Primacy for MI5 in National Security (2004-2007)**

Negotiations to restore the power-sharing Assembly were convened at St. Andrews, in Scotland during October 2006. The resultant St Andrews Agreement included not only arrangements for the Northern Ireland Executive to be reappointed, it also led to two significant developments in the ecological system of policing accountability. Firstly, Sinn Féin convened a special Ard Fheis in spring 2007 to amend its constitution and approve the basis for its elected representatives to join others on the NIPB. After Assembly elections in 2007, Sinn Féin made nominations like other political parties to sit on NIPB.

Secondly, the British government brought to fruition its own plans to transfer primacy for National Security intelligence gathering in Northern Ireland from the PSNI to MI5 (BSyS).

This policy change outlined had been precipitated by a confidential report prepared by former NIO permanent under-secretary Sir John Chilcot and NIO official Christine Collins. The Chilcot report was commissioned in March 2002 after an office in Castlereagh police station was the target of a break-in (Reid, 2002, HC Deb 01 May 2002 vol.384 cc931-5).

Unspecified information was removed from the Special Branch office in Castlereagh PSNI station. Whilst the Chilcot report has never been published, it has been cited as recommending the transfer of National Security intelligence from the PSNI to MI5. In July 2003, the Secretary of State for Northern Ireland at the time Mr Paul Murphy, MP, confirmed receipt of the report in a written statement to the House of Commons. He said that Sir John Chilcot made a number of recommendations regarding British National Security interests but “did not uncover any evidence” that government agencies carried out the Castlereagh break-in (Irish Times, 2003, July 16). Fourteen years later, following a referral by the PSNI Chief Constable into claims the break-in was orchestrated to cover up the role of a British agent(s) in the IRA, PONI published findings of its own investigation (PONI, 2017, September 28). This reviewed PSNI intelligence about the incident but made no comment on whether the Castlereagh break-in was carried out to discredit Special Branch’s primacy at the time in British National Security intelligence gathering. Nor was any comment made on claims the break-in had something to do with British agent(s) in the IRA. In many respects, this was an academic exercise. The policy change recommended by Sir John Chilcot to transfer British National Security intelligence gathering to MI5 had been under preparation from at least July 2004 (Kearney, 2006, p.55). By 24 February 2005, former Secretary of State Paul Murphy, M.P. made a written statement to the House of Commons described the planned change as part of the “modernisation agenda of the Police Service of Northern Ireland”:

“Such change will in no way diminish the role of the PSNI in intelligence gathering in areas other than national security....such a change will facilitate the devolution of justice and policing when a robust and workable basis for that is agreed... The powers and responsibilities of the Policing Board, the Police Ombudsman and the Police Oversight Commissioner to oversee policing are not affected by this change. We intend that the new arrangements together with any associated safeguards will be fully operational during 2007.” (Murphy, 2005, HoC written statement, Northern Ireland: National Security Intelligence Work, February 25).

This plan was introduced to the ecological system of policing and policing oversight under the guise of Annex E to the St Andrews Agreement (2006). As part of the plan, a new facility

has been created for MI5 at Palace Barracks, near Holywood. During the last decade, unspecified numbers of PSNI officers have worked in the MI5 facility. Arguably, inclusion of this in talks at St. Andrews was a cosmetic exercise. Sir John Chilcot's report after the break-in at Castlereagh police station had set in motion the strategic policy shift in transferring National Security intelligence gathering from PSNI to MI5. By October 2006 in St. Andrews, this plan was not up for negotiation, as one senior British government representative explained: "That wasn't a negotiation. We weren't negotiating that with anyone. Our security people told us what we needed and that was what we did" (interview with researcher, 2015).

None of this was foreseen by the Patten Commission, although events which led to this strategic paradigm shift in the ecology of policing occurred quickly in the early stages of reform. Notably, the Patten Report's own recommendation that a Commissioner for Covert Policing should be appointed in Northern Ireland (1999, p.38) was never implemented. Instead, several independent reviewers have been appointed by the British government for reviewing different aspects of policing within the field of British National Security. There is no integration or co-ordination between these separate reviewers who each write their own report and receive limited logistical support from the NIO. Engagement between NIPB and these reviewers was infrequent, with the overall arrangements labelled "fragmentary" (researcher fieldnotes, November 2016). With the exercise of police powers by the PSNI in the interest of British National Security (BNS), the process through which citizens must go to make a complaint was described as "lugubrious" (researcher fieldnotes, November 2016).

Despite the statement by the former Secretary of State (Murphy, 2005), it is still unclear how NIPB or PONI discharge their policing oversight duties when the PSNI is co-located with MI5 in relation to British National Security. During 2010, the NIPB chairperson met with the Director of MI5 in Northern Ireland (NIPB, 2010, p.71). Later the same year two meetings were held between NIPB members and MI5, according to one participant in this study. Only oblique reference is made to this in NIPB records: "Annex E to the St Andrews Agreement states that the Security Service will participate in briefings to closed sessions of the Policing Board to provide appropriate intelligence background about national security related policing arrangements" (2011, p.73). Both the SDLP and Sinn Féin had taken seats on NIPB by then and were outspoken critics of MI5, revealing the contradiction this implanted in ECO. Recent submissions to the European Court of Human Rights describe oversight of British national security, including the Investigatory Powers Tribunal (IPT) as wholly inadequate to safeguard



human rights. An earlier report by CAJ (2012) reported that IPT has never upheld a single complaint. Giving MI5 primacy in British national security in Northern Ireland and tasking at least one third of PSNI resources to BNS-related activities has created a huge accountability void. CAJ warned that BNS had created a “grey area for the PSNI in limiting its accountability” (2015, p.31). Again this underlines how changes in British policy and agencies within the macro system, not directly involved in accountability, may have an (inhibiting or enabling) influence upon external civilian oversight.

For some researchers, the fundamental contradiction underlying policing reform is one inherent to Security Sector Reform (SSR) elsewhere. SSR in post-conflict societies has become “excessively coloured by terrorism-related concerns”(Caparini, 2006, p.20) at the expense of governance, accountability and sustainable and balanced reform. Ellison & O Reilly (2008) argue that within the model of policing reform in Northern Ireland are “two distinct and potentially irreconcilable” components. One is the counter-insurgency policing which was part of the failed policing system of the past; and the other is the policing reform process, including accountability and external civilian oversight. “Counter-terrorism policing is often conducted within the supportive framework of a ‘state of exception’ where judicial scrutiny, accountability mechanisms and independent oversight are inevitably diminished.” (Ellison & O Reilly, 2008, p.421). Proponents of counter-terrorism or counter-insurgency policing (COIN) view the achievement of stability within a post-conflict society as a precursor to reform (Frei, 2011). Exponents of British National Security (BNS) see no need for this to be compromised this for the sake of policing reform and external civilian oversight in Northern Ireland, as one participant candidly stated during this study. Potentially, this resurrects a risk which the Patten Commission had sought to remedy when they warned of past problems: “...the Chief Constable has been responsible to the Police Authority for what might be called ordinary crime policing and directly to the Secretary of State for security-related policing. Given the proverbial difficulty of serving two masters, it is not surprising if at times chief constables have tended to develop a more direct relationship with the one who appeared more influential.... These arrangements are not a basis for democratic accountability” (1999, p.23). Ten years after the transfer of National Security intelligence to MI5, how this impinges on the ecological system of policing accountability is still unknown. If the Stormont House Agreement (SHA) 2014 comes to be implemented, this will precipitate further change for NIPB, PONI and PSNI. Creation of a new Historical Investigations Unit (HIU) as envisaged will further alter the remit of each of the agencies with unclear

consequences for accountability and external civilian oversight. Yet it is clear that for some of those foremost in the political negotiations to reform policing, the risks associated with the HIU are better than the current state of play:

“Where I have a difficulty – PONI involved in legacy cases has been problematic... I wish we had agreed HIU some time ago- to involve PONI in legacy cases was not a good thing. Chief Constable recognised that by establishing a HET....One deficit in reforms has been how we police the past. I wish we’d reached agreement earlier. It held back the new policing dispensation. Policing gets caught in the middle of it. In terms of policing the past, we could have done better.” (senior unionist negotiator, interview with researcher, 2016).

## **2.17 Bifurcated policing and National Crime Agency (NCA) (2013-2015)**

The ecology of policing accountability is responsive to factors beyond the local context which also deserves to be acknowledged in this study. The European Court of Human Rights (ECtHR, 2001, May 4) held that the British government had breached the Article 2 rights in the murder of Gervaise McKerr and 13 others. The then First Minister David Trimble derided the ECtHR ruling as “astonishing and perverse”. In a public response, the Secretary of State at the time John Reid played down the judgment: “The criticisms are of procedures, the investigations, not the deaths themselves. We will want to study those criticisms carefully” (BBC, 2001, May 4).

Sharing information and intelligence appears to go further under the rubric of the “war on terror”, leading to findings by the Council of Europe (2006) of British complicity with the USA in illegal abductions and renditions (HRW, 2006 ). Evidence of US agents in ‘intelligence-led policing’ in Northern Ireland has also been confirmed in the case of the Omagh Bomb (eg: David Rupert). Britain’s strategic international intelligence interests and ongoing interactions with the US and others (“5 eyes” as one interviewee described it) illustrate the countervailing forces within the macrosystem. Disclosures by whistleblower Edward Snowden, a former US National Security Agency analyst appear to underscore this. A document disclosed online (Gallagher, 2016, June 7) reveals a Service Level Agreement in 2011/2012 between the PSNI and the British Serious and Organised Crime Agency (SOCA), which hosted a “multi-agency Internet Data Unit (iDU)”. The SOCA-based host co-ordinated

an intensive online spying operation on behalf of the Home Office Communications Capabilities Directorate (CCD). The operation codenamed Milkwhite (Milkwhite Enrichment Services (MES)) provided an intelligence gathering hub involving the PSNI with other agencies including HMRC, MI5 and MI6. Forecasting future developments, the document states: “Implementing these new services is enabling the community to identify and overcome many of the operational, cultural and policy challenges associated with this transformation, GCHQ will continue to be forward leaning in supporting the CCD change agenda” (p.2).

Under the Crime and Courts Act (2013) all of SOCA’s responsibilities and powers transferred to the new National Crime Agency (NCA). The NCA was established with a Director General appointed by and solely accountable to the British Home Secretary. The legislation empowered the Home Secretary to give direction to the Director General of the NCA in the use of powers of constable afforded under the new law to NCA officers. Scope to widen the powers of the NCA to counter-terrorism policing was also enshrined in the new Act as part of the re-engineering of policing in Britain. However, with the transfer of policing and justice powers to the Northern Ireland Assembly in 2010, the NCA could not operate in the devolved sphere without a Legislative Consent Motion (LCM) by the local Executive. What happened next illustrates the reversibility of policing reform and the risk that bifurcated policing (Reiner, 1992) may have a collateral adverse impact on accountability.

The LCM was blocked by the main nationalist partners in power-sharing, Sinn Féin and the SDLP, who both insisted on safeguards on accountability of NCA. When no agreement was reached on the accountability for NCA, the LCM before the power-sharing Executive by the Minister for Justice was not adopted. Instead, on 29 January 2015, an Order In Council (S.I. 2015 No.798) was tabled to extend the provisions of the Crime and Courts Act 2013 to Northern Ireland. This circumvented the “Sewel convention” which purports to give primacy to the local Assembly on matters which have been devolved. In May 2015, both NIPB and PONI announced that oversight of some aspects of the NCA had been given to them. The following spring 2016, NIPB publicised the first attendance of the Director General of the NCA at a meeting of NIPB. Underlining the dynamic effect of this bifurcation of policing the PSNI announced a new “co-located team” with NCA, Customs & Excise and HMRC (Fitzmaurice, 2017, September 23). Like interagency activity under ‘Milkwhite’, it is unclear how ECO extends to this new co-located team. However, these developments further suggest

that the bifurcation of policing forecast by Reiner (1992) may also bifurcate policing oversight.

These significant changes in the ecology of policing accountability are included within a chronology or key milestones or critical moments which occurred during this study (Appendix 1). Whilst this cannot be exhaustive, it is illustrative of the dynamic and complex ecology within which accountability and external civilian oversight exists and operates.

## **2.2 Conclusion.**

This chapter explored the socio-historical context to understand what it might reveal about the conditions within which the new beginning to policing has emerged. It was within this ecology that the PSNI, PONI and NIPB were established and became operational. Transition from what Machiavelli described as the “old conditions” to “a new order of things” has been conjunctural, impacted upon by co-varying, co-existing and often contradictory factors and forces. It has been within a context of civil strife, political violence and thousands of murders since the inception of the Northern Ireland state. Dispute and debate about the scale and scope of policing reform has been followed by conflict and challenge over the quality of reforms implemented. Legislation to make provision for the new beginning to policing has been a further scene of struggle. The result of this has been that the new beginning to policing has within it embodied contradictions which institutionalise a dispute which the Patten Commission sought to resolve. Even as the foundations were laid for the new architecture of accountability, strategic policy change was still occurring around it with the transfer of primacy for British National Security intelligence gathering. During this study, further change has occurred with the National Crime Agency’s extension into devolved sphere in Northern Ireland. Together, these developments would appear to support this study’s reconceptualization of accountability and external civilian oversight as an ecological system.

Furthermore, historical incidents outlined within this chapter still have contemporary salience within the ecological system of policing accountability and wider society in Northern Ireland. As this study ends, there is political debate about the anniversary half a century ago of the foundation of the Northern Ireland Civil Rights Association and its march in Duke Street in Derry in 1968. New information has been uncovered about the torture of detainees in the

1970s which was not disclosed during *Ireland v UK* [1978]. This has led to a renewed application to the European Court of Human Rights, supported by the Irish Government. After a referral by the Criminal Cases Review Commission (CCRC) to the Director of Public Prosecution (DPP), a new investigation has begun into the murder of Martin Tighe, one of the killings linked with the shoot-to-kill policy investigated thirty years ago by John Stalker. Past events, summarised in this chapter, still telescope into the present day in Northern Ireland. They have a resonance for policing reform and policing oversight which this study must note.

## **Chapter 3: Methodology**

### **3.1 Introduction**

This chapter outlines the research methods employed and why these particular methods were chosen. The research design and procedures are described in detail. To maximise the ecological validity of research findings a mixed methods approach was adopted for this study. Securing and maintaining access to all three agencies at the centre of this study is reviewed alongside recruitment of the research sample. Procedures for collecting and analysing data are included and located within the wider scholarship which lends support to the chosen method. Detailed attention is given to the ethical issues identified in this study. Measures and techniques adopted by the researcher to mitigate bias and maintain ethical standards at all stages of the study are reviewed. Before detailing the methodology, the epistemological and ontological considerations which guided these choices are outlined.

### **3.2 Epistemological and ontological considerations**

Research methodologies are inseparable from the epistemological and ontological approach of the researcher. Johnson & Duberley (2000) summarise three distinct paradigms by which social scientific inquiry may be categorised: positivist; hermeneutic; and critical realist.

Bryman (2008) makes clear the divergence between positivist and hermeneutic paradigms is premised on dichotomous ontologies about the social world. Positivism posits an objectivist ontology, that our social world, including organisations and categories, exists independently of the individuals or actors within it. On the other hand, hermeneutics postulates a constructivist ontology, whereby social phenomena and categories are the product of and derive meaning and value from social interaction and social construction. This extends to the social construction of knowledge (Bryman, 2008, p.16-17). As for critical realism, this incorporates naïve realism and critical realism (Bryman, 2008, p.12). Bryman (2008) contends that realism shares positivism's emphasis upon the observable world and on the adoption of rigorous data collection to the standard employed in the natural sciences. Where critical realism and positivism disagree is in the unobservable generative mechanisms engaged in the production of observable phenomena. Brannick & Coughlan (2007) further

elaborate the integral role of human cognition in the generation of social reality from a subjectivist ontology. Drawing upon the work of Johnson and Duberley (2000), they argued that critical realism is in fact more closely related to hermeneutics than positivist paradigms. As this chapter will proceed to explore, the epistemological and ontological assumptions underlying this research are inextricably and inevitably connected to choices by the researcher in relation to research procedures, methods of analysis, and the form of reflexivity entailed and involved in the research process (Brannick & Coughlan, 2007, p.62-63).

In relation to the current study, literature reviewed overwhelmingly implicates individual actors and agency, interacting together, as the social process through which accountability is constructed (eg. Bovens et al., 2014). Consequently, a methodology which facilitates study of the processes by which accountability impacts upon policing reform must be capable of capturing the richness and complexity of the interaction. In particular, this study is interested in the discovery of shared values, attitudes and meanings held by social actors. It is also concerned with uncovering evidence of any impact on policing and policing reform which may be attributed to external civilian oversight by those involved in its exercise. Informed by this and by Brannick & Coughlan’s (2007) succinct, comparative summary (Table 1), the epistemological and ontological underpinnings of this study favour a critical realist model as an appropriate paradigm for fieldwork.

Table 1: Research paradigms (Brannick & Coughlan, 2007, p.63)

Philosophical foundations	Positivism	Hermeneutic & post-modernism	Critical realism & action research
Ontology	Objectivist	Subjectivist	Objectivist
Epistemology	Objectivist	Subjectivist	Subjectivist
Theory	Generalisable	Particular	Particular
Reflexivity	Methodological	Hyper	Epistemic
Role of researcher	Distanced from data	Close to data	Close to data

### 3.3 Research design

This is an exploratory study using mixed methods. The use of a mixed methodology is a robust research design which offers the prospect of richer data and potentially more reliable results (Bryman, 2008). In the first instance, this included a desk-based review and interviews

with elite actors engaged in negotiations to develop an understanding of the situational context (Punch, 1986). The second stage involved fieldwork for a case study of the three agencies at the centre of accountability and external civilian oversight of policing reform in Northern Ireland. Using Q method, semi-structured interviews and observational field notes data was collected from the commencement of the study in autumn 2014 to completion in January 2018. However, an important temporal dimension to this was that the Northern Ireland Policing Board (NIPB) was due to be constituted in May 2016, following the elections to the Northern Ireland Assembly. This would change the makeup of the NIPB and within the following 12 months, the chair and vice-chair of the NIPB would also be re-elected. Therefore, there was an imperative to undertake data collection following Ethical Approval as quickly as possible. Most fieldwork was conducted between September 2015 and June 2016, although observational fieldwork continued in the background beyond this whilst preliminary data analysis commenced.

Since this research procedure entails mixed methods, triangulation is used to help clarify and cross-check findings (Bryman, 2008, p. 275). In this study, available documentation (surveys; minutes; reports; records of proceedings) will provide valuable corroboration for the responses of participants in the Q sort and semi-structured interview. Furthermore, observational research was undertaken both formally and informally throughout the duration of this study. Formal observational research included monthly public meetings of the Policing Board between September 2015- September 2016 and select court proceedings throughout the whole study. This was augmented with informal observational research and in-situ research meetings which extended beyond September 2016 and participation in events, workshops and conferences. Access to official documentation, including previously unpublished documentation, will also be used in triangulation. Informed by the theoretical framework, Levels of Analysis (LoA) are employed to explore accountability at the level of: i) individual; ii) group; iii) institutional; and iv) inter-agency responses. Agency affiliation / job status, as well as gender, religion, nationality and socio-economic background may also be incorporated into these Levels of Analysis to help with interpretation of observations and findings. Furthermore, as stated previously, to contextualise the interpretation of findings at these Levels of Analysis, a chronology of significant milestones or episodes in policing accountability Northern Ireland during this study has been compiled (Appendix 1).



### **3.4 Contextual interviews with elite actors.**

As outlined previously in this study, institutional design and operational delivery of policing accountability emerged and was influenced by ongoing political negotiations. Therefore, as a component part of the preliminary data collection and fieldwork for this study, semi-structured interviews were arranged with a purposive sample of elite stakeholders (n=9). All of those interviewed played a significant part in the process of negotiations which led to the inception and continued to shadow the operation of the new beginning to policing in Northern Ireland. Although a small sample of interviewees (see Table 2) those who agreed to be interviewed encompassed a wide cross-section of actors who participated in negotiations from the British and Irish governments to the political parties in Northern Ireland.

Other PhD studies, including sensitive research (McKeown, 1998) and research of a personal, intimate nature has revealed the utility of in-depth interviews with a purposive sample of 'super-informants' (Reilly, 1997). Semi-structured interviews have also been effectively employed with elite interviews in political office (Gormley-Heenan, 2008; Spencer, 2014). Taking account of these studies, the extensive literature on interviewing elites (eg. Dexter, 2006) and review of literature on policing accountability, an interview schedule was devised in conjunction with supervisors (see Appendix 2). The focus of this was to learn from the viewpoint of the elite interviewees, the dynamics of negotiations on policing reform and how accountability came to be handled during talks.

With the consent of participants, interviews were recorded digitally. All but two interviewees consented to this procedure. Two interviewees declined digital recording but consented to notes being taken during the interview, with the standard condition attaching to all interviews carried out that the participants would remain anonymous in this study. Upon completion, interviews were securely stored and later transcribed using Dragon Naturally Speaking software (v.13) for the purpose of general inductive analysis (Thomas, 2006). In common with other interviews elite stakeholders involved in peace negotiations in Ireland (eg: Gormley-Heenan, 2008; Spencer, 2013), emergent findings from interviews were cross-checked with available literature, including biographical accounts (eg. Powell, 2008), legislation, publications, news reports and grey literature, including the researcher's own archive of papers and correspondence regarding negotiations on policing reform. This phase

of fieldwork helps portray the socio-political and legal context which informed the design and impinged upon delivery of accountability.

### **3.5 Q methodology.**

Drawing upon literature already reviewed, this study accepts the epistemological position that the researcher is an active agent and influence in this study. However, this study seeks to employ a methodology which gives primacy to the voice of the participants. In exploring and choosing an appropriate method, that is paramount. One method effective at facilitating this and which is compatible with the critical realist orientation of this study is Q method.

The Q method has been found to be highly robust methodology (Van Exen & de Graf, 2005; O'Connor, 2013) which enables subjective views and perception to undergo systematic analysis, whilst controlling for researcher bias (Shinebourne, 2009; Simons, 2013). "Q's purpose is to reveal subjective structures, attitudes and perspectives from the standpoint of the person or persons being observed" (Brown, 1996, p.565). Unusually for methods which are compatible within a critical realist or an interpretivist paradigm, Q method entails numerical data and statistical analysis whereby participants self-classify (Woods, 2011). Intra-individual similarities and differences can be explored compared within and between organisations using the data collected during the Q sort is subject to factor analysis. What has been referred to as the 'qualiquantological' character of Q method reflects the fact that it is a hybrid of qualitative and quantitative methods (Simons, 2013; Davoren, Cronin, Perry & O'Connor, 2016). Moreover, the collection of responses through the use of the Q sort may be supplemented and augmented by semi-structured interview with participants (O'Connor, 2013). In this respect, the method has been successfully employed in a diverse range of studies, particularly with a public policy implication. For instance, the method has been employed to examine leadership in education, (Woods, 2011), nursing (Simons, 2013) and business (McKevitt & Davies, 2015). Importantly, this method has been employed in research into sensitive subjects (O'Connor, 2013). Significantly for the purpose of this study, it has also been employed successfully to research attitudes towards accountability in food health (Kraak, Swinburn, Lawrence & Harrison, 2014). Furthermore, Q methodology has previously been employed to explore the subjective perceptions of police officers towards gangs in Central America (Ratcliffe, Strang & Taylor, 2014).

Its utility and advantage to the current study as a method is that the Q methodology is a means of “capturing, comparing and contrasting individual perspectives on a specific question” (Woods, 2011, p.318). Van Exel & de Graaf (2005) maintain that it is this facility for Q methodology to record the operant expression of subjectivity which enables systematic analysis. In mobilising this operant response, it is posited (Cross, 2005) that this variability in subjective response has a protective quality against response bias. In this study, Q methodology has the added, potential value of orienting the participant(s) towards the Q sort, rather than towards the researcher. In this way, it is argued that this may permit a more humanistic, less directive approach, empowering the participant.

That is not to obscure the researcher’s role in Q methodology. In fact, statements (Q sort) are derived from the literature based on an intimate knowledge of the literature and subject area by the researcher (Simons, 2013). Statements may also be derived from publications, news reports and initial scoping interviews or preliminary observations in the field (O’Connor, 2013). Statements might also be sourced from academic literature and journals (Kraak et al, 2014). In Q methodology, this is described as the concourse (Van Exel & de Graaf, 2005) from which the Q sample may be generated. This Q sample (or Q set) is intended to reflect or represent the breadth of opinion about the subject of interest. Simons (2013) highlights variability in the volume of statements chosen for a Q sample from as few as 18 to as many as 140 (Simons, 2013, p.29). Van Exel & De Graaf (2005) suggest that a Q sample may have slightly more or less than 40-50 statements. However, the final number and content is the responsibility of the researcher to determine according to what is known from the concourse and prior research about the subject. As Kraak et al (2014, p.209) explain, once a Q study has defined the research question and generated a Q sample from the concourse, the next step is recruitment of participants. Selection of participants is very important since it hinges upon the role and position of the participant in relation to the subject under investigation. That is why recruitment of participants for Q methodology is by purposive.

### **3.6 Research Sample (P set).**

Consistent with previous research employing Q methodology, purposive sampling was employed to recruit participants. The total sample for Q method interviews (n=62) was comprised of elite interviewees from each of the 3 specified agencies. An attempt was made to recruit numbers of participants from each of the agencies which would be broadly comparable (NIPB=23; PONI=15; PSNI=24). Whilst there was no aspiration towards a

sample of participants which would be statistically representative of the composition of each of the agencies, the recruitment of the sample reflects significant efforts to ensure a cross-section of those who have been engaged in discharge of policing accountability since the inception of the Office of the Police Ombudsman for Northern Ireland and the Northern Ireland Policing Board 15 years ago (see Table 2). When the overall statistical profile is segmented into the demographics for participants according to the agency to which they belong(ed) it is apparent that the sampling method has been successful in generating a cross-section of opinion which is broadly reflective of the demography of each of the specified agencies and to a degree, of society as a whole.

Table 2 – research sample (n=71)

Agency	Total (n)	Current	Former	Male	Female	Cath.	Prot.	Unknown
NIPB	23	18	5	12	11	13	9	1
PONI	15	11	4	10	5	7	3	5
PSNI	24	17	7	16	8	6	16	2
Elite Actors	9	-	-	-	-	-	-	-
Total	n=71	45	16	38	24	26	28	8

As applications to University Ethics for this study reflect, all of those eligible for interview were required to have previously exercised or be currently exercising senior responsibilities in the discharge of external civilian oversight and interaction between the Police Ombudsman, Policing Board and the Police Service of Northern Ireland. Recruitment of interviewees was primarily through the established liaison arranged by the researcher as part of the access strategy within each of the specified agencies. On occasion, where interviewees were already known to the researcher or where the prospective interviewee had already retired from the specific agency, the researcher made direct contact through available channels. Only one prospective participant declined to be interviewed, instead referring the researcher to his written remarks. One other prospective participant agreed to be interviewed but despite repeated attempts and because of competing responsibilities, it became impossible to obtain this interview within the timeframe for fieldwork. All participating interviewees were asked to complete a preliminary questionnaire on general biographic information to

facilitate descriptive statistics of the P set as a whole (see Appendix 3). In accordance with Ethical Approval from the University, each participant received information about the study and consented for their Q sort and semi-structured interview to be recorded for the purposes of analysis in this study (see Appendix 4.). This also reflects the effortful task of purposive sampling in trying to ensure that there is a cross-section of opinion from participants of seniority, both serving and former, from within each of the 3 specified agencies. To reduce inhibitions arising from concern for career prospects, professional reputation or personal distress, all participants were afforded complete anonymity in this study.

### **3.7 The Q set and Q sort.**

For this study, and consistent with available research on Q methodology a Q set of 59 statements (see Appendix 5) was derived from the discourse on the subject of policing accountability and external civilian oversight in Northern Ireland. These were printed onto card, numbered randomly and laminated before use. At the start of each interview, a brief introduction of the procedure for the Q sort was provided and the participant was invited to sort the Q set of statements. Amidst the Q set were several statements which were deliberately counter-poised on the same theme in order to increase the reliability of the findings. For instance, statement 20 ('After 15 years of external oversight there is now irrefutable evidence that it has driven policing reform') is counterpoised with statement 26 ('there is no evidence that external oversight has had any impact on policing reform or improvements in the PSNI'). In addition, reflecting the breadth of discourse (and opinion) on the subject of policing reform, terms such as 'Northern Ireland' and 'north of Ireland' are used interchangeably.

For the purposes of this study, again informed by the available research on Q methodology, a sample sheet was designed to record interviewees responses (see Appendix 6). The quasi normal distribution used for recording participants' responses in the Q sort is flatter, in keeping with previous research (Van Exel & de Graaf, 2005) permitting a range of possible responses for choice by the participants. This is premised on the potential variability and strength of participants' responses expected by the researcher. In this study, the sorting pattern which participants were asked to follow ranged from very strongly agree (+4) to very strongly disagree (-4) similar to Kraak et. al. (2014). A prospective interview schedule

derived from the literature was agreed with research supervisors (see Appendix 7). Alongside the sample sheet on which interviewee responses to the Q sort were input, a digital recording device was used to record verbal responses for transcription. Each interview lasted between 90 minutes to 2 hours, including semi-structured interview about the interviewee's Q sort.

After Q sort interviews, data was securely stored and transcription was undertaken with the use of Dragon Naturally Speaking (v.12) software into MS Word for subsequent inductive analysis (Thomas, 2006). Quantitative analysis of the Q sort by coding and inputting data for analysis using PQMethod statistical software (v.2.33, December 2012) for analysis of data gathered through Q methodology (Schmolk, 2012). Participants' responses were analysed and interpreted based on the correlation matrix output and emergent analysis of factor loadings. Emergent quantitative data analysis guided the general inductive analysis of semi-structured interview transcripts. This primary data was supplemented by formal and informal observational research. In the case of formal observational research, digital or written recording was made in real-time, usually *in situ*. Online broadcast of NIPB public meetings facilitated occasional remote observational analysis and video recording. Informal observational analysis usually permitted brief contemporaneous written notes, and more detailed post-observation voice memos. News reports; publications; correspondence; minutes; court records; statistical surveys and grey literature including reports (by HMIC; CJI or others) produced about (any of) the 3 agencies, were also reviewed manually to ensure cross-checking of key emergent findings.

### **3.8 Research access.**

Brannick & Coughlan (2007, p.68) highlight the precarious nature of negotiating access during research, especially inside organisations: "There may be a significant gap between the aspiration toward purity of research and the reality. How access is realized may depend on the type of research being undertaken and the way information is disseminated" (Brannick & Coughlan, 2007, p.68). This is consistent with the view of others that research access once secured, involves a process of continual negotiation during a study (Punch, 1986). Research into policing in Northern Ireland underlines that trust is a critical ingredient in securing access and once gained, requires continuous reinforcement (Brewer, 1990, p.584). Overcoming the suspicion inherent in all policing organisations of those from outside

depends upon the personality and skills of the researcher to allay suspicion (Brewer, 1990, p. 585). Brewer highlights “tenacity, toughness and single-mindedness” as important qualities alongside “a certain balance and pragmatism” (Brewer, 1990, p.591). Nevertheless, in societies experiencing or emerging from conflict, access is often regulated by and dependent upon the co-operation of gatekeepers.

Gatekeepers may (unwittingly) have an influence upon research through the selection and approval of interviewees (Knox, 2001). This may especially be the case where organisational access is sought. Yet cognisance must also be taken of the professional, and possibly personal costs to the gatekeeper in levering co-operation for the researcher within the organisation. In policing research in Northern Ireland, other researchers have highlighted difficulties in securing and sustaining access. Murphy (2008) highlights the hiatus in research activity which arose from the change in gatekeeper within the police. Topping (2009) was declined research access to the Northern Ireland Policing Board (NIPB). Access was eventually gained to the Police Service of Northern Ireland (PSNI) but noted that the prevalence of multiple requests for research access to the PSNI heightened the risk of research fatigue and reduced co-operation (Topping, 2009). The potential instabilities and inconsistencies in the relationship between the researcher and the gatekeeper can have far-reaching implications for the success of any research study (Sanghera & Thapar-Bjorkert, 2008). However, formal gatekeepers within an organisation may not unlock access to all avenues of research. It has been argued within policing research that once the first gate is opened through approval from senior police officers, the second gate is consent of individual members of the police service. (Fox & Lundman, 1974 cited by Brewer 1990).

The challenges highlighted by previous research and literature on research access and the role of gatekeepers are especially germane to this study. Access to three agencies involved in policing was sought simultaneously, conceivably multiplying the difficulties in gaining access. Moreover, this required three times the effort in sustaining research access once initially granted. On the other hand, the advantage may also be to the researcher that once agencies knew others were co-operating, they would be more willing to do likewise. Furthermore, the researcher sought access by going to the very top of each of the agencies to request access and co-operation. In the first instance scoping meetings were sought and obtained with the PSNI Chief Constable. Police Ombudsman for Northern Ireland and the Chief Executive of the Northern Ireland Policing Board. This was followed up by an exchange of correspondence (see Appendix 8 ), formal approval from each of the agencies

and appointment of a designated Single Point of Contact (SPoC) for the duration of the research study. An additional safeguard was in-built to the request for research access that a meeting would be convened with the chair of the University panel supervising the study, the researcher and the SPoCs for all three agencies together. This meeting was held in the course of the fieldwork at the University campus to provide a level of quality assurance on the research and to help facilitate the resolution of any issues concerning research access. At a later stage during fieldwork, research access to NIPB stalled. This followed departure from NIPB of two officials who had helped the researcher in the early stages (including the Chief Executive and the SPoC). Fortuitously, the access granted by NIPB had been arranged not only by the Chief Executive but also approved by the NIPB Performance Committee and full meeting of the NIPB. Following a further meeting with NIPB, involving the researcher and the University's chief investigator for the study (lead supervisor), access was reinstated.

The strategy for gaining and maintaining research access was so successful that an amendment to original application for Ethical Approval was sought and obtained (April 2016). This facilitated an increase in the number of interviews to be undertaken (to a maximum sample of 80). For the most part, access to documentation was also unfettered, within the constraints of the statutory responsibilities of the agencies.

### **3.9 The ethics of fieldwork.**

The challenge for the researcher is how to remain detached and involved at the same time in the conduct of social scientific research. From the very outset, the motivation for this research has been grounded in and informed by the researcher's experience of the topic under investigation: policing accountability. Having previously provided advice at the highest level of public and political affairs on the agenda for policing reform, the specified agencies and some of the prospective participants in this study were already known to the researcher, and vice-versa. This presented an interesting dilemma for the researcher: how to distinguish his former role in the field from his current role in this academic study.

Introducing Adler & Alder's (1987) exploration of membership roles in qualitative fieldwork, Peter Manning and his colleagues warn: "There must be an almost hauntingly personal, deeply felt, emergent, and highly particularistic character for social research to count as authentic fieldwork" (Adler & Alder, 1987, p.5).



Punch (1986) has described the messy business which research methods entail and warned that convention and normative expectations often mitigate against the description of this in presenting methodologies. “To a certain extent, the fieldworker is no different to the policeman” argues Punch (1986, p.8) insofar as the “situational ethics of fieldwork are almost insuperable”. This underpins a broad spectrum of social science premised upon an expansive corpus of literature heavily influenced by sociological fieldwork (eg: Becker, 1963; Denzin, 1970). This scholarship originated from what has been called the “Chicago School” of field research (Alder & Alder, 1987, p.11). Epistemologically, the “Chicago School” advocates an understanding of the social world of the participants in any study as the *verstehen*, encompassing the behaviours, attitudes, values and meaning assigned to their everyday affairs (Denzin, 1970). However, as with other social scientific inquiry, research paradigms involving insider/outsider roles may include: positivistic; hermeneutics; and action research (Brannick & Coughlan, 2007).

Research where insider-outsider dynamics are salient has been undertaken in a diverse range of social settings, *inter alia*, including education (Mercer, 2007 ); business (McKevitt & Davies, 2015); and action research (Herr & Anderson, 2014); A further development upon insider-outsider research which Bartunek & Louis (1996) refer to as I/O research involving collaboration between insider(s) and outsider(s) (Bartunek & Louis, 1996). Brown (1996 cited in Davies 2016) offers a typology of research in policing which is essentially a two-by-two model of insider-outsider roles (see Table 3).

Table 3: Brown (1996)

Researcher	Agency	
	Police	Civilian
Police	Insider-insider	Outsider-insider
Civilian	Insider-outsider	Outsider-outsider

Although Brown’s (1996) typology is a helpful heuristic to distinguish researcher and agency designation, it does not convey the differential value or impact attributable to outsider research about the police (Bayley, 2015). Moreover, the nuance and complexity implicit in insider-outsider roles of the research process is more than formal affiliations based on whether the researcher is a police officer or not.

It is argued that researcher roles range from: complete observer; observer-as-participant; participant-as-observer; and complete participant (Alder & Alder, 1987). As opposed to the adoption of roles which are static, it may be that the researcher's role is contingent upon the extent to which s/he becomes embedded with those at the centre of the research. Alder & Alder (1987, p.13) outline stages in the relationship between the researcher and those researched where the researcher's role moves from a marginal (provisional) to an involved (categorical) status. The connectedness between researcher and those at the centre of the research may fluctuate from distant to close during a study (Nielson & Repstad, 1993).

### 3.10 Insider - Outsider research

In his own reflections on fieldwork, Punch (1986) offers an alternative typology of insider-outsider roles in policing research (Table 4). Perhaps the greatest implication and the most subjective calculation for insider-outsider roles in research is the inter-personal boundary between researcher and those being researched.

Table 4: Insider-Outsider research roles: overt v covert (adapted from Punch, 1986).

Researcher	Agency	
	Insider	Outsider
Overt	Overt insider	Overt outsider
Covert	Covert insider	Covert outsider

Punch (1986) deliberately refers to fieldwork as 'infiltration', in order to convey the implicit moral and ethical dilemmas arising for the researcher. Whether it more closely mirrors the typology of Brown (1996) or Punch (1986), the ethical and moral dilemmas are myriad for those engaged in insider research. This is especially the case where a person is both researcher and employee within an organisation at the centre of their study (Adler & Alder, 1987). Using covert ethnographic methods to study the police organisation of which he was a member left Young (1991) outcast amongst his colleagues. Brewer (1990; 1994) has also detailed at length the methodological challenges of ethnographic fieldwork in policing in Northern Ireland. Brewer (1994, p.242) also offers guidelines for good practice fieldwork in policing research more broadly. However, Punch (1986) highlights the obligation upon the researcher to consider in advance of research the ramifications for other researchers of what is done in the field. Punch's exhortation is to be careful not to spoil the field for others.

Furthermore, the social and emotional involvement of the researcher in the research, including the nature of his relationship with the subject, field, and participants in the study may in itself yield significant data (Punch, 1986). Potential data of this kind risks being “suppressed as ‘non-scientific’ by the limitations of prevailing research methodologies” (Clarke, 1975, p.96, in Punch 1986). This is why consideration of the insider-outsider roles and attention to the social and emotional involvement of the researcher in the study with the field and participants becomes an important and ongoing facet of this methodology. In fact, Dwyer & Buckle (2009) posit that there is symbiotic interaction between the researcher and those being researched which is richer and far-reaching in qualitative methods:

“We carry these individuals with us as we work with transcripts. The words, representing experiences, are clear and lasting. We cannot retreat to a distant ‘researcher’ role. Just as our personhood affects the analysis, so, too, the analysis affects our personhood. Within this circle of impact is the space between” (Dwyer & Buckle, 2009, p.61).

At the level of individual interaction in the field between researcher and participant(s), unwittingly altering (perceived) relationships from one of professional rapport to mutual friendship may irreversibly change the research study itself. This is commonly referred to as ‘going native’, a term originally derived from anthropological research (Adler & Alder, 1987) although use of the term ‘native’ may be construed as having unsavoury colonial connotations. In PhD research carried out in Northern Ireland, others (Reilly, 1997; McKeown, 1998) have also argued that this concept of ‘going native’ is outdated and in any event, has limited explanatory value for the socialisation process in which the researcher is central for any social science research over a protracted or prolonged period (Reilly, 1997; McKeown, 1998). Yet the corollary to this may be especially germane to a PhD research study, where the socialisation of the researcher is over a three year cycle. Referring to the challenges and risks of fieldwork in policing research, the observations of Maurice Punch (1986) tend to support this concern:

“The investigator engages in a close relationship during a considerable period of time with those he or she observes. This is of vital significance, because the development of that relationship is subtly intertwined with both the outcome of the project and the nature of the data” (Punch, 1986, p.12).

The literature on insider-outsider research raises several vital challenges for the current study with implications for operationalizing this study and the commencement of fieldwork.

Firstly, given our overlapping membership of social circles in society we are all insiders to some extent of the social world which is the focus of inquiry. When it comes specifically to research on policing in a society where the researcher has grown up and still lives, this is a relevant consideration and will be addressed hereafter in terms of positionality. This will also be considered later in this chapter with specific reference to the researcher.

Secondly, the process of research may privilege the researcher with the intimacy of an insider while remaining an outsider. This brings with it the opportunity for research access but the responsibility to ensure boundaries.

Thirdly, the concept of hidden or covert research not only raises ethical imponderables: it is not reconcilable with the existing network of contacts and prospective interviewees whom the researcher may be able to approach. Borrowing from Punch's (1986) typology, the researcher in this study assumes the role of the overt quasi-insider. This is intended to reflect the reality that the fact the researcher is known and has pre-existing professional relations with some of those at the centre of the research. However, the insider role in this context does not mean, nor does it require, affiliation or membership of any of the agencies. At the same time, it was important to distinguish the previous basis for contact from the parameters for contact between researcher and participants in this study.

Fourthly, consistent with methodological role and personal values of the researcher in this study, an open and transparent approach to this study which is humanistic governed contact with participants. Fully disclosing the nature and scope of the research and exhibiting care and attention to the needs of participants who agree to be interviewed was essential.

Finally, if the context for research is a fundamental part of correctly construing and configuring insider-outsider roles, then it is crucial to consider the conflict in Northern Ireland as a methodological challenge. The highly situational quality of policing research (Brewer, 1990, p.592) is inevitably modified by the fact that the violent conflict in Northern Ireland is finally past. Yet, many issues related to the conflict remain unresolved. These include statutory obligations which rest upon each of the agencies at the centre of this study (PSNI, PONI, NIPB). The implication of this for the current study is that a judicious approach was required to the form and nature of observational methods employed in order to

capture as much as possible of the interaction and operation of accountability without impeding or impinging upon the discharge of statutory duties or compromise the study. Undertaking this study as an overt quasi-insider and being aware of the situational ethics involved on-going effort by the researcher. One process which facilitated this was reflexivity.

### **3.11 Reflexivity.**

Sensitivity to the cultural, social and political context in which a study is undertaken along with self-awareness of the values, bias and prior experience of the researcher is referred to in social science as reflexivity (Bryman, 2008, p.500). As already outlined, the subject of policing is one which is politically and emotionally evocative for many people in Northern Ireland. Experiences of policing vary widely. The scale and speed of the reform process over the last 17 years means that many of those still involved in the field of policing are people whose experience predates the peace process. Growing up and living in Northern Ireland, policing is an experiential as well as an intellectual component in the life of the researcher. This extends to family members and the fact that relations between the community within which the researcher lives and the police have been fraught for many decades. For these reasons, reflexivity in research assumes great importance in this study.

Realising and responding to the role of the researcher as an active agent in the study (Punch, 1986, p.8) also helps to shape choice and use of research methods which are appropriate and rigorous. Reflexivity in research may take two forms: i) epistemic reflexivity; and ii) methodological reflexivity (Brannick & Coughlan, 2007). Reflexivity, informed by literature already discussed, has informed the choice of methods in this study. In particular, the choice of Q method is a calculated attempt to mitigate the potential for the researcher (through professional relations prior to commencing this study) to elicit a response bias among prospective participants during interviews and fieldwork for this study.

If the context for research is a fundamental part of correctly construing and configuring insider-outsider roles, then it is crucial to consider the conflict in Northern Ireland as a methodological challenge. As Brewer (1990) outlines, policing in Northern Ireland is “an emotive topic in a sensitive environment and this sensitivity has implications for research” (Brewer, 1990, p.578). Sensitivity in fieldwork is not only what the researcher considers to be sensitive but also what the participants, the agencies within which they work and the

community at large consider to be sensitive (Feenan, 2002). This made reflexivity essential to this study.

One example of this emerged during a scoping meeting in the early stages of this study. Discussing the researcher's move into academia and departure from a previous role in public affairs and politics, one participant expressed scepticism about how the three agencies would regard the researcher's change of career: "Do you think they believe you?" (researcher fieldnotes, 5<sup>th</sup> December 2014). This underlined to the researcher the need for participants to believe in the independence and trustworthiness of the researcher. Conceivably, this question could legitimately be asked of any researcher: how can you be certain that those to be the subject of the research have confidence and trust in the person conducting the research? The corollary to this is even more profound: if the researcher commands little or no trust, how can the participants be expected to respond accurately and honestly? More fundamentally, if trust and confidence in the researcher is in doubt, how can access for the research study be successfully secured and sustained?

Consistent with the researcher role informed by Punch (1986) of an overt quasi-insider, the disposition of the researcher has been to favour maximum transparency in on-going liaison with each of the agencies and interviewees. This is reflected in a remark made by a participant. Expressing satisfaction with the openness of the researcher on the background to the study and the procedures to be employed, the participant said: "Usually we're treated like mushrooms about research like this: kept in the dark". Another elite stakeholder in policing accountability met by the researcher during scoping meetings for this study said: "You're a little more mature than I had been expecting for a PhD student". This remark reveals how the appearance and assumed age of the researcher suggests the salience of underlying interpersonal dynamics in fieldwork which have nothing to do directly with the research study itself. These examples are shared from the reflexive journal kept by the researcher during this study to support the concept of fieldwork as dialogic. More importantly, they hint at the embedded norms of fieldwork interaction, including assumptions underlying researcher-participant interactions and power-relations. Again this became part of the on-going reflexivity of the researcher. In the analytical stage of the research study, this reflexivity remains an important safeguard without imperilling hermeneutics. One technique employed by the researcher is 'bracketing' (Tufford & Newman, 2010; Figure 2).

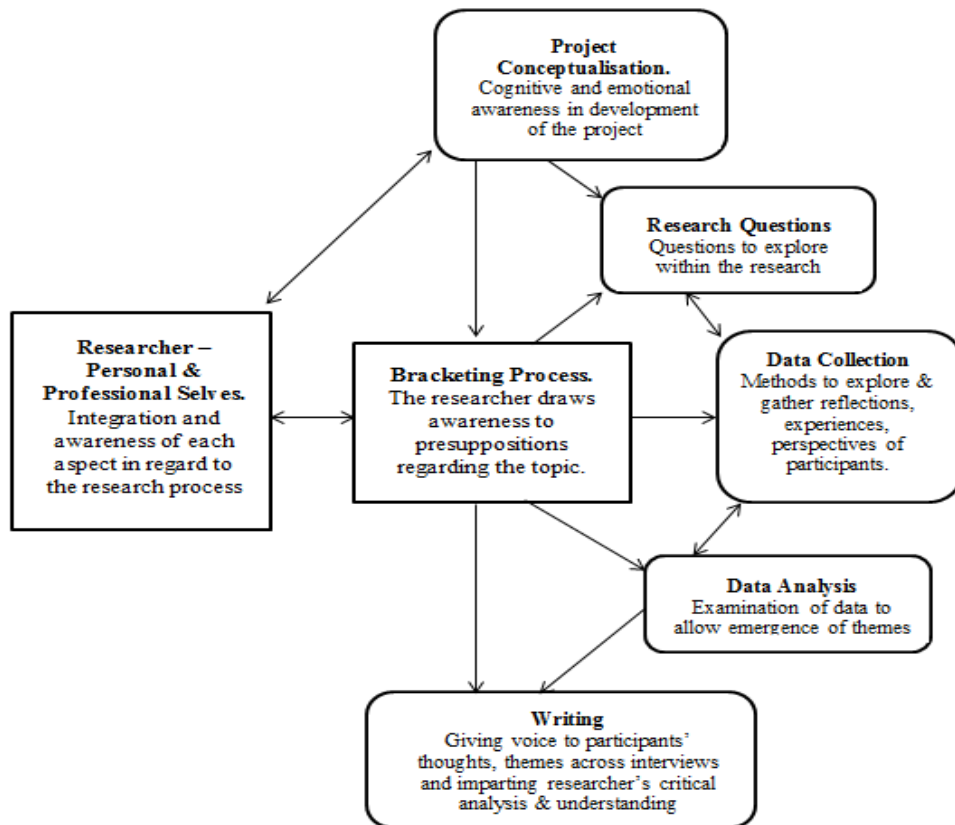


Figure 2. Bracketing (adapted from Tufford & Newman, 2010, p.88)

### 3.12 Bracketing, positionality & focussing.

Originating from with phenomenological research paradigm, the researcher is required to “engage in the self-reflective process of ‘bracketing’”, whereby they recognize and set aside (but do not abandon) their a priori knowledge and assumptions, with the analytic goal of attending to the participants’ accounts with an open mind” (Stark, & Trinidad, 2007, p.1376).

Emotions and cognitions, values, biases and pre-conceptions about the research subject may all be explored through bracketing which can entail compiling research memos; debriefing with an independent external to the research study; and journaling (Tufford & Newman, 2010). For reasons of sensitivity and efficiency, and the ethics of maintaining confidentiality, journaling is the method of bracketing preferred in this research study. Bracketing helps “to mitigate the potential deleterious effects of unacknowledged preconceptions related to the research and thereby to increase the rigor of the project” (Tufford & Newman, 2010, p.81).

This has the added safeguard for the researcher of off-setting adverse effects from interaction

with a topic which can cause emotional distress. In the case of this researcher, two formative experiences of policing from around childhood occurred in or about the same time. These examples were shared and discussed during an academic paper presented by the researcher on emergent findings from this study (Kearney, 2016, October 8).

At the age of 10, the researcher and his parents and family circle joined other families and people from within the wider community of south-west Antrim, where the researcher grew up. The purpose of the public gathering was to walk into the centre of Toome village, on the edge of the River Bann in county Antrim to meet with people from South Derry. The meeting was to hear public speakers and say prayers for republican prisoners on the 1981 hunger strike in Long Kesh. On the way into Toome village, the walkers found the road ahead blocked off by heavily armed RUC. A convoy of other RUC landrovers then followed up behind the walkers to cut off their retreat. The RUC officers in the landrovers opened fire indiscriminately with plastic bullets on the peaceful crowd, including the researcher and his family, by that stage scrambling into the adjacent chapel grounds. Several people were injured and some were arrested. One evening, a year or two later, after attending the cinema in Magherafelt in south Derry with his parents, the researcher began coughing blood. The condition was discovered to be linked to surgery a fortnight earlier. Accompanied by his parents, he was rushed to hospital in Ballymena. The most direct route to the hospital required access to Magherafelt town centre, at that time sealed off overnight with security barriers because of the ongoing conflict. Driving up late at night in an unknown car to the security barriers policed by the RUC officers on high alert was a concern for the researcher's parents. However, the RUC agreed to open the security barrier to permit the car through and provided some tissue paper for the bleeding still being experienced by the researcher. These contrasting experiences of the political and the personal exemplify this researcher's experience of the RUC was never black and white but multi-layered and complex. This also reflects something of the situational context in which most participants in this study grew up.

From the standpoint of feminist scholarship, personal influences inevitably interact with the process of research and the researcher's experience of it. This is called positionality. Positionality is not limited to formal or professional roles but also entails significant lived experience. Recognition and attention to the positionality of the researcher in conjunction to the research subject is a vital element in the conduct of fieldwork and equally, in the interpretation of data and findings. Fieldwork is politicised and dialogic in nature, constantly being inhibited or enabled by the interactions between the researcher and participant(s) and



underpinned by implicit power relations which are omnipresent. This is what makes reflexivity an important and ongoing activity in this study. As England (1994, p.83) states:

“reflexivity is critical to the conduct of fieldwork: it induces self-discovery and can lead to insights and new hypotheses about the research questions. A more reflexive and flexible approach to fieldwork allows the researcher to be more open to any challenges to their theoretical position that fieldwork almost inevitably raises.. (and) must require careful consideration of the consequences of the interactions with those being investigated.”

Reflexivity also helped guide the conduct of fieldwork and facilitate the identification of additional or supplementary questions which begin surface in what Schutt (2006) called ‘progressive focussing’. These practices were mutually beneficial but also revealed something of the hidden power relations of the research process. For instance, whilst conducting fieldwork in the PSNI, the term ‘overview’ was used often. As subsequent chapters on findings will discuss in more detail, ‘overview’ was an actual computer system, not merely a description of the oversight process. When further enquiries were made about interaction between the agencies through ‘overview’, this prompted internal discussion within the agencies about the research questions being sought. This was brought to the attention of the researcher during the course of fieldwork and merely served to underscore the active, dynamic effect of the researcher in the field. That is not to say that the fieldwork was measurably curtailed or controlled. However, it is naïve to think that a research question can be asked about an organisation / agency without any questions being asked within an organisation/agency about the research question(s). In this study, familiarisation with terminology used within and between the agencies was further aided, through cross-checking between agencies key issues. While this will be discussed further in later chapters, the example of ‘overview’ underlines the iterative, interactive effect of reflexivity and focussing.

### **3.13 Limitations & conclusions.**

The limitations of this methodology will be discussed in greater detail in the final chapters of this study, once results have been presented, analysed and interpreted. However, it should be noted that some researchers contend that mixed methods research are predicated on a false premise. Smith (1983, p.12-13) argues that quantitative and qualitative research methods

cannot be matched because they constitute irreconcilable views about the social world (cited in Bryman, 2008, p.453). Another limitation may be the non-randomised nature of purposive sampling in this study. Yet, both of these arguments are counteracted by Q method, which is the primary method in this study as already discussed. Perhaps, it is sufficient to acknowledge that the breadth and scale of this study, involving three separate agencies and 71 participants makes the collection, coding, analysis and interpretation of data a significant challenge. This is underscored by the time constraints which challenged this study. The sample of this study is, for the most part, comprised of people who are actively engaged in policing or policing oversight. With professional duties, each participant also had significant constraints on time. Moreover, fieldwork involving mixed methods demanded more time and energy from the researcher. This is the first time that Q method has been employed by the researcher and the first time it has been used as a research method to study accountability and external civilian oversight. Nevertheless, for reasons outlined herein, it is concluded Q method is methodologically robust and epistemologically appropriate to this study design of a sensitive research topic.

## **Chapter 4. Conceptualising Policing Accountability as an Ecological System**

### **4.1 Introduction**

As stated elsewhere, the triumvirate of agencies at the centre of policing accountability have never previously been the subject of empirical research. That invites some significant conceptual and theoretical challenges which this chapter will explore. Ultimately, this chapter will seek to provide a unifying conceptual framework to the subject under study.

Accountability and external civilian oversight is understood in this study as a complex, conjunctural and dynamic system. An ecological systems perspective (Bronfenbrenner, 1979; 1992; 1999; 2009) is viewed in this study as a paradigm which may facilitate research into the co-varying, co-existing and often contradictory factors active at different levels within accountability and external civilian oversight in Northern Ireland. On this premise, the exploratory conceptual framework proposed by this study is one of triadic accountability, comprising three distinct strands (situational (s); relational (r); & transformational (t)). This builds upon previous research to provide an integrative approach which accommodates an interdisciplinary and multi-level analysis of accountability in context. The chapter begins with a summary of the central tenets of Bronfenbrenner's model, its application and some of its limitations. The chapter explores key definitional issues arising from the study of accountability, and in particular, external civilian oversight. Looking beyond the field of psychology from which Bronfenbrenner's work emerges, the study considers cognate research from other disciplines pertinent to this study which adds further value to the developing conceptual framework. Finally, an ecological systems approach to the study of policing accountability in Northern Ireland is proposed, adapting and applying Bronfenbrenner's ecological systems model (1979; 1992; 1999; 2009) to this study.

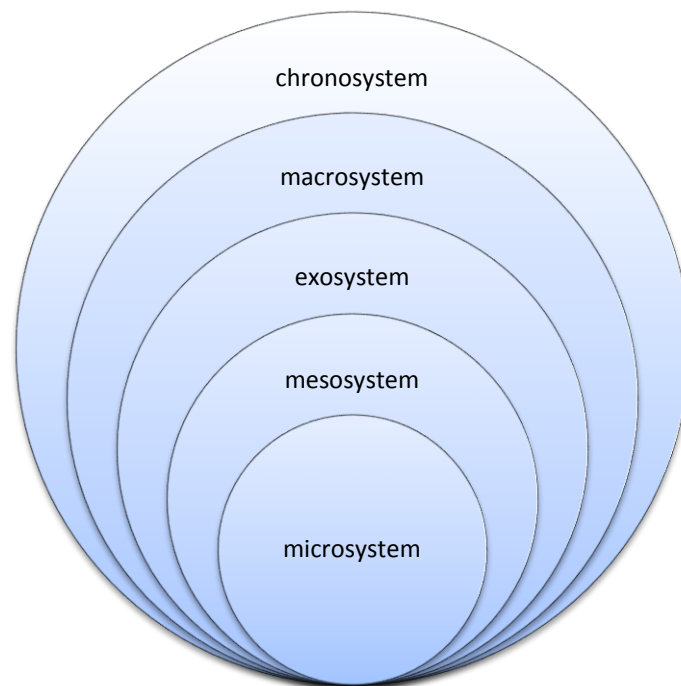
### **4.2 Ecological systems theory (EST).**

Ecological systems theory (EST) has itself evolved over forty years of scholarship (Bronfenbrenner, 1979; 1992; 1999; 2009). The central tenets of this theory originate from the research of Bronfenbrenner's own tutor psychologist Kurt Lewin. Lewin's most influential proposition was that human behaviour was a function of the interaction of the person and environment (Lewin, 1935). Building on this, EST asserts that human

“development is a function of forces emanating from multiple settings and from the relations between these settings” (Bronfenbrenner 1999, p.15). In this model, Bronfenbrenner highlights two distinct propositions: i) proximal processes; and ii) dynamic influences. Proximal processes are seen as processes of enduring, complex and reciprocal interactions between a person and other people and objects or entities in the person’s environment. Dynamic influences relate to the form, power, content and direction of this proximal process originate from changes in the characteristics of the person, the immediate and wider environment, and the socio-historical context in which the interaction occurs (Bronfenbrenner, 1999, p. 5). Taking Lewin’s (1935) original concepts of behaviour, person and environment, ecological systems theory recasts these as PPCT, meaning “person-process-context-time” (PPCT). This field-orientation views human development as mediated by the interaction of person - process — context –time. Influence of the environment and individual agency are equally important from an ecological perspective (Lounsbury & Mitchell, 2008 p.215) In this way, “the characteristics of the person are both a producer and a product of development” (1999, p.5). Roles, norms and rules of the setting influence the interaction between person and environment and in this dynamic process, personal perceptions are salient in effecting and explaining individual behaviour (Lounsbury & Mitchell, 2008, p.215).

Reconceptualising his own theory, Bronfenbrenner refers to the levels of analysis within EST as: Microsystem; Mesosystem; Exosystem; Macrosystem; (Bronfenbrenner, 2009. See Figure 3). The Chronosystem was later added to this model by the theorist to reflect the importance of time which interacts with all levels of the system from the chronological development of the individual person to the socio-historical development of the macrosystem.

Figure 3. Bronfenbrenner's Ecological Systems Theory (EST).



In Bronfenbrenner's EST, these layers are nested together as: firstly the microsystem which involves daily and direct interaction between an individual with significant people or groupings in his/her life. Secondly, the mesosystem encompasses a set of interrelations, comprising relationships which exist between two or more microsystems. There are often cross-overs where relationships between work colleague or peer may also be a friend or partner). These linkages are the mesosystem (Bronfenbrenner, 1979, p.25). Bronfenbrenner cited "the growth of mutual trust, positive orientation, goal consensus between settings and evolving balance of power" (1979, p.214) as enhancing development in the setting of the mesosystem. Thirdly, the exosystem is where linkages and processes occur between two or more systems at least one of which does not include the person directly. Yet in the exosystem events may occur which may indirectly effect the immediate setting in which the person exists (Bronfenbrenner, 1999). "There exist direct and indirect links to power settings through which participants in the original setting can influence allocation of resources and the making of decisions that are responsive to the needs of the developing person and the efforts of those who act on his behalf" (Bronfenbrenner, 1979, p.256). Fourthly, the macrosystem refers to the prevailing cultural, economic and political environment. The shifting relationship of these layered or nested systems over time is reflected in the chronosystem which Bronfenbrenner added later to his theory. This chronosystem is included to correspond with life changes at the microsystem and socio-historical changes in the macrosystem.

One limitation of Bronfenbrenner's EST may be too much emphasis upon the features of the physical setting within which an interaction occurs between two people (Neal & Neal, 2013). A further limitation is that a nested configuration of the systems within the environment may not clearly articulate the potential differential effect on individuals interacting with one another: "...systems are not necessarily nested within one another ...it is individuals' patterns of social interactions with other another that determine how systems relate to one another ...each type of system to be precisely defined in terms of patterns of interaction" (Neal & Neal, 2013, p.6).

Yet the rigour and utility of Bronfenbrenner's framework is widely acknowledged. Owing to his renown as a child psychologist most citations of his theory relate to research into child development. In a search for Bronfenbrenner's 1979 ecological systems theory, Google Scholar (May, 2017) generated 32,500 hits. Perhaps unsurprisingly, this model has also been employed to research areas cognate to school-community partnerships (Leonard, 2011); college student culture (Renn & Arnold, 2003); and parenting (Belsky, 1984). Yet increasing recognition of the transferability of Bronfenbrenner's theory can be seen by the diversity and breadth of scholarship in which the ecological systems theory has been applied. This includes rebuilding a community in the aftermath of environmental disaster (Spokane, Mori & Martinez, 2013) and the study of accountability in education (Johnson, 2008). In policing research, EST has been employed to study police training (Litmanovitz, 2016), the dynamics of urban violence (Moncado, 2015) and the role of part-time police leaders in community policing (Minard, 2011). Of particular note is the contention that Bronfenbrenner's EST is particularly well placed to articulate and investigate learning within "complex adaptive systems" (Purse, 2017; Johnson, 2008). Johnson contends that: "complex systems, i.e., systems that fit Bronfenbrenner's field theoretical model, balance precariously between stasis and entropy, and are constantly evolving and developing around this critical state." (Johnson, 2008, p.5). Using EST to the study accountability in an educational setting, Johnson (2008) discounted a linear association between accountability and improvements in school performance. That finding has particular resonance for the current study. Yet the intrinsic or idiosyncratic features of policing accountability in Northern Ireland invite closer examination before concluding whether or not ecological systems theory provides a valid theoretical framework for this study.

### 4.3 External Civilian Oversight

Lack of scholarly consensus within research on policing accountability has led to many conceptual challenges. Most germane to this study is the definitional and conceptual debate among scholars about External Civilian Oversight (ECO). Prenzler expresses concern that “civilian oversight of police is characterised by frequent change and almost constant debate” (2011, p.286). This finding is supported by other research noting that: “As policing systems change, oversight, accountability, and control mechanisms need to change as well.” (Marenin & Caparini, 2004, p.19). Other Security Sector Reform (SSR) literature suggests that the evolution of policing oversight may be influenced by the objective or purpose which the oversight is intended to serve. In other words, the focus, function and effect of ECO may adapt or evolve according to changes in the environment and context within which it operates.

One definitional challenge is the duality of the term *model*. This is applied to theoretical or conceptual paradigms of policing accountability (Reiner, 1993; Hays, 2013; McDaniel, 2015) whilst *model* is also used to define and distinguish institutional and operational forms of oversight. Citing Luna & Walker’s (1997) study, Finn (2001, p.6) states that “There is no single model of (citizen oversight) and it is difficult to find two oversight agencies that are identical”. In offering a typology of four different civilian oversight mechanisms, Finn (2001) qualifies this by adding that most civilian oversight bodies are a hybrid of two or more of the four types distinguished. Furthermore, the oversight bodies included in Finn’s typology related to oversight bodies which investigated complaints of police misconduct or wrongdoing (Finn, 2001). Goldsmith (1991) posits a typology of six ‘models’ of civilian oversight. Borrowing from this, Clarke (2009) describes four types of civilian oversight bodies for policing in the United States of America: i) “civilian in-house”; ii) “civilian external supervisory”; iii) “civilian external investigatory”; iv) civilian auditor. Meanwhile, Kerstetter (1985) outlined 3 types of civilian oversight as: i) civilian review; ii) civilian input; and iii) civilian monitor. A review cited by the Police Assessment Resource Centre (PARC, 2005) on external police oversight bodies in the United States of America also lists 3 types: i) review and appellate; ii) investigative and quality assurance; iii) evaluative and performance-based. However, even here it is noted that all police oversight bodies in America “do not entirely fit into the three models described” (PARC, 2005, p.6). Prenzler (2011) identifies two primary models of external oversight: 1) a minimal review model (undertaking limited

responsibilities in relation to external audit and performance improvement recommendations on policies and procedures); and, 2) a ‘civilian control model’ (with investigative and intrusive powers with regard to police corruption, including covert surveillance and powers of compulsion) (Prenzler, 2011, p.284). Prenzler suggests that the ‘civilian control model’ is becoming more popular internationally (2011, p.285). Yet, on the global stage of policing accountability, there is significant variability in the remit, responsibilities and statutory powers of civilian oversight agencies (Porter & Prenzler, 2012, p.153). The concept of a ‘civilian control model’ is invoked most frequently to describe police complaints systems (Prenzler, 2004) where there is a clear separation between the police being investigated and the civilian(s) investigating the complaint. Yet, language of ‘civilian control’ to define and distinguish models of oversight remains problematic.

Savage (2013a) has suggested that ‘civilians’ may be more meaningful than ‘civilian control’ in explicating the value and effectiveness of civilian oversight. In Savage’s comparative analysis of police complaints systems, it is suggested that the aspect of policing oversight where ‘civilians’ may be most important is in the profile or makeup of civilian investigators (Savage, 2013a, p.889). Recent research by Harkin (2015) suggests that public-police engagement in Scotland can never truly be under the ‘civilian control’ because the release of information to any public forum or oversight body is controlled by the police. This question of ‘control’ remains at the crux of debate about policing accountability and extends to those in government who interact with civilian oversight bodies. Indeed, a Canadian study suggested that civilian oversight of policing in western societies is at “a critical juncture” (Porter & Prenzler, 2012, p.153). Ironically, it is these same western societies and which are to the fore in expounding the virtues of Security Sector Reform (SSR) incorporating civilian oversight (Edwards, 2004).

#### **4.4 The asymmetric ecology of policing accountability in Britain & Ireland**

Walsh (2016) suggests that all police complaints systems in Ireland and Britain conform to a similar model. However, the remit and rationale for policing oversight contrasts in different jurisdictions. These differences are all the more interesting because the history of policing across these islands which was premised on the ideas of Robert Peel. With devolution of policing and justice from Westminster in 2010, the asymmetry in policing accountability in Ireland and Britain has the potential to become ever more accentuated. As Gorringer & Rosie



(2010, p.71) outline: “Within post-devolution realpolitik Westminster may remain the supreme and sovereign body of the United Kingdom in a juristic sense but legitimacy in Scotland, Wales and Northern Ireland, or at least a considerable portion of it, rests with the devolved institutions.” What makes the asymmetry in accountability and policing oversight more significant and potentially challenging is the continuing interdependence of police services in Britain and Ireland. Operational deployments from one jurisdiction to another under mutual aid have already occurred, for example in policing of the G8 summit in Northern Ireland. Specialist technical and human resources were deployed by the PSNI to assist with the London Olympics in 2012.

More recently steps to tackle cyber-crime, international organised crime or counter violent extremism transcend jurisdictions. In the aftermath of the violent attacks on 11<sup>th</sup> September 2001 in America and bomb attacks in London on 7<sup>th</sup> July 2005, the security agendas of the United States and Britain have been increasingly intertwined and mutually interdependent. The doctrine of ‘intelligence-led policing’ has been a totem of this relationship (Baker & Phillipson, 2011). This has led to a strategic shift within the British security and intelligence complex, and one example of this may be creation of the National Crime Agency. As noted earlier, policing scholar Reiner (1992) foresaw increasing bifurcation of policing, with facets of policing operational at different tiers within the same environment. What Reiner (1992) did not foresee were the implications of bifurcated policing for collateral bifurcation of accountability. In an example previously mentioned, information disclosed by former US intelligence officer Edward Snowden and disseminated online suggests that the PSNI and several police services in Britain are partnered in an international project involving the exchange of bulk data collection by the US National Security Agency and British GCHQ which is anchored in Britain by the National Crime Agency (Gallagher, 2017, June 7). Disclosures like these from Edward Snowden prompted the ex-Chief Commissioner of the Metropolitan Police Sir Bernard Hogan Howe to caution that policing found itself in a “post-Snowden” era where “There is work to be done to restore the public’s trust that we are acting in their best interest” (Swaine, 2014, November 7). This signals that bifurcated policing poses new challenges to the effectiveness of accountability and oversight. It also underlines the constant evolution of the ecological system within which policing accountability operates.

Asymmetry in accountability in Britain and Ireland is also evident in covert policing. The activities of covert police units tasked attached to the Metropolitan police are the subject of a

special inquiry led by Sir Christopher Pitchford. The units have since been disbanded and the Metropolitan police have publicly offered an “unreserved apology” several women who were duped into having sexual relationships by undercover officers (Hutcheon, 2016, June 5).

When it emerged that the same units had been tasked with surveilling the family and supporters of murdered black teenager Stephen Lawrence, British Home Secretary at the time set up a judge-led inquiry under Sir Christopher Pitchford. While the Pitchford Inquiry is probing the activities of the disbanded police unit in England and Wales, reports of its activities in other jurisdictions are excluded. Therefore, while police officers retain powers across jurisdictions in Britain and Ireland, accountability does not automatically follow.

Even when the deployment of police officers in Northern Ireland from outside is ostensibly in the public interest and to preserve independence of the investigation, arrangements for accountability remain unclear. This includes a high profile and hugely resourced investigation into the role of a British agent in the IRA headed by Bedfordshire Chief Constable John Boutcher and SIO Metropolitan Police Commander Keith Surtees. The investigators have led to the arrest of a person reported by media to be a British agent code-named Stakeknife (McDonald and Cobain, 2018, January 30). Personnel who have served or are serving in the PSNI, RUC, British Navy, British Army, British Air Force or British Security Services are not eligible to apply. Operation Kenova has an Independent Steering Group (comprising of five senior police officers and one civilian expert) and a Victims Focus Group, and its website states that anyone dissatisfied with officers and staff in Operation Kenova may complain directly to the investigation team, the IPCC, PONI or Professional Standards Department in Bedfordshire Police Force ([www.opkenova.co.uk](http://www.opkenova.co.uk)). However, it is unclear what statutory oversight existing civilian oversight bodies in Northern Ireland (PONI or NIPB) have of the conduct of Operation Kenova, especially given the personnel profile. All of this emphasises the apparent mismatch between the portability and applicability of policing powers compared with policing oversight. It also shows dynamic ecology within which external civilian oversight operates. Away from specifics of such policing activities, the operational agility and resource sharing between police services in different jurisdictions in Britain and Ireland appears to far exceed the shared learning, personnel, practice or resources between those engaged in civilian oversight of policing. It is not the intention of this study to apportion responsibility for this differential but its implications for the agility and efficacy of civilian oversight is noteworthy.

Hindrances common to the effectiveness of all forms of policing oversight in Ireland and Britain are said to include: lack of independent personnel; continuing reliance on police investigation and police resources; lack of rigour in investigations; regulatory capture; police obstructionism; and shortage of resources (Walsh, 2016, p.52-55). While research carried out thus far compares police complaints systems between these jurisdictions (see for example Seneviratne, 2004; Porter & Prenzler, 2012; Savage, 2013a, 2013b), they do not examine the interaction between different forms of policing oversight within a single jurisdiction. The current study takes the position that the collaboration or interaction between agencies which occupy distinct but complementary roles is an important and apparently overlooked aspect of policing accountability. That mutually interdependent and collaborative approach to civilian oversight was the original vision articulated at the outset of the policing reform programme in Northern Ireland (ICP, 1999). This is one area where the current study may make a contribution to knowledge and existing scholarship on this subject of policing accountability.

In summary, policing accountability in Britain and Ireland is asymmetric and informed by the idiosyncratic features of the political ecology within which it is situated. This includes recent developments within the macro-political context, such as the devolution of powers from Westminster; trans-jurisdictional and international security policies and tactics; rapid innovations in policing technology and surveillance; and the impending departure of Britain from the European Union. As bifurcated policing (Reiner, 1992) continues apace, the unseen implications of this for collateral bifurcation of accountability invites further attention. While research underlines the importance of civilians and non-police personnel in shaping accountable policing, to construe or conceptualise accountability as though civilians are entirely autonomous or in control of such arrangements is misleadingly reductionist. The political ecology is in constant interaction with accountability and policing oversight.

#### **4.5 Independence in accountability**

A theme widely referenced in literature on policing in Ireland and Britain is the ‘British model of policing’ and therefore constitutes part of the macrosystem within which the subject of this study is analysed. As Reiner (1993) explains, this “British model of policing” is an orthodoxy or doctrine as much as an institutional design. A central tenet of this is the operational independence of the police (Reiner, 1993). Lister and Rowe (2015, p.369) contend that this has become something of a “sacred cow” in policing. Yet the concept of

'operational independence' remains opaque. The Patten Commission (1999) helpfully distinguished between operational independence, and operational responsibility, preferring the latter. It also warned against the invocation of the concept of "operational independence" by a "recalcitrant Chief Constable" (1999, p.33): "In a democratic society, all public officials must be fully accountable to the institutions of that society...and a chief of police cannot be an exception. No public official can be said to be 'independent'" (1999, p.32). However, the concept of independence is said to be inherent and immutable in policing accountability. European Commissioner for Human Rights, Thomas Hammarburg has insisted that an independent system for investigating police complaints is an indispensable prerequisite for the success of democratic accountable policing (Porter & Prenzler, 2012, p.153). This refrain underlined the paramount importance attached to independence as an arbiter of the effectiveness of the new complaints system in the north of Ireland (Hayes, 1997).

Specifically in relation to external civilian oversight Porter and Prenzler (2012) place independence at its epicentre: "External oversight traditionally aims to provide independence to investigations of police conduct in order to increase police accountability and public confidence in police." (2012, p.153). At the heart of this is a "paradox" for policing potentially more complex than the balance between external oversight and operational control correctly highlighted by Mawby & Wright (2005, p.2). If external civilian oversight requires independence to be effective in fostering public confidence in policing, the corollary is that it is in the interests of policing to safeguard and uphold the independence of civilian oversight. Instead, the ecological system within which accountability operates may harm independence.

In a landscape review by the National Audit Office (2015) of inspectorates and oversight bodies in the public sector, the relationship between those government departments which sponsored and funded inspectorates or oversight bodies was considered to be too close and compromised the independence and effectiveness of the oversight function (NAO, 2015). Lewis (2000, p.20) warned that both police and government have individually, and in tandem, acted to hinder the independence of accountability. Evidence of this has already been uncovered in the public controversy which engulfed the Office of the Police Ombudsman whereby it was found that the independence of the Police Ombudsman's Office has been compromised (CAJ, 2011; CJINI, 2011). In fact, amongst the key findings from a trio of reports about the Office of the Police Ombudsman was the conclusion that a "significant

lowering of the independence” (CJINI, 2011, p.5) of the office had occurred, to the detriment of policing accountability in Northern Ireland.

Some scholars have argued that this occurrence may be evidence of regulatory or agency capture theory (Savage, 2013b). Regulatory capture occurs when “the group being regulated subverts the impartiality and zealousness of the regulator” (Prenzler, 2000, p.662). It has been argued that this process of regulatory capture may or may not be premeditated. It may instead be a symptom of the comparative strength and resources of regulator to those being regulated as well as exchange or staff or evolution of “inappropriate links” between the two bodies (Prenzler, 2000). Some of these features were evident in the reports and reviews published about the Office of the Police Ombudsman for Northern Ireland, triggered by the resignation of its Chief Executive in 2011 and subsequent public disclosures by him (CAJ, 2011).

However, it was not only the relationship between PONI and the PSNI which was the source of concern and criticism. The role of the Department of Justice for Northern Ireland which sponsors PONI, and the non-devolved Northern Ireland Office was the subject of adverse commentary (CAJ, 2011; McCusker, 2011). This suggests that the theory of regulatory capture must go further than examining the dyadic relationship between oversight body and those overseen to include the context and environment within which oversight operates.

Evidence from Northern Ireland shows decisions or actions of a sponsor Department or other aspects of the legislature or polity may intentionally or unwittingly impinge upon the functionality and efficacy of an oversight body. This contention finds some support in Savage’s comparative analysis of PONI with its counterparts the Independent Police Complaints Commission (IPCC) and Garda Síochána Ombudsman Commission (GSOC) (Savage, 2013b). That study found that the independence so fundamental to oversight of policing is “a site of interaction: a constant dialectic between the goals and aspirations of independent oversight and the contextual conditions within which it must operate” (Savage, 2013b, p.109). Whilst the role of the police is particularly salient in this interaction, Savage (2013b) also highlights the influence of other parties and institutions within the environment within which the regulatory governance must exist and operate (2013b, p.109). This conceptualisation of policing oversight is one which Savage describes as “relational” and through which the independence of policing oversight is “an ever-present challenge” (2013b, p.109). The representation of policing accountability as “relational” finds support within other literature on public accountability (eg: Bovens et al. 2014). Before going forward onto

explore these commonalities, it would seem that a potential limitation of regulatory capture theory must be considered. Applying this theory to problems with the independence of police complaints in the north of Ireland (CJI, 2011) may help to explain the compromising effect of relationships between the regulator and regulatee (Porter & Prenzler, 2012). However, this does not explain the influence or involvement of a third (or fourth) party, external to the accountability relationship, such as the influence of the Department of Justice (DoJ) or Northern Ireland Office (NIO) upon PONI (CAJ, 2011; McCusker, 2011). In other words, accounting for the multi-dimensional and dynamic interactions which may impinge upon the independence of external civilian oversight arguably invites something more than regulatory capture theory currently offers. Furthermore, if regulatory capture is based on a premise that it is the opposite of regulatory freedom, then it is open to challenge. What if a system of policing accountability has in-built design faults; contradictions within it which are present from the start? Borrowing Neyroud's (2005) London Underground metaphor, perhaps the system has unfinished train-tracks, signal failures, ghost stations and has gone without maintenance for too long. Worse still, some of those within an underground transport system work and move 'in the dark'. By this logic, is it not inevitable that policing accountability is often derailed? Whilst the London Underground metaphor may be stretched to many imaginative depictions of how policing accountability might work, the literature and findings reviewed in this chapter point to a quite different ontology to that linear grid of a rail network. Instead, what emerges supports the conceptualisation of accountability as a complex system. Yet a constant feature of the research reviewed is that effective accountability hinges on independence.

The sections which follows seek to complete the journey to a conceptual framework which might transcend theoretical and disciplinary divides whilst retaining its ontological and empirical validity. To that end, attention will now be given to scholarship from a cross-section of disciplines. From an extensive reading of literature across scholarly disciplines, issues of potential theoretical and conceptual significance for this study are highlighted. The summary which follows is derived from theories of justice, political science, sociology, institutional scholarship and psychology as they relate to public accountability. A recurrent theme to emerge is the salience of shared values, attitudes and beliefs among key actors.

## **4.6 An interdisciplinary overview of accountability**

As previously stated, it is the ambition of this study to attempt to bridge the disciplinary and theoretical divide which sometimes confronts research of this kind. That does not demean the insight which discipline-specific research may yield for understanding accountability. Nor does this study leap onto an interdisciplinary bandwagon for fashionable acclaim. An earnest effort has been made to understand accountability from the standpoint of different disciplines. In doing this, the objective has been to contemplate the potential for an ecological systems perspective to accommodate contrasting disciplinary interests. Furthermore, this study has attempted to discern issues of common interest in research into accountability across disciplines. Emerging from this is an importance attached to values, attitudes and beliefs. To pinpoint a potential interface where interdisciplinary research might be possible, it is firstly necessary to review and summarise findings from different disciplines. Therefore, theories of justice, political science, sociology, institutional scholarship and psychology are discussed.

### **4.6.1 Justice theory**

This subsection begins with findings from three domains of scholarship in justice. Firstly, scholarship from the discipline of Transitional Justice (TJ) and the discipline of Restorative Justice (RJ) will be considered. Then, Procedural Justice (PJ) will be discussed insofar as it may relate to or help to illuminate conceptualisations of accountability.

#### **Transitional Justice (TJ)**

Accountability is often associated in TJ literature with redress and reparations for past wrong doing. In societies emerging from conflict, often referred to in TJ literature as post-conflict societies, there is debate about what accountability actually means in such contexts. Recently, a method of responding to this debate has been to draft guidelines for accountability. An example of this is the Belfast Guidelines for Accountability and Amnesty (Mallinder, 2014). Mirroring this process, principles of accountability have also been drafted in Kenya from a transitional justice perspective. Others in civil society like NGO Impunity, have attempted to compose guidelines which might be transferrable across jurisdictions emerging from conflict.

Transitional justice (TJ) processes and mechanisms can help a society to come to terms with a legacy of human rights abuses and may be connected to broader societal transformation such as security sector reform (Bell, 2008). In this way, the United Nation's Security Council (2004) commends the value of TJ in achieving accountability, alongside justice and reconciliation (S/2004/616). On the other hand, there are contradictions within TJ, which yield "a multiplicity of rule of law dilemmas in a transitional society" (Sweeney, 2013, p.15). This study cannot accommodate the full extent of that debate. Yet it is important to acknowledge how accountability may be impinged upon by the tension between 'ordinary justice' and 'transitional justice' (Posner & Vermeule, 2004).

Exploring this in the context of a ruling by the European Court of Human Rights about war criminals in Bosnia & Herzegovina, Sweeney (2013) contends that there is inconsistency in the approach to TJ (2013, p.24) although the ECtHR has never referred to TJ in its rulings (2013, p.27). This has led Sweeney to postulate a form of "transitional relativism", akin to the "cultural relativism" widely recognised within European human rights scholarship and practice (2013, p.2) whereby legal codes or standards are modulated in formal proceedings (Sweeney, 2013, p.25). If the standards, and even international codes are modulated by transitional relativism (Sweeney, 2005 & 2013) a corollary to this is the plasticity of accountability.

In Northern Ireland, wrestling with the legacy of the conflict continues to prove a huge challenge and one in which accountability is frequently referenced. Although discussed elsewhere in this study, successive negotiations have thus far failed to generate a comprehensive consensus for 'dealing with the past'. Amidst political stalemate, academics and NGOs have again injected new ideas for breaking the logjam (McEvoy, 2017). Yet, the failure to deal with the past continues to impinge on policing in the present. In July 2017, the High Court in Belfast ruled that the PSNI had breached Article 2 of the European Convention of Human Rights in proceedings brought by families bereaved by the Glenanne Gang, an amalgam of loyalist paramilitaries, British soldiers (UDR) and police officers (RUC). Mr. Justice Treacy found that the PSNI's decision to withhold a thematic review into collusion by the Glenanne Gang across multiple killings and the decision to transfer the case file internally to the PSNI's new Legacy Investigation Branch were "fundamentally inconsistent" with Article 2 of the ECHR [2017 / NIQB 92].



Speaking about another high-profile case of the Hooded Men, Ann Hannah of NGO Freedom for Torture said: “Time and again we see the idea that you can rebuild after conflict and achieve some form of stability or you can have accountability...in reality of course, stability is fragile without some form of accountability. How can you expect survivors and their communities to trust state institutions like the police, the army, their politicians, if there’s been no attempt at accountability?” (Griffin, 2017, July 25). This quote suggests a symbiotic relationship between accountability and transition from conflict not to mention trust in “State institutions” or state-building. This signposts a broader debate, not only in TJ research but also within politics and public policy about whether accountability is complementary to or conflicted with transition and reconciliation.

Representation of society in Northern Ireland as one which is in transition out of conflict renders makes TJ scholarship and concepts such as transitional relativism (Sweeney, 2013) potentially relevant to the understanding and exploration of accountability in this study. In that regard, the broader context of transition in the north of Ireland invites attention. Professor Christine Bell (2008, 2012) has offered a typology of the three patterns by which constitutional transition occurs in negotiated peace accords around the world. Common to these typologies is the concept of a “constitutional rupture” demarcating a departure from the old order to the new (Bell, 2008, 2012). Elsewhere, Bell has analysed the implementation of those peace accords or agreements which have been negotiated. In a guest lecture, Professor Christine Bell (2015, November 25) offered an excoriating critique of the failure to implement those aspects of the Good Friday Agreement which related to the human rights agenda, and in particular, a Bill of Rights. Problems outlined with full and faithful implementation of agreed reforms could be compared to the patterns of progress in relation to policing reform in the north of Ireland, outlined elsewhere in this study. The absence of a “constitutional rupture” in relation to the constitutional order in the north of Ireland corresponded with the struggle to fully implement policing reforms advocated by the Patten Report (1999). Equally interesting, and perhaps problematic, is the fact that there was no “organisational rupture” in policing. Instead, the British government inserted the name of the RUC into the “title deeds” of the PSNI and RUC officers, as previously mentioned. Officers and staff migrated into the PSNI, without any lustration of the kind envisaged in TJ (Sweeney, 2013). Also of note is the fact that some staff currently in the Northern Ireland Policing Board and Office of the Police Ombudsman for Northern Ireland were previously employed in the oversight bodies which preceded them (Northern Ireland Police Authority or

Independent Commission for Police Complaints). If the socio-political ecology of policing accountability in the north of Ireland is to be accurately understood, the absence of any “constitutional rupture” in the transition of wider society may be relevant. Perhaps moreso given that some of those still involved in policing and policing accountability, including participants in this study, have service pre-dating Patten.

### **Restorative Justice (RJ)**

Literature on restorative justice frequently emphasises the significance and salience of accountability in restorative processes. Yet, in contrast to the retributive orthodoxy of the criminal justice system, Restorative Justice (RJ) envisions accountability outside the courtroom through a reparative process (Considine, 1995, p.1-7). Restorative justice (RJ) construes crime as wrongdoing or harm against another human being but attempts to facilitate healing for all of those involved through forgiveness (Zehr, 2014). RJ advocates “..postcrime reparation that focuses on healing the harm done, promoting accountability and personal responsibility, and encouraging the active participation of the victim, offender and other concerned parties” (Poulson, 2003, p.167). In a review of seven studies, Poulson (2003) examined responses of those who had participated in RJ processes with courtroom processes. In all studies, both victims and offenders were asked about whether the offender had been held accountable through the process. Results suggested RJ processes were reported to have held offenders more accountable than courtroom processes (Poulson, 2003, p.188-189). Accountability in RJ shifts the emphasis from the offender or perpetrator as a passive recipient of punishment to becoming actively engaged in making good their wrongdoing to the person aggrieved (Umbreit, 1995). In this way, “accountability in the restorative justice paradigm taps into the offender’s strengths and competencies to compensate the victim for the material or emotional losses” (Umbreit, 1995, p.31). This is echoed by eminent RJ scholar John Braithwaite who contends that the criminal justice system and restorative justice, both offer different forms of accountability. Braithwaite (2006, p.49-51) expounds the virtue of integrating deliberative accountability and external accountability to the rule of law.

### **Procedural Justice (PJ)**

Whereas TJ and RJ are each expansive disciplines in applied research and applied practice, Procedural Justice (PJ) is a theory (Tyler & Lind 1992; Sunshine & Tyler, 2003). However, the belief that people can be rehabilitated is shared by both Procedural Justice and Restorative Justice which contend that “society and the legal system have a great deal to gain from focussing on the possibilities of rehabilitation and the restoration of people are law-abiding

members of society” (Tyler, 2006, p.323). PJ has become an increasingly important avenue for empirical research and experimentation in policing and criminal justice (Murphy, Tyler & Curtis, 2009; Mazzerole, Antrobus, Bennett & Tyler, 2013; Bradford & Quinton, 2014; Pickett & Ryon, 2017). How PJ relates to policing accountability is briefly considered.

At the centre of Procedural Justice (PJ) scholarship is the study of legitimacy in policing and the criminal justice system (Tyler, 1990, 2011; Lind & Tyler, 1997). PJ postulates that public engagement with the police is significantly influenced by public perceptions of the legitimacy of the police (Tyler, 1990 & 2011). In turn, this legitimacy is contingent upon a belief in the fairness or ‘procedural justice’ of the actions of the police (Sunshine & Tyler, 2003, p.514-515). This is a process-based model of regulating police legitimacy (Tyler & Huo, 2002) which diverges from an outcome-based, instrumentalist depiction of police legitimacy derived from public opinion about police performance. By engendering respect and inclusion with a stronger social identity including shared group values and rules, PJ helps to increase legitimacy (Tyler, 2011). “Procedural justice involves high quality treatment and decision-making (Tyler, 1990, 2011). It requires that decision-makers: 1) treat individuals with respect and dignity, and 2) make decisions fairly, with neutrality, and only after everyone has had an opportunity to voice their concerns” (Pickett & Ryon, 2017, p.13). When people experience PJ within an environment or setting in this way, they self-regulate their own behaviour in accordance with shared values and social rules (Tyler, 2006, p.309). PJ-driven policing strategies are designed to evoke legitimacy as an “internal motivation” among members of the public (Sunshine & Tyler, 2003, p.524) to shape their engagement and compliance with the police. This is postulated by Tyler (2006) and other PJ scholars as an alternative to conventional crime /social control. Like Bronfenbrenner’s model, PJ theory is heavily premised upon the social psychology of theorists such as Kurt Lewin (1935) and Ed Deci (1975). Fundamentally, PJ esteems self-regulation above sanctions. Tyler (2006) has summarised three models of self-regulation (see Table 5). “In the long-run, the use of sanction-based approaches has the consequence of undermining the influence of social values on behaviour” (Tyler, 2006, p.321).

**Table 5:** Self-regulatory motivations (adapted from Tyler 2006, p.321)

<b>Model</b>	<b>Focus</b>	<b>Motivation activated</b>
PJ models	Legitimacy of authority	Obligation
RJ models	Relationship to others	Shame
Moral development models	Principles of right and wrong	Guilt

Sunshine & Tyler (2003) contend that a broad seam of scholarship now “makes clear that people’s reactions to their personal experiences with the police are shaped by their evaluations of the fairness of the procedures the police use to exercise their authority” (2003, p.519). This finding is transferable to other circumstances, outside of the criminal justice system in which people may deal with hierarchical authorities (Lind & Tyler, 1988; Sunshine & Tyler, 2003; Pickett & Ryon, 2017)

In a recent article, Pickett & Ryon (2017) make an interesting argument that police misconduct might be reduced if police perceived greater “procedurally just co-operation” from members of the public. For the current study, the suggestion that “procedurally just co-operation” may moderate police misconduct raises interesting possibilities for accountability. However, significant differences exist between Pickett & Ryon’s research and the current study. Principally, Pickett & Ryon’s study examined public-police interactions. In this, hypothetical citizens were depicted as “youth on the street” (Pickett & Ryon, 2017, p.25). Furthermore, the citizens with whom police interact were legally subordinate to the police.

Whereas, in the current study the interactions occur for the most part formally. The relationship between civilian oversight and the police is one at least of legal equivalence. Indeed, police officers are ascribed the role of legal subordinates. More widely, a potential limitation of PJ for the current study is that evidence of wrongdoing by the police is likely to be to the fore of arrangements for policing accountability. By design, external civilian oversight (ECO) in Northern Ireland is predominantly retroactive providing accountability *ex-post facto*. This is a very different context to that in which the effect of process-based regulation has been previously researched and the questionnaire-based methods employed (Tyler, 2011; Sunshine & Tyler 2003; Bradford & Quinton, 2014). Participants in the current study reflect upon personal experiences of policing accountability using the Q method. Data will be gathered *in situ* to enrich the ecological validity of the findings specific to Northern

Ireland. Whereas, PJ research in policing often entails use of an experimental and control condition, the real world research orientation of the current study does not allow for this.

Nevertheless, the potential value of PJ theory for the current study is not entirely refuted. Experiences of participants in this study may reveal the procedural justice or fairness of past policing accountability processes. In turn, this may influence the perceived legitimacy of the police and /or policing accountability. In the current study it will be for participants to give voice and meaning to this, if they choose to do so, as analysis of results considered in later chapters may reveal. In particular, Pickett & Ryon's (2017) findings on procedurally-just co-operation could potentially be translated to accountability and external civilian oversight. Conceivably, applying these principles to accountability and external civilian oversight may lead to increased co-operation by police with policing oversight and an improved perception of the legitimacy of rights-based policing reform.

More fundamentally for the current study, the orientation of Procedural Justice theory is that accountability equates to a self-driven responsibility of a social group with whom the person share social ties and moral values (Tyler, 2006). By its very intrinsic, internal focus, the emphasis on external civilian oversight of policing seems incongruent with PJ. At the same time, recent research suggests external PJ may foster internal PJ (Van Craen, 2016a, 2016b) and that police officer "supervisor modelling" of PJ-based behaviours helps imbue this (Van Craen & Skogan, 2016). PJ research has found that police officers' belief in the moral justification of enforcement of legal powers is positively correlated with their own perception of public co-operation (Bradford & Quinton, 2014). The beliefs of those who hold power in the legitimacy of their role is one of the central tenets of Weber's (1978) influential scholarship. The application of Weber's theory in criminal justice research will be further discussed in the subsection which follows on Political Theory. Overall, this review of PJ theory reaffirms the importance attached in this study to the attitudes, beliefs and experiences of senior officials involved in the exercise of policing accountability.

Finally, the intersection in research between PJ and group or social identity (Tajfel & Turner, 1976) is potentially significant for this study. In an offshoot of PJ research, the group engagement model (Tyler & Blader, 2000) reports that PJ has a mediating effect on identification with a group or organisation (Tyler & Blader, 2000). It may also impinge upon motivation to act on behalf of the group (Blader & Tyler, 2009). Fairness of decision-making within a group and trust by an individual that one's own interests will be safeguarded by the

group are examples of the salience of PJ in group engagement (Blader & Tyler, 2009). Research on social identity (Tajfel, 1978; Tajfel & Turner, 1979; Abrahams and Hogg, 1988) has shown how cognitive processes including heuristic judgements, perceptual bias and even animosity or discrimination are accentuated through group affiliation. Given that the current study is exploring the interaction of groups (agencies) engaged in policing accountability, the PJ-driven group engagement model (Tyler & Blader, 2000) and social identity research (Tajfel, 1978; Tajfel & Turner, 1979; Abrahams and Hogg, 1988) may yet be helpful in interpretation of results and formulation of conclusions. In the next subsection, attention will be given to political theory.

#### **4.6.2 Political theory**

Policing scholar Robert Reiner (1992) advocated a greater integration of the theory of political science into the study of policing: “The police are the domestic specialists in the exercise of legitimate force. Thus policing is at the heart of the functioning of the state, and central to an understanding of legal and political organisation. The character and style of policing, in particular the extent to which resort has to be made to legitimate force, will be affected by most changes in the social order” (Reiner, 1992, p.762).

Whilst welcoming an increasing collaboration between policing research and political science, Reiner also noted preoccupation with immediate practical issues for the “police and police authorities” at the expense of a broader analysis within the “unfolding exigencies of a society” (1992, p.762). Concepts such as power and legitimacy are foundational in political science and are touchstone constructs in policing research. In this respect, few scholars have been more influential in theorising power and legitimacy than Max Weber (1978). The strengths and possible weaknesses of Weber’s analysis of power and legitimacy could be debated at length but that would exceed the limits of this study. What is beyond dispute is the continuing influence of Weber’s theoretical analysis to political science, and more specifically to policing research. Of particular value to the current study is the importance which Weber placed upon the attitudes, values and beliefs of power-holders. In his paradigm, the legitimacy of power was contingent upon those who held power believing their exercise of power had legitimacy. Weber (1978, p.946) further contends that this belief among power-holders exists independently of those who may be subject to the exercise of power. Reiner (1992) reiterated the importance of this paradigm from political science for the future of policing research. Weber’s (1978) emphasis on the significance of the attitudes, values and

beliefs of power-holders has special resonance with the focus of this study on elite actors in the three specified agencies at the centre of policing accountability in this society. For the current study, this would seem to complement the importance in Bronfenbrenner's ecological system theory of shared values and attitudes for learning and change. Notably, during the course of this study, the PSNI Chief Constable has articulated a strong connection between formal and informal accountability and the legitimacy of policing in the north of Ireland (Police Professional, May 2016). Furthermore, within this position piece importantly acknowledged that whilst "policing by consent" was integral to the Peelian philosophy of policing, it had been absent from policing in Northern Ireland for much of its history. This is a hugely significant observation from the most senior, serving officer in the PSNI. Yet, whether this viewpoint is universal or widely held among senior officials in policing or policing accountability is unknown at this stage.

Although political theorists such as Weber elevate the importance of legitimacy in the exercise of power, this study does not ascribe *a priori* greater significance to the link between accountability and legitimacy than with human rights, confidence, or even effectiveness. All of these may be potentially important in accountability. However, the epistemological and ontological position of this study is to give privilege to participants' choices on what accountability means to them and how they see it impact. Still, this study is cognisant of ongoing debates in policing scholarship about legitimacy and the exercise of power (eg. Bottoms & Tankebe, 2012). It falls outside the limits of the current study to help reconcile the theoretical disputes apparent in political theory about criminal justice. Yet, it is noted that Bottoms & Tankebe (2012) also esteem shared values and beliefs in scholarly efforts to understand 'power-holder legitimacy' in the exercise of criminal justice (2012, p.141-147). More importantly, in an expansive critique of literature on legitimacy they postulate a concept of legitimacy as a dialogic construct in a state of constant flux (2012, p.153). Their invaluable contribution also invites closer scholarly investigation of the relationships between power-holders and the attitudes and beliefs they espouse and exchange (2012, p.160). Bottoms & Tankebe's (2012) research agenda on legitimacy may be broadly compatible with the present study's conceptualisation of policing accountability as an entropic and complex ecological system. What makes Bronfenbrenner's ecological systems theory preferable to Bottoms & Tankebe dialogic concept is allowing for the duality of co-existing and countervailing or contradictory factors within the political ecology which may both enable and inhibit change and development (Bronfenbrenner, 1999, p.16) including legitimacy.

An alternative theoretical construction to the Weberian tradition is that important interactions between social structure, power and individual agency are unseen. The production of norms, values and social forces reflect power relations deeply embedded in the political culture of society. Of particular interest in this school of thought is the Luke's third dimension of power (1974, 1986, 2005). From this perspective, Weber's emphasis on observable behaviours and performance outcomes precludes covert dynamics. Through the "institutionalisation of power" (Parsons cited in Lukes, 1974, p.31) the very makeup of the institutions may act to reproduce underlying power relations (Lukes, 1974). By approaching the investigation of power as observable through interactions and behaviours of individuals, Weber's paradigm neglects "the socially structured and culturally patterned behaviour of groups, and practices of institutions" (Lukes, 1974, p.26). One example of this which Lukes highlights is the control of information (Lukes, 1974, p.27) and the role of "indirect influence" which through action or inaction may "keep unacceptable issues out of politics thereby preventing the system from becoming anymore diverse than it is" (Lukes, 1974, p.39). However, rather than discount two other dimensions of power premised on Weberian theory, Lukes postulates a 'hidden hand of power' (1974; 2005) where compliance is achieved through influence or manipulation of the beliefs or desires of others. In fact, Lukes contends that in his "three-dimensional view of power... what one may have here is a *latent conflict*, which consists in contradiction between the interests of those exercising power and the *real interests* of those they exclude. These latter may not express or even be conscious of their interests" (1974, p.28).

The present study contends that an ecological systems perspective of policing accountability can accommodate this third dimension of power. Of particular interest is Luke's attention to the control of information. An ecological systems approach permits levels of analysis, including the wider socio-political environment as well as the possible contradictions which may co-exist, even as 'latent conflicts' as expressed by Lukes (1974).

Another stream of scholarship which, like Lukes' critique, strives to synthesise institutional structure and individual agency is New Institutionalism (NI) (eg: Hall & Taylor, 1996). Within this broad area of scholarship are distinct strands of NI which go beyond the scope of this study to detail, one of which is feminist institutionalism (FI) (McKay, Kenny & Chappell, 2010). This research argues that institutions operate not just as constraints but also as strategic resources for actors through dynamic processes of daily contestation (Thelen, 2003, p.213, in McKay et. al., 2010). NI scholarship accommodates the interplay between formal and informal rules and processes within an institution which may impinge on



individual actors; as well as the endogenous and exogenous constraints or dynamics which may impinge upon an institution (Hays & Taylor, 1996). Of particular note from within NI literature is Sociological Institutionalism (SI) which incorporates multi-level analysis and includes examination of shared values as well as symbolic, socialised and enculturated patterns of behaviour within institutions (Hays & Taylor, 1996). Like SI, Discursive (DI) or Constructivist Institutionalism (CI) also accommodates multiple levels of analysis, and explores how meaning is socially constructed within institutions. Attention to co-constitutive features of micro and macro level analysis afforded by SI and DI(CI) is one of the potential advantages of an ecological systems perspective, as previously stated. Nevertheless, the current study notes that there is a consensus across all strands of NI literature that “institutions are the ‘rules of the game’ – the rules, norms and practices, that structure political, social and economic life” (Chappell & Waylen, 2013, p.599).

Some scholars have argued that the field of NI research understate institutions’ role in reflecting and reproducing power relations and inequalities within wider society (eg: Thelen, 1999). Responding to this and expounding upon a Feminist Institutional strand within NI scholarship, “the key feminist insight is that structure and agency are gendered” (McKay et al, 2010, p.582-583). As such, institutional research must accommodate and integrate into analysis the gendering of roles and rules within institutions (McKay et al, 2010). Moreover, in a way which appears to converge with Lukes’ (1974) radical view of power, the gendered approach to institutionalism highlights the “influence informal rules and practices have on institutional design and outcome” as “hidden aspects of political institutions” (Chappell & Waylen, 2013, p.599).

Although not directly related to accountability and external civilian oversight, this sphere of scholarship on Institutionalism offers promise for the current study. Of particular note is the significance which CI attaches to the co-constitutive interactions between micro and macro levels of analysis and the importance within these interactions of symbolic and socialised patterns of behaviour. Additionally, Chappell & Waylen’s research into the “hidden aspects of political institutions” (2013, p.599) holds potential for this study. This appears to be in harmony with the current study’s approach to policing accountability as an ecological system.

### 4.6.3 Psychological theory

Of course, as outlined earlier in this study, Bronfenbrenner's Ecological Systems Theory is derived from psychological theory. Moreover, other aspects of psychological theory have already been highlighted in preceding sections (eg. Lewin, 1935; Tajfel & Turner, 1979). Yet, there has also been a significant contribution made by psychological theory to the study of accountability and its effects with Tetlock being foremost in this area of scholarship.

Tetlock (1992) argues that despite claims for accountability as a “panacea for numerous ills...efforts to enhance performance by enhancing accountability often produce perverse effects” (Tetlock, 1992, p.333). Distinct strategies for coping with accountability are discernable at either an individual or institutional level. In positing a Social Contingency Theory of accountability, Tetlock argues: “Accountability is a critical rule and a norm enforcement mechanism – a social psychological link between individual decision makers on the one hand and social systems on the other” (1992, p.338). Individual values, norms and beliefs about accountability interact with changes in decision-making situations as “a function of both the micro and macro context” (1992, p.338). Without direct reference to Bronfenbrenner's paradigm, Tetlock's levels of analysis at the micro and macro context in the study of accountability appears to complement and mirror the microsystem and exosystem in Ecological Systems Theory (EST). An advantage of Tetlock's Social Contingency theory is that provides a detailed matrix of varying circumstances and the predicted effect these may have upon the attitudes, beliefs and behaviours of those individuals engaged in accountability. Building upon extensive experimental research findings Social Contingency Theory portrays accountability as a complex interaction which is vulnerable to decision-making bias in circumstances which may be variable and open to manipulation. “It is not just a simple matter of accountability making things better. Accountability can exacerbate bias, attenuate bias, or have no effect – depending on the type of accountability and the type of bias under investigation.” (Tetlock, 1992, p.336). Social Contingency Theory (Tetlock, 1992) highlights three coping strategies people employ to manage accountability demands, alongside the situational and individual differences which interact with these coping strategies.

Yet, one limitation of Social Contingency Theory may be its facility to capture factors beyond the immediate circumstances within which interpersonal engagement occurs. In his own way, Tetlock (1992) acknowledges this by comparing levels of analysis to the lens of a telescope: if research is focussed upon the macro level then specificity of value is not amenable to inspection at the micro level. Conversely, research which concentrates on micro level analysis struggles to encompass macro level issues of potential importance. In contrast, the current study endeavours to transcend these levels of analysis to articulate and investigate policing accountability. This approach is supported by scholarship in developmental science which advances the ontology that knowledge is contingent. The challenge for research is to explore knowledge in context, and the relationship between knowledge and context, in the specific political and social circumstances at a given point in time (Lerner, Fisher & Weinberg, 2000, p.13). Recent research in political psychology lends further support for the potential of an ecological systems approach to provide this unifying framework. Building on ‘power basis theory’ (Pratto, 2016), Zeineddine & Pratto (2017) present an ecological perspective of the exercise of power within a given socio-political context suggesting that: “There is no starting and stopping point for an ecology as a whole, but some ecosystems are more sustainable than others. All ecologies have most of their aspects mutually influencing their other aspects... In ecological thinking, the multiple causal processes that produce patterns of association are not problems in scientific validity, but a phenomenon worthy of understanding” (Zeineddine & Pratto, 2017, p.26).

#### **4.7 Rethinking accountability through a new conceptual framework**

Integrating conceptualisations of accountability has been a struggle, as other scholars have previously acknowledged (eg: Flinders, 2014). As preceding sections in this chapter have outlined, this conceptual confusion applies to research of policing accountability. In Northern Ireland, this confusion is further compounded by the cluttered landscape of policing accountability. A proliferation of agencies, institutions and individuals within some specific oversight an aspect of policing appears to lend support to Koppells (2005) portrayal of Multiple Accountability Disorder. When related to policing in the north of Ireland, multiple layers and lines of accountability have been invoked to support the claim “that the PSNI is the most accountable police service in the world” (Orde, 2003). This particular statement which is omnipresent in policing literature and discourse in Northern Ireland may be

ambivalent in meaning. It might be interpreted as a boast, a complaint, or both. It could be part of an exercise in manufacturing consent for policing or legitimacy of the police. As a statement on its own, it will not be interrogated too closely at this stage since it will come to be explored through the views of participants. Yet, the web-like complexity of policing accountability to which the former PSNI Chief Constable Sir Hugh Orde has referred remains an important conceptual challenge for this study. Previous research has portrayed this as the “compartmentalisation” of security governance in Northern Ireland (Ellison & O Rawe, 2010). Translating this critique to the current landscape of policing oversight would suggest the complexity is intentional (Ellison & O’Rawe, 2010). More broadly, policing oversight in Northern Ireland could be argued to accord with Foucault’s concept of “administrative grotesque” (Foucault, 2006, p.12). This concept was central to Foucault’s critique of 19<sup>th</sup> century psychiatry as a legitimizing façade for courtroom proceedings. Conceivably, this representation of an “administrative grotesque” is consonant with the intentionally complex compartmentalisation of security governance (Ellison & O Rawe, 2010) and perhaps even multiple accountability disorder (Koppells, 2005). More recently, Tombs & Whyte (2017) have highlighted systemic bias in legal accountability in the aftermath of the Grenfell Tower tragedy which affords impunity to individuals in positions of power. By this analysis, “the law reflects the deep structure of inequality in modern Britain that produces those tragedies” (Tombs & Whyte, 2017, July 5) such as Grenfell Tower and the Hillsborough disaster. In turn, these legal frameworks make the pursuit of accountability difficult to attain (Tomb & Whyte, 2017, July 5). Taken together, this research provokes a question for this study as to whether the complexity apparent in the map of accountability and policing oversight is chaotic by design.

Of the studies mentioned, only the research by Ellison & O Rawe (2010) relates directly to the same context as the current research. Given limited scholarship about policing accountability in Northern Ireland, it would be unjustified to undertake this study assuming, *a priori* that the architecture of accountability is deliberately designed to be sub-optimal. Borrowing from Waldrop (1993, p.12), this study strives to find “order at the edge of chaos”. While still a conceptual challenge for this study, the apparent chaos or complexity of policing accountability in Northern Ireland may in itself reveal findings of significance to this study. That is why the study builds in stages from theoretical, to conceptual and predictive.

At the same time greater conceptual clarity on accountability is still required. This need was recognised by Bovens et al. (2014) who responded by dichotomising accountability into two dimensions a) “accountability as a virtue” and b) “accountability as a mechanism” (Bovens et al. 2014, p.7). In the former, accountability “as a virtue” is represented as the dependent variable, emerging from the interaction of multiple individuals and factors (Bovens et al. 2014, p.8). In the latter, accountability “as a mechanism” is the independent variable through which *ex-post facto* account-giving is obtained (Bovens et al. 2014, p.9). This dichotomised representation of accountability by Bovens et al. (2014) is a helpful clarification. With credit to Bovens and his colleagues, this reflects their overview or de facto meta-analysis of research by other scholars. Yet, it does not accommodate the possibility that accountability could be both the independent and the dependent variable, interchangeably, within the same context. In fact, the position taken by this study is that value and effect of accountability is in both the (inter)action and the outcome. The effect and impact of accountability must be considered not only by the result obtained but also the process by which it is achieved and the situation of wider context within which all of this occurs.

Building on the scholarship of others, it may be possible to discern what others describe as “latent paradigms” (Bronfenbrenner & Crouter, 1983, p.373-376). Comparing domains of public accountability (Bovens et al, 2014; Dubnik, 2014b) with research on external civilian oversight (Millar, 2002) and reforms envisioned in the Patten Report (1999), three strands to policing accountability are postulated within this study (situational (s); relational (r); and transformational (t)). These integrate the literature on accountability within the framework of an ecological systems perspective. Furthermore, in constructing a concourse for the Q set to put to interviewees in this study, each of these posited dimensions of accountability is reflected in statements (Q set), enabling findings to be related back to the existing literature.

#### **4.8 Institutional and Relational accountability**

In making the case for “accountability studies” as a new branch of scholarship, Dubnik (2014b, p.649-652) notes two different tendencies within existing research, with contrasting ontologies. The first tendency is to view and investigate the exercise of accountability institutionally and mechanistically. The second tendency is to explore the giving and demanding of accounts as relational accountability. Significantly, Dubnik (2014b) that these two dimensions of accountability are not mutually exclusive since “all institutionalised forms of accountability are comprised of structures and processes (ie. accountability mechanisms)

designed to establish and foster account giving relationships and associated behaviour’ (2014b, p.650). The main difference between these two is that the study of relational accountability explores account-giving relationships as the level of analysis rather than institutional design. (2014b, p.652). However, this does seem to leave the question of how institutional design may facilitate or inhibit relational accountability without an answer. In the current study, that is potentially important since the accountability arrangements introduced in Northern Ireland were intended to implement the Patten Report (1999). The corollary to this might be to question not only if this implementation was successful but also if the institutional architecture of accountability has facilitated ongoing policing reform.

Notably, Bovens and Schilleman (2014, p.673 -682) argue for a new era of meaningful accountability. Citing experimental research findings (Lerner & Tetlock, 1999) the most important effect of accountability is anticipation of future accountability by those being held to account (Bovens & Schilleman, 2014). Extending this finding, stakeholders need to begin with clear expectations about standards of accountability and agreement about what these are intended to achieve. This clarity of purpose may be fostered through deliberative processes (Bovens & Schillemans, 2014, p.679-680). This is an important concept for the current study because forming and sharing ideas, beliefs and values has been found to be integral to change in Bronfenbrenner’s model. Although Bovens & Schilleman (2014) do not explicitly discuss the link between accountability and reform, the claim that deliberative processes may be enhance the impact of accountability and facilitate change is of interest to the current study.

In a review of external civilian oversight in policing, Millar (2002) summarises the institutional arrangements for policing accountability in different jurisdictions. Millar enumerates factors which may help and hinder the effectiveness of civilian oversight as: political support; police co-operation; activist support; resources; management and leadership; and public attitudes (2002, p.15).

**Table 6 :** Criteria for evaluating External Civilian Oversight (adapted from Millar, 2002)

Criteria for success	Evaluation Strategies
<b>Integrity:</b> whether the complaints process is fair, thorough and objective. This includes fairness to both complainants and police officers. It relates to whether decision-making is objective in evaluation of facts and statements.	Audits of complaints files; audits of training and recruitment of investigators; review of management and supervision of investigators; assessment of staffing levels for investigations; surveys of public awareness of complaints processes.
<b>Legitimacy :</b> describes how the complaints processes are perceived, notably by the public, complainants and the police. The idea of legitimacy can be extended to broader areas of public policy.	Satisfaction surveys of complainants and police officers; surveys of public confidence; interviews with complainants, police officers and the public.
<b>Learning :</b> the extent to which the complaints process provides meaningful feedback which contributes to the improvement of the process and the police department generally. This criterion can be extended to organisational responses to other issues besides complaints.	Policy reviews; interviews with police officials; analysis of data on police activity; observations of police practice; examining uptake of recommendations for reform.

Drawing upon the scholarship of others (Perez, 1994; Walker, 2001), it is argued that the three key criteria for measuring or evaluating the success of external civilian oversight of policing are: integrity; legitimacy; and learning. Methods for measuring each of these are outlined in Table 6.

“Accountability is probably best achieved when these processes work together and reinforce one another. It is therefore important not to view civilian oversight as providing all the answers to the problem of producing an accountable police service, but as an important element” (Millar, 2002, p.22).

The proposition that external civilian oversight of policing is optimised from the overlapping and interaction of three criteria (Millar, 2002) is one which is compatible with and complementary to the ecological systems approach of this study. From an ecological perspective, this study attempts to reformulate these criteria on civilian oversight of policing (Millar, 2002) to align with the broader literature on public accountability (Dubnik, 2014b; Bovens & Schilleman, 2014) and the paradigm of an ecological system (see Table 7)

**Table 7.** Three dimensions of triadic accountability (s; r; t)

Dubnik 2014b	Millar, 2002	Current study : Triadic Accountability
Institutional accountability	Integrity (resources)	Situational (S) <i>Chrono &amp; Macrosystem</i>
Relational accountability	Integrity (processes) & Legitimacy	Relational (R) <i>Exo &amp; Mesosystem</i>
Meaningful accountability (Bovens & Schilleman, 2014)	Learning	Transformational (T) <i>Meso &amp; Microsystem</i>

This study proposes a realignment of criteria for evaluating external civilian oversight (Millar, 2002) and constructs in public accountability (Dubnik, 2014b; Bovens & Schilleman, 2014) along dimensions of triadic accountability. In this way, development of the discourse of statements derived from literature for the Q set may reflect all of the dimensions within the ecological system. It is hoped that this will enable a more comprehensive exploration of triadic accountability. It may also aid the effort to iteratively relate and interpret results from the Q sort by participants to existing scholarship in this field. Given the difficulties discussed in conceptual definitions which pervade scholarship on accountability, including policing accountability, the proposed reformulation potentially offers an integrative framework. It is compatible with existing research and inclusive of all levels of analysis entailed in an ecological systems perspective of policing accountability. It is beyond the limits of the current study to examine whether this conceptual framework of triadic accountability has sufficient validity to enable comparative analysis of policing accountability between jurisdictions and contexts. For now, the putative dimensions of triadic accountability are outlined, defined and explained within the ecological systems approach that this study adopts.

#### **4.9 Situational accountability (S)**

The preceding discussion has already highlighted the extent to which existing literature gives attention to Institutional accountability, especially legislative design and mechanisms. Of the



three criteria derived from evaluations of external civilian oversight of policing, only part of one of these (Integrity – staffing and resources) appears to coalesce with institutional accountability. Yet, even here little allowance is made for the fact that the institutional design, including staffing and resources, is often out of the hands of those inside policing oversight bodies. From an ecological systems perspective, the institutional design of accountability might be considered to include both the legislative framework, and the physical environment within which accountability operates. Whilst assuming that legal powers, staffing and resources are more important than the physical location or office environment, all may be relevant. In addition, as the preceding discussion about the dynamic nature of the macro political environment would suggest, there are other occurrences which may impinge upon institutional accountability. The current study posits a Situational dimension of accountability, compatible with and inclusive of both Institutional accountability and the wider socio-political context. From an ecological systems perspective this ensures the Exo-system, Macro-system (and Chrono-system) are reflected in development of the Q set statements on Situational accountability for interviewees.

#### **4.10 Relational accountability**

As already discussed, account-giving occurs within a relationship. The quality of that relationship and the processes which support it has an influence upon accountability. Criteria for evaluating effectiveness of external civilian oversight include integrity (perceived fairness) and legitimacy. Some literature previously reviewed (eg: Procedural Justice) might suggest that perceived fairness and legitimacy of relationships are inseparable. Given evidence in support of this, the current study aligns these to Relational accountability as outlined in broader scholarship already discussed. Elsewhere, the dynamic process of accountability has already been described as “relational” (Savage, 2013b). From an ecological systems perspective, the roles played by people may constitute an important dynamic feature in the environment: “roles are not merely normative features of the environment, but also present powerful environmental levels for affecting developmental change” (Bronfenbrenner, 1999, p.13). For the purpose of the current study, Relational accountability is intended to encompass relations both at an interpersonal and inter-organisational level. This incorporates relations between oversight bodies. From an

ecological systems perspective this is inclusive of analysis at a level of Micro, Meso and Exosystem.

#### **4.11 Transformational accountability**

As evident in literature previously reviewed, for reform to occur learning, change and improvement are required. For these processes to occur, sharing information alone is not sufficient. Beliefs, attitudes and values also have to be shared. This is a central tenet of Bronfenbrenner's ecological systems theory of development. In a school context, depictions of learning as a function of a linear association between accountability and academic achievement have been strongly refuted (Johnson, 2008). "The idea of a school as a complex system in which developmental processes and outcomes emerge from a complex interaction among systemic layers is consistent with what seems to be intuitively known by many educators – that the rate of academic achievement is not a simple monotonic function that increases toward absolute proficiency" (Johnson, 2008, p.6). Similarly, this study postulates an association between accountability and learning or reform in policing as a complex system, rather than a 'closed system'. That there is an interaction between three separate public authorities (NIPB; PONI; & PSNI) in the exercise of policing accountability lends more support to this conceptualisation of a complex system. Whilst Bovens and Schilleman (2014) elude to learning and "meaningful accountability", Millar (2002) makes direct reference to "meaningful feedback" as a catalyst for learning. The corollary to this is that accountability could exist and be exercised with no guarantee of learning or reform. If and how accountability has helped to transform policing is an important question which policy-makers have asked (eg. USDoJ, 2015). In an attempt to explore this, statements will be selected for the Q set which reflect the learning processes in the exercise of external civilian oversight. These are intended to reflect learning and reform along a dimension of Transformational Accountability. Of interest in this study is evidence of the transformational effect of accountability at an individual, interpersonal and/ or inter-agency level. From an ecological systems perspective these correspond with the Micro and Meso-systems.

#### 4.12 Conclusion: Ecological System of Policing Accountability (ESPA)

The current study integrates conceptual findings from literature on public accountability and external civilian oversight of policing with ecological systems theory to adopt an overarching, integrative framework. In this the conceptual and theoretical framework is adapted to the visually reflect the three postulated dimensions of accountability: Situational (S); Relational (R); and Transformational (T) (see Figure 4). As the earlier table outlined, Situational, Relational and Transformational accountability correspond primarily with different tiers within the ecological system. Yet, Ecological Systems Theory does not argue that each level of analysis with the ecological system is hermetically sealed from the adjoining level of analysis. Therefore, Situational (s), Relational (r) and Transformational (t) analyses may transcend the level of analysis in which they predominate. Figure 4 reflects this and the dynamism and fluidity of ongoing interactions within and between the different levels within the ecological system (no special value is assigned to the position or number of s, r & t in this figure). In this way, dimensions of accountability are interactive and co-active and form part of an ecology of accountability which is a dynamic, conjunctural, complex system.

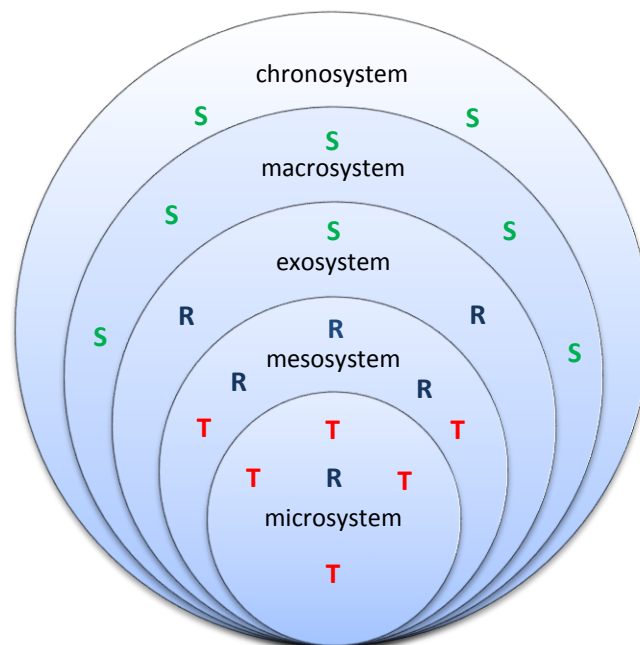


Figure 4: Dimensions of triadic accountability within the ecological system.

In this study, the microsystem is assumed to be an individual member official or officer within one of the three specified agencies (NIPB, PONI or PSNI) and that individual's daily interaction with significant others. The roles played by people may constitute an important dynamic feature in the environment: "roles are not merely normative features of the environment, but also present powerful environmental levels for affecting developmental change" (Bronfenbrenner, 1999, p.13).

A mesosystem comprises relationships which exist between two or more microsystems. There are often cross-overs where relationships between work colleague or peer may also be a friend or partner. These linkages are the mesosystem (Bronfenbrenner, 1979, p.25). Bronfenbrenner cited "the growth of mutual trust, positive orientation, goal consensus between settings and evolving balance of power" (1979, p.214) as facilitating development potential in the setting of the mesosystem. In this study then, the mesosystem could be intra-agency or interagency.

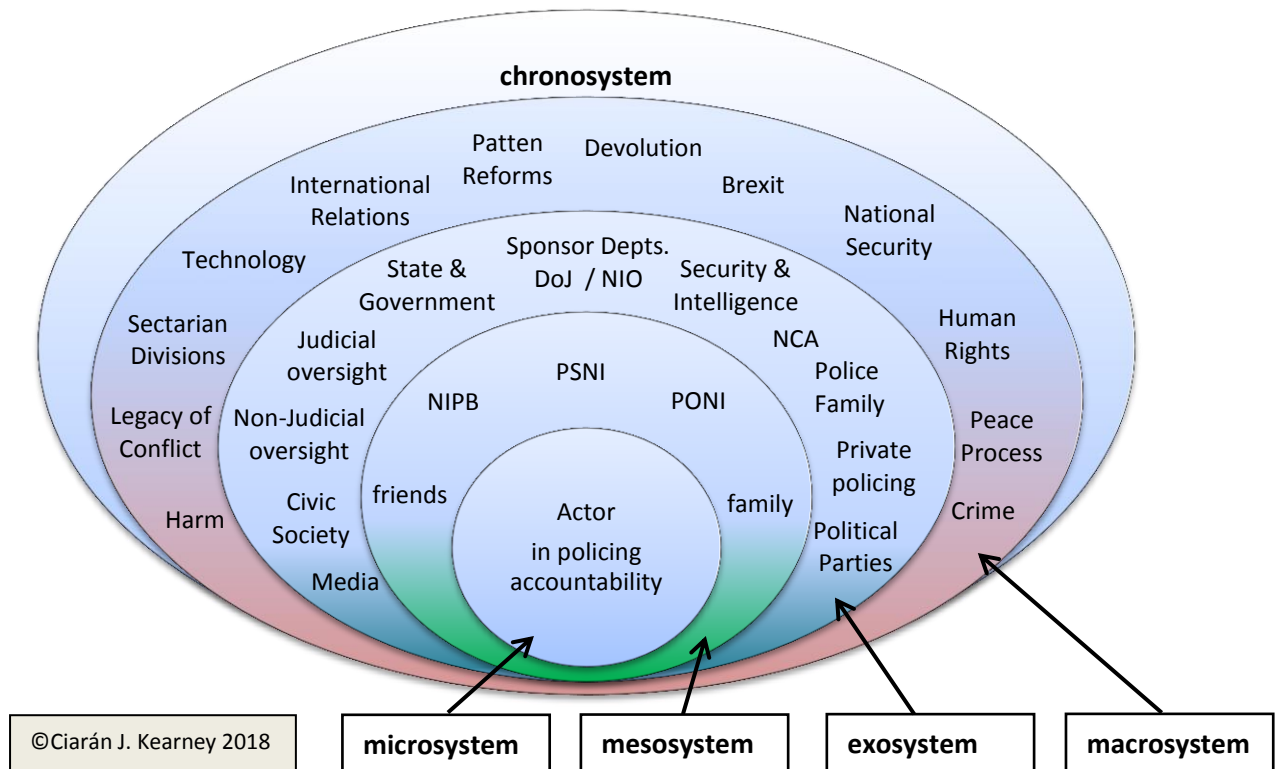
As previously stated, the exosystem is where linkages and processes occur between two or more systems at least one of which does not include the person directly but in which events may occur which may indirectly effect the immediate setting in which the person exists (Bronfenbrenner, 1999).

"there exist direct and indirect links to power settings through which participants in the original setting can influence allocation of resources and the making of decisions that are responsive to the needs of the developing person and the efforts of those who act on his behalf" (Bronfenbrenner, 1979, p.256)

In the current study, the exosystem may represent interactions between the three specific agencies with each other and with the wider criminal justice family and statutory framework for policing accountability. The macrosystem refers to the prevailing cultural, economic and political environment. In this study, this is posited to include government (sponsor) departments, other security / policing agencies, other aspect of the criminal justice system (courts; PPS; Coroner) other oversight bodies, and political debate (eg: party political positions and ongoing negotiations). Finally, the chronosystem is the temporal framework within which relationships exist in a shifting context over time. In this study this may include the history of conflict and the background to policing and accountability in Ireland and particularly Northern Ireland.

Bronfenbrenner (citing Wachs, 1979) highlights the co-existence of competing and countervailing forces in the environment which may on the one hand enhance the power of proximal processes and on the other, suppress and undermine them (Bronfenbrenner, 1999, p.16). To explore how these forces might interact within the ecological system of policing accountability in Northern Ireland, this study has attempted to map these out (Figure 5).

Figure 5. An ecological system of policing accountability in Northern Ireland



This illustrates the endeavour by this study to reconceptualise policing accountability from an ecological systems perspective. In doing so, this study presents an alternative to the London Underground (Neyroud, 2005) analogy of policing oversight in Northern Ireland. This study presents this illustration as a visual representation which is linked to a new conceptualisation of triadic accountability. As illustrated, this study places the “Patten Institutions” at the epicentre of this ecological system, whilst cognisant of external dynamics and factors which may impinge. It is an attempt to find “order on the edge of chaos” (Waldrop, 1993, p.12) within a theoretical framework which may crystallise important linkages within the ecological system of policing accountability in Northern Ireland.

## **Chapter 5: Policing & Situational Accountability ‘s’**

### **5.1 Introduction to situational accountability ‘s’**

Much research on accountability in public policy has concentrated upon the institutional arrangements (Bovens et al, 2014; Dubnik, 2014b). Having extensively reviewed research in this study, there appears to be no consensus about the optimal institutional design for maximum accountability (Walker, 2001; Finn, 2001; Kerstetter, 1985; Clarke, 2009; Prenzler, 2011). In all of this research, the importance of the independence of accountability mechanisms appears to be common. Independence certainly featured prominently in the proposals which led to the new architecture of accountability in Northern Ireland (Hayes, 1997). Independence has also been highlighted more recently in the local context of accountability where it was embroiled in public controversy and crisis because of what was later found to be a “lowering of independence” in PONI (CJINI, 2011). Research has also argued that civilianness (Savage, 2013a) is an essential condition to the design of effective institutions for policing accountability.

Whilst this study accepts other research findings on the salience of civilianness, it also clear that this is not enough on its own and that accountability is multi-factorial (Bayley, 1990). The civilian component in the institutional design of accountability is but one element within the ecological system. Moreover, policing research is very situationally dependent (eg. Brewer, 1990). That context-sensitivity also informs the institutional arrangements for accountability. In Northern Ireland, one crucial context-specific feature was the failure of systems and structures of accountability for policing over many decades (Moore & O’Rawe, 2000). Equally important was the scale of violent conflict and the effect that had on society (McKittrick et. al., 1999) and on the police (Ryder, 2000). Furthermore, the wholesale programme of policing reform under the aegis of the Patten Commission (ICP, 1999) was a key component of SSR and ingredient of the nascent peace process (Gormley-Heenan, 2008).

Policing scholarship underscores the salience of idiosyncratic aspects of the context within which accountability and policing reform emerges as interacting with the institutional design. “Institutional reforms of the same sort do not have the same effect everywhere” (Bayley, 1990, p.176). Therefore, it is not sufficient to consider the legislative and policy parameters alone in order to examine the efficacy of the arrangements for accountability. The socio-

historical context from which accountability emerges informs the institutional design of and influences its operation. Scholars repeatedly underline the importance of the features of situational context for the social interaction (eg. Lewin, 1935; Tajfel & Turner, 1979). This entails more than the institutional design of accountability.

As explained in a previous chapter (4), that is why this study suggests a strand of situational accountability (s) comprising the institutional design together with the socio-legal and historical context surrounding the institutions. This includes the passage of time (chronosystem); the political and policy environment, including the legislative duties and remit of the institutions of accountability (macrosystem); and decisions or factors outside the institutions which may impinge inside the physical setting, staffing and resourcing available to enable the institutions to function (exosystem).

This study posits situational accountability (s) as a composite construct compatible with these levels of analysis within the ecological system of policing accountability. To explore this dimension of triadic accountability, participants' responses by agency affiliation are reviewed. The main findings for situational accountability (s) are summarised in Table 8. This approach parallels the use of Q method by Ratcliffe et al. (2014) in research into police attitudes towards criminality. After coding data in Excel ratings for each item (mean and standard deviation) were generated to explore patterns of response by agency affiliation. The Q items which received the most positive and the most negative mean score within situational accountability were highlighted. By cross-referencing the Q items reporting highest / lowest mean scores with those participants who gave strongest ratings on these items, interviews of those participants could be explored by general inductive analysis. Findings are related back to the Patten Commission's (1999) proposals and other research.

**Table 8** : Situational accountability ‘s’ : participant’s ratings by agency affiliation

AGENCY	PONI		PSNI		NIPB	
Q. no.	Mean	Std.Dev.	Mean	Std.Dev.	Mean	Std.Dev.
4	3.733	1.624	4.083	1.552	2.652	1.228
5	5.466	1.302	6.541	1.473	6.608	1.373
6	7.733	1.791	6.833	1.761	6.608	1.644
7	3.333	1.112	3.541	1.641	3.956	1.147
17	5.2	1.897	3.25	1.674	4.478	1.238
18	5.133	2.199	4	1.744	4.565	1.618
19	5.6	1.897	3.25	1.259	5.304	2.141
21	6.133	2.065	6.708	2.235	6.956	1.845
22	5.733	1.579	4.416	1.282	5.304	2.119
24	5.4	1.352	4.333	1.094	4.869	1.179
25	6.866	1.060	6.916	1.717	7.130	1.324
30	4.866	0.743	6.875	1.153	4.173	2.059
31	4.933	1.486	4.791	1.793	5.304	1.329
32	5.4	2.472	5.708	1.082	4.739	1.136
33	7	0.925	7.458	1.250	7.896	1.328
34	4.466	1.355	5	1.841	6	2.195
36	7.333	1.290	7.291	1.082	6.304	1.222
37	6.4	1.882	4.708	1.601	5.521	1.274
41	5.866	2.199	6.041	1.921	6.260	1.321
42	7.333	1.838	6.541	1.641	6.347	1.640
44	4.733	1.334	5.791	1.318	4.347	2.207
45	6	1	5.791	1.718	5.956	1.691
52	8.4	0.736	7.875	1.190	8.347	0.831



**Table 9 - Q (23 items) on 'S' (Situational accountability)**

4. There is no need for the Policing Board to have scrutiny over or accountability for matters in the sphere of national security or covert policing.
5. The devolution of powers on policing and justice has led to tangible improvements in policing accountability
6. The most effective model of policing oversight is one which is under civilian control
7. The Police Ombudsman's access to all aspects of policing, including national security and covert policing is completely unfettered
17. All those aspects of policing which the in the past gave cause for concern are now subject to effective accountability through the Police Ombudsman and / or the Policing Board.
18. The existence of the arrangements for external civilian oversight ought to be sufficient to build public confidence in policing.
19. All public agencies have to adapt to current funding constraints and external oversight of policing should be treated in exactly the same way.
21. More of what is presently done by external oversight could be transferred to internal police accountability mechanisms. (*reverse scored*).
22. The external oversight bodies are not ready for the creation of the Historical Investigations Unit. (*reverse scored*).
24. External oversight bodies are not yet effectively aligned to recent changes in the delivery of policing. (*reverse scored*).
25. A separate Policing Board and Office of the Police Ombudsman may have been justified at the start of the policing reform process but now resource constraints mean 2 separate oversight bodies is a luxury. (*reverse scored*).
30. The Northern Ireland Policing Board's powers and responsibilities need to be increased to make it effective. (*reverse scored*).
31. The emphasis on external oversight sometimes has the effect of inhibiting internal regulation within the PSNI. (*reverse scored*)
32. The office of the Police Ombudsman has all of the power and responsibilities it needs to fulfil its mandate.
33. A new beginning to policing accountability has been the key to a new beginning to policing
34. Democratically accountable policing is only possible because elected representatives are involved in the Policing Board.
36. External civilian oversight bodies should limit their remit to those issues of concern presented by members of the public. (*reverse scored*)
37. Policing accountability in Northern Ireland is the 'Rolls Royce model' of external oversight.
41. Ultimately, the PSNI is accountable to the courts and that takes precedence over the external oversight bodies. (*reverse scored*).
42. External oversight bodies should have scrutiny over only those aspects of policing which concern everyday crime and community safety. (*reverse scored*).
44. The Department of Justice has too much influence over the affairs of the external oversight bodies. (*reverse scored*).
45. What has evolved through negotiation and legislation for policing accountability in Northern Ireland is faithful to the Patten Report in 1999.
52. There was nothing wrong with the arrangements for policing accountability which we had in the past before the 1999 Patten report. (*reverse scored*).

## 5.2 Idiosyncratic.

A strong and potent aspect of situational accountability which has been highlighted repeatedly in the literature is the context for accountability. As an aspect of situational accountability, this has idiosyncratic features which are situation-specific. Northern Ireland has undergone an unprecedented and hugely expensive programme of policing reform.

At the outset, it is notable that the item in situational accountability to which participants in all agencies responded most strongly was Q.52: “There was nothing wrong with the arrangements for policing accountability which we had in the past before the 1999 Patten report”. To help mitigate any response bias in the Q sample, Q.52 was reverse scored. Given that the maximum rating for any Item is 9, there is noticeably high rating in each of the three agencies, with an impressive degree of consistency across the sample in relation to this Item, underlined by the low Standard deviation in each instance (PONI = 8.4 / SD= 0.72; PSNI =7.87 / SD=1.19; NIPB = 8.34/ SD= 0.83). Across the sample as a whole, there is an overwhelming consensus that there were very serious failings in policing accountability in the past. Many of the respondents were emphatic in criticising the absence of effective accountability in the past, before the Patten Report and policing reform in the Northern Ireland. For instance, in discussing Q.52 one respondent distinguished the practices of the present External Civilian Oversight bodies from their predecessors:

“The whole process of how, that existed pre-1999, was not transparent. It didn’t inspire public confidence and it was very - I know we’re bureaucratic - but it was even more bureaucratic. My understanding of what would have happened there was that if a complainant made an allegation of assault, and say they’d been charged with disorderly behaviour, or something along those lines, that the criminal proceedings would be stayed until such times as the complaint investigation was done. And if the police gathered more evidence they would use that against the complainant in court. So, I don’t see how that is imbuing true accountability as to where we’re going. Whereas, we stand outside, we have those powers, I think that just gives it that bit more transparency. I mean, we have disclosure rules. People are not getting information that could necessarily be used against the complainant” (PONI interviewee, 2016).

By this perspective, it was not only the case that systems of accountability were ineffective but that they were actively subverted. This corresponds with the discussion earlier in this

thesis about the role of the Police Authority or the Independent Commission on Police Complaints. Previous complaints procedures were open to misuse and exploitation to the detriment of complainants. In fact, the risk of charges being brought by the police against people who made complaints against the police was a phenomenon commented upon by human rights observers. Furthermore, the arrangements which existed for handling police complaints was viewed as being unrepresentative and without independent rigour :

“It’s clearly wrong. The policing accountability before then (Patten Report), there wasn’t cross-community support for it. It was felt that it was the police investigating the police, even with the ICPC.” (PONI interviewee, 2016)

This reference to cross-community support is widely recognised as one dynamic in the political conflict in Northern Ireland. The fact that one section of the community, with political allegiance to Britain, also felt closer to the police and to the state in Northern Ireland is a matter of record which was also noted by the Patten Report (ICP, 1999) as being part of the policing problem. That makes it all the more notable that this sample which includes individuals from a unionist background, found agreement for the view that a watershed in policing accountability was crossed with the Patten Report:

“Even as a unionist growing up in a loyalist area I think that it would be very difficult to agree with that (Q.52). I mean effectively, it’s well documented, that one of the main problems integral to the troubles was the concern around policing. So, it was, you know, there was effectively no accountability mechanism. I think it’s well recognised that the RUC were a stand-alone law unto themselves. I don’t know if it’s entirely fair, or that they deserved all the criticism that they received locally and internationally. But certainly there was a broad recognition that there had to be some form of reform and accountability” (NIPB interviewee, 2016).

The importance of policing reform to the overall peace process was so great that it was taken out of party politics and entrusted to the Patten Commission. It concluded that “a new beginning to democratic accountability is a key to the new beginning to policing (ICP, 1999). This statement corresponds to Q.33 which was one of the statements in situational accountability enjoying strongest agreement from participants in both PSNI (7.45; SD.=1.25) and NIPB (7.896 / SD.= 1.32). Interviewees in PONI (7.0/ S.D.= 0.9) also gave strong and

very consistent support to this statement, despite not being amongst the top three item ratings from within this agency. This is another significant finding in this exploratory research of situational accountability. It illustrates the consensus among participants across the three agencies that new accountability arrangements were a necessary step change.

“I’m very proud of the organisation (RUC) I originally joined, and all of that. But for me personally, I also know that they weren’t a perfect organisation. Neither is the one I left (PSNI). Like most big organisations. But, the bottom line is, pre-Patten, I’d have been middle management level, you know. The notion of policing accountability was not, certainly in terms of middle management down, it was not part of your language or your thinking, in any demonstrable way that I can really remember” (PSNI interviewee, 2016)

This insight exemplifies the scale of change which was heralded by the Patten Commission. It corresponds with the socio-historical context outlined earlier in this thesis. Moreover, it is also an indication that the institutional change had to connect to organisational culture. As the Patten Commission itself recognised: “Accountability should run through the bloodstream of the whole body of a police service and it is at least as much a matter of the culture and ethos of the service as it is of the institutional mechanisms” (ICP, 1999, p.22). How cultural change and accountability relate to one another is something which Chan (1997) and Bayley (1990) have both researched. This will be explored in the discussion (chapter 9). For now, it is sufficient to note that it was former RUC officers transferring into the PSNI, with no experience of effective external accountability, who were being challenged to accept the new dispensation. This helps to illustrate how the strands of triadic accountability are interdependent and connect to one another. The transfer of RUC officers into the PSNI was an aspect of situational accountability (chrono-system and macro-system) which may have an effect in one way or another upon relational accountability (exosystem & mesosystem).

“Police officers were killed. Colleagues were killed. And sometimes some of the poor behaviour they got up to as well. Policing was very different in many, many ways. And it was like the advancements in policing, good, bad or indifferent that the mainland had made and other parts of the globe had made, someone had switched the lights off here. That’s how I’d describe it: someone had switched the lights off! ‘We ain’t developing anything because we’ve got enough on our hands’ ” (PONI interviewee, 2016).

Seventeen years after the Patten Commission published its report, the scale of the challenge for policing reform might be too easily minimised or set aside. Yet, as this interviewee outlines accountability in Northern Ireland had been seriously deficient. In large measure, this reflects the idiosyncratic nature of the situational-context at that time. However, it is clear from the findings of this study that these idiosyncratic features did not evaporate with the inception of new accountability arrangements. That included a continuing threat of violence and a failure by the political parties and two governments to agree mechanisms to comprehensively address the legacy of the conflict. Into this environment emerged the new beginning to policing and situational accountability inherited these idiosyncracies:

“Our continual frustration is that the Patten construct was not about a backward looking police service. The Patten construct was about a forward looking police service, admittedly in an enabling environment. And you could argue about whether the environment is as enabling as Patten had envisaged it was going to be. But you know, we’re having to build all these structures about the Past, and all, you know we spent, if you did an analysis of the questions (from NIPB) so much of it relates to a period which predates the construct of the PSNI. So I don’t think that’s an effective way of accountability. I think it’s an ineffective mechanism where none else exists to try and get some answers about the Past. And in doing so, you make the policing less effective, reduce legitimacy, and make the Board less effective” (PSNI interviewee, 2016).

This highlights the interplay between the environment, the socio-historical context and accountability. The suggestion that the exercise of accountability in this context may “reduce legitimacy” of policing is something which will be explored in more detail later (Chapter 9). Once again the influence of the past on present policing including accountability is evident and raises concerns among participants about the adverse impact of this on effectiveness.

### **5.3 Intelligence and National Security**

A necessary and important component of the new arrangements for accountability has been the statutory framework, including the remit, responsibilities and powers of the agencies. Interestingly, participants in this study all expressed some concern about constraints or limits

on the new agencies. This was reflected in responses from participants across all three agencies. Greatest consensus centred on Q.4 “There is no need for the Policing Board to have scrutiny or accountability for matters in the sphere of national security and covert policing”. Participants in all three agencies most strongly disagreed with this (PONI=3.73 / SD.=1.62; PSNI=4.08 / SD.=1.55; NIPB=2.65 / SD.1.22). The consensus across all agencies on Q.4 concerning accountability over national security and covert policing in Northern Ireland is especially significant. Significant strategic change has occurred in this area of British National Security since the Patten Commission was published. As outlined earlier (Chapter 2), transfer of national security intelligence from PSNI to MI5 since 2007. This unseen world where policing interfaces with intelligence has been the subject of serious criticism in the past in Northern Ireland (eg. Cory, 2004; De Silva, 2012). The activities of state agents continue to impinge on policing and on the role of accountability bodies. One contemporary illustration of this is the case of self-confessed loyalist paramilitary and police informant Gary Haggarty illustrates. On 29<sup>th</sup> January 2018, Haggarty was sentenced to 6 and ½ years for his role in five murders and over 200 other criminal offences to which he had pleaded guilty (Morris, 2018, January 30, pg.4-6). Justice Coghlin reduced Haggarty’s 35 year sentence to reflect his role as an Assisting Offender under the Serious and Organised Crime and Police Act (SOCPA, 2005). Some of the offences for which Haggarty was convicted post-dated the Good Friday Agreement (1998) and the Patten Commission (1999). His role as a state agent and involvement in criminality only emerged following PONI’s Operation Ballast investigation into the activities of a loyalist crime gang in north Belfast and its connections with the police and British intelligence. Such competing State interests and obligations have conflicted with the public interest in Northern Ireland, as Lord John Stevens told the House of Commons (HC 893, 3 May 2011):

“There was the RUC, MI5 and the (British) army doing different things. When you talk about intelligence, of the 210 people we arrested, only three were not agents. Some of them were agents for all four of those particular organisations, fighting against each other, doing things and making a large sum of money, which was all against the public interest and creating mayhem in Northern Ireland. Any system that is created in relation to this country (UK) and Northern Ireland has to have a proper controlling mechanism. It has to have a mechanism where someone is accountable for what the actions are and that has to be transparent, especially in the new processes” (Lord Stevens, HC 893, 3 May 2011).

Lord Stevens depiction of the myriad of competing interests in the past reflects what new accountability arrangements had to come to terms with: “you know the sharing of intelligence was pretty much a mess” (PONI interviewee, 2016). Following the post-Patten policy change to transfer national security intelligence gathering from PSNI to MI5, participants in this study remained concerned about the accountability gap. Significantly, the Patten Commission proposal for a Commissioner for Covert Law Enforcement has never been implemented (ICP, 1999, p.38). Furthermore, there appears to be a divergence from the Patten Commission’s framework that “the Chief Constable remains fully accountable for the involvement of the police in matters involving national security, even though his or her main accountability in such matters is to the Secretary of State” rather than NIPB (ICP, 1999, p.33).

“What we don’t have is you know the (PONI) Ballast and the (PONI) Stafford stuff. So we would be concerned that MI5 and the oversight commissioner that reports to the Westminster committee... (it) has never upheld a complaint about the police... We wouldn’t have any confidence and that’s something we think is outstanding” (NIPB interviewee, 2016)

This is also a concern for participants in this study with a background in the PSNI. The degree to which this policy shift impinges on policing and policing accountability is disguised by the invisible nature of this subject. One PSNI interviewee said that “around 40% of our NI specific business isn’t even measured, never mind being held to account in a kind of robust way” (PSNI interviewee, 2016). Intelligence gathering under the rubric of National Security should be governed in the same way as good policing and effective accountability:

“Policing is on a continuum, this doesn’t exist divorced from what we should be doing even though sometimes it does, and again, that’s where I think you end up sometimes with very perverse outcomes and things go wrong ... It’s not something that we shouldn’t be taken that broad human rights approach towards. So, I think it’s not helpful to make that separate or special in the accountability regime as well.” (PSNI interviewee, 2016).

This accountability gap applies not only to NIPB oversight of how PSNI resources are used in matters relating to British national security, it also impacts PONI investigations. A Judicial Review taken by the Police Ombudsman against the PSNI Chief Constable in 2014 brought into sharp relief the persisting problem. This Judicial Review was brought by the Police Ombudsman in order to recover more than 60 pieces of information relating to several

ongoing inquiries which the PSNI Chief Constable had declined to disclose. Given the reported sensitivity of the issues raised in the papers, these were not available at the time of this research. However, the proceedings and the decision to lodge them were the subject of comment by several interviewees within PONI:

“If the Police Ombudsman has to take them to court and, over a blockage, therefore there have been those blockages. ...My understanding was that on occasions they (PONI investigators) would be challenged as to why did they need that information and on the basis of their answer they would or they wouldn't be given the information. ██████ coined the phrase ██████ that you can't do investigation by negotiation. It's not for the holder of the information to decide whether an investigator needs it. It's for the investigator” (PONI interviewee, 2016).

As outlined in the chronology of key milestones and critical incidents during the period of this study (Appendix 1), the new PSNI Chief Constable agreed a resolution with PONI. That is why the response of participants from a PSNI background in this study after that resolution had been reached is all the more interesting. One statements with which PSNI participants (3.541; SD.=1.641) most strongly disagreed was Q.7: “The Police Ombudsman's access to all aspects of policing , including national security and covert policing is completely unfettered”. Some PSNI interviewees reasoned that fettering access to PONI access is justified, pointing to alternative Westminster oversight already highlighted by an interviewee from NIPB. Other PSNI interviewees harboured their concerns about the effect on police culture of secrecy:

“I struggle with this security and covert policing.....and I really struggle with this kind of concept there is stuff going on that people don't need to know about. It's the stuff going on here that people most need to know about. And that's a mind-set change for us organisationally... And I think it's wrong. I think it's perverse. I think it leads to very perverse outcomes” (PSNI interviewee, 2016).

This same problem was recognised by participants with a background in PONI. The presence of fetters on the scope and free exercise of PONI powers and the realisation that there is an accountability gap which overlaps with policing in Northern Ireland is a critical concern:

“..the skeleton in the cupboard or the elephant in the room really is around secret intelligence. You know: ‘Well, that's secret. That's a national security issue’...I think there should be a mechanism, and there's not one at the moment as I understand it,



where there is a process where the Ombudsman does have access as well to national security information ” (PONI interviewee, 2016).

What makes this all the more challenging is the suggestion that the NIPB continues to be responsible funding aspects of policing through the PSNI budget which it cannot scrutinise. One NIPB participant expressed concern about this and the fact that scrutiny of spending on this aspect of policing was constrained by the existing legislative and policy framework: “..it was always the case in terms of national security.... that MI5 can run agents in the north. It was actually [REDACTED] discovered at a private meeting of the Board that the budget to pay agents comes through the police, even for MI5....I could never get that amount” (NIPB interviewee, 2016).

This appears to be completely at odds with the Patten Commission’s framework whereby the “the Chief Constable remains fully accountable for the involvement of the police in matters involving national security..”(ICP, 1999, p.33). What accentuates this contradiction is the fact that the PSNI has received substantial additional funding for policing activities under the rubric of national security directly from the British Government. While the Patten Commission envisaged a lead role for external civilian oversight bodies in financial accountability (ICP, 1999) the current statutory framework appears to negate this. This problem extends to other aspects of financial accountability. For example, NIPB was asked by PSNI to pay police legal costs of £393k incurred in unsuccessfully defending its policing operation during illegal loyalist flags protests in 2014 (*DB v PSNI Chief Constable* [2014] NIQB 55). Yet, previous NIPB minutes do not indicate any input into the impugned decisions by the PSNI nor did court proceedings indicate that NIPB had any liability. This raises questions about the current statutory framework or the way that statute is being interpreted which lie outside the limits of this study to definitively answer. Even participants with a background in NIPB disagreed that powers of the NIPB needed to be increased to be effective. Other participants felt NIPB could make improved use of existing powers:

“I think the greatest weakness that the Board has is its inability to come together collectively in the interests of everybody and things break down consistently around partisan lines. I’m not saying extra powers and responsibilities wouldn’t make it more effective but I don’t think it needs more of those to be effective. It could be more effective without more power.” (PSNI interviewee, 2016).

One illustration is the fact in 16 years the NIPB has never exercised its powers to call the PSNI Chief Constable i) to report and ii) instigate an inquiry under s.59&s.60 of the Police (NI) Act 2000. These accountability powers were recommended by the Patten Commission: “The Board should have the power to request another agency to conduct an inquiry and should have the capacity to do so itself. It is also essential that all members of the police service should be required to cooperate with that inquiry. Without such an obligation, the Board would be dependent on reports from the Chief Constable with no effective follow-up capacity. It would therefore be powerless against a recalcitrant Chief Constable unless it was prepared to call for his or her retirement. To be truly effective an institution needs to have more than just one extreme power which by its nature it difficult to use” (ICP, 1999, p.33). Differences in the past have existed between members of NIPB about the use of powers of report and inquiry. Yet, during this study, NIPB came closer than ever to using these powers. Following meetings in February and March 2015, the chairperson of NIPB’s Performance Committee said members were seriously concerned about the damage being caused to confidence in policing and the Coronial process. ([www.nipolicingboard.org](http://www.nipolicingboard.org)). This led to a resolution by the NIPB to trigger s.59 & s.60 of the Police (NI) Act 2000. The NIPB’s independent Human Rights adviser along with an independent NIPB member were tasked with drafting the letter to the PSNI Chief Constable to set the process in motion, as required under the legislative provisions. However, that letter was never sent to the PSNI.

Instead, a correspondence log from NIPB indicates a letter was sent on 29<sup>th</sup> June 2015 to the Minister of Justice requesting his support to commission an inspection by HMIC of the PSNI’s arrangements for legacy inquests. On 9<sup>th</sup> July 2015, the Minister for Justice responded to decline the NIPB request to commission an inspection of the PSNI on grounds of funding cuts. NIPB held a meeting with the Minister for Justice (30<sup>th</sup> July 2015) to express concern at the decision by his decision to refuse its request for an inspection. At the time it was said:

“The Board unanimously agreed to ask the Justice Minister to have HMIC do an inspection. And they’re (DoJ) using the issue of money and resources as not being available... The police are still saying PEEL is the most important thing to them. Now the Minister has come up with some sort of half-way house... I’m talking about DoJ, what the terms of reference or the parameters for such a review or inspection would be. So we would have some concerns... some concerns about the remit... we’ve not taken no for an answer from the Justice Minister.” (NIPB interviewee, 2015).

Over a period of several months from March 2015, the consensus among NIPB members to invoke s.59 & s.60, and then to commission an inquiry by HMIC into PSNI handling of disclosure, eventually broke down. Instead, the Minister of Justice tasked the Criminal Justice Inspectorate to inspect the PSNI's disclosure arrangements. Published in December 2016, the inspection concluded that PSNI processes were "complex, convoluted and contributing to delay" but the PSNI was fulfilling its statutory duty to disclose material to the Coroner (CJINI, 2016). This episode reaffirms how the distinctive conflict-related socio-historical context in Northern Ireland imposes itself in present-day accountability. It also shows how the autonomy of oversight can be hindered.

#### **5.4 Independence.**

"I don't think as a society we had fully understood that we were holding major policing issues up to the light. ...And I think that was a problem... I suspect, that may have been a view, that there was a silent 'mostly' in front of the word accountability, or in front of the word 'independent', that it was 'mostly independent'" (PONI interviewee, 2016)

This quote illustrates quite strongly how societal expectation and situational factors interacted in accountability. Interestingly, the response of participants suggests those with a background in PONI (4.73/ SD. 1.33) and in NIPB (4.34 / SD.=2.20) were concerned about Q.44: "The Department of Justice has too much influence over the affairs of the external civilian oversight bodies". This has implications for the independence of the accountability arrangements. Furthermore, given literature reviewed elsewhere (Chapter 4), the integral nature of independence to the effectiveness of external civilian oversight is well understood.

Previously, research has revealed how the independence of PONI has been compromised to the extent that the Office itself was engulfed in controversy and the former Police Ombudsman obliged to resign (CAJ, 2011; McCusker, 2011; CJINI, 2011). Academic research has also underlined the criticality of independence in policing oversight (Senevaritne, 2004; Mawby & Wright, 2005; Porter & Prenzler, 2012). This makes it all the more significant that participants from both of the external civilian oversight bodies are concerned with the DoJ having too much influence over their affairs. One interviewee

succinctly explained: “They (DoJ) hold the purse-strings” (NIPB interviewee, 2015). This corresponds with the dilemma articulated by the National Audit Office landscape review of inspectorates and oversight bodies (NAO, 2015) where sponsor departments have conflicted interests which impinge on the independence of those public bodies they fund. On the other hand, the fact that there is vigilance among participants in NIPB and PONI about the relationship with DoJ may be considered a healthy safeguard of independence. As with other findings, this will be the subject to further analysis in the discussion (Chapter 9).

This study shares the view that independence is a “site of interaction: a constant dialectic” (Savage, 2013b, p.109). For the purpose of this study, it is examined through situational accountability. That is because matters preordained in legislation or policy such as criteria of those appointed to lead in external civilian oversight may influence independence. For example, under the provisions of the Police (NI) Act 2000, nine independent members of NIPB are appointed by the DoJ. The terms of their appointment was later modified by the DoJ to give it discretion to decide the length of tenure an NIPB independent member serves. Their remuneration also comes from DoJ. Another situational feature of external civilian oversight in Northern Ireland is the fact that the Police Ombudsman must be a civilian, uninvolved with the police in Northern Ireland (Hayes, 1997). That appointment is defined in statute as ‘corporation sole’ meaning that the Police Ombudsman is the Office (Police (NI) Act 1998). Again the significance of this was highlighted by several participants:

“Let me talk about the civilian control and civilian oversight. I believe that while it’s terribly important to have technical knowledge of policing and have a policing mindset and understanding in making a judgement call on a specific; and the policing perspective must be fed into that decision making. Ultimately, it must be a non-policing decision, a non-policing person making that decision” (PONI interviewee, 2016).

Perhaps of the distinctive remit of PONI, greater importance was attached to “civilianness” (Savage, 2013a, p.889) by PONI participants (7.79 / SD. 1.79). This was further articulated by one participant who referred to PONI’s investigative report into the ‘Good Samaritan bombing’ (PONI, 2013). This probed the circumstances surrounding an IRA bomb in Derry in August 1988 which killed three people. The PONI report found that the RUC had prior information about the incident (PONI, 2013).

“It had to be for a civilian to call that... it was just such an emotive issue. So it’s about not only independence, it’s about the optics of independence. And there was the incident where to me it was most stark”. (PONI interviewee, 2016)

## **5.5 Conclusion**

This chapter has elaborated on the proposed strand of situational accountability and summarised exploratory findings from this study. These findings could be explored in greater depth and the validity of situational accountability could be further tested. For now, these findings suggest three main features of situational accountability worthy of restating. Firstly, the idiosyncratic nature of the context in which accountability emerges has a significant influence on the specification and legislation for institutional reform. This context-sensitivity cannot be more strongly underlined. Secondly, the institutional powers and remit of the accountability arrangements may be affected by subsequent and/or parallel policy or legislative developments. In this study, the role of intelligence and its relationship to policing and accountability stands out as an area which requires attention. Participants perceive an accountability gap where policing interfaces with British National Security (BNS). Thirdly, the independence of the arrangements for accountability may be enabled or inhibited by the institutional design. In this study, encroachment by DoJ was a concern for ECO bodies. All of these matters will be further discussed in the concluding chapters of this study.

## Chapter 6: Policing and Relational Accountability ‘r’

### 6.1 Introduction

This chapter will explore ‘relational accountability’ as the second of the three prospective sub-domains on accountability in this research. In the preceding chapter some of the situational or institutional determinants and components of accountability were explored. Some of the existing research on accountability chooses to discriminate between either, the institutional dimension or the relational dimension of accountability (eg. Dubnik, 2014b, p.649-652). As explained previously, this research takes the position that a thorough understanding of the impact of external civilian oversight on policing reform in Northern Ireland entails much more than the institutional arrangements. It must consider the operational dynamics of accountability as mediated by the social (power) relations within this institutional framework (Bovens et al. 2014, p.3). For the purposes of this research, relational accountability is that domain or sphere which concerns the dynamic interactions between the actors involved in the exercise of external civilian oversight. As the findings in this chapter will come to illuminate, relational accountability is perhaps best examined through an interdisciplinary research (IDR) framework. Yet, within that framework, relational accountability may derive greatest clarity from the literature on social psychology. In that scholarship, the function and effect of inter-group dynamics has received extensive attention (eg: Tajfel & Turner, 1976; Abrahms & Hogg, 1988). While, there may be also evidence for the salience of bias and stereotypes (Bandura, 1986) and the influence of individuals upon the quality of relational accountability. Of the most promising literature in helping to explain the relational dimension to accountability is the pioneering research by Tetlock (eg: Tetlock, 1992). Bovens et al. (2014, p.4) notes the pre-eminence in this social psychological scholarship of the relational facet of accountability. Whether such (quasi)experimental approaches adequately capture the potential complexity of accountability in the field is something which existing research does not yet exhaustively investigate. Nevertheless, the value of Tetlock’s social contingency theories for understanding the operation and exercise of accountability is widely accepted (eg: Bovens et al. 2014). Other research examining Principal-Agents theory (eg. Gailmard, 2014) offers less assistance in exploring the triumvirate of agencies in external civilian oversight in Northern Ireland. By exploring the expectations, experiences and effects of interactions from and upon those actively involved in

the processes of external civilian oversight, this study hopes to add to existing research on relational accountability.

As previously noted, existing scholarship from sociology, political science and public administration adds value to, rather than diminishes the theoretical framework within which to explore and understand relational accountability. Whilst Lipsky's (1980) study of 'street-level bureaucrats' was ground-breaking in itself, Dubnik (2014b, p.651) notes that this has also been reconceptualised more recently in terms of relational accountability by Hupe & Hill (2007). Indeed, there is an ever-increasing interest in the field of accountability in this relational dimension (Dubnik, 2014b). This study seeks to further that effort. Apart from the dichotomous approach to the study of institutional and relational accountability already eschewed, existing research conceptualises the relational strand as one which is altered by the bureaucratisation of accountability: "Once a relationship becomes structured formalised, and/or mechanised, the social dynamic that underpins account-giving relations and behaviours is altered" (Dubnik, 2014b, p.650).

Where the current research attempts to go further is in exploring if these relations and behaviours are altered and effected in an on-going way, and what factors might be most salient in this respect. Miller's (2002) criteria for evaluating the effectiveness of civilian oversight, acknowledges the importance of the perceptions of the police in relation to the processes employed. Alongside police experience of accountability, the current study includes the perceptions and experiences of those actively engaged in policing oversight. If relational accountability is an important aspect of the operation of external civilian oversight, it is hoped to add new insight to this by exploring the perceptions and experiences of those involved in it from different sides. This research posits that the relational "milieu of account-giving and account-demanding" (Flinders, 2014, p.667) is a critical ingredient in assessing the overall efficacy of external civilian oversight and requires attention.

## 6.2 Summary of findings on relational accountability ‘r’

All results under this prospective domain of ‘relational accountability’ are summarised in Table 10. These are explored in more detail to consider their possible significance and to aid progressive focussing of the qualitative data garnered in this research. In examining these Q statements on relational accountability (see Table 11), ratings for each item (mean and standard deviation) were generated in Excel to explore patterns of response by agency affiliation. Q items which received highest/ lowest mean scores within relational accountability were highlighted. Interviews of those participants who gave strongest ratings on these items were explored by general inductive analysis. Findings were then related back to the Patten Commission’s (1999) proposals and other research.

**Table 10.** Responses to Q statements on ‘r’ Relational Accountability by Agency

AGENCY	PONI		PSNI		NIPB	
Q no.	Mean	Std.Dev.	Mean	Std.Dev.	Mean	Std.Dev.
1	5.466	1.125	4.5	2.043	5.913	1.564
2	2.733	1.667	3.375	1.134	2.826	1.230
3	5.533	1.245	5.5	1.587	5.826	1.370
10	3.8	1.740	4.125	1.918	4.521	1.343
16	3.2	1.698	3.791	1.284	3.173	1.497
27	3.733	1.032	3.583	1.767	4.391	1.559
29	5	0.845	4.375	1.279	4.869	1.423
35	6.866	0.516	5.333	1.434	6.478	1.309
38	6.4	1.183	6.291	1.756	6.130	1.324
39	5.066	1.032	5.125	2.576	5.869	1.686
40	4.6	2.261	4.25	1.621	4.478	1.879
48	3.333	1.588	3.958	1.517	3.608	1.698
49	6.666	1.759	4.625	1.663	5.434	2.085
50	3.733	2.086	3.291	1.366	4.521	1.274
51	6.4	1.764	5.25	1.293	5.782	1.677
54	6.4	1.454	4.958	1.756	5	1.705
56	7	1.772	5.25	1.939	6.956	1.429
57	3.133	1.355	3.666	1.239	2.521	1.238
58	2.733	1.099	5.25	1.326	5.086	1.378
59	5.933	1.387	5.541	1.559	5.869	1.423



**Table 11.** Q statements (q=20) on ‘r’ (relational accountability)

1. The process of interaction between the PSNI and the external civilian oversight bodies is too adversarial. *(reverse scored)*
2. The PSNI has dealt fairly and speedily with all requests for disclosure of information from the external oversight bodies.
3. Sometimes it seems as though the external civilian oversight bodies are used by those who deliberately want to damage policing. *(reverse scored)*
10. PSNI is justified in its concern that information disclosed to the external civilian oversight bodies may not be treated with the necessary sensitivity / confidentiality *(reverse scored)*
16. There are still some areas where the external oversight bodies struggle to gain full co-operation from police and officers and staff. *(reverse scored)*
27. Party politics has too great an influence on the Northern Ireland Policing Board. *(reverse scored)*
29. Sometimes the activities in which external oversight engage are like a morality drama or a piece of theatre. *(reverse scored)*
35. The institutions for policing oversight which have evolved are not like a monster which has to be fed. *(reverse scored)*
38. It's as though the PSNI is being pulled up by its roots every time the policing oversight bodies grab an issue of concern. *(reverse scored)*
39. As a result of external oversight we now have leaders in policing chasing numbers and targets which are completely counterproductive. *(reverse scored)*.
40. Over the years the Office of the Police Ombudsman has shown consistency in handling of complaints against the police.
48. The independence of the external oversight bodies has never been challenged or undermined by the PSNI.
49. External oversight bodies have already played a positive role in dealing with the legacy of the past policing.
50. It is unfair of external oversight bodies to judge past policing practices and procedures by current policing practices and procedures. *(reverse scored)*
51. It seems as though there is little understanding and sympathy on the part of external oversight bodies of how policing works in the local context. *(reverse scored)*
54. The external oversight bodies do not engender confidence among the officers and staff of the PSNI. *(reverse scored)*.
56. Everything that is in the public interest - not the police interest – should be disclosed to the external oversight bodies.
57. The PSNI has always demonstrated complete transparency to the external oversight bodies.
58. There are clear and necessary limits to what the PSNI should disclose to the external civilian oversight bodies.
59. External oversight of policing in the north of Ireland is too complex and cumbersome *(reverse scored)*.

### 6.3 Information-sharing and disclosure

The most positive rating on this sub-set of statements for relational accountability was Q.56: “Everything that is in the public interest – not the police interest – should be disclosed to the oversight bodies”. This Q statement received the strongest levels of agreement from interviewees from both PONI (7 / SD. =1.772) and NIPB (6.956; SD.=1.429) although the standard deviation (Std.Dev. =1) tends to suggest an amount of variability in response within each agency. Nevertheless, one of the reasons this Q.56 assumes significance in findings is not only because of the strong level of recorded agreement during the Q sort among participants from PONI and NIPB, but also because the statement is derived from the Patten Report (1999) itself. Consistent with Q methodology, no direct attribution was made or identified to participants for this Q statement, in order to help mitigate any response bias. In fact, the issue of what should and should not be disclosed to the PONI and NIPB by the police was the subject of lengthy consideration by the Patten Commission, as reflected in their report under the chapter entitled “Accountability II : a new beginning” (ICP, 1999, p.28-39) in a section on transparency (para.6.38) :

“We further recommend that the police service itself should take steps to improve its transparency. There are many ways in which this should be done. Police codes of practice should be publicly available; this does not mean, for example, that all details of police operational techniques should be released – they clearly should not – but the principles, and legal and ethical guidelines governing all aspects of police work should be, including such covert aspects as surveillance and the handling of informants (cf the ACPO Codes of Practice on these matters referred to in Chapter 4). The presumption should be that everything should be available for public scrutiny unless it is in the public interest – not the police interest – to hold it back. It follows that there should be readily available and clearly drafted notes on matters which the public are likely to be interested to see. It was our experience during the period of our review that briefing notes and statistics on a range of issues of interest to us – and therefore probably to others – were not readily available.” (1999, p.36).

It is notable that although the Patten Commission was mandated by the Good Friday Agreement, and had the endorsement of both governments in Dublin and London to fulfil its terms of reference, “briefing notes and statistics on a range of issues of interest to us... were not readily available” (1990, p.36). This serves to underscore the challenge in relation to

information exchange and what the Patten Report describes as transparency in relations between the police and those with oversight for the police. Even in the course of this research, it is noted that many of what the PSNI now describes as Service Procedures are not publicly released. Some of those which have in the past initially been released, such as the PSNI's Service Procedure for the handling of assisting offenders under the Serious and Organised Crime and Policing Act (2005), have subsequently been withdrawn from public circulation. Moreover, Service Procedures and Memoranda of Understanding relating to the interaction with other agencies involved in covert policing and agent handling, such as the British Security Service have never been made public. To what extent this may compromise effective accountability will be explored and assessed in greater detail in the course of these findings and ultimately, concluding chapters. Yet, it is very clear the premium which the Patten Commission placed on transparency in information-sharing as an ingredient in both accountability and more broadly, the culture and ethos of policing in Northern Ireland:

“accountability to the law is vital but accountability is a much wider concept than that. It raises questions both of structure – the institutional relationship between the police and government both at central and local levels – and the style and purpose of policing. It involves partnerships – “constructive and inclusive partnerships with the community at all levels”, in the words of the Agreement. And it involves transparency – the police being open and informative about their work and amenable to scrutiny.” (1999, p.10)

“Transparency is accountability in the “explanatory and cooperative” sense.... People need to know and understand what their police are doing and why. This is important if the police are to command public confidence and active cooperation. Secretive policing arrangements run counter not only to the principles of a democratic society but also to the achievement of fully effective policing. The past arrangements have not held the police adequately accountable in the “explanatory and cooperative” sense”. (1999, p.24-25)

“There needs to be a culture of openness and transparency in a police service as a whole, in which police officers as a matter of instinct disseminate information about their work. The prevailing instinct at present, however, is defensive, reactive and cautious in response to questions, as we experienced ourselves in relation to some of our own inquiries” (1990, p.28).

“Transparency is not a discrete issue but part and parcel of a more accountable, more community-based and more rights-based approach to policing” (1999, p.36).

“We have recommended community accountability mechanisms at local and central levels, and a policy of complete transparency about police work except when the public interest would be damaged” (1999, p.98).

Several statements in this strand of relational accountability which evoke the strongest response from participants in all agencies orbit around transparency in sharing information by the PSNI with the ECO bodies. Significantly, participants in all agencies strongly disagreed with Q.2: “The PSNI has dealt fairly and speedily with all requests for disclosure of information from the external oversight bodies” (PONI= 2.733 / SD.=1.667; PSNI=3.375 / SD.=1.134; NIPB=2.826 / SD.=1.230). Similarly, participants in all three agencies strongly disagreed with Q.57: “The PSNI has always demonstrated complete transparency to the external oversight bodies” (PONI=3.133 / SD.=1.355; PSNI=3.666 / SD.=1.239; NIPB=2.521 / SD.=1.238). Given the seniority of those involved in this study, the pattern of consensus on these statements is a strong challenge to the spirit and intent of the Patten Commission, as already outlined. Strangely, it is also inconsistent with the agreement in support of Q.56 which was discussed at the outset of this section. Admittedly, in the case of Q.56 support from PSNI participants was not as formidable as that of participants from PONI and NIPB. Taken together, these findings suggest continuing difficulties with information-sharing. As a dominant theme of relational accountability, this is the main focus of this chapter. The implications of this for the effectiveness of accountability are very clear:

“The disclosable stuff, this one still causes, I think, a lot of fear for those who would have information disclosed or disclosable... but it’s absolutely imperative that the person who is charged with assessing the validity of decisions made, sees everything. That doesn’t mean that they themselves will onwards disclose everything that they have seen” (PONI interviewee, 2016).

This also helps to illustrate the interplay between situational and relational strands of triadic accountability. Information-sharing is moderated and impacted upon by other factors. One of those is a situational constraint of British national security, previously described by a participant (chapter 5) as “the skeleton in the cupboard or the elephant in the room”. At the heart of this, appears to be an important finding for the purposes of this research: control. The granting of access to information from the police to those working in external civilian oversight is seen as reflecting balance of control. One PONI participant said the process of obtaining information from the PSNI in the past “was like pulling teeth”:

“Once you start attaching caveats and conditions to disclosure of information and what type of complaints get passed and so forth, you are handing back control to the police. And it’s not to say, of course, that the present police regime wouldn’t be entirely conscientious in that respect. But nevertheless, the keys to the kingdom, as it were, are handed back once you start letting the police making those judgements for themselves” (PONI interviewee, 2016).

So for PONI, information-sharing or disclosure constitutes the “keys to the kingdom” for accountability. Although it has different powers and functions from PONI, the NIPB appears to have experienced similar difficulties in relation to requests for information from the PSNI:

“And we’ve seen that happening: police decide what goes out there and what doesn’t go out there. And to me, that has been used in Northern Ireland, used and abused and exploited, this idea of National Security, whatever that means. I don’t think anybody has really asked the question: what does that mean? And the public have been fobbed off, the Board have been fobbed off with National Security. And you cannot have a situation where the police are determining what is in their interest to disclose, and that has happened repeatedly with the police” (NIPB interviewee, 2016)

Over the years, there have been well-documented difficulties in NIPB obtaining information from the PSNI. One example is the Historical Enquiries Team. When the NIPB monthly meeting convened in private on 2<sup>nd</sup> October 2008, NIPB members were informed of receipt of a draft report by Professor Lundy, “Can the past be policed? Lessons from the Historical Enquiries Team (HET) in Northern Ireland” (Lundy, 2009). The PSNI had approved access for Professor Lundy to study the HET. The research findings raised serious implications for the lack of independence of the HET by employing former RUC officers. With its oversight of the PSNI and the policing budget, the report had implications for NIPB. The Human Rights and Professional Standards Committee was delegated to meet with the PSNI Chief Constable to discuss Professor Lundy’s (unpublished) report (12<sup>th</sup> November 2008). From November 2008 to October 2012, Professor Lundy’s research on the HET was the subject of meetings or correspondence between NIPB and PSNI on at least twenty occasions (NIPB, 2012, Record no. 217802). When NIPB first asked the PSNI to respond to Professor Lundy’s report in November 2008, it was not until 30<sup>th</sup> March 2009 that the PSNI replied, enclosing a current situation report prepared by the HET brushing off the concerns raised by Professor

Lundy. The PSNI approach to Professor Lundy's findings was later criticised by HMIC (June, 2013).

After the NIPB was reconstituted in May 2011, the Human Rights and Professional Standards Committee began enquiring again about the HET. At a meeting on 13 October 2011, the PSNI briefed a meeting of the HRPS Committee that no specific steps had been taken to address Dr Lundy's concerns (NIPB, 2012, Record no. 217802). At that stage, NIPB received a second report by Professor Lundy (2011) on processes and procedures involving Royal Military Police cases under the ambit of the HET. After meeting Professor Lundy on 8<sup>th</sup> March 2012, the Committee wrote to the PSNI. A rapid response was received which refuted the status and legal standing of Professor Lundy's report (NIPB, 2012, Record no. 217802). A fortnight later, NIPB members met with senior PSNI officers to discuss unresolved concerns arising from Professor Lundy's consecutive reports (2009, 2011). Then, at NIPB's next monthly meeting (NIPB, 2012, April 5) further questions were tabled by NIPB members about Professor Lundy's reports. The PSNI Chief Constable indicated that he was considering inviting HMIC to undertake an independent review of the HET. The scope and remit of the inspection was the subject of further correspondence between NIPB and PSNI. Eventually, HMIC commenced an inspection of the PSNI's HET in November 2012 and its report the following year vindicated Professor Lundy's research findings, (HMIC, 2013). It took four years, two research reports and an independent inspection by HMIC before the PSNI finally agreed to remove the leadership of the HET. It was not until a new PSNI Chief Constable was appointed that the HET was finally closed.

It is beyond the limits of the current study to examine in depth interactions between the NIPB and PSNI about the HET. From the inception of the HET in 2005 until 2014 when it was closed by the PSNI CC, NIPB had oversight of the HET. Yet, the NIPB itself did not invite Professor Lundy to meet to discuss her first report until 2 June 2010. Even with PSNI's reluctance to share information or take decisive action, NIPB's response to Professor Lundy's research appeared dilatory, despite the legal and ethical implications raised within it:

“I think in some ways the shock around that (HET) was that we already had a Policing Board for 9 or 10 years, apparently overseeing this, and yet the access to what was going in there wasn't provided, or wasn't looked for, or wasn't given back. And it was only when there was some sort of outside, another outside body, oversight with different powers, they found something out. And even then, you wonder did they

really get to the bottom of things. So every time you bring in outside bodies like HMIC or external auditors, to some extent the Board also runs the risk of them being exposed as it being on their watch.” (NIPB interviewee, 2016).

This raises a further dynamic in the realm of information sharing and disclosure. Vested or reputational interests in inquiries by ECO bodies may impair efficacy. Accountability for the impugned actions of the HET required intensive and sustained effort. Ultimately, it was the catalyst for change was prompted by two independent interventions: academic research by Professor Lundy (2009; 2011) and the inspection by the HMIC (2013). Even from this summary, the example of the HET reveals the compromise to relational accountability between the NIPB and PSNI over time. Documentary evidence available about the HET corresponds with the views of participants in this study that there was a lack of speed, fairness and transparency in the PSNI response to information sharing with NIPB.

“The PSNI have just refused to give us information. They have refused to give us information about legacy issues. They have refused to give us information about employment issues, and agency staff. We fought battles over issues which should have been just management issues. Not just issues which could be classed as political issues which might be about legacy and disclosure, and compliance with Ombudsman’s recommendations and all that kind of stuff. From the level of just hiding their mistakes to the level of people making political judgements about what could be disclosed, that hasn’t happened in practice” (NIPB interviewee, 2016).

It is a measure of the strain on this relational accountability that a senior interviewee says the Policing Board has “fought battles” with the police to obtain information. Perhaps, even more revealing is the suggestion that these vigorous disputes have related to areas of business unconnected with the political conflict and the questions surrounding legacy investigations. Moreover, PSNI decisions to refuse to disclose information with NIPB may belie a myriad of different police interests. Some of these will be further explored in the sections which follow. Certainly, it is interesting that while PSNI participants strongly agree that their approach to disclosure has been lacking in speed, fairness and transparency, their agreement was much more tempered in relation to Q.56 “Everything that is in the public interest – not the police interest – should be disclosed to the external oversight bodies” (PSNI=5.25 / SD.1.939). Given that Q.56 corresponds with the Patten Commission, it is welcome that there is agreement among PSNI participants, even if it is weaker than PONI and NIPB:

“This one about public interest and police interest. I don’t necessarily think they should be separated. You know we’re public servants. We’re part of a democratic society otherwise what’s the point. So, I can’t divorce the two concepts. I don’t feel that there’s anything that we’re involved in as an organisation which, within reason, and when I say within reason I mean if it’s going to speak to significant article 2 issues for individuals or, all of which can be managed. So, I don’t think there is anything that we are doing as an organisation that shouldn’t be disclosable. It would trouble me if I thought there was.” (PSNI interviewee, 2016).

#### **6.4 Individuals**

Responses on statements around the theme information-sharing (Q.56, Q.2., Q.57 & Q.58) also revealed insight into why this aspect of relational accountability is so strained. Again, consistent with the overall framework of triadic accountability as an ecological system, these responses reflect an interaction between situational and relational accountability. As highlighted earlier, the transition from RUC to PSNI was one of people as well as policing processes. As already noted, this led to a scenario where the new policing dispensation was populated by officers and staff unfamiliar with external accountability:

“There was severe hostility to this office, I think at all levels within the RUC as it was when we first started. It quickly became the PSNI. And I think that (hostility) continued for a number of years. And gradually it just became pockets of, small pockets within the police, not to say that’s been completely eradicated now, because I’m quite confident that it hasn’t. But I think you’re now talking about largely a regime, at senior management level, not entirely, but largely a management regime which is in the same place as this office” (PONI interviewee, 2016).

As this participant explains, the relationships between policing oversight and the police have improved over the years. This will be explored further in the chapters which follow (7 & 9). Yet, implicit in this interview extract is the insight that a change over time within the PSNI. This includes a change in the composition of the PSNI, as a result of the Patten Commission. It has also involved a change in those “at senior management level” in the PSNI. Meanwhile, participants across all agencies shared the view that “There are still some areas where the



external oversight bodies struggle to gain full co-operation from police officers and staff' (Q.16). This sentiment was strongest among NIPB participants (3.173; SD.=1.497)

This emphasis on the importance of individuals within the agencies involved in accountability was often expressed by participants in this study. At times, the difference which individuals make to accountability was reluctantly acknowledged:

“I mean, accountability means accountability. It’s a serious thing. The public need to be reassured that it’s not down to individuals because they can change. But I do think though, the truth of it is, individuals do change. And the amount of accountability you can either demand or get will to some extent come down to the individuals on the Board, at any one time, and their makeup and how they’re doing their job and also to George and his top team. You know, there’s a couple in the Top team that you would have time for in terms of them trying really hard, and then you have others, who are the art of smiling away at you but have no intention of doing the Board’s bidding, but it’s the show” (NIPB interviewee, 2016).

In exploring stages of transition or organisational change, Maurer (1996, p.14) outlines different methods employed by individuals to resist reform or change in the status quo. One of these is malicious compliance, where an individual signals receptivity to change or compliance but subsequently interferes, delays or reneges. Malicious compliance is a concept which has previously been investigated in societies in transition, such as South Africa. In that context, where policing reform is an important part of societal transition, malicious compliance has been highlighted by scholars (Bruce, 2011). Highlighting the need for carefully designing performance measures for policing, Bruce (2011 p.2) warns the “inherent risk of indicators is that they have unintended consequences such as ‘promoting inappropriate behaviour or malicious compliance’. This has been illustrated in South Africa with evidence of performance management related targets and systems contributing to a pattern of non-recording of cases reported at police stations”. In consecutive years (2009 & 2010) the Auditor General has expressed concerns about the quality of compliance with regulatory requirements by the South African Police Service (SAPS) (Bruce, 2011, p.6). These findings were 15-16 years after the end of apartheid and beginning of democratic transition in South Africa. Interestingly, this timeframe reflects the trajectory of policing reform in Northern Ireland. In exploring relational accountability, some of these findings suggest malicious

compliance in response to information-sharing and disclosure with ECO bodies. This does not necessarily mean that the individuals involved are offensive in their conduct:

“One of the problems I have with the police is that, in the nicest possible way, if they choose to, they can run rings around the Board. They’re very adept at talking at length but not saying very much. I don’t want to be cynical about them because I do admire them but they’ve an awful lot to say. Senior policemen could talk for Ireland, but you sometimes come out of a session thinking ‘what did we learn?’ ” (NIPB interviewee, 2016).

This extract highlights the difficulty experienced by some of those involved in external civilian oversight. A risk to relational accountability is not synonymous with a risk to relationships. Interactions between the ECO bodies and PSNI can be cordial and courteous without being effective in holding the police to account, as the Patten Commission envisaged. Indeed, vision of a “recalcitrant Chief Constable” conjured up in the Patten Commission’s view the need for the NIPB to have powers of report and inquiry, as outlined in the previous chapter. While those powers have never been used, some NIPB participants portray exchanges with past leadership of the PSNI which are problematic for relational accountability:

“As a member of the Policing Board (NIPB), we were constantly undermined and challenged by the PSNI, sometimes overtly and sometimes covertly. They just sabotaged stuff....They never said ‘No’. they just did ‘No’. And again, that has to be in the context of the personalities, some weak leadership. I do think I would have some confidence in George Hamilton. He’s probably the straightest of what we’ve seen, whether he can override some of the characters that he’s depending on. Some of the past Chief Constables have been to varying degrees obstructive and hostile. I don’t see that in George but time will tell” (NIPB interviewee, 2016).

Sabotage is another, more pernicious dimension to Maurer’s (1996) analysis of resistance to change within organisations. Whether there are differences between experience of ‘malicious compliance’ or ‘sabotage’ in the behaviours reported by participants is outside the scope of this study to probe. However, differences in personal perceptions are interesting. So too is the emphasis given to the personal attributes of senior officials in the PSNI. It is notable here that a change in leadership can result in a change in approach, influenced by the new appointee. If this is salient in PSNI’s approach to accountability, perhaps it also applies to ECO bodies. Yet, there is an inherent risk in this dependence on individuals at the expense of safeguards

and statutory powers. There was a debate within NIPB on this about British government proposals to introduce the National Crime Agency (NCA) in 2014. In response to the plea for NIPB to trust the leadership of the NCA, some members insisted that was insufficient:

“I said: ‘That may be the case and nobody is questioning that. But we have to have systems and processes in place. We cannot ever depend on whether an individual happens on this occasion to be coming with a value base that is honourable’ (NIPB interviewee, 2016).

The findings about the influence of individuals in accountability have a particular resonance. Changes in leadership of PONI and PSNI have both occurred during the last five years. These changes in leadership have coincided with evidence of some changes in the approach to information-sharing. In some ways, this debate about the importance of individuals or the importance of systems appears contradictory. Yet this is precisely why this study has favoured the framework an ecological systems perspective because of the perpetual and stochastic or conjunctural interaction between individual (s), systems and other factors. Another permutation of this is the effect of a leadership crisis in ECO bodies. The most prominent illustration of this was in PONI and preceded the commencement of this study:

“if you go back to the time of Sam Pollock and all the people that were involved there. And all of those relationships between the PSNI and the Ombudsman’s Office. And the guy that was in charge, Al Hutchinson. I think Al Hutchinson rolled over.... I think that Michael Maguire has been a breath of fresh air” (NIPB interviewee, 2016).

Three individuals in PONI are mentioned here: Sam Pollock, the former Chief Executive of PONI who blew the whistle on the controversy which “led to a lowering of the independence” of PONI. The Police Ombudsman at the time of that controversy Al Hutchinson, who had a background in the former Royal Canadian Mounted Police. Finally, Dr Michael Maguire, the current Police Ombudsman who replaced Mr Hutchinson. Those within the PSNI referred to as having relationships with PONI were not identified here. The implication is that relationships during that period between individuals in the PSNI and PONI contributed, by design or by default, to a crisis in accountability. Overall, the theme which emerges and which has been highlighted by others is that individuals can make an important impact on information-sharing in external civilian oversight.

## 6.5 Incident Handling

Another factor which may impact on information –sharing is the issue at the centre of the request. Attention has already been given previously (Chapter 5) to how intelligence and British National Security may hamper the autonomy and efficacy of accountability. A factor which also intervenes in information-sharing is the legacy of the conflict. This has also been highlighted elsewhere in this study as a recurrent factor in the ecological system of policing accountability in Northern Ireland. Again, this illustrates how strands of triadic accountability can interact and the impact of these upon external civilian oversight, as one participant said:

“It goes back to one of the original points I made. I think there are some dreadful things that perhaps went wrong and the Government just aren’t prepared to take it on board. That’s the bottom line” (PONI interviewee, 2016).

On the need to disclose or share information about conflict-related or legacy cases, the response of some PSNI participants appears to differ to others within this study. For instance, one of the statements with which PSNI participants feel most strongly is Q.50: “It is unfair of external civilian oversight bodies to judge past policing practices and procedures by current policing practices and procedures” (*reverse scored*. PSNI=3.291 / SD.=1.366). Furthermore, the views of PSNI participants reflected concerns about redirecting resources from present day policing to dealing with the past, in a climate of reducing budgets for policing.

“We don’t deal with request for information or disclosure speedily. It’s not one of the things that’s high on our list of priorities, and sometimes that’s quite rightly the case” (PSNI interviewee, 2016).

During this course of this study, the judiciary have directly expressed dissatisfaction with the quality and pace of disclosure by the PSNI. In July 2017, Justice Stephens criticised the approach of the PSNI: “Years have passed without compliance...there is no evidence of any attempt by the defendant (PSNI) to comply with its initial obligation under the rules to serve a list of documents or to comply with all the order made by the Master over many years” (Stephens J., 2017, July 21. *Flynn V PSNI* ). In the case of *Barnard V PSNI*, Justice Treacy issued a significant ruling on 28 July 2017 in which he specified a deadline by which time he expected the PSNI to comply with the court’s requirement for disclosure information sought in relation to the Glenanne Gang killings [2017] NIQB 82. When no remedy had been provided to the court by November 2017, Justice Treacy then issued an Order of Mandamus

on the PSNI (Morris, 2017, December 8). In response to this and a letter published from those bereaved by the Glenanne Gang, the PSNI Chief Constable George Hamilton issued an open letter (PSNI, 2017, December 15). Mr. Hamilton stated that he would be appealing Justice Treacy's judgment. He also expressed concern about the resource pressure of legacy disclosures and lamented the failure to progress with mechanisms envisaged under the Stormont House Agreement (SHA, 2014) for dealing with the past: "While these cases relate to so-called 'legacy' incidents, I am concerned by their potential implications for delivery of effective, operationally independent and accountable policing in the present" (PSNI, 2017, December 15). Yet even as this study concludes there is no firm evidence that the political agreement sought by the PSNI Chief Constable is about to be delivered. In the meantime, PSNI participants in this study find themselves dissatisfied that external civilian oversight bodies continue to judge past policing by present standards (Q.50). One PSNI participant said that the issue of the legacy of the conflict and dealing with the past impacts on the ecological system within which policing and policing accountability operates:

"I think it's difficult for families of police officers as well... I do think it's back to that kind of concept that the Chief talks about all the time in terms of the past really being our critical incident of today" (PSNI interviewee, 2016).

The fact that this participant signals that this transcends the PSNI as an organisation to effect the families of police officers tends to support this study's concept of triadic accountability as an ecological system within which factors within each strand of the system interact. The linkage made between police families and police officers, and the interaction between the past and the "critical incident of today", illustrate this proposition. For some police officers in this study, 30-40% of time on service each week was devoted to pending disclosures.

There was some sympathy with the position of the PSNI by participants from both PONI (3.733 / SD.=2.086) and NIPB (4.521 / SD.=1.274). Nevertheless, PONI participants strongly agreed with Q.49: External civilian oversight bodies have already played a positive role in dealing with the legacy of the past". Participants from NIPB also agreed with this (5.434 / SD.=2.085) while PSNI mildly disagreed (4.625 / SD.=1.663). However, even here there is an acknowledgement of the complexity of the past for external civilian oversight bodies:

"I think the (Police) Ombudsman has been pretty successful in dealing with some of the issues with the legacy of the past. But the only thing I would say about that is the legacy of the past means different things to different people. What I mean by that,

victims want different things, they have different expectations.... You almost come to a negotiated contract with the individual. What is that individual or those individuals particularly looking for? Do you just want closure? What is it you don't understand? And I think there's a lot of still needs to be done around that" (PONI interviewee, 2016).

## **6.6 Conclusion**

The picture which emerges very strongly from this summary of findings is critical for proposed dimension of relational accountability. Given the challenge function of accountability through external civilian oversight of policing, an adversarial dimension to this might have been expected. Although this study's proposition of triadic accountability is exploratory, the notion of accountability as relational finds strong support across the literature (eg. Bayley, 1990; Bovens et al. 2014; Dubnik, 2014b; Savage, 2013a, 2013b; Woods & Shearing, 2013). This literature has previously been discussed (Chapter 2 & 4). What these findings add is the suggestion that relational accountability (r) exists within an ecological system wherein the composite strands (s, r & t) interact and impact upon one another.

Firstly, the conclusion which emerges most strongly in relational accountability arises from problems perceived by participants in all agencies with information sharing. In particular, there was an acceptance among all participants that PSNI's approach to sharing information with ECO bodies has not been speedy, fair or transparent. Problems with information sharing or disclosure by police to external civilian oversight have been highlighted in recent times (Harkin, 2015). In this study, some differences in response emerged about whether the PSNI is justified in withholding information or placing limits on disclosure. Participants with a background in ECO bodies generally did not accept such limits, concerned that the "keys to the kingdom" would be in the control of the police.

Secondly, an interesting aspect of the findings was participants' perceptions of the salience of individuals in the effectiveness of accountability. The importance of the individual was illustrated in relation to information sharing when there were changes in both the leadership of PONI and of the PSNI. A third and final conclusion is how certain issues or incidents modulate information-sharing. Nowhere is this more conspicuous in the local ecological system than with so-called legacy cases or conflict-related disclosures. This was underpinned

by the insight that the PSNI portrays dealing with the past as “the critical incident of today”. Whether other critical incidents unrelated to the past conflict have the same impact upon information sharing would be worthy of further investigation. For the purpose of this study, the emphasis given to certain cases or themes was determined by participants and presumably influenced by the conditions and context which prevailed during the course of fieldwork and interviews. There may even be an argument that the tension in relational accountability between the three agencies in this study is a healthy sign. Yet, the extent of discord is surprising and the negative connotations of this for relational accountability are unmistakable. Further insight into why this is the case will be explored later in this study.

## **Chapter 7: Policing and Transformational Accountability ‘t’**

### **7.1 Introduction**

This chapter summarises participants’ views about the third and final strand in triadic accountability. Transformational accountability (t) is suggested as a development on the existing literature which argues for the importance of learning in accountability (Bovens, 2007; Bovens & Schilleman, 2014; Millar, 2002). Transformational accountability (t) is a composite of the strand of meaningful accountability (Bovens & Schilleman, 2014) and learning (Millar, 2002). It has been argued by Bovens & Schilleman (2014, p.679-680) that involving stakeholders in deliberative processes of accountability helps to clarify and agree expectations and achieve shared standards. However, this notion of meaningful accountability is not translated directly to reform or improvement more generally, or in relation to policing. Moreover, Millar (2002) has highlighted the importance of learning as a criterion to evaluate the effectiveness of external civilian oversight. Learning in that context was defined as policy improvement or change in the police as a result of policing oversight (Millar, 2002).

Elsewhere, this study outlined (Chapter 4) transformational accountability is the third strand of an ecological systems approach to policing accountability in Northern Ireland. Transformational accountability is an attempt to suggest a composite of meaningful accountability (Bovens & Schilleman, 2014) and learning (Millar, 2002) which is in harmony with the reform agenda of the Patten Commission. In doing so, the response of participants is explored and related back to relevant aspects of the original report by the Patten Commission. Some policing research post-Patten has highlighted issues of public confidence, legitimacy and trust (Topping et al. 2014) while other research reveals adverse effects from some forms of policing (CAJ, 2015; Lundy, 2009 & 2011). As discussed earlier, (Chapter 1 & 4) the paucity of evidence in support of external civilian oversight does not negate a widely held assumption that it can only be positive for policing and reform (President's Task Force on 21st Century Policing, 2015) In fact, accountable policing was viewed as an essential part of the transformation of policing in Northern Ireland, which in turn was central to the peace process. Therefore, this study argued that there is an important public policy interest in knowing if accountability and external civilian oversight is having the desired effect of enabling and enhancing policing reform.



Within the ecological system of policing accountability proposed by this study, transformational accountability (t) corresponds with the Micro and Meso-systems. As a result, it is explored at an individual, interpersonal and/ or inter-agency level. As acknowledged earlier, the strands of triadic accountability interact and affect one another. Transformational accountability (t) may be facilitated or inhibited by factors which impact within the other dimensions of relational (r) or situational (s). As Johnson (2008) found, the association between accountability and performance was non-linear, reflecting the co-existence of co-varying and contradictory factors within the ecological system. Nonetheless, evidence from participants' responses to statements for transformational accountability (t) may indicate evidence of change and / or of the factor which help or hinder change.

**Table 12.** Responses to Q statements on 't' transformational accountability by agency.

AGENCY	PONI		PSNI		NIPB	
Q no.	Mean	Std.Dev.	Mean	Std.Dev.	Mean	Std.Dev.
8	6.4	1.992	7.291	1.232	6.913	1.164
9	5.4	1.055	5.541	2.126	5.869	1.765
11	4.666	1.799	4.458	1.382	5.869	1.516
12	7.333	1.234	7.875	1.623	7.521	1.441
13	5.133	0.990	4.166	1.606	4.478	1.343
14	7.133	1.407	6.958	1.267	6.130	1.740
15	4.8	0.414	3.458	1.641	5	1.477
20	7.133	1.245	5.458	1.587	6.826	1.434
23	7.133	1.407	5.208	1.955	5.652	1.492
26	7.4	1.298	7.75	1.390	7.565	1.408
28	7.266	1.980	7.708	1.197	7.434	1.014
43	6.466	1.302	7.041	1.334	7.434	1.056
46	6.4	1.681	5.791	1.444	5.739	1.593
47	7	1.253	7.5	1.503	7.695	0.748
53	6.8	1.264	5.25	2.231	8.043	1.041
54	6.4	1.454	4.958	1.756	5	1.705
55	5.066	1.397	4.875	1.940	5.217	1.830

## 7.2 Findings

In common with preceding findings (r & s) this putative transformational dimension of triadic accountability is explored through participants' responses by agency affiliation. The same procedure has been followed with coding data in Excel ratings for each item (mean and standard deviation) to explore patterns of response by agency affiliation. A similar structure to the presentation of findings also follows. The summary of results based on participants

response by agency affiliation are in Table 12. The Q statements associated with this putative dimension of transformational accountability (t) are shared in Table 13.

By cross-referencing those Q items highest/lowest mean scores within transformational accountability with the interviews of those participants who responded most strongly, interviews were subject to inductive analysis to yield greater insight into the results. Findings are related back to the Patten Commission's (1999) proposals and other relevant research. The main emergent themes are then summarised and conclusions offered for incorporation into final chapters.

**Table 13.** Q statements (q=17) on 't' (transformational accountability)

8. Without effective external civilian oversight there can be no public confidence in policing
9. It is helpful that the Policing Board is consulted but ultimately all decisions on policing are for the PSNI.
11. It is useful that the Office of the Police Ombudsman can make suggestions for policy and practice reform but ultimately all decisions on policing are for the PSNI.
12. Without accountability policing in any democratic society is bereft of legitimacy.
13. Since the inception of the Policing Board and the Police Ombudsman, there has been effective collaboration in achieving accountability.
14. As a result of external oversight, accountability is now ingrained within the culture of policing in the north of Ireland.
15. The Policing Board has been very successful in engendering public confidence in policing.
20. After 15 years of external oversight there is now irrefutable evidence that it has driven policing reform.
23. The office of the Police Ombudsman has been very successful in engendering public confidence in policing.
26. There is no evidence that external oversight has had any impact on policing reform or improvements in the PSNI.
28. Without external oversight it would not be possible to have accountable policing
43. Monitoring human rights compliance is now an integral and vital component part of the external civilian oversight bodies.
46. The PSNI is the most accountable police service in the world
47. Without the external oversight bodies it would be difficult if not impossible for policing to have legitimacy.
53. If it was not for the work of the Police Ombudsman and the Policing Board the human rights agenda on policing would not be so far advanced.
54. The external oversight bodies do not engender confidence among the officers and the staff of the PSNI.
55. When decisions on policing have to be made, the external oversight bodies should not interfere with the police decision-making process.

### 7.3 Improvement

Significantly, participants from all three agencies strongly agree with Q.28: “Without external oversight it would not be possible to have accountable policing” (PONI=7.266 / SD.=1.98; PSNI=7.708 / SD.=1.197; NIPB=7.434/ SD.=1.014). Both the Good Friday Agreement (1998) and the Patten Commission’s report (1999) set the objective of securing, *inter alia*, accountable policing. Therefore, it is a positive indication of progress that elite actors within all three agencies responded strongly in agreement with Q.28. As a measure of transformational accountability at the level of strategic change, this appears encouraging.

“I think now that the office is 15 years old, there is a much more, it’s kind of, the idea that you have to be accountable for your decisions, it’s pervasive. It’s there. Every new recruit understands it. It think there is, it is much more accepted as something that actually even should be there as opposed to something to be feared, which is perhaps where things were when the institutions were first being set up” (PONI interviewee, 2015).

Along the same theme of improvement in policing, participants from all three agencies strongly disagreed with Q.26: “There is no evidence that external civilian oversight has had any impact on policing reform or improvements in the PSNI” (*reverse scored*) (PONI=7.4 / SD.=1.298; PSNI=7.75 / SD.=1.390; NIPB=7.565 / SD.=1.408). The strength of response to Q.26 was reflected in the comments of participants who were adamant that ECO has had a direct and positive impact upon policing reform or improvements in the PSNI :

“I think (ECO) it’s probably been at the core of policing reform and improvements. That’s not to big us up. I think there’s been a lot of people in the PSNI who have been at the core of policing reform and improvements. But I think we have helped push them in that direction as well. I think it took both: people in there who saw the future, who looked at the past and went, ‘We don’t want to be there anymore’” (PONI interviewee, 2016).

This extract portrays external civilian oversight (ECO) as a catalyst or accelerant for policing reform which enabled those within the PSNI who wanted reform. Within the PSNI, that view is shared as reflected of the benefit for transformational accountability of ECO:

“Well there’s plenty of evidence. You look at levels of complaints. You look at levels of police use of force. You look at levels of shootings. You look at levels of accountability. You know, none of that, if there hadn’t been reform of policing, none of that would have been there. So I think there’s a bundle of evidence that it’s had a huge impact upon policing, external oversight, huge. And you look at the amount of recommendations. Thousands of recommendations from external oversight bodies, that we actually monitor on its own computer programme called ‘overview’” (PSNI interviewee, 2016).

It is notable from this comment that there is an association being made between accountability and the use of force of firearms by the police. The Patten Commission had recommended that the PSNI should be routinely unarmed (ICP, 1999). Even though the PSNI remains heavily armed, the use of firearms is extremely infrequent. The reference to the monitoring of recommendations through ‘overview’ will be returned to later in this chapter. However, when asked to offer evidence to support the assertion that ECO had led to policing reform or improvements, many interviewees in this study struggled to cite specific examples. Instead, several interviewees referred to an association with confidence in policing. One interviewee described this in sequential or cyclical terms:

“Where an external civilian oversight body is successful it feeds into improvements in policing and those are seen. When police are held to account and there’s improvement in policing, the public confidence increases in policing” (PONI interviewee, 2016).

The question of confidence in policing is one which was mentioned briefly earlier in this thesis. It was noted that the measure of confidence in policing collected in public survey by DoJ is a composite measure of seven different measures about the three agencies at the centre of this study, PONI, PSNI & PONI. Most of the questions that are used to measure confidence in the police were developed many years ago (Campbell, 2017, January 19). It is not within the limits of this study to probe the association between public survey data on confidence in policing and the occurrence of improvement in policing or the police. Nonetheless, interviewees tended to refer to general indicators that policing oversight has had a positive effect on improvement in policing. Another such example was the reference to the fact that other societies visit Northern Ireland to learn about policing reform:

“People are still coming from across the world to look at our reform process, flaws as well as the positive points. But look at the way we do things. And why we do them.

So again, whilst not captured possibly in terms of academic research up until now, I think there's unquestionably evidence that external oversight...oversight works. Accountability works. It definitely does. It can be a pain in the neck but it works" (PSNI interviewee, 2016).

In some way, this extract exemplifies the broadly held belief, across all three agencies that policing reform including accountability and oversight has facilitated transformational change. Implicit in this is the recognition that the peace process in Northern Ireland, of which policing reform has been a key component, is held in positive regard internationally.

Interestingly, there was greater variability among participants in relation to Q.20: "After 15 years of external oversight there is now irrefutable evidence that it has driven policing reform" (PONI=7.133 / SD.=1.407; PSNI=5.458 / SD.=1.587; NIPB=6.826 / SD.=1.434). Whereas, participants with a background in the PONI and NIPB were strongly in agreement with Q.20, participants with a background in the PSNI were less committed to this claim. To some extent this mean score for agency affiliation disguised differences among the PSNI.

"I don't believe that there is any evidence that external oversight has driven policing reform. I think we've driven a lot of it. However, I do accept that without it we might not have been able to get so far. You know it's a bit of a strange thing. I don't think the evidence is there that you can point to and say the role of the Policing Board or the role of the Ombudsman was to build confidence in policing and to move it on, but yet you know instinctively that if it wasn't there, we wouldn't be where we're at" (PSNI interviewee, 2016).

This perspective was shared by other participants in the PSNI who said: "it's unfair to accept that it wouldn't have happened anyway" (PSNI interviewee, 2016). In these remarks, there is a hint of resentment at the notion that external civilian oversight enjoys credit for the reform and improvement of policing. Other participants with a background in policing oversight insisted that reform would not have been possible without external civilian oversight:

"I believe that the restructuring of the PSNI, the disappearance of special branch and we now have C3 for example, has a lot to do with police accountability over the last decade" (PONI interviewee, 2016).

Interestingly, this interviewee had a background in PONI which has invested much time in investigations into aspects of policing undertaken by Special Branch (eg. PONI, 2016). These differences between participants will be further explored later (Chapter 8 & 9).

It often proved difficult to obtain evidence of reform or improvements in documentary form to support the views of interviewees. An interviewee with a background in NIPB also highlighted trends in police use of force. In particular, the NIPB had put a focus on developing a strategy in conjunction with the PSNI to reduce the incidence of complaints by members of the public to the PONI about police aggression and incivility in 2012/2013. This 'Control Strategy' was adopted by the PSNI and monitored by the NIPB over a period of two years. The 'Control Strategy' was later cited in the 2015 annual report by the NIPB's Human Rights Adviser as an exemplar of good practice which could be replicated in other areas of oversight (NIPB, 2015). Unfortunately, the Control Strategy is protectively marked and therefore not publicly available for scrutiny. Yet, it is known from research fieldwork for this study that the Control Strategy entailed very little more than a tiered and co-ordinated approach to monitoring the conduct of local PSNI officers, with special attention to those districts where complaints of this type had rocketed.

In PONI it was learned that the effect of external oversight evolved and often changed direction during an investigation. PONI investigations will look for three things: a) misconduct; b) criminality; c) improvements. Patterns within complaints may be clustered and recommendations for improvement unrelated to the original complaint may emerge. This reflects what was envisioned by the Patten Commission (ICP, 1999). PONI stream recommendations which emerge from investigations into several categories: a) Strategic; b) Operational; c) Minor Areas for Improvement. One participant highlighted improvements in police use of force, an issue in the past surrounded by controversy in Northern Ireland:

“There's a multitude (of recommendations for reform). In fact, this year (2016) I think we put out almost 60 recommendations that have been accepted and implemented by the police service ranging from very minor changes to forms right up to how the police deal with high risk missing people. They (PSNI) recently accepted changes to training in firearms” (PONI interviewee, 2016).

This is illustrative of the interactive and interdependent dimensions of the ecological system of policing accountability. Issues or incidents arising require interaction between the agencies involved, as indicated in the preceding chapter on relational accountability (Chapter 6). From

this recommendations for policing reform and improvement sometimes emerge unexpectedly from complaints or investigations. This has the potential to be transformational (t) through improvements, but requires integrative action by the agencies.

#### **7.4 Iterative and integrative**

In the new architecture of accountability, a dynamic and collaborative to policing reform was envisaged between PONI, PSNI and NIPB (ICP, 1999, p.38). The need for an integrative approach to policing reform seems self-evident given the scale of change proposed. The Patten Commission made 175 recommendations and 38 of these related to accountability (ICP, 1999). However, as highlighted already in this chapter by several participants, there have been many other reforms and improvements recommended since the new policing dispensation commenced. One participant mentioned “Thousands of recommendations from external oversight bodies, that we actually monitor on its own computer programme called ‘overview’” (PSNI interviewee, 2016).

During fieldwork it was discovered that the policing oversight bodies and police service have developed computerised databases for inputting and collating policy recommendations. The PONI system is called ‘In-Site’ whilst the PSNI system is called ‘Overview’ whilst the NIPB have ‘Overview’ access through an on-site computer which is linked to the PSNI’s intranet system. PONI has access to the PSNI intranet service (policenet) through a stand-alone computer station in its own library. NIPB does not have on-site access to the PONI system.

“It’s not police-net. We have our own internal one... Our policy recommendations also go through the quality assurance group who will look at it and go ‘oh well, this one’s already there, this one’s been addressed.’ But that in itself is interesting, because if we’re saying ‘Listen you’ve done this wrong but by the way we told you a year ago you were doing it wrong. You really need to do it right if you haven’t addressed it. Or if the manner in which you have addressed that isn’t effective, you need to look at it again’. But yes, we do have a way of looking at our policy recommendations. But that’s internal ” (PONI interviewee, 2016).

These computerised databases both came on-stream within the PSNI and PONI around the same time, in 2007/08. However, there is a complete separation between PONI’s ‘In-site’ and

PSNI's 'Overview' meaning no facility for remotely cross-referencing between systems. In 2014, senior officials from the PONI, PSNI and NIPB began under an ad hoc 'Policy Evaluation Group' (PEG) to exchange views about recommendations made for improvement in policy and practice. At first this PEG met every six months, but during the course of fieldwork it was stated that this had been reduced to once a year.

During a research meeting with NIPB officials in May 2016, it was learned that up to that time NIPB had never accessed the PSNI 'Overview' system for tracking policy changes and did not routinely revert to it to monitor implementation of recommendations from PONI amongst others. When this finding was cross-validated during a research meeting that same month with the PSNI it led to the Chief Constable highlighting the availability to the NIPB of the 'Overview' system at the next public meeting of the Policing Board in June 2016. In addition, as highlighted in an earlier chapter in relation to reflexivity, queries raised during research about the existence of the two (separate) computerised systems of 'Overview' and 'In-Site' prompted exchanges between interviewees and /or officials within organisations. Yet these computer-based systems are not iterative and reflect a kind of separation between all three agencies. This is difficult to reconcile with the integrative, collaborative and dynamic approach the Patten Commission envisioned towards policing reform. Rather it seems that computerisation has led to a bureaucratisation of accountability:

“You know they've ended up with a matrix of recommendations from various bodies which they're desperately trying to implement and that's almost consuming their time in terms of organisational improvement and making things better. And that's almost become the *raison d'être* for organisational improvement and the way they go about it. ...they are responding to external influences and there are so many of them, that squeezes their organisational capacity then” (NIPB interviewee, 2016).

This participant with a background in NIPB offered this insight from outside the PSNI. This suggests that the PSNI are buffeted by a battery of recommendations from “external influences” and this is having an adverse or intended internal effect. It also implies that the systems being employed by the PSNI does not triage or prioritise recommendations according to the source from which they originate. During fieldwork, PSNI agreed to share screenshots of the interfaces used on 'Overview' (PSNI, 2016, May 19). Within these is a drop-down bar which lists all agencies from which recommendations had been made (up to May 2016). There are more than forty agencies or individuals listed including PONI, NIPB, HMIC and



Patten. Also among those included is the former RUC Chief Constable Ronnie Flanagan, whose Fundamental Review preceded the Patten Commission. Some of the inclusions do not have any perceived role in external civilian oversight of policing. There are other notable omissions such as Committee for the Administration of Justice (CAJ) which has published reports and made suggestions for policing reform (PSNI, 2016, May 19). When queried during research meetings, it was suggested that the list had not been refreshed over the years. As recommendations were made by external agencies these were added to Overview.

“what can happen is you’ve got so many people clamouring to want to influence the way an organisation is setting itself that it doesn’t give them the space to sit down and set their own strategic direction...it starts to really blur the boundaries and what we’re trying to achieve and why we’re trying to achieve it... I have seen a lot of instances of that where we have to be seen to do something to satisfy the oversight body but it’s not necessarily the right thing for us to be doing because it causes disproportionate amount of effort; or resources to do it; or whatever” (PSNI interviewee, 2016).

While this comment is not specific to the external civilian oversight bodies in study, this is an important perspective on the internal effect of external oversight on the PSNI. This is suggestive of the type of organisational dysfunction which Koppells (2005) has studied. Others scholars such as Bayley (1990) also caution about the adverse and unintended effects of external oversight. These findings will be further discussed in the conclusion (Chapter 10).

The iterative quality of transformational accountability to positively affect policing reform was reflected in another example described. Recruitment and training of investigators within PONI includes how to use Valentines, a software package for legal research. When a trainee investigator came to encounter a PSNI inspector, the learning gained was shared:

“a great experience recently where a trainee... challenged a chief inspector in an interview. The chief inspector said ‘well you’re wrong in the law’. And the investigator went and looked up it up online (for legal research). ■■■ trainee went and looked it up■■■■ showed him. He went back and told the chief inspector ‘This is how you should have looked it up’ and he said ‘I’m sorry. You’re right’. He said ‘we’ll have to look into getting that resource that you (PONI) have’. But it’s arming people with the right tools” (PONI interviewee, 2016).

Therefore, bureaucratisation of oversight and accountability need not necessarily lead to reform and learning. In fact, learning and improvements within organisations may be stifled and potentially compromised by intrusive oversight (Bovens & Schillemans, 2014, p.676). However, an iterative, integrative approach to collaboration seems to hold promise. Another unexpected but unrelated example of oversight having a potentially delirious effect is what PONI participants referred to as the ‘Police Ombudsman brush-off’. This is a by-product of the provisions of the legislation constituting the Office of the Police Ombudsman. This requires that anything raised as a matter of concern about police conduct, no matter how minor, would be immediately signposted to the PONI. A perception has grown that the ‘Police Ombudsman brush-off’ has come at a cost to internal regulation and skills in PSNI: “that has potentially impacted on their ability to deal with some quite straightforward issues sometimes quickly and neatly. Now, I think there is a change of mood within the PSNI in terms of moving towards dealing with some of those issues in a more timely, more effective way. But I think there has been a tendency around that” (PONI interviewee, 2016).

The change of mood is one which was expressed by interviewees with a PSNI background during this research. One police interviewee expressed the view that low level misconduct by a police officer should be resolved quickly by his immediate superior. It was argued that sergeants and inspectors are potentially being de-skilled from overseeing the culture within a police team under their direct supervision because all transgressions no matter how minor must be referred onward to PONI.

To return to the Patten Commission’s concept of an integrative, iterative or collaborative approach to accountability between the three agencies, scant evidence of this was found during this study. In particular, there was little or no evidence from fieldwork of participants in the external civilian oversight bodies being involved in a collective endeavour:

“quite honestly I know less about the Policing Board. The profile of the Policing Board isn’t really... isn’t perhaps what it should be in many respects. We hardly really see much of it in this Office” (PONI interviewee, 2016).

The reference to profile of NIPB was a comment on the fact that when NIPB appears in the media it has often been in the past as a result of disputes among members. PSNI participants also commented on this pattern and lamented the lack of coherence in NIPB. The absence of a complementary, integrative approach by external civilian oversight was conspicuous:

“It’s non-existent. The left hand doesn’t know what the right hand is doing. So I don’t think they effectively collaborate with each other or indeed, even in their own offices. It’s chaos most of the time and very politicised” (PSNI interviewee, 2016).

## **7.5 Internalised**

Articulating the optimal conditions for development and change, Bronfenbrenner (1976, p.214) emphasised the need for “the growth of mutual trust, positive orientation and goal consensus” within the mesosystem among actors. This corresponds with the Patten Commission’s vision of “a receptive organizational culture, one that is infused with a spirit of accountability” (Weizter, 1995 cited in ICP, 1999, p.7). Greiling (2014) has also argued that “A learning culture in the public sector requires a general readiness to encourage questioning and constructive criticism. This is only possible if there is a climate of trust” (2014, p.627)

These findings have particular resonance for transformational accountability (t) which this study suggests includes learning dimension within triadic accountability. While this concept is exploratory, findings from participants provide some evidence about the extent to which conditions for internalising reform have been created and sustained in policing. In this regard, several Q statements which reveal insightful results from transformational accountability.

### **Legitimacy**

The position of eminent policing scholars Markham & Punch (2007) is reflected in Q.12 that “Without accountability policing in any society is bereft of legitimacy” (PONI=7.333 / SD.=1.234; PSNI=7.875 / SD.=1.623; NIPB=7.521 / SD.= 1.441). The link made between accountability and legitimacy has been among the most important of ideas in research on policing oversight, as highlighted elsewhere in this study’s review of literature.

Highlighting historical deficiencies in Northern Ireland, some interviewees were quite explicit about the linkage between policing accountability and legitimacy. The formal process of questioning police conduct by PONI is in itself an exercise in legitimising policing :

“Coming from this part of the world where the legitimacy of the police force or police service at that time was in doubt across some sections of the community and the accountability mechanisms at the time weren’t believed to be effective... Certainly

accountability feeds into legitimacy because it calls police to account for their actions...A disputed police service certainly had no legitimacy. As that, I suppose the nature changes as you go down through the years and the legitimacy of that police service is no longer in doubt. They still need held, the police still need held accountable for its actions.” (PONI interviewee, 2016).

Although legitimacy as a construct is not the singular or central focus of this research, these findings provide an interesting lens through which to consider the relationship between accountability and legitimacy. In fact, this Q statement (12) goes further to place accountability and legitimacy in a context of a “democratic society”. Related to this through this strand of transformational accountability is the statement : without the external civilian oversight bodies it would be difficult if not impossible for policing to have legitimacy (Q.47). Many participants in this study viewed legitimacy as episodic or event-driven. For one NIPB interviewee, policing operation at the junction of Twaddell Avenue / Ardoyne in Belfast came to legitimise policing, when the PSNI upheld a determination by the Parades Commission to halt an Orange march. For another NIPB interviewee, the murder of PSNI officer Stephen Carroll represented a defining moment for the legitimacy of policing since people of all backgrounds united to condemn the attack.

“For every report we do where it gets a lot of public attention you’re always going to annoy one side and please the other. ... You know, the McGurks report I suppose was a big one [REDACTED] involved in that. But again, it ebbed and flowed. Because we had the report and then withdrew it and then reissued it. Then the police apologised, then they didn’t apologise.... But it was a kind of a big one where I think they at least eventually agreed to look at it again and accepted our findings, eventually” (PONI interviewee, 2016).

The idea that legitimacy of policing “ebbs and flows” is a theme which emerged strongly in this research. As this participant argues, there is some evidence that the exercise of accountability may have both positive and negative effects. The community and political divisions entrenched within the macrosystem in Northern Ireland serve to accentuate these effects. Apart from reports published by the Police Ombudsman, it was felt the events on the ground and the approach of the police may precipitate fluctuation in legitimacy:

“The legitimacy of the police service increases in one section of the community at certain times of the year and decreases in others. When you have something like

Twaddell or something happening around Ardoyne, the legitimacy of how the police service have dealt with that, it certainly drops within that community but the overall legitimacy of the police service has, I feel, amongst the members of the public, has increased. Events definitely impinge on the legitimacy (of policing).” (PONI interviewee, 2016).

The linkage between the police legitimacy and the democratic values and norms of society was recognised and articulated by participants in this study. For this reason, some argued that the exposure of police wrongdoing was required in order for it to be “addressed”.

“The police service is one of the most significant public bodies. It almost holds the society that it’s serving in the palm of its hands, really. In terms of how that society exists, and how it can develop in all sorts of ways, from economically to culturally. How people grow up, values and everything. For me, it’s at the heart of it.... having the accountability framework in place has allowed those things like legitimacy to come to the fore... before they can be addressed” (NIPB interviewee, 2016)

For some NIPB interviewees, the link between accountability and legitimacy of policing was part of the Patten vision for policing reform but there is still more work to be done:

“That’s probably the backbone of what Patten was trying to bring about... But the cops just haven’t bought into that... They shouldn’t have any politics around them. And accountability means that if they take decisions they have to defend them and explain them. If they make mistakes, they have to explain them and take full responsibility... you know it’s an incredible principle, but that’s not what we’ve got.” (NIPB interviewee, 2016).

There were also very mixed views about legitimacy among PSNI participants in this study. While there was support for Q.12 and Q.47 which both relate to the association between accountability and legitimacy, there was also some concern expressed about the effect of one on the other. The publication of PONI’s report on the Loughinisland massacre (PONI, 2016) during the course of this study prompted one PSNI interviewee to describe it as “an attack on the legitimacy” of the police. Another said accountability conflicted with legitimacy:

“Invariably, there’s a tension between these two concepts. Because whenever you’re being held to account for stuff that you get wrong it challenges then your external legitimacy because this narrative is here. But also because of the internal sense of

being treated fairly within the organisation. So actually, whenever this has happened, say for example Loughinisland... I'm not sure it gets translated or viewed through a lens that's overly positive, either externally or internally" (PSNI interviewee, 2016).

Given the salience of the views and attitudes of members of a police service in the legitimacy of policing (eg. Bottoms & Tankebe, 2012) these are potentially important findings. These views and their implications for accountability and external civilian oversight will be examined in greater depth in the chapters which follow (8 & 9).

### **Human Rights & Confidence**

Strong agreement was expressed by participants from all three agencies for Q.43:

"Monitoring human rights compliance is now an integral and vital component part of the external civilian oversight bodies" (PONI=6.466 / SD.=1.302; PSNI=7.041 / SD.=1.334; NIPB=7.434; SD.=1.056). Participant with a background in PONI were slightly less resounding in their agreement for this than their counterparts in PSNI or NIPB. This may be because PONI have less recourse to the Human Rights Act 1998 in handling complaints or carrying out investigations. PONI investigations are limited to breaches of the PSNI Code of Ethics or where appropriate criminal law. Even participants from other agencies noted that NIPB's Human Rights expertise has had a transformational effect on policing and the PSNI:

"This is more in particular in regard to the work that the Policing Board (Human Rights advisers) did...the police now are magnificent about talking human rights. Sometimes they don't always understand nor get it but a good thing is they think about it. and they have the concept, ingrained in them, from the start of training right through to everything they do...I don't know many other police forces in the world that have a core grasp of human rights the way that the PSNI does now" (PONI interviewee, 2016).

In 2003 NIPB first appointed Keir Starmer as Human Rights adviser before later becoming head of the Crown Prosecution Service. He was later joined by Jane Gordon. When both of them left, they were replaced by Alyson Kilpatrick, BL. The importance of this expertise in influencing the human rights agenda with policing was favoured by most participants:

"The monitoring human rights compliance, I think that's absolutely basic to, you know, what the role of the Board. In terms of human rights, the way the police

interact with the public, also the human rights of the PSNI themselves” (NIPB interviewee, 2016).

The impact of the expertise of the NIPB’s independent advisor on Human Rights was not universally welcomed. One NIPB participant said the HR rights adviser “boldly went where no one wanted them to go”. On attending a PSNI station during the term of a previous Chief Constable she “was refused entry. That forced the pace of change” (NIPB interviewee, 2016). As with legitimacy, there were some mixed feelings among PSNI participants about Q.53: “If it was not for the work of the Police Ombudsman and the Policing Board the human rights agenda on policing would not be so far advanced”. For instance, several PSNI participants argued that the police embraced human rights of their own accord. One PSNI participant dismissed the suggestion that police “had to be led by the nose” (PSNI interviewee, 2016). Again, these differences in perspective will be explored later (Chapter 8 & 9).

Counterpoised with the positive influence of the human rights adviser for NIPB, was Q.15: “The Policing Board has been very successful in engendering public confidence in policing” (PONI=4.8 / SD.=0.414; PSNI=3.458 / SD.=1.641; NIPB=5 / SD.=1.477). As these results indicate, PONI participants mildly disagreed with Q.15 while NIPB participants were neutral. However, it was among PSNI participants that there was most dissatisfaction with NIPB.

An example of this may be the College Review. Information brought to its attention by the PSNI Chief Constable led to a question of confidence in him by the NIPB. However, as the issue was further explored by the NIPB wider problems within the PSNI training college began to emerge. These concerned training and culture, both of which were central elements of the reform programme heralded by the Patten Report. Moreover, it was NIPB’s duty in law to monitor composition and ethos of the workforce, oversee recruitment into the PSNI and ensure training was human-rights compliant. Problems highlighted in previous reports by the independent Human Rights advisor to the NIPB appear to have been ignored or overlooked. The result was that when “Garnerville-gate” came to a head (August 2016) wider College Review commissioned by the PSNI revealed an embarrassing cultural malaise. While the PSNI had responsibility for this, so too did the NIPB. The outworking of this had other effects as NIPB made this “adopted this as a totemic issue” (PSNI):

“It was back into this binary position of conflict, the simplification of the issue which can then be used as a point of conflict between the Chief and the Board.. Instead of creating a forum it became much more of a cauldron around taking this to the brink

around confidence, around trust, around all of those matters.. I think it was an example of accountability transforming an issue, which undoubtedly needed addressed, into a crisis in which people are force to take sides” (PSNI interviewee, 2017).

## **7.6 Conclusion**

The purpose of this chapter was to summarise exploratory research into the putative dimension of transformational accountability. As these findings make clear, transformational accountability interacts with and is interdependent upon the two other strands of triadic accountability. This is consistent with the ecological system of policing accountability which this study proposes. Yet, there is a distinctive aspect to transformational accountability which is of particular interest in this study. For it is argued that learning and change is a potential benefit of accountability but that the evidence to support this claim is undiscovered. Some answers to the question about whether accountability and external civilian oversight are found in this chapter.

Firstly, participants in this study believe that external civilian oversight has led to improvement in policing. The findings suggest that improvement is most pronounced in the extent to which policing is accountable. Evidence that accountability led to improvement in policing was less clear. Although this was a conviction held by many participants, it was difficult to find specific examples which could be explored to understand how ECO bodies had facilitated or directed improvement in policing. Secondly, the vision espoused by the Patten Commission of an integrative, collaborative approach to accountability and policing reform does not appear to match with the findings from this study. In fact, while there is evidence of much activity, there were also questions about how productive this has been. This was most clearly epitomised by the two stand-alone computer-based systems operated by the PSNI and PONI. Although these systems relate to the same process of recommendations and reform or policy and practice in policing, they are not separate and not iterative. Thirdly, the argument that change and learning is most effective and sustainable when it has been internalised within an organisation is one which this study supports. That is why this study explores transformational accountability at the level of the microsystem and mesosystem within the ecological system. As previously cited, “a learning culture in the public sector



requires a general readiness to encourage questioning and constructive criticism. This is only possible if there is a climate of trust” (Greiling, 2014, p.627). The findings in this study offer a mixed picture in this regard. While there was support for the salience of accountability in relation to legitimacy, confidence and human rights, there were also problematic dynamics which came to the fore. These co-existing , co-varying and sometimes contradictory dynamics are consistent with the ecological systems framework proposed in this study. Further attention will be given to understanding these dynamics in later chapters (8&9).

## **Chapter 8: Perspectives of elite actors on accountability.**

### **8.1 Introduction.**

In preceding chapters, postulated dimensions of situational (s), relational (r) and transformational (t) accountability were explored according to participants' viewpoints grouped according to agency affiliation. For that purpose, an assumption has been made until now that participants' responses by agency affiliation would yield an understanding of the operability and efficacy of policing accountability. Results tend to suggest a pattern of difference between participants' responses based on agency affiliation. This chapter puts that assumption to the test through statistical analysis of responses by participants to the Q sort of statements to explore patterns of variance within this sample.

As outlined earlier, the ontological position of this research is that the subjective responses of participants constitute an invaluable source of data, without a priori assignment or appointment to a presumed group. Whether or not any (statistically) significant patterns exist between the responses of individual participants may constitute an important factor within the ecological system of policing accountability. In turn, this may influence the efficacy of external civilian oversight. To that end, this chapter explores subjective responses of participants at the level of the individual. From an ecological systems perspective, this is at the level of a micro-system. Using PQ method (v.2.35) statistical software to investigate preferences at this level of analysis, this chapter will test two hypotheses :

**H1** – that there is more than one distinct perspective on external civilian oversight of policing in Northern Ireland; and

**H2** – that agency affiliation (NIPB; PONI; PSNI) of individual participants in this study is closely associated with the perspective participants hold.

Results are presented with support for both hypotheses and presents analysis of two different perspectives within this sample. Perspectives are explored before summarising common and distinguishing features.

## 8.2 Factor analysis

To investigate participants' responses at this microsystem level PQ software (v.2.35) written for Q method (Schmolk, 2014) was employed. The procedure for data input and statistical analysis followed protocols outlined (Van Exel & de Graaf, 2005; Webler et al, 2009; Schmolk, 2015). The PQ method facilitated exploratory factor analysis of participants' responses at this microsystem level. The final outcome of this statistical analysis is a two-factor solution with 61 out of 62 participants loading on one of these two factors. In this study, 43 participants loaded on Factor 1 (F1) while 18 participants loaded on Factor 2 (F2). Each of these factors are investigated in detail and the responses of one participant who did not load on either factor will also be explored. Those Q statements which form common ground between F1 and F2 are highlighted and levels of significance indicated. Equally, there are Q statements which distinguish or differentiate F1 from F2 and these will also be explored in detail. Finally, the chapter concludes with a discussion about the implications of the findings for the operability and efficacy of external civilian oversight.

The distinct advantage of Q method derives from the rigour with which it enables comparison of the subjective preferences expressed by individual participants in response to the concurrence of statements selected. As O'Connor (2013) has underlined, analysis of the Q sort of responses by individual participants is effectively an inverted factor analysis (2013, p.1078). A shared perspective between participants is inferred from comparative analysis of the preferences each has expressed in response to Q statements. In this inverted factor analysis, it is individual participants who constitute the variables. Having already completed each sample during individual interviews noting the position of Q statements and recording reasons given by the participant for their preferences, the numerical data was coded for input to the PQ software.

As previously outlined, there was a 9-point scale of response from Very Strongly Agree (Q sort value = +4) to Neutral (Q sort value =) to Very Strongly Disagree (Q sort value = -4). Having conducted numerical coding manually, the data was then input to the PQ software in accordance with the protocol outlined (Schmolk, 2014; van Exel & de Graf, 2005; Weber, Danielson & Tuler, 2009) and in line other Q method studies (O'Connor, 2013; Kraak et. al., 2014; Ratcliffe et. al., 2014; McKevitt & Davies, 2015).

The software automatically truncates each statement to 60 characters, as seen in the full statistical output from which these findings are derived (Appendix 12). Therefore, each of the 59 Q statements was input and cross-checked manually with the laminate cards used in the Q sort. To help make results in this chapter easier to interpret, key findings have been reformatted to incorporate the original complete Q statements. Preferences expressed through the Q sort for all of the 62 participants were manually validated before numerical coding was input into the PQ software. After numerical data was input manually for all participants, PQ method standardises the distribution across the statements by weighting the average of each participant's score ( $P=62$ ) for each of the Q statements ( $Q=59$ ) in this sample. The resulting correlation matrix produced a normalised factor score or Z-score enabling comparison of responses on statements. Continuing to follow the procedure for Q method, seven centroid factors were extracted and rotated generating a seven factor solution which was then subject to manual analysis. In subsequent iterations, 6, 5, 4, 3 and 2 factors were manually selected and subject to varimax rotation to generate factor solutions. In each case, exploratory factor analysis was undertaken by selecting factor rotation and statistical output generated was then subject to analysis. None of these factor solution explained more than 67% of the variance within the sample (7 factor solution. See Appendix 12). Most Q method studies will generate a solution of between 2 and 5 factors (Webler et al, 2009). In the current study, the final rotation of a 2 factor solution explained 50% of the variance in this sample with 61 out of 62 participants defining loadings on one of the two factors. As other have previously underlined (eg: Webler et al., 2009), factor analysis in Q research is not mathematical reductionism which serves up the explanation to the researcher:

“Social perspectives are coherent patterns of opinion about a topic. They rarely match any individual's view completely. But some individuals' views will be closer to the social perspective than others'. People whose individual views most closely match a social perspective are said to “define the perspective.” (Webler et.al, 2009, p.11-12).

Guided by the statistical output, the theoretical and conceptual framework outlined, literature reviewed and the researcher's own judgement or intuition, it is concluded that the two factor solution may distinguish two social perspectives within this sample. The next section will provide an overview of the two factor solution and more detail about what these distinct perspectives may reveal.

### 8.3 Two factor solution

Emerging from this analysis is two factor solution suggesting distinct and different viewpoints within this sample (consistent with H1). The result also reveals a pattern of association between agency affiliation and factor loading (consistent with H1). Participants with a background in either the Office of the Police Ombudsman for Northern Ireland or the Northern Ireland Policing Board tended to load on Factor 1. On the other hand, participants with a background in the PSNI tended to load on Factor 2 (see Table 14).

Indeed, several participants load onto a different factor than those with whom they share agency affiliation (see Table 14). There is evidence of this in 8 participants with a background in the PSNI (18; 19; 20; 21; 25; 30; 32; 30) loading on Factor 1. There is also some evidence of a cross-over in perspective from those with a background in external civilian oversight to loading on Factor 2. This was much more limited with two participants with a background in the Northern Ireland Policing Board (47 & 52) loaded on Factor 2. Furthermore, both of these participants had factor loadings which were quite evenly spread across both Factors 1 & 2.

Within the current sample two-thirds of those with a background in the PSNI (16 participants) loaded more highly on Factor 2, and the extent to which this perspective was shared by those with a background in either the NIPB or PONI was very limited. Factor 1 is postulated to represent a social perspective shared by the majority of those within this sample. These findings have important implications for the current research.

In a complex system like policing accountability, improvement and learning is most likely when individual actors share common beliefs, values and attitudes. Therefore, the dominance of a perspective (Factor 1) shared by most participants in this sample is likely to be conducive to policing reform and improvement. However, if agency affiliation is a marker of contrasting perspectives on external civilian oversight of policing in Northern Ireland, these differences may stymie change.

**Table 14. Factor matrix for 2 factor solution** (with agency affiliation. X=defining sort).

<b>Q sort</b>	<b>Factor 1</b>	<b>Factor 2</b>	<b>Agency affiliation / F1 or F2</b>
<b>1</b>	0.6305 X	0.1931	PONI – F1
<b>2</b>	0.6274 X	0.1593	PONI – F1
<b>3</b>	0.5556 X	0.2191	PONI – F1
<b>4</b>	0.1463	0.2380	PONI – neither
<b>5</b>	0.6642 X	0.1766	PONI – F1
<b>6</b>	0.7701 X	0.2831	PONI – F1
<b>7</b>	0.7422 X	0.1227	PONI – F1
<b>8</b>	0.6809 X	0.2984	PONI – F1
<b>9</b>	0.5940 X	0.3472	PONI – F1
<b>10</b>	0.6146 X	0.3769	PONI – F1
<b>11</b>	0.6348 X	0.3216	PONI – F1
<b>12</b>	0.7334 X	0.2112	PONI – F1
<b>13</b>	0.6060 X	0.4861	PONI – F1
<b>14</b>	0.5391 X	0.2857	PONI – F1
<b>15</b>	0.6676 X	0.2560	PONI – F1
<b>16</b>	-0.1037	0.7848 X	PSNI – F2
<b>17</b>	-0.0354	0.6728 X	PSNI – F2
<b>18</b>	0.6030 X	0.5591	PSNI – F1
<b>19</b>	0.4860 X	0.3049	PSNI – F1
<b>20</b>	0.6828 X	0.2923	PSNI – F1
<b>21</b>	0.4809 X	0.3660	PSNI – F1
<b>22</b>	0.4123	0.4743 X	PSNI – F2
<b>23</b>	0.2045	0.6385 X	PSNI – F2
<b>24</b>	0.3936	0.6456 X	PSNI – F2
<b>25</b>	0.6865 X	0.4542	PSNI – F1
<b>26</b>	0.2772	0.5477 X	PSNI – F2
<b>27</b>	0.5255	0.6133 X	PSNI – F2
<b>28</b>	0.2540	0.6633 X	PSNI – F2
<b>29</b>	0.4810	0.5232 X	PSNI – F2
<b>30</b>	0.6518 X	0.1180	PSNI – F1

Agency affiliation: PONI=Police Ombudsman for Northern Ireland; PSNI=Police Service of Northern Ireland; NIPB=Northern Ireland Policing Board

**Table 14. (continued)**

<b>Q sort</b>	<b>Factor 1</b>	<b>Factor 2</b>	<b>Agency affiliation / F1 or F2</b>
<b>31</b>	-0.0908	0.6775 X	PSNI – F1
<b>32</b>	0.5633 X	0.5167	PSNI – F1
<b>33</b>	0.7240 X	0.3054	PSNI – F1
<b>34</b>	0.1158	0.5503 X	PSNI – F2
<b>35</b>	0.4554	0.6098 X	PSNI – F2
<b>36</b>	0.3684	0.6744 X	PSNI – F2
<b>37</b>	0.1165	0.6835 X	PSNI – F2
<b>38</b>	0.3842	0.4115 X	PSNI – F2
<b>39</b>	0.4909	0.5644 X	PSNI – F2
<b>40</b>	0.6635 X	0.2677	NIPB – F1
<b>41</b>	0.7844 X	0.2318	NIPB – F1
<b>42</b>	0.7216 X	0.2943	NIPB – F1
<b>43</b>	0.6859 X	0.1606	NIPB – F1
<b>44</b>	0.8075 X	0.0970	NIPB – F1
<b>45</b>	0.6469 X	0.1482	NIPB – F1
<b>46</b>	0.6605 X	0.3717	NIPB – F1
<b>47</b>	0.4219	0.5285 X	NIPB – F2
<b>48</b>	0.4577 X	0.4217	NIPB – F1
<b>49</b>	0.6195 X	-0.1019	NIPB – F1
<b>50</b>	0.6659 X	0.2692	NIPB – F1
<b>51</b>	0.8098 X	0.2198	NIPB – F1
<b>52</b>	0.3877	0.3916 X	NIPB – F2
<b>53</b>	0.7240 X	0.3763	NIPB – F1
<b>54</b>	0.4647 X	0.3358	NIPB – F1
<b>55</b>	0.6387 X	0.3767	NIPB – F1
<b>56</b>	0.6340 X	0.2224	NIPB – F1
<b>57</b>	0.5320 X	0.3903	NIPB – F1
<b>58</b>	0.7387 X	-0.0592	NIPB – F1
<b>59</b>	0.5079 X	0.2699	NIPB – F1
<b>60</b>	0.6945 X	0.2872	NIPB – F1
<b>61</b>	0.7546 X	0.2759	NIPB – F1
<b>62</b>	0.6304 X	0.3686	NIPB – F1

From an ecological systems perspective, shared beliefs, values and attitudes are a precondition for effective learning and reform (Bronfenbrenner, 1992). At the same time, the findings from this factor analysis of Q sort responses reveals evidence of a cleavage in perspectives between those in the police and those involved in policing oversight. This further builds on patterns evident in the preceding chapters on situational, relation and transformational accountability. Arguably, the Q sort factor analysis undertaken and summarised in this chapter provides robustness and levels of statistical significance which also present a challenge. If shared beliefs, values and attitudes on the operability and efficacy of external civilian oversight are theorised to be a precondition for learning and consequent reform, then evidence of competing or polarised perspectives between the police and those in policing oversight ought to be a cause for concern. To the extent that Factor 1 and Factor 2 represent social perspectives which are inimical to one another, such beliefs, values and attitudes may in themselves hinder learning. Moreover, if perspectives on the operability and efficacy of external civilian oversight are diametrically opposed to one another, arguably further reform and improvement in policing is in jeopardy.

To explore these issues further, greater understanding is required of the defining, distinguishing and common features of the social perspectives represented by Factor 1 and Factor 2. Since these factors are thought to be viewpoints within this sample, Factor 1 is renamed as Perspective A (F1) and Factor 2 is renamed as Perspective B (F2) for the rest of this chapter. The features of these distinct perspectives will be considered next and related to the dimensions of accountability which have been conceptualised as situational (s), relational (r) and transformational (t).

#### **8.4 Perspective A (Factor 1)**

Comprising of 43 participants, Perspective A (F1) accounts for 33% of variance in the sample as a whole (Table 14 & Appendix 12). Drawing upon the analytical techniques employed in other Q studies (eg: Kraak et. al., 2014; McKeivitt & Davies, 2015; Carlin, 2017) this section explores the variables (P) and statements (Q) which may define Perspective A. To aid interpretation of these results, a positive z-score represents agreement while disagreement with a statement is reflected by a negative z-score. Although, the PQ method software automatically truncates the statement, additional detail is included in Table 8.2 to highlight



which conceptualised dimension of accountability (s; r; t) each statement is assumed to correspond with. These findings help to reveal differences and consensus between perspectives within this study. Areas of consensus will be explored at the end of this chapter.

### **Characterising statements for Perspective A.**

There is no stipulation in Q method about how many distinguishing statements should be selected for further discussion to help define a shared social perspective. In their study of accountability in food policy, Kraak et al. (2014) chose 16 from 48 statements in their Q set. Usually, the main determinant of statement choice should be the strength of agreement or disagreement expressed for the statement as expressed by those participants who have defining loadings on it. Those statements are identified from the z-scores (Schmolk, 2015) and are viewed as ‘characterising statements’ for that perspective (Carlin, 2017). In similar proportion to the sample of statements from the Q sort employed by Kraak et al. (2014) for examining the ten statements with which those holding Perspective A most strongly agree and most strongly disagree were reviewed. The ten statements with which participants in Perspective A most strongly agreed are listed below, in rank order of highest score first:

47. Without the external oversight bodies it would be difficult if not impossible for policing to have legitimacy (*transformational +*)
  
12. Without accountability policing in any democratic society is bereft of legitimacy (*transformational +*).
  
53. If it was not for the work of the Police Ombudsman and the Policing Board the human rights agenda in policing would not be so far advanced (*transformational +*)
  
28. Without external oversight it would not be possible to have accountable policing (*transformational +*)
  
33. A new beginning to policing accountability has been the key to a new beginning to policing (*transformational +*)
  
6. The most effective model of policing oversight is one which is under civilian control (*situational +*)
  
43. Monitoring human rights compliance is now an integral and vital component part of the external oversight bodies (*transformational +*)

8. Without effective civilian oversight there can be no public confidence in policing (*transformational +*)

20. After 15 years of external oversight there is now irrefutable evidence that it has driven policing reform (*transformational +*)

16. There are still some areas where the external oversight bodies struggle to gain full co-operation from police officers and staff (*relational -*)

Within these statements is a noticeable pattern, with Perspective A strongly agreeing with the transformational value of external civilian oversight. Furthermore, most of these characterising statements have a positive interpretation. Only one statement (16) has a negative implication, this for the dimension of relational accountability.

Below, ten statements with which Perspective A most strongly disagreed are listed in rank order starting with highest disagreement first :

52. There was nothing wrong with the arrangements for policing accountability which we had in the past before the Patten report (*situational +*)

26. There is no evidence that external oversight has had any impact on policing reform or improvements in the PSNI (*transformational +*)

25. A separate Policing Board and Office of the Police Ombudsman may have been justified at the start of the policing reform process but now resource constraints mean 2 separate oversight bodies is a luxury. (*situational +*)

2. The PSNI has always dealt speedily and fairly with all requests for disclosure of information from the external oversight bodies (*relational -*)

4. There is no need for the Policing Board to have scrutiny over or accountability for matters in the sphere of national security or covert policing. (*situational -*)

57. The PSNI has always demonstrated complete transparency to the external oversight bodies (*relational -*)

21. More of what is presently done by external oversight could be transferred to internal police accountability mechanisms. (*situational +*)

36. External civilian oversight bodies should limit their remit to those issues of concern presented by members of the public (*situational +*)

42. External oversight bodies should have scrutiny over only those aspects of policing which concern everyday crime and community safety. (*situational +*)

35. The institutions for policing oversight which have evolved are like a monster which has to be fed. (*relational +*)

Seven of the ten characterising statements with which Perspective A most strongly disagrees, are positive for the dimensions of accountability to which they have been assigned. Most of these statements pertain to situational accountability where 6 of the 7 statements are positive. One statement relating to situational accountability (4) and two statements construed as relational accountability (2 & 57) have negative results.

### **Summary of Perspective A**

Perspective A places very high positive value on the legitimising effect of policing oversight and a strong emphasis on the influence of oversight on human rights-based policing and public confidence. At the same time, full co-operation from police officers and staff with external civilian oversight is still viewed as a struggle. Trouble gaining disclosure of information and transparency by the PSNI to the policing oversight bodies are areas of concern. Taken together, the dynamic interaction between police and policing oversight are conflicted and this has negative connotations for relational accountability. This perspective sees policing oversight as being proactive and expansive, inclusive of issues beyond individual complaints or issues of civic policing. That includes areas of national security and covert policing, which are presently the preserve of separate overseers appointed by the British government under reserved or excepted policing powers. Policing oversight under ‘civilian control’ is paramount and this oversight has been central to the reform of policing. This is a significant dynamic in policing reform with accountability pivotal to delivering the new beginning to policing. Indeed, it is a feature of the new policing dispensation not provided in the past.

Those holding Perspective A might be described as: *promoters; enablers; constructors; reformers; campaigners; Pattenisers;*

## 8.5 Perspective B (Factor 2)

Comprising of 18 participants, Perspective B (F2) accounts for 17% of the variance in this sample. For ease of interpretation, this overview of Perspective B follows the same pattern as the preceding analysis. The statements (Q) and variables (P) which help to define Perspective B are summarised before this chapter goes onto compare both perspectives.

Loadings on all 59 statements are reported (Appendix 12) and from the related statistical output statements and variables which best define Perspective B are derived. Once more, a positive z-score represents agreement while disagreement with a statement is reflected by a negative z-score. Where an item assumes importance in this analysis of results, the complete Q statement is presented in the following sections.

### Characterising statements for Perspective B

As explained in the previous section, the characterising statements for Perspective B are taken to be those with the highest positive and negative z-score. To maintain symmetry with the preceding analysis, the ten Q statements with which Perspective B most strongly agree or most strongly disagree were reviewed to learn more about the characterising statements of Perspective B. Firstly, Q statements are ranked in order of strongest agreement:

12. Without accountability policing in any democratic society is bereft of legitimacy  
(*transformational +*)

33. A new beginning to policing accountability has been the key to a new beginning to policing. (*transformational +*)

28. Without external oversight it would not be possible to have accountable policing.  
(*transformational +*)

8. Without effective external civilian oversight there can be no public confidence in policing. (*transformational +*)

27. Party politics has too great an influence on the Northern Ireland Policing Board.  
(*relational -*)

47. Without the external oversight bodies it would be difficult if not impossible for policing to have legitimacy. (*transformational +*)

43. Monitoring human rights compliance is now an integral and vital component part of the external civilian oversight bodies. (*transformational +*)

50. It is unfair of external oversight bodies to judge past policing practices and procedures by current policing practices and procedures. (*relational -*)

10. PSNI is justified in its concern that information disclosed to the external civilian oversight bodies may not be treated with the necessary sensitivity / confidentiality (*situational -*).

14. As a result of external oversight, accountability is now ingrained within the culture of policing in the north of Ireland. (*transformational +*)

These findings show strong agreement in Perspective B for the transformational value of policing accountability and oversight. Seven of the ten statements have a positive connotation for transformational accountability. Of the three remaining characterising statements in this sub-section, two of these (Q27 & Q50) have negative implications for relational accountability and the other (Q10) appears to reflect a deficit in the situational dimension of accountability to which it is assigned.

On the other hand, six out of the ten statements (below) with which Perspective B most strongly disagreed had a negative implication for the dimension of accountability to which they were construed. Three of these characterising statements had negative connotations for situational accountability (Q17; Q7; Q13). The three remaining statements in this sub-section had adverse implications for relational accountability (Q2 & Q57) and transformational accountability (Q15).

52. There was nothing wrong with the arrangements for policing accountability which we had in the past before the 1999 Patten report. (*situational +*)

26. There is no evidence that external oversight has had any impact on policing reform or improvements in the PSNI. (*transformational +*)

36. External civilian oversight bodies should limit their remit to those issues of concern presented by members of the public. (*situational +*)

17. All those aspects of policing which in the past gave cause for concern are now subject to effective accountability through the Police Ombudsman and / or the Policing Board. (*situational -*)

15. The Policing Board has been very successful in engendering public confidence in policing. (*transformational -*)

7. The Police Ombudsman's access to all aspects of policing, including national security & covert policing is completely unfettered. (*situational -*)

30. The Northern Ireland Policing Board's powers and responsibilities need to be increased to make it effective. (*situational +*)

2. The PSNI has dealt fairly and speedily with all requests for disclosure of information from the external oversight bodies. (*relational -*)

13. Since the inception of the Policing Board and the Police Ombudsman, there has been effective collaboration between both in achieving accountability. (*situational -*)

57. The PSNI has always demonstrated complete transparency to the external oversight bodies. (*relational -*)

### **Summary of Perspective B.**

Perspective B finds fault with accountability arrangements before the Patten Report and views accountability as key to a new beginning. This accountability has been ingrained in policing and gives legitimacy while external civilian oversight has also aided legitimacy, confidence and human rights. Overall, this perspective holds that external civilian oversight should not be limited to only those issues raised by members of the public and that there is evidence of this oversight aiding reform.

The NIPB has enough powers to discharge its duties but according to Perspective B it has not been effective at engendering public confidence and has been too affected by party politics. Several statements shared by Perspective B reveal a problem with disclosure to the external civilian oversight bodies by the PSNI. From this perspective, the PSNI is justified in its concerns about information disclosure and the PONI does not have unfettered access to information relating to National Security and covert policing. The NIPB and PONI are not viewed as collaborating effectively although all areas of policing in the past which gave cause for concern are not yet under their oversight. At the same time, Perspective B believes accountability for past policing by present standards is unfair.

One of the issues which appears especially salient in Perspective B is control of information and its disclosure. There are two characterising statements which reflect this theme (7 & 10). One of the defining variables for Perspective B explained these Q sort preferences. Commenting on why PONI do not have unfettered access to information on all aspects of policing, including National Security and covert policing, this interviewee said:

“Not all of it is unfettered but I can understand why. Which relates very closely to number 10 in that PSNI is justified in its concern that information disclosed to external civilian oversight bodies may not be treated with the necessary sensitivity and confidentiality. We don’t vet the staff who are working within external oversight bodies. So we don’t really necessarily have, once it leaves our organisation, we don’t have control over it and there’s an element of trust that it will be dealt with. There would have been things that would have caused, some stories that have got out that maybe would have damaged that trust about the confidentiality of the information that’s provided.” – Perspective B (PSNI)

## **8.6 Comparing Perspectives: Consensus Statements**

Both Perspective A & B strongly believe that policing accountability before Patten Report was seriously faulted (4). The new beginning to policing envisaged by Patten which placed civilian oversight at the centre of the new accountability arrangements have impacted upon reform and improvement in policing (26). Further change under devolution of policing and justice has enhanced the reform process (5). ECO needs to go beyond everyday crime and community safety (42) and be more than reactive to issues of concern to the public (36). Both perspectives strongly agree that human rights monitoring is an essential part of external civilian oversight (43). As a result of oversight, a culture of accountability is now strongly ingrained in policing in Northern Ireland (14) and to a lesser degree both perspectives view the PSNI as the most accountable police service in the world (46). Neither perspective views use of external civilian oversight as an attempt to deliberately damage policing (3) and were equally non-committal, or perhaps ambivalent about the role of external civilian oversight bodies amidst the police decision-making process (55). However, where both perspectives converged on areas of concern, these related to matters of transparency (57), disclosure of information (2) and the independence of external civilian oversight bodies (48). Police are seen by both perspectives to be undercutting or underperforming relational accountability in these key areas. While the reasons for holding these perspectives no doubt vary between individuals, this is an especially challenging finding for the effectiveness of external civilian oversight. Moreover, this appears to reflect the ‘embodied contradictions’ within policing which Chan (1997) has previously underlined where police action or attitudes would hinder the very oversight which helps the police.

**Table 15. – Consensus Statements Perspectives A & B.**

**CONSENSUS STATEMENTS BETWEEN FACTOR 1 AND FACTOR 2**

Item no.	Q statement	Factor 1 (F1)		Factor 2 (F2)		Dim <sup>a</sup>
		Q-sort value	z-score	Q-sort value	z-score	
2	The PSNI has always dealt fairly and speedily with all requests for disclosure of information from the external oversight bodies	-3	-1.36	-3	-1.20	R -
3	Sometimes it seems as though the external civilian oversight bodies are used by those who deliberately want to damage policing	-1	-0.45	0	-0.26	R +
5	The devolution of powers on policing and justice has led to tangible improvements in policing accountability	2	0.85	2	0.89	S +
8	Without effective civilian oversight there can be no confidence in policing	3	1.33	3	1.49	T +
9	It is helpful that the Policing Board is consulted but ultimately all decisions on policing are for the PSNI	-1	-0.34	-1	-0.47	T +
14	As a result of external oversight accountability is now ingrained in the culture of policing in the north of Ireland	2	1.15	2	1.00	T +
16	There are still some areas where the external oversight bodies struggle to gain full cooperation from police officers and staff.	2	1.17	2	0.98	R -
26	There is no evidence that external oversight has had any impact on policing reform or improvements in the PSNI	-4	-1.76	-4	-1.69	T +
28	Without external civilian oversight it would not be possible to have accountable policing	3	1.71	4	1.86	T +
36	External civilian oversight bodies should have limit their remit to those issues of concern presented by members of the public.	-3	-1.23	-4	-1.58	S +
42	External oversight bodies should have scrutiny over only those aspects of policing which concern everyday crime and community safety	-2	-1.16	-2	-0.91	S +
43	Monitoring human rights compliance is now an integral and vital component part of the external oversight bodies	3	1.42	3	1.30	T +
46	The PSNI is the most accountable police service in the world	1	0.61	1	0.46	T +
48	The independence of the external oversight bodies has never been challenged or undermined by the PSNI	-2	-0.99	-2	0.81	R -
52	There was nothing wrong with the arrangements for policing accountability which we had in the past before the 1999 Patten Report	-4	-2.20	-4	-1.90	S +
55	When decisions on policing have to be made, the external oversight bodies should not interfere with the police decision-making process	0	0.07	0	0.26	T neutral
57	The PSNI has always demonstrated complete transparency to the external oversight bodies	-3	-1.34	-2	-1.07	R -

<sup>a</sup>Dim. = dimension of accountability (S= situational; R=relational; T= transformational).



### Differences between Perspectives A & B.

The descending array of factor scores (z-scores) for each statement help to clarify those issues within the Q sort on which Perspectives A & B most clearly diverge. Like consensus statements, this statistical procedure is performed automatically as part of the output from PQ method after completing exploratory factor analysis. However, the descending array of factor scores had to be generated manually from the output and the full table is in appendices (Appendix 13). From this the 10 Q statements on which difference is most pronounced at either end of the scale are summarised (Tables 16 & 17).

**Table 16. Differences (>0) in factor scores between Perspective A (F1) & B (F2)**

<b>Item</b>	<b>Statement</b>	<b>A (F1)</b>	<b>B (F2)</b>	<b>Diff.</b>
<b>53</b>	If it was not for the work of the Police Ombudsman and the Policing Board the human rights agenda would not be so far advanced.	<b>1.717</b>	<b>-0.470</b>	<b>2.187</b>
<b>30</b>	The NIPB's powers and responsibilities need to be increased to make it effective	<b>0.244</b>	<b>-1.408</b>	<b>1.652</b>
<b>15</b>	The Policing Board has been very successful in engendering public confidence in policing.	<b>0.002</b>	<b>-1.467</b>	<b>1.469</b>
<b>20</b>	After 15 years of external oversight there is now irrefutable evidence it has driven policing reform	<b>1.322</b>	<b>-0.062</b>	<b>1.383</b>
<b>56</b>	Everything that is in the public interest - not the police interest – should be disclosed to the external oversight bodies.	<b>1.108</b>	<b>-0.154</b>	<b>1.261</b>
<b>17</b>	All those aspects of policing which in the past gave cause of concern are not subject to effective accountability through PONI +/-or NIPB	<b>0.245</b>	<b>-1.502</b>	<b>1.257</b>
<b>44</b>	The Department of Justice has too much influence over the affairs of the external oversight bodies.	<b>0.350</b>	<b>-0.712</b>	<b>1.062</b>
<b>34</b>	Democratically accountable policing is only possible because elected representatives are involved in the Policing Board.	<b>0.546</b>	<b>-0.470</b>	<b>1.015</b>
<b>37</b>	Policing accountability in Northern Ireland is the 'Rolls Royce model' of external oversight.	<b>0.550</b>	<b>-0.428</b>	<b>0.978</b>
<b>49</b>	External civilian oversight bodies have already played a positive role in dealing with the legacy of past policing.	<b>0.716</b>	<b>-0.227</b>	<b>0.944</b>

**Table 17. Differences (<0 ) in factor scores between Perspective A (F1) & B (F2).**

<b>Item</b>	<b>Statement</b>	<b>A (F1)</b>	<b>B (F2)</b>	<b>Diff.</b>
<b>10</b>	PSNI is justified in its concern that information disclosed to the external civilian oversight bodies may not be treated with the necessary sensitivity / confidentiality.	<b>-0.269</b>	<b>1.074</b>	<b>-1.343</b>
<b>35</b>	The institutions for policing oversight which have evolved are like a monster which has to be fed.	<b>-1.065</b>	<b>0.209</b>	<b>-1.275</b>
<b>39</b>	As a result of external oversight we now have leaders in policing chasing numbers and targets which are completely counterproductive.	<b>-0.650</b>	<b>0.551</b>	<b>-1.201</b>
<b>31</b>	The emphasis on policing oversight sometimes has the effect of inhibiting internal regulation within the PSNI.	<b>-0.346</b>	<b>0.713</b>	<b>-1.059</b>
<b>27</b>	Party politics has too great an influence on the Northern Ireland Policing Board	<b>0.457</b>	<b>1.434</b>	<b>-0.977</b>
<b>59</b>	External oversight of policing in the north of Ireland is too complex and cumbersome.	<b>-0.825</b>	<b>0.096</b>	<b>-0.921</b>
<b>19</b>	All public agencies have to adapt to current funding constraints and external oversight of policing should be treated in exactly the same way.	<b>0.149</b>	<b>0.982</b>	<b>-0.834</b>
<b>58</b>	There are clear and necessary limits to what the PSNI should disclose to the external civilian oversight bodies.	<b>-0.464</b>	<b>0.358</b>	<b>-0.822</b>
<b>4</b>	There is no need for the Policing Board to have scrutiny over areas of covert policing and national security.	<b>-1.347</b>	<b>-0.536</b>	<b>-0.811</b>
<b>22</b>	The external oversight bodies are not ready for the creation of the Historical Investigations Unit.	<b>-0.164</b>	<b>0.642</b>	<b>-0.806</b>

The differences between Perspective A and B, possible explanations for these differences and what significance, if any, they may have for accountability and external civilian oversight of policing reform in Northern Ireland will be discussed in following chapter (9). However, it is noteworthy that something so fundamental to policing reform as Human Rights (Q.53) appears to be an issue which distinguishes these two Perspectives (Table 16). Furthermore, a recurrent theme (Table 16 & 17) is the extent to which the practices and procedures for information-sharing between policing and policing oversight bodies are viewed positively by participants. Differences in perceptions about the past or legacy of the conflict, the effectiveness of the ECO bodies and the role of the DoJ also distinguish the Perspectives.

## 8.7 Conclusion.

The potential significance of these results should be underscored. Central to the proposition in this study is the finding from an extensive review of literature that shared values, attitudes and beliefs are a condition for change and development, learning and reform. That proposition is inherent in the conceptualisation of an ecological systems perspective. However, these findings reveal a cleavage within values, attitudes and beliefs of elite actors (n=62) in this sample. This divergence in perspective was statistically significant, and a pattern is evident to some extent of agency affiliation being closely aligned to the perspective held by a participant (Table 14). That may be an important finding in determining how accountability and external civilian oversight affects policing reform in Northern Ireland.

However, it is also noted that the inference of an association between agency affiliation and perspective held by participants is not predictive of the sample as a whole. Notably, several Q sorts appear to deviate or cross-over from the dominant Perspective held by others with the same agency affiliation. Significantly, this cross-over includes eight participants with a background in the PSNI who share Perspective A. It also includes two participants with a background in the NIPB who share Perspective B, although they actually load quite evenly on both perspectives. Nonetheless, the analysis indicates that they share sufficient in common in their individual Q sorts to be aligned to Perspective B. However, with the relatively small numbers in this sample the identification of any other features of these two participants may compromise the study's ability to secure anonymity of those involved. Possible titles or names for Perspective B and Perspective A will be considered in the next Chapter (9) after further analysis of similarities and differences.

## Chapter Nine: Arresting Policing Reform?

### 9.1 Introduction

Preceding chapters on results have considered findings separately in relation to: i) the three proposed strands of triadic accountability, and ii) the extent to which participants hold shared values, attitudes and beliefs with the triadic strands of accountability and external civilian oversight. However, central to this thesis is the argument that in order to understand the effect of accountability and external civilian oversight on policing reform, these component parts must be considered together. Indeed, the whole concept advanced in this study is one of an ecological system of policing accountability made up of the dynamic and conjunctural interactions of the different facets of which it is comprised. This thesis argues that policing reform can best be optimised and actualised when a) the three levels of triadic accountability are correctly aligned to achieve this and b) the values, attitudes and beliefs of those key actors engaged in this coalesce with one another. Therefore, having considered the findings separately and sequentially, this discussion chapter provides an integrative analysis of the results of this study. In the development of this analysis, further data from this study is discussed and triangulated with other findings from documentary and observational research within this study. In doing so, the interpretation of these findings is related, where possible, to wider scholarship on accountability and policing reform.

As the conceptualisation of an ecological system of policing accountability outlined (Chapter 4), this study has been oriented towards an interdisciplinary research framework. Yet, as also discussed at the outset of this study (Chapters 1 & 2), the academic investigation of external civilian oversight of policing reform in Northern Ireland is limited. This leaves the study with some initial findings for which a definitive explanation is beyond the reach of existing research. Where this occurs, this chapter will offer a qualified interpretation of the findings grounded in what research is available and the preliminary analysis of the researcher. Arguably, this discussion may prompt theoretical questions for future research.

Therefore, this discussion will present an analysis in three parts. Firstly, an ecological systems perspective on external civilian oversight of i) NIPB and ii) PONI. An integrative examination of triadic accountability (s,r,t) in relation to each of these agencies highlights factors which potentially attenuate the efficacy of these “Patten institutions” (Shearing, 2010, p.29). Secondly, the salience of shared values, attitudes and beliefs among participants across

all agencies (PSNI, PONI, & NIPB) is further discussed. As stated earlier in this study when considering ecological systems theory learning and reform, change and development occurs most effectively when people share values, attitudes and beliefs about the joint endeavour in which they are engaged (Bronfenbrenner, 1979, p. 214). Therefore, the results summarised in Chapter 8 are re-examined in relation to i) areas of consensus and ii) areas of divergence between participants. This illuminates the extent to which values, attitudes and beliefs of those elite actors in this study are shared. In turn, that permits this discussion to explore why any apparent patterns might exist, and to postulate the implications of this for the effective operation of external civilian oversight.

Finally, by integrating the qualitative and quantitative evidence gathered during this study and triangulated in this discussion, this chapter concludes that there are significant deficiencies in the ecological system of policing accountability in Northern Ireland. Furthermore, the discussion concludes that while there is evidence of some shared values, attitudes and beliefs among elite actors about policing accountability, there are notable differences. The alignment of these differences to agency affiliations, raise a challenge for policing reform. Some ideas are shared about why these differences may exist and how they may affect the operation of accountability and external civilian oversight. It is concluded that some of the effects may contrast with or be different to what was foreseen or intended by the Patten Commission. This phenomenon is theorised in a different way, in an effort to further contribute to the growing scholarship within the academy, as that of agathakakological accountability.

## **9.2 An ecological systems perspective of External Civilian Oversight (ECO)**

The capacity and effect of ECO to exercise accountability and advance the agenda for policing reform is indivisible from the ecological system within which it operates. Furthermore, this study argues that triadic accountability is a conceptualisation which can help illustrate the distinct strands of the ecological system. As outlined earlier, (Chapter 4), the proposed framework of triadic accountability is a conceptual development upon other scholarship which has explored public accountability (Bovens et al, 2014; Dubnik, 2014b) and external civilian oversight (Finn, 2002; Bayley, 2008; Prenzler, 2011; and Millar, 2002). The three strands of this conceptual framework (situational (s); relational (r); & transformational (t)) are not weighted differently. The assumption of triadic accountability is

that each of these component strands interacts dynamically and interdependently. Having considered each strand separately, the logical extension of assumptions underpinning triadic accountability is that these strands can, and should, be considered contiguously within a given ecological system. In order to do this, additional data gathered from semi-structured Q method interviews will be triangulated with documentary and observational data collected during this study. In this way, triadic accountability will be discussed through external civilian oversight by the NIPB and PONI.

### **9.3 Triadic accountability and NIPB**

An ecological systems approach to policing oversight was applied to operation of the Northern Ireland Policing Board (NIPB). During the course of this study, the NIPB was suspended for almost a year. At the time of completing the study, the NIPB remains unconstituted. Rather than present problems to this study, the changes in NIPB present inconsistencies and contradictions which an ecological systems perspective is especially well placed to help examine. The interacting and independent nature of triadic accountability is illustrated quite dramatically through developments which have impacted upon the NIPB in the course of the last twelve months of this study. It is important to note that some of the developments outlined are outside the control of the NIPB. That also underlines the salience of an ecological systems perspective. From analysis of the NIPB, indications arise of shortcomings or weaknesses in the exercise and operation of external civilian oversight. This analysis suggests that shortcomings in external civilian oversight may at times be attributable to those involved in policing oversight, rather than the police. Referring back to wider policing scholarship, this analysis also helps to highlight a further important finding: that “civianness” (Savage, 2013a) of oversight does not guarantee effectiveness.

#### **9.3.1 Difficulties & challenges: Situational ‘s’**

By virtue of the Police (NI) Act 2000 which established the Northern Ireland Policing Board (NIPB), it must be reconstituted after every Northern Ireland Assembly election. In February 2017, the NIPB held its last full meeting before the Northern Ireland Assembly election in March 2017, precipitated by the resignation of the former deputy First Minister Martin

McGuinness and collapse of the power-sharing Executive. During the private session, NIPB officials made a submission to NIPB members that they should delegate NIPB's statutory authority (NIPB, 2017, Record no. 315398). This submission recommended delegating authority for prescribed functions to the Chief Executive and serving Chair and Vice-Chair. The term of office of the Chair, Vice-Chair and serving independent members of NIPB was also extended (Stewart, 2017, November 17). With the permission of the Department of Justice (DoJ), this also enabled the independent members originally appointed by DoJ to continue to receive a stipend and expenses, and in the case of the Chair and Vice-Chair, their respective salaries. Excluded from the submission made to NIPB members was the delegated authority to either a) further extend the contract of the independent Human Rights adviser; or b) run a competition for a new adviser at the end of the fixed term contract due to expire on 12<sup>th</sup> September 2017. The role of officials and of the Human Rights adviser will be further explored later in this discussion. For now, these events illustrate that the NIPB is not entirely in charge of its own destiny within the ecological system of policing accountability.

In response to a question from SDLP MLA Dolores Kelly, the Permanent Secretary of DoJ wrote: "The 2000 Act expressly confers the function of inviting nominations to the political membership of the Board on the Minister of Justice, not the Department, so the Board cannot be properly reconstituted until the Minister is again in place. In the absence of its political members, we have legal advice to the effect that the Board cannot exercise any of its functions" (Perry, 2017, October 23). This creates a void in policing accountability in Northern Ireland. In more than 16 years since its inception, there has never before been any significant length of time when the NIPB failed in its duty to discharge statutory duties under the Police (NI) Acts 2000 & 2003, until now. In October 2002, when the Assembly was previously suspended, the Secretary of State formally reappointed members under the provisions of the Police (NI) Act 2000. That did not happen in 2017. When a former member of NIPB and Sinn Féin MLA Gerry Kelly was interviewed by media (UTV, 2017, October 9) about the absence of effective external civilian oversight he said: "It is a not-thought-out-consequence... of the situation that we're in". This "not-thought-out consequence" or as Merton (1936) might argue an "unintended consequence" is to some extent a symptom of the inexorably contested paradigm of politics in the north of Ireland. Since elections in March 2017, political talks to restore the power-sharing Assembly have failed. Yet, the architecture of accountability which the Patten Commission envisaged was never expected to be a hostage to political parties. Together with legislation emerging from protracted negotiations on

policing reform, the accountability architecture at the heart of the new beginning to policing was to have been durable. That has now proven to be vulnerable to changes in the ecological macro-system. The suspended animation in which the NIPB has existed for most of 2017 underlines the salience of situational accountability (s) as a strand of external civilian oversight, as outlined earlier (chapter 5). However, it would be incomplete to construe this episode singularly through the lens of situational accountability. Although the socio-political circumstance and legal framework (macro-system) within which the NIPB operated was impacted upon by other dynamics, how the NIPB responded was in its own control. Elsewhere in this study, research has been reviewed which underpins the significance of the “living procedures” for effective accountability, especially external civilian oversight (Bayley, 2006; Savage, 2013a, 2013b). This particularly implicates relational accountability (r) (see chapter 6) which includes interaction between and within the agencies at the centre of this research. Therefore, NIPB’s response to political events and suspension of the Assembly in January 2017 provides insight into the living procedures of relational accountability.

### **9.3.2 Difficulties and challenges: Relational ‘r’**

There have been many elections in Northern Ireland over recent years. Since the devolution of powers on policing and justice in 2010, there have been three Northern Ireland Assembly elections in May 2011, May 2016 and March 2017. As mentioned, the NIPB has continued to function on a statutory basis throughout that time, until the beginning of 2017. Consequently, minutes of NIPB exchanges are available to review. On 7 April 2011, the NIPB held its last monthly meeting before the Assembly election that year. The NIPB minutes reflect discussion on the reconstitution of the NIPB and serving members agreed that: “delegated authority be granted to the Chief Executive to deal with any urgent items of business in the period from the end of the current Board’s term of office until the election of the Chairperson and Vice-Chairperson.” (NIPB, 2011, Record no: 160310, p.8). Following the election, the NIPB was reconstituted under the provisions of the Police (NI) Act 2000. When Assembly elections were scheduled again for May 2016, the NIPB held its last monthly meeting on 7<sup>th</sup> April 2016 (record no: 292841). NIPB members discussed whether Committee meetings would be required later that month or deal with items of committee business by email. Then, the interim Chief Executive “advised members that a Board Induction Event would be arranged for 26<sup>th</sup> May 2016.” (p.4-5). No proposal was tabled for NIPB members to delegate



authority of the NIPB to the Interim Chief Executive, although there is no rationale for this decision in NIPB minutes.

However, in February 2017 (NIPB, 2017, Record no: 315398, p.15) NIPB minutes refer to the “Northern Ireland Assembly elections – implications for the Board and arrangements for Board and committee meetings”. This was the last monthly meeting of NIPB before the Assembly elections in March and minutes record that: “The Chief Executive presented a paper which updated Members on the impact of the dissolution of the Northern Ireland Assembly and an election on the constitution of the Policing Board”. In response to the Chief Executive’s papers it was agreed that “Officials draw up a programme of work for Independent Board members during the election period” (NIPB, 2017, Record no: 315398, p.15). The paper from the Chief Executive is not appended to minutes or available on the website. A further meeting of NIPB was held on 27<sup>th</sup> February 2017, but no detail is publicly available about the proposals officials prioritised. Analysis of available documentation highlights that NIPB officials adopted a different procedure before Assembly election 2017, than 2016 or 2011. The rationale for this difference in approach is unexplained and unknown.

Correspondence to the SDLP from the Chief Executive (Stewart, 2017, November 17) quotes from the paper which was presented to NIPB members in February 2017 (NIPB, 2017, Record no. 315398). This proposed that the NIPB “approve an extension of the tenure of the Chair and Vice-Chair until the first meeting of a new Board”. Furthermore, it proposed that authority be delegated to the Chief Executive, Chair and Vice-Chair of the of NIPB for, *inter alia*, financial scenario planning; PSNI funding and approval of PSNI high value compensation requests; approval of PSNI secondments; appointments to a Police and Community Safety Partnership (PCSP); and authorities over acquisition and disposal of property, rental leases and assisted removals. Yet, correspondence from the DoJ Permanent Secretary (Perry, 2017, October 23) to Mrs. Kelly makes clear that the NIPB “cannot exercise any of its functions”. In those circumstances the decision to extend the salaried tenure of the Chair and Vice-Chair and extend remuneration for 9 independent members may raise governance questions.

Furthermore, the proposal from NIPB officials in February 2017 for delegated authority contrasts with the approach taken before Assembly elections in 2011 and 2016 and included additional authorities to those delegated in 2011. There is no documentary evidence available

during this study to explain the difference in approach. Importantly, the NIPB members did not appear to have the statutory authority to make any decision to delegate authority to the Chair, Vice-Chair and chief executive. On 20 January 2017, an Order In Council by the Secretary of State James Brokenshire came into force which stated “The Assembly is to be dissolved on 26<sup>th</sup> January 2017” (S.I. 2017 No.32). When the Assembly is dissolved the NIPB is also dissolved, as happened before elections in 2011 and 2016. Therefore, the dissolution of the Assembly on 26<sup>th</sup> January by the Secretary of State meant that the NIPB was already de-constituted. Given this fact, when NIPB met twice during February 2017, it appears to have had no statutory basis to take decisions to delegate authority, as recommended by officials. Indeed, it has previously been noted that there is no provision anywhere in the primary legislation constituting the NIPB for delegating authority (NIAC, 2002). As these living procedures by which external civilian oversight operates are examined, the significance of relational accountability becomes all the more apparent. As this study comes to a close, the ramifications of this for NIPB and for policing accountability in the north of Ireland are still not fully known. Yet the situational and relation strands of this study are clearly seen to interact through this sequence of events in NIPB. What remains to be discussed is how these intersect through this example with transformational accountability.

### **9.3.3 Difficulties and challenges: Transformational ‘t’**

The transformation of policing in Northern Ireland was the *raison d’être* for the programme of reform heralded by the Patten Report (1999). For this reason, statements in this study concerning human rights have been taken to give expression to transformational accountability (chapter 7). A key condition and objective for the “new beginning to policing” has been to inculcate a culture of human rights in policing. The integral nature of human rights to policing reform was enshrined in the Police (NI) Act 2000. Under section 3 (3), this places a statutory duty on the NIPB to monitor the performance of the PSNI in complying with the Human Rights Act 1998 (s.3(3)(b)(ii)) and to assess the effectiveness of the PSNI Code of Ethics (s.3(3)(d)(iv)). The Police (NI) Act also requires that the PSNI Code of Ethics stipulates standards of conduct and practice for police officers arising from their obligations under the Human Rights Act 1998. Finally, there is a duty on NIPB under section 57 (Police (NI) Act, 2000) to issue an annual report on policing in Northern Ireland, and that this shall include an assessment of compliance with the Human Rights Act 1998 in the performance of

the PSNI (s.57(2)(a)ii)). NIPB also has duties under the statutory Codes of Practice for stop and search powers under the Terrorism Act 2000 (paragraph 13.4) and the Justice and Security (Northern Ireland) Act 2007 (paragraph 5.14). Given the onerous nature of these obligations, NIPB has relied upon independent human rights experts since 2003 to provide advice and support in discharging its legal duties. From that time, the duties on NIPB have extended to monitoring the exercise of functions of the UK-wide National Crime Agency (NCA). Although the NIPB has no oversight role in relation to the British Security Service (MI5) the expanded role afforded this agency in the north of Ireland under Annex E of the St Andrews Agreement 2007 included explicit reference to the role of Human Rights Advisors to NIPB. It is also envisaged under the Stormont House Agreement that the oversight role of the NIPB is extended to encompass a new Historical Investigations Unit (HIU). Apart from their expert training in human rights law and practice, these experts have been subject to Developed Vetting (DV). This has permitted access to premises and information which are out-of-bounds for the NIPB itself. Between 2003 and 2008, the NIPB contracted for services by Direct Award Contract (DAC) of two independent human rights experts to provide this support (NIPB, 2008). Importantly, during most of this five year period, the Assembly was suspended until May 2007. Since December 2008, NIPB has relied upon the expert assistance of a single independent Human Rights adviser also appointed by DAC. With that contract due to expire in February 2012, NIPB extended it for several months to discharge its statutory duties whilst advertising a new tender for services. That new contract for services was awarded in September 2012 for five years and expired on 12<sup>th</sup> September 2017. Therefore, for the first time in fourteen years the NIPB had no independent Human Rights advisor. This reduced the capacity of the NIPB to monitor PSNI compliance with the Human Rights Act 1998, and to compile an annual Human Rights and thematic reports on Human Rights. Whether this impacts on the present legal obligations of NIPB is uncertain, but it does appear at variance with what the Patten Commission envisaged for a Policing Board with expert capacity in human rights and a dynamic role in human rights promotion (ICP, 1999).

Controversy surrounds how this has come about but there are clearly implications for transformational accountability. While the role of the Human Rights advisor was challenged and criticised by some members of NIPB itself during that time, the contract was still retained. Yet, arguably from 2015 onwards an attempt was made by NIPB officials to alter the established and influential role of the Human Rights advisor. For example, a decision was taken to re-profile the contract with the independent Human Rights adviser as ‘discretionary

spend' within the budgets (NIPB, 2015, FoI.44/2015). Duties undertaken by the Human Rights adviser were to be changed and reassigned (NIPB, 2015, FoI.44/2015). The committee structure within NIPB was also redesigned to move Human Rights under the control of the interim NIPB Chief Executive as opposed to the Performance Committee where it previously sat (NIPB, 2016, Record no. 30050, p.10).

Following the collapse of the Northern Ireland Assembly and Executive in 2017, there were difficulties with the reconstitution of the NIPB given the absence of local Ministers to approve this. Subsequently, the Human Rights Advisor position was not renewed at the end of its contracted period (from 2012-2017 as a fixed term contract). By contrast, during a previous political hiatus in Northern Ireland when the Assembly and Executive were suspended between 2002-2007, the NIPB was reappointed by the Secretary of State and it contracted two Human Rights Advisors. When discussing the non-renewal of the contract in 2017, the NIPB chair Anne Connolly said: "Well, I find it somewhat strange that some of the people who are saying that obviously don't understand public accountability, because as I've just said to you in my previous comments we are not fully constituted as a Board. So therefore we do not have the mandate to incur new expenses, to either initiate contracts or appointments or to renew them. That is outwith. We can't do that" (UTV, 2017, October 9).

This sequence of events appears to illustrate a distinct change in view about the perceived authorities and competencies of the NIPB between two separate periods of political hiatus. On a point of technicality, it is correct to say that the NIPB cannot now reverse the termination of contract for the Human Rights advisor. However, this was because the NIPB itself opted not to use its authority to retain its Human Rights advisor, or appoint a new advisor. The submission in February 2017 omitted that proposal from the 'delegated authorities' recommended to NIPB members. This decision was reinforced by the Permanent Secretary of DoJ who said: "...there is no specific requirement to appoint a Human Rights advisor" (Perry, 2017, October 23). These views are, however, difficult to reconcile with the formal references to the role of the advisor outlined in policies, documents and the St. Andrews Agreement (2006). This approach also appears to be at variance with what the Patten Commission envisaged whereby the NIPB would champion human-rights based policing and have the professional, legal expertise and internal capacity to discharge this role.

This sequence of events and the absence of effective human rights oversight of policing by the NIPB may well compound concerns expressed by some interviewees during this study:

“The Policing Board, I don’t think, the Policing Board is 100% effective in anything that it is doing. In fact, I think it’s well under 100% in effectiveness, in how diligently its pursuing human rights compliance within the PSNI. I’m not sure if it’s an issue of it can’t or won’t, but it’s somewhere. I think it starts with the will to monitor human rights compliance and it ranges right from that through to the cooperation from the PSNI. So it’s a continuum of the will to do it and the cooperation in doing it” (NIPB interviewee, 2016).

### **9.3.4 Conclusion**

So onerous were the legal obligations to monitor human rights compliance by the PSNI, so complex were those duties, and so seriously were they taken, that NIPB had once employed two Human Rights advisor at considerably greater expense. One of these advisors had been Sir Keir Starmer, QC, who later became the head of the Crown Prosecution Service and a Member of Parliament. Since that time, the changes in the ecology of policing in the north of Ireland have added to the complex responsibilities of the Human Rights adviser to NIPB. Duties have developed with policy changes under the St Andrews Agreement 2007, (Annex E); Stop and Search powers; the National Crime Agency and proposals under the Stormont House Agreement (2014) for a Historical Investigations Unit (HIU). Yet even as human rights policing assumes greater importance, interacting factors across all strands of the ecological system have combined to produce a result where the NIPB dispensed with a crucial source of expertise. Given the value attached by the Patten Commission to a human rights-based approach to policing, the decision by NIPB to cease with the role of Human Rights advisor after 14 years is a notable development. It is one which points to many of the contradictions and co-varying dynamics at work within the ecological system of policing accountability. The role of the sponsor Department (DoJ) in the affairs of a non-departmental public body (NIPB) is also noteworthy.

## 9.4 Triadic accountability and PONI

Earlier in this study, the socio-historical context from which policing reform emerged under the aegis of the Patten Commission was outlined in detail. From the time of the Collins-Craig agreement of the 1920s to investigate allegations of police wrongdoing; through to 1980s & 1990s when critical incidents such as the Stalker inquiry and threats to human rights lawyers occurred under the watch of the ICPC; policing in Northern Ireland was not adequately accountable. Almost two decades on, PONI is now well established as an independent statutory authority with powers and resources to receive complaints or referrals and investigate allegations of wrongdoing. Earlier, this study revealed through the words of an interviewee about what happened when the doors of PONI were opened in November 2000. Since that time, there has been an average of 3,000 complaints each year. With more than 17 years of public service, PONI have handled more than 50,000 complaints against the police. The variety of these complaints stretch from allegations by members of the public of incivility by a police officer to investigations linked to multiple murders involving state agents. One such investigation was Operation Ballast which was initiated by the first Police Ombudsman, Nuala O Loan, shortly after PONI opened (PONI, 2007, April 16). In December 2017, this culminated in the conviction of loyalist Gary Haggarty, a self-confessed police agent who has become an Assisting Offender in the investigation of several murders unsolved by police (Morris, 2018, January 30). Another investigation by PONI into multiple murders is Operation Whiteside. This came on referral from the PSNI Chief Constable following evidence which emerged before the Criminal Convictions Review Commission CCRC about the role of another State agent. That person is widely referred to as agent 'Stakeknife' and has been implicated in multiple murders by the IRA. A separate, parallel police inquiry is underway led by a senior British police officer John Boutcher, as outlined elsewhere (Chapter 4). These examples illustrate the complexity and scale of PONI's work.

Respecting the statutory obligations under which PONI operates, this study is limited to investigations which have been completed. One PONI investigation completed during this study and raised by many interviewees is the report about the Loughinisland massacre in June 1994 (PONI, 2016, June 9). Contemporaneous events pertaining to this PONI investigation were recorded during fieldwork and offer a prism through which to view triadic accountability. To be clear however: what follows is not a desk review of the investigation or

report. This study is primarily interested in the dynamics in the ecological system of policing accountability within which the Loughinisland investigation was conducted and from which the PONI report emerged, and not the report itself.

#### **9.4.1 Difficulties and challenges: Situational ‘s’**

In 2010, under devolution of policing and justice to the local Assembly, responsibility for approving an annual budget for PONI switched from the NIO to the Department of Justice (DoJ). Given warnings by the National Audit Office (2015) about how decisions about budgets by sponsor Departments can impinge on the independence of oversight, this issue is relevant to briefly review. It has been, and remains, an issue of dispute. In 2012, Judicial Review proceedings (*Martin J. v Police Ombudsman for Northern Ireland*. [2012] NIQB 89) evidence was heard that each year between 2006 and 2010, PONI had publicly raised concerns about inadequate funding from the NIO to discharge its mandatory statutory functions, particular on Historic Investigations (pre-1998) [NIQB 89 / 2012; para.12]. Under the transfer to DoJ, funding problems continued for PONI. Between February 2010 and January 2012, business cases for additional resources to progress investigations were repeatedly rejected by DoJ [ NIQB 89 / 2012; para. 16 – 18]. PONI Director of Historic Investigations testified that: “...the DoJ accepts that the Ombudsman’s Office is woefully underfunded for the volume of work presented to it by historic cases” [NIQB 89 / 2012; para.23]. Upholding the applicant’s complaint, Justice Treacy ruled that PONI was in breach of its statutory duty: “I have concluded... that by reason of chronic underfunding at the material time the respondent was disabled from discharging its statutory duty to investigate within a reasonable time” [2012] NIQB 89. Similar proceedings last year (*Bell v DoJ & PONI* [2017] NIQB 38) revealed that during years which followed (2012 -2017), DoJ had substantially defunded PONI. Justice Maguire ruled in March 2017 that DoJ had effectively disabled PONI from discharging its statutory duties under the Police (NI) Act 1998. This was overturned on appeal by DoJ on grounds that it was lawfully permitted to alter funding to non-Departmental Public Bodies (NDPBs) according to departmental (DoJ) needs. Another aspect of situational accountability deserving of note during these years was the statutory quinquennial review of PONI powers. Since PONI was established, this statutory review has been undertaken on three occasions. On the first two occasions this was submitted by PONI to the NIO. In 2012, PONI submitted this review to the DoJ. Recommendations have been

made each time for amending PONI's remit and responsibilities and amending statutory provisions to improve the efficacy of PONI. None of the reviews have been enacted.

A further important shift in situational accountability during this time was a change in the Police Ombudsman and in the process by which the Police Ombudsman was appointed. In 2007, the NIO appointed a former senior Canadian police officer Al Hutchinson to replace Nuala O'Loan as Police Ombudsman. During Hutchinson's tenure, evidence would later be uncovered of a "lowering of the independence" of PONI (CJINI, 2011). In that time, the Office was marred by increasing public controversy, the resignation of the PONI Chief Executive, and a series of reports in 2011 (CJINI, 2011; CAJ, 2011; McCusker, 2011). Eventually, this led to Hutchinson's removal as Police Ombudsman. By this time, devolution of policing and justice powers to the Assembly had been enacted. This empowered the First and deputy First Minister to jointly appoint a new Police Ombudsman, an appointment process in which the NIO or DoJ played no active part. These changes in the ecological system of policing accountability also appeared to coincide with changes with regard to the PONI investigation into the Loughinisland massacre in 1994. A chronology of the sequence of events in relation to the Loughinisland case can be found at Appendix 14.

In June 2011, then Police Ombudsman Al Hutchinson published a report about the PONI investigation into a complaint lodged five years previously by the families of those killed in a loyalist gun attack on 9<sup>th</sup> June 1994 in the Heights Bar, Loughinisland. The families were so dismayed and disappointed at the contents of the PONI report that they succeeded in lodging Judicial Review proceedings to have it quashed. By this time, Al Hutchinson has been replaced by the first Police Ombudsman to be appointed under devolution of policing and justice, Dr. Michael Maguire. Dr. Maguire directed a review of his predecessor's report and in December 2012 agreed to the report being quashed. This cleared the way for a new investigation which commenced in 2013 and concluded with a report on 9<sup>th</sup> June 2016 (researcher fieldnotes, Belfast High Court, February – December 2017). One participant in this study attributed the change of PONI in approach to a change in leadership of PONI:

“For me, police oversight and the civilian aspect of it, I think accountability and confidence in accountability mechanisms work when people believe that they are truly independent and truly accountable. And I think we've had an experience where leadership in accountability in Northern Ireland with somebody from a policing background didn't engender as much confidence. So I think, whether it's for the



reality of the situation certainly or for the perception of it, for me that there's evidence to support civilian oversight is a better a model" (PONI interviewee, 2016).

Yet there were other changes in the ecological system of policing accountability which also impinged on progress in the new PONI investigation into the Loughinisland massacre. Most of the information which PONI required was held by the PSNI. Considering these interactions provides some insight into the relational strand of accountability

#### **9.4.2 Difficulties and challenges: Relational 'r'**

In June 2014, the Police Ombudsman took the PSNI Chief Constable to court for withholding over 100 pieces of information on more than 60 murders related to ongoing PONI investigations, including Loughinisland. Explaining his decision to take the PSNI to court, the Police Ombudsman later told a BBC documentary: "I decided I couldn't have investigation by negotiation" (BBC Secret Terror Deals, 2015, May 28). The Judicial Review proceedings by PONI against the PSNI were unprecedented since either authority was formed. Pleadings on 13<sup>th</sup> June 2014 on behalf of the PSNI Chief Constable at the time complained to the court about an "exponential growth in requests for sensitive information, which was quite radical in the past two years (under Dr Maguire). When the volume was identified by police, they had concerns about the nature of it and how it is to be handled" (Murphy, 2016, April 12). The court was told that the volume of requests for sensitive information by PONI to the PSNI was as follows: 4 requests in 2011; 21 requests in 2012; 69 requests in 2013; and 38 requests in the first quarter of 2014, before application for Judicial Review (Murphy, 2016, April 12). Of additional interest to this research is that the appointment of the new Police Ombudsman in June 2012 does indeed correspond with an increase in activity by PONI. In September 2014, the new PSNI Chief Constable informed the NIPB that he had agreed to provide PONI with all sensitive information requested without the need for further court proceedings (NIPB, 2014). This dispute only appears to have been resolved after a change in leadership in the PSNI, not a change in the legal issues it raised. This reveals the salience of individual attributes and skills in relational accountability.

However, not all actors in the ecological system were so open-minded towards PONI's investigation(s). As the Loughinisland report by PONI was being completed, the Secretary of

State Theresa Villiers made a key note address on legacy inquiries: “Today we face a pernicious counter narrative...to suggest that misconduct by the police and our Armed Forces was somehow rife or endemic is...in the view of this Government...a deliberate distortion and a narrative of the Troubles that is not justified by the facts.... It wasn’t the RUC or the Army who planted bombs at La Mon, Enniskillen or the Shankills, or pulled triggers at Loughinisland or Greysteel” (BBC, 2016, February 11).

This keynote speech was made publicly at a venue in Belfast city centre a short distance from the offices of the Police Ombudsman for Northern Ireland where the investigation into work Loughinisland massacre was near completion. This political commentary barely disguised hostility towards the PONI investigation which was mirrored by the Police Federation at its conference in May 2017. Addressing the conference, to which the Police Ombudsman Dr Maguire was an invited guest, the chairperson of the Police Federation claimed: “there is very little officer confidence in relation to the operation of the Ombudsman’s office. The credibility of the office is also seriously questioned. It is often viewed as nothing more than a pawn in a political game, one where it revels in publicising minor indiscretions...In addition, the role of the PPS in recommending (police) officers for prosecution as a result of PONI reports is also questionable”. Calling for reform, the Police Federation chairperson said : “...the Government must redefine the role of the Office to ensure that the men and women I represent are not the victims of a witchhunt...” (PFNI, 2017, May 31).

This theme of a “witchhunt” by PONI is one which appears to be a sentiment quite widely held, even among some elite actors involved in accountability and external civilian oversight:

“There was a sense at that time for sure and I think there still is, that there was a bit of a witch-hunt against senior officers ██████████ particularly and there were a number of us put through these processes in a period about 12 to 18 months ago, and it did result in us being very defensive around it” (PSNI interviewee, 2016).

A perception of unfairness appears to be widespread within the PSNI. One interviewee with the background in policing oversight claimed it was shared even by trainee police officers:

“There’s an absolute perception out there... They’ll all nod along as you’re answering and I’ll tell them that if you think it’s a malicious complaint you can report them to the police.... But they do, a lot of the police, do feel strongly that the complaints

against them are lies and don't give much credence to a lot of them. I don't think that will ever change to be honest" (PONI interviewee, 2016).

This study does not seek to reconcile or harmonise the perceptions of interviewees or other influential actors. These findings are shared to delineate dynamics at work within the ecological system of policing accountability. It was within this environment that the PONI Loughinisland report was finally published in June 2016. The final part of this analysis is to consider what this example reveals about transformational accountability.

### **9.4.3 Difficulties and challenges: transformational 't'**

The fact that policing in the past had not been accountable has already been mentioned in this study. Therefore, the justification for the PONI investigation into the Loughinisland massacre does not need to be rehearsed or revisited here. Instead, the interest of this study is to consider what this process might reveal about transformational accountability.

Of note here is the initial consensus which greeted the publication of the PONI report. The complainants who had been bereaved in the Loughinisland massacre were the first to welcome the report (BBC, 2016, June 9). That same day, the PSNI Chief Constable told a meeting of the NIPB "that the PSNI fully accepted the findings of the PONI report and would be offering a full public apology to the families" (NIPB, 2016, June 9, p.11). This was later reaffirmed by then British Prime Minister David Cameron who wrote: "The Government accepts the Police Ombudsman's Report and the Chief Constable's response and we take any allegations of police misconduct very seriously. Where there is evidence of wrongdoing it must be pursued - everyone is subject to the rule of law" (Cameron, 2016, July 12). This appeared to be a comprehensive endorsement of the PONI Loughinisland report. However, within a few days of the PONI report being publicly available, that seemed to change.

The PSNI Chief Constable's next monthly report to NIPB stated: "It should be noted that no recommendations were made for the PSNI in the Loughinisland report and no actions remain outstanding. This has been acknowledged by the Police Ombudsman" (PSNI, 2016, July 7). This reflects the contents of the PONI report and it is notable that no recommendations were made. It is unclear why no actions remain outstanding following disclosures in the Alex Gibney documentary film "No Stone Unturned" (2017) about lines of enquiry which had not

been pursued by the police in the original investigation. In the past, PONI recommendations to the PSNI about disciplinary proceedings against police officers have not always been accepted (BBC, 2015, December 18). Whilst a decision by the PSNI to downgrade sanctions recommended by PONI has often occasioned public criticism, the role of the NIPB's Police Appeals Tribunal (PAT) often goes unnoticed. Under existing regulations, a police officer subject to disciplinary sanctions may appeal to the PAT which is administered and chaired by an independent NIPB member. From 2009 to 2015 there were 21 appeals to the Police Appeals Tribunal. An analysis by the PSNI of its own disciplinary procedures revealed: "57% of these 21 appeals to the PAT have resulted in the sanction imposed at misconduct hearing being overturned. Within this figure there appears to be significant variation between panel chairs, with one chair overturning 88% of sanctions" (PSNI, 2015, p.15). It seems paradoxical that one external civilian oversight body should overturn the sanction of another.

In relation to the Loughinisland report (PONI, 2016, June 9), the police officers with whom PONI spoke during their investigation were retired. The report notes that some of these retired officers refused to cooperate and this is a broader dynamic in the ecological system. The quinquennial reviews by PONI to the NIO and DoJ recommend that there should be an amendment to statute to place the onus on retired police officers to cooperate with PONI. Like the other recommendations in those reviews, this has never been enacted. Furthermore, retired police officers have formed an association whose position is to actively discourage cooperation with PONI. Instead, retired police officers instigated legal proceedings against the PONI Loughinisland report to have it quashed and to fetter the power of PONI to issue such reports under s.62, Police (NI) Act 1998). A preliminary judgement by Justice McCluskey (*Hawthorn, R. and White, R. v PONI*. [2018] NIQB 5) found that PONI had acted unlawfully. However, further legal submissions by counsel for PONI and for the families of the Loughinisland dead were made that Justice McCloskey should recuse himself on grounds of "unconscious bias". On 26 January 2018, the preliminary judgment in the case was set aside and Justice McCloskey agreed that the case should be heard for a second time before a different judge (McCloskey, J. 2018, January 26; BBC, 2018, January 26). After key milestones in the Loughinisland investigation, the PONI report (2016) and the subsequent legal challenge by retired police officers, it is still unclear whether accountability has been attained. Certainly, neither those involved in the Loughinisland massacre nor those involved in police wrongdoing which was uncovered have yet been subject to criminal prosecution.

In fact, there have been very few prosecutions ever brought as a result of PONI investigations. In primary data obtained for this study (PPS, 2017, FoI 1524/17-18), the Public Prosecution Service (PPS) disclosed that between 2010 and 22<sup>nd</sup> November 2017 there were 1,703 files were submitted by PONI for a decision to prosecute relating to 3,272 suspects. During the same, period of time decisions were made in relation to 3,299 suspects identified and directions given for indictable prosecution (28 suspects) and summary prosecution (30 suspects). Of these, 8 suspects were convicted for at least one offence before the Crown Court while 8 suspects were convicted for at least one offence before the Magistrates Court. Therefore, convictions were secured against 1 in 4 of those suspects prosecuted (16/58). However, of 3,299 suspects about whom the PPS made decisions during the last seven years, less than 2% (58 suspects) faced prosecution. This means the rate of successful conviction was less than 0.5%. This raises questions about the low rate of decision to prosecute and conviction secured based on PONI files to the PPS. It also appears to raise contradictions for the claim that PONI and the PPS are involved in a collective “witchhunt” against PSNI. The limits of this study preclude exploration of these issues at the present time.

#### **9.4.4 Conclusion**

How the complaint by the families of those bereaved in the Loughinisland massacre was handled from the outset and the response of others to PONI’s report is revealing. It tends to support this study’s contention that accountability and external civilian oversight in Northern Ireland is best construed as an ecological system. Within this, the contradictions inherent in society in Northern Ireland as it staggers out of conflict still pervade policing. Individual attributes and organisational agendas and interests interact with the statutory processes. It is important to note that the British government cites these processes, specifically PONI’s investigative capacity, as part of a package of measures to provide assurances to the Council of Ministers of compliance with Article 2 of ECHR. Yet, these are the same investigative processes under the aegis of the PONI which the former Secretary of State politically impugned and which retired police officers legally contest. What remains is akin to a meta-conflict, where the representations of past conflict are now the subject of continuing contestation. That was never envisaged by the Patten Commission. Returning to the scope for learning and reform, or development and change, it is hard to see evidence of that having

emerged from the example of Loughinisland. At the same time, some participants in this study, especially in the police, did admit to being conflicted about the report:

“Well, I suppose the immediate reaction to it is just embarrassment, and feel ashamed and you feel, like, you feel connected to it because it is my organisation now. And I struggle with it on a number of different levels when stuff like that comes out. I suppose organisationally what it felt like was just another big body blow and the sort of opinion I hear articulated is the idea of being held accountable by today’s standards for yesterday’s practice, whenever people would argue there’s a disconnect, they would say it’s about practice, I wouldn’t. I would say it’s about right and wrong, that doesn’t really change..... it’s got marginally better but it isn’t where it needs to be in terms of accountability” (PSNI interviewee, 2016).

There is an insight here to the internal moral debate which PONI’s report evoked among police. Debate about what was right and wrong, and against what standards it is just and fair to measure past policing, might be considered as potentially a catalyst for transformational learning and change. Yet that is not something which was shared or officially expressed by the police after the PONI report. If the effect of this example of accountability and external civilian oversight was a reflective approach by the police, it was hidden from public view.

It was outside the parameters of this study to interview the families. However, based on attendance at various court hearings and observations, this study posits another perspective on the Loughinisland report. Perhaps this process served to provide a form of “restorying” where the experience of victims is heard and acknowledged publicly by those who caused them harm (Zehr, 2014). Restorying implies a restorative experience but it also bears similarity to the understanding that in accountability, developing a narrative is important (Dubnik, 2014b). It has been argued in other research that “narrative accountability” is a process distinguished by the agency which is overseen giving an account of itself to its oversight body (Mansbridge, 2009, p.31). This process implies a one-way interaction (Mansbridge, 2009, p.32). Yet, that does not quite accord with the process through which the Loughinisland report was produced. This study observes that the features of the PONI approach to the Loughinisland report might be better described as corrective and restorative: corrective in relation to the previous account offered for the tragedy visited upon Loughinisland and restorative for the families bereaved. This process may have been

transformational for those victimised. However, it is difficult to discern what the effect may be for policing reform when the report itself is contested and the process is legally disputed.

## **9.5 “Us and Them”**

For this discussion, it is important to reiterate that two distinct social perspectives about accountability and external civilian oversight have been found within the current study. In Chapter 8, these results were summarised and as reported, these include findings which are statistically significant. Now, these findings will be interpreted to explore their significance for ecological systems theory looking for evidence of shared values, attitudes and beliefs.

Almost two decades after the new beginning to policing ECO bodies face a real challenge. Brockie (1994) said police felt besieged by oversight from politicians, media, NGOs and bureaucracy: “All this as they daily ricochet from the boring to the volatile, from the trivial to the life-threatening... the Police I met did feel separate from, rather than part of, the broader community. It had driven many of them to a siege mentality – the ‘us and them’ syndrome...” (cited by Chan, 1997, p.170). In the ecological systems model theorised by Bronfenbrenner (1979; 1992; 2009) shared values, attitudes and beliefs are a condition for development, change and learning. Shared values, attitudes and beliefs shape “the growth of mutual trust, positive orientation, goal consensus between settings and evolving balance of power” (Bronfenbrenner, 1979, p. 214).

The importance of shared values, attitudes and beliefs has been reviewed earlier in this study, and is reflected cross a diverse corpus of scholarship (Chapter 4). In Procedural Justice (PJ) literature, individuals have been found to regulate their own behaviour in accordance with the values, norms and social rules they share with others (Tyler, 2006, p.309). Sociological Institutionalism (SI) has also explored the values, attitudes and social rules shared through patterns of behaviour within institutions (eg: Hall & Taylor, 1996). Scholarship on legitimacy in criminal justice has underlined the importance of the attitudes and beliefs shared by those who hold power (Bottoms & Tankebe, 2012, p.141-147). According to these findings, shared values are among the “core values that create and sustain legitimacy” (Bottoms & Tankebe, 2012 ,p.143). Research on the psychology of accountability (Tetlock, 1992) extends the importance of values, norms and beliefs to expectations of key actors. These factors interact

with decision-making situations as “a function of both the micro and macro context” (1992, p.38) in the exercise of accountability. For individuals to identify with others perceived as sharing values, beliefs and norms reinforces group identity among individuals (Tajfel & Turner, 1976). In turn, a stronger sense of group membership influences cognitive processes and elevate heuristic judgements and bias towards those in out-groups (Tajfel, 1978; Turner & Tajfel, 1979; Abraham & Hogg, 19882). In addition, this impinges on motivation to act in defence of the group with which an individual identifies (Blader & Tyler, 2009). This dynamic resembles what policing scholars have described as “defensive solidarity” (Bayley, 1990, p.179). In this third part of this discussion, these issues will be explored.

### **9.5.1 Pattenisers & Hotspurs**

From the computer-based statistical analysis of the Q sort, there are significant distinctions between the two social perspectives in this study (see Chapter 8). Now, these will be discussed in more detail to consider areas of consensus and divergence. When these results were produced, the labels Perspective A and Perspective B were assigned. While this emphasised the socially-bound nature of the perspectives reflected in participants’ responses, it conveyed very little about the distinct features of both. It is common for labels to be assigned to such results of Q studies to reflect some aspect of the subject under study (eg: O’Connor, 2013; Ratcliffe et al. 2014). Therefore, Perspectives A & B are renamed. Having reviewed these findings in more detail, those within Perspective A are referred to as ‘*Pattenisers*’ and those within Perspective B are referred to as ‘*Hotspurs*’. Of interest in this discussion is what common or distinguishing features exist between both.

The label for Perspective A as *Pattenisers* (n=43) reflects the fact that the reform programme from which external civilian oversight emerged was the Patten Report (1999). One of those who authored the report Professor Clifford Shearing, himself a policing scholar of international standing, referred to the NIPB and PONI as the Patten institutions (2010). Furthermore, the analysis of results reveal that the agency affiliation of participants in *Pattenisers* was closely aligned to past or current membership of external civilian oversight (ECO) in the north of Ireland. Of the 38 participants with a background in ECO interviewed during this study, 35 of these participants were *Pattenisers*. Three of those with a background in ECO could not be assigned to this social perspective. Two participants crossed over to the



alternative perspective (*Hotspurs*) and one participant did not load on either perspective. In itself, these differences are of note and invite further examination. However, this will be addressed in the subsequent discussion about limitations of the study and potential for future research. Also noteworthy is that 8 of the participants whose responses aligned to the *Pattenisers* had a background in the PSNI. It is also interesting that of these 8 participants, 5 were formerly affiliated to the PSNI in some way. This may reveal something about the contested nature of the ecological system within which policing accountability operates and how the perspective of (former) affiliates to the PSNI changes once outside of this.

The label for Perspective B as *Hotspurs* (n=18) reflects the fact that 16 of the 18 participants who shared this perspective had some affiliation to the PSNI. This means that two-thirds of those with a background in the PSNI who were interviewed for this study shared the perspective of *Hotspurs*. This name derives from the vehicles driven by the police. Before the Patten reform programme commenced, the RUC travelled in distinctive grey landrovers. These vehicles were sheathed in heavy armour plating to protect police against attack during the conflict. When the PSNI was formed, a transformation of the police estate began and this included the landrovers. As the peace process progressed and the landrovers aged, the PSNI ordered a new fleet of vehicles. These were landrovers with a civilian chassis called ‘Tangi’. However, because the police were still at risk of attack, the heavy armour plating from the old RUC landrovers was used to encase the new vehicle. The surface of the hybrid landrovers was given the livery and branding of the PSNI. The vehicles from which this armour plating was taken were called *Hotspurs*. For the purpose of this study, *Hotspurs* is the name given to perspective B because it conveys the hybrid nature of policing here. It suggests that police still feel detached from the public and still feel at risk. It also reflects the unfinished work of reform. As with the previous perspective of *Pattenisers*, there is some cross-over. Two participants with a background in the ECO bodies, specifically NIPB, shared the perspective of *Hotspurs*. At the same time, the extent to which these two participants cross-over is moderated by the fact that their responses loaded quite evenly on both perspectives. Still, there was sufficient commonality with other *Hotspurs* to indicate a significant result (Chapter 8 & Appendix 12). This will be discussed again under ‘limitations’ and ‘future research’. Now, the common features of *Pattenisers* and *Hotspurs* will be explored.

### 9.5.2 Areas of consensus

Evidence of shared values, attitudes and beliefs among participants is a promising sign for external civilian oversight, as previously explained. The potential for development and learning, change and reform is greatest among individuals and groups of people with a shared mission. To that extent, this study offers some hope that there is some common cause among participants. These areas emerge from the previous statistical analysis (Chapter 8 & Appendix 12) and are described as “Consensus statements” (Chapter 8; Table 15). In this study, 17 of the 59 statements in the Q sort formed the basis for a consensus between *Pattenisers* and *Hotspurs*. These will be discussed by reference back to the paradigm of triadic accountability this research posits.

#### Situational consensus

There are four Q items (52, 36, 42 & 5) among consensus statements which reflect aspects of situational accountability, with responses which are positive. Of these, the item which elicits the strongest response from both *Pattenisers* and *Hotspurs* is: “There was nothing wrong with the arrangements for policing accountability which we had in the past before the 1999 Patten Report” (Q.52). Earlier in this study (Chapter 2), the void in accountability over policing in Northern Ireland was discussed. Also noted was that the Patten Report devoted 38 of its 175 recommendations to accountability and stated: “A new beginning to democratic accountability is a key to a new beginning to policing”.

Two of the other items concerning situational accountability which *Pattenisers* and *Hotspurs* have in common relate to the remit of external civilian oversight. These were: “external civilian oversight should limit their remit to those issues of concern presented by members of the public” (Q.36); and “external civilian oversight should have scrutiny over only those aspects of policing which concern everyday crime and community safety” (Q.42). This shared perspective reflects a desire to ensure that external civilian oversight is dynamic and responsive. There is clearly an ambition by participants in both perspectives to have external civilian oversight involved in matters of strategic significance for the development of policing. There is an implication in this that ECO bodies should look beyond only what members of the public raise. Indeed, some participants highlighted the fact that the NIPB in

particular would become fixated at times on constituency based matters, raised by MLAs on NIPB. Another participant articulated how PSNI had been inundated forty eight hours before a meeting of NIPB with written questions about Orange marches. Again, this was because of the personal interest in this of a political member of NIPB. Looking beyond “everyday crime and community safety” also implies that participants from both perspectives recognise much policing is carried out beyond the public gaze. This leans into areas of covert policing and National Security but these will be discussed later as there are conflicting views on this.

Finally, both *Pattenisers* and *Hotspurs* view the devolution of policing and justice powers as having led to tangible improvements in policing accountability (Q.5). While this is also positive for situational accountability, the results indicate that agreement on this item is more moderate for both. This may reflect the fact that despite being recommended in the Patten Report, devolution of policing and justice did not happen until 2010. Coming late in the programme, participant may feel that the interaction between ECO and the devolved institutions is not fully bedded down. In particular, there are outstanding issues in delineating the remit of the NIPB by contrast to the Assembly Justice Committee. Moreover, the role of the sponsor Department (DoJ) has not been entirely virtuous and beneficent as will be discussed again. Nevertheless, it is positive that devolution of policing and justice is welcome by both perspectives, but since January 2017 the local Assembly has been in suspension.

### **Relational consensus**

Common ground was also shared by both perspectives on some aspects of relational accountability. There are five items which are consensus statements but four of these had negative implications for this strand of accountability (2, 57, 48 & 16). The fifth statement is positive for relation accountability although only just. This item (3) is among those within this study which is reversed in order to control for response bias among participants.

The item Q.3 states that “Sometimes it seems as though the external civilian oversight bodies are used by those who deliberately want to damage policing”. Whilst *Pattenisers* disagree with this item, *Hotspurs* are more neutral. This reflects a slightly ambivalent position by *Hotspurs* on the motives and intent of those who come forward to the ECO bodies, or perhaps are involved in them. This sentiment is not so strongly expressed as a cognate item: “There are still some areas where the external civilian oversight bodies struggle to gain full co-operation from police officers and staff” (Q.16). Both perspectives agreed this.

The other three items (57, 2 & 48) in this strand on which provide for a consensus for both *Pattenisers* and *Hotspurs* are negative for relational accountability. These concern PSNI challenging the independence of the ECO bodies and the vexed issue of PSNI disclosure of information to ECO bodies. Given the integral nature of independence and access to information for the effectiveness of ECO bodies, these are troubling findings. How external civilian oversight can be effective if independence and disclosure of information is at risk from the PSNI is difficult to envisage. On the other hand, it may be positive that this is recognised and accepted by participants from both perspectives.

### **Transformational consensus**

More encouragingly is that the area where there is greatest consensus between *Pattenisers* and *Hotspurs* is in transformational accountability. There are 8 items out of the 17 items in Consensus Statements (Chapter 8; Table 8.5) which correspond with transformational accountability (t). Of these, 7 items have positive implications (26, 28, 8, 43, 14, 9 & 46) and the sentiment on the final item (Q.55) is neutral, which is also interesting in some respects. This item states: “When decisions on policing have to be made, the external oversight bodies should not interfere with the police decision making process” (Q.55). To some extent, this may reflect debate about the degree of discretion which is vested in the police. The Patten Report itself advocated that police should have operational responsibility instead of the nebulous ‘operational independence’. However, there is no clear delineation between these concepts. Those parts of policing where ECO bodies should help police make decisions are undefined. There is no greater clarity from the fact that one of the other items about which both perspectives moderately agree is that the Policing Board can be consulted by the police but ultimately all decisions are for the PSNI (Q.9).

The other items on which there is consensus between *Pattenisers* and *Hotspurs* are all affirmative for transformational accountability. Both perspectives share the view that without ECO there can be no confidence in policing (Q.8); that accountable policing depends on ECO (Q.28) which has ingrained accountability in PSNI culture (Q.14) making PSNI the most accountable police service in the world (Q.46). Furthermore, both perspectives believe that monitoring human rights compliance is now an integral and vital component part of ECO bodies (43) and that there is evidence that ECO has impacted on PSNI reform and improvement (26). These appear to be promising findings.

### 9.5.3 Areas of divergence

Continuing in the exploration of *Pattenisers* and *Hotspurs*, areas where both perspectives diverge will now be explored in more detail. Previously, results from statistical output from participants' Q sorts revealed differences between both Perspectives (Chapter 8; Tables 16 & 17.). In Q studies, these are represented in the 'Descending Array of Differences' (Appendix 13). Since all items in the Q set are listed in the descending array, interpreting these results is usually achieved by selecting items at either end of the scale of difference. No prescription is made in Q studies for how many items are required for this purpose. In the current study, 10 items from either end of the scale of difference in response between perspectives were selected (Chapter 8; Tables 16 & 17). Altogether, this provides approximately one third of the items from the overall Q set (q=59) and is comparable in number to Consensus statements. However, for the purpose of this discussion, the items are grouped again and discussed from the perspective of triadic accountability (s-r-t).

#### **Situational divergence**

Of the 20 items extracted from analysis, 9 of these correspond with the strand of situational accountability (Q: 4, 17, 19, 22, 30, 31, 37, 44 & 49). These items encompass several different issues and will be explored more thematically later in this discussion by integration with findings from existing scholarship. For now, the main areas of divergence on situational accountability between *Pattenisers* and *Hotspurs* are summarised.

One of the aspects of situational accountability which most strongly distinguishes both perspectives is the suggestion that external oversight inhibits internal regulation within the PSNI (Q.31). Mindful of the evidence already highlighted that agency affiliation strongly aligns to perspective, it is unsurprising that *Pattenisers* disagreed with this whilst *Hotspurs* agreed. The PSNI has its own Discipline Branch and Anti-Corruption Unit. Significant effort is invested by these two sub-sections to internal investigations within the PSNI. Unlike external civilian oversight, this effort is unseen. Discipline Branch is located at PSNI Lisnasharragh, a station which houses many internal aspects of PSNI's organisation including Human Resources and the rooms in which tribunals are heard. Up to the present time, these tribunal rooms are closed to the public unless a member of the public is a witness against a

police officer in a disciplinary hearing. Access to this hearing room was permitted during fieldwork but only those involved in cases may be in the room during hearings. Although this has also been the norm in Britain, proposals under the Taylor Review (2005) envisage greater transparency of internal regulation by the police, including public access. However, there is a broader debate about the balance between internal regulation and external oversight. There is ample evidence, reviewed earlier (Chapter 4) of the need for accountability to be internalised. Some, like Bayley (1990) argued that internal regulation in policing is diminished or inhibited by external oversight. In this study, that is a position on which perspectives diverge. Provisions of the Police (NI) Act 1998 require that all complaints or instances of misconduct are referred by PSNI to PONI. This is directly related to the inadequate accountability for policing in the past, a point which featured as an Area of Consensus between both perspectives. However, the legislative requirement on the PSNI to refer to PONI has led to what one *Patteniser* described as “The Police Ombudsman’s brush-off” where the PSNI “wash their hands” of complaints. One of the arguments offered by *Hotspurs* for a moderation of this requirement is that it deskills police officers, especially at the level of sergeant and inspector. Oddly enough, the best example in support of this view was offered by someone with a background in NIPB. The example evidenced how an error in a police house search in Derry was resolved by the PSNI officers involved returning to the occupants of the house and apologising for their mistake. Apart from the speed of this resolution, the exchange between the occupant and the police officer had a restorative effect. According to the NIPB participant, this exchange “went round the Bogside (in Derry city) like wildfire”. This was one of the most lucid examples of effective accountability offered by participants during this study. This occurred outside the existing local resolution scheme is available to PONI and PSNI under current provisions which this study found was used sparingly.

Some of the other issues in this domain on which *Pattenisers* and *Hotspurs* significantly diverged were safeguarding ECO bodies from funding cuts (Q.19) and the NIPB’s powers (Q.30). The role of political members in NIPB (Q.31 & Q.34) also divided opinion with *Hotspurs* taking a less agreeable position on these issues. The claim that “policing accountability is the ‘Rolls Royce model’ of external oversight” (Q.37) also differentiated these two perspectives. While *Pattenisers* agreed, *Hotspurs* took a more sceptical view of this claim with one remarking: “Maybe it is, but a Rolls Royce is a very expensive car to run”. Both perspectives agreed that NIPB’s should scrutinise matters of national security and covert policing (Q.4) but *Pattenisers* were more strongly in favour.

## Relational divergence

Among the items which differentiate *Pattenisers* from *Hotspurs* are 8 items viewed in this study as expressions of relational accountability (Q:10, 27, 35, 39, 49, 56, 58 & 59). Of these items, it is notable that three (10, 56 & 58) pertain to information sharing. This is especially significant. Not only do these results indicate a problem with disclosure by PSNI to ECO bodies, they also reveal a significant divergence in beliefs held by *Pattenisers* and *Hotspurs* about disclosure. One example of this is item (Q.56) which states: “Everything that is in the public interest – not the police interest – should be disclosed to the external oversight bodies”. *Pattenisers* firmly agreed with this item while *Hotspurs* moderately disagreed. This assumes special significance because it is derived from the Patten Report (1999, p.36) under recommendations are made to improve police transparency : “Police codes of practice should be publicly available; this does not mean, for example, that all details of police operational techniques should be released – they clearly should not – but the principles, and legal and ethical guidelines governing all aspects of police work should be, including such covert aspects as surveillance and the handling of informants (cf the ACPO Codes of Practice on these matters referred to in Chapter 4). *The presumption should be that everything should be available for public scrutiny unless it is in the public interest – not the police interest – to hold it back* (italicised in ICP, 1999). It follows that there should be readily available and clearly drafted notes on matters which the public are likely to be interested to see. It was our experience during the period of our review that briefing notes and statistics on a range of issues of interest to us – and therefore probably to others – were not readily available.... Transparency is not a discrete issue but part and parcel of a more accountable, more community-based and more rights-based approach to policing.” (1999, p.36)

During fieldwork it was found that some indicators of transparency outlined in the Patten Report, such as PSNI Service Procedures and Policies, were not readily accessible to the public through either the PSNI or the NIPB website. In fact, there appears to be a pattern where PSNI Service Procedures are available for a period of time before being removed and replaced with others. This is despite recommendations by the independent Human Rights Advisor to NIPB that PSNI should make all Service Procedures publicly available. More importantly, this theme of transparency and disclosure arose earlier in this discussion in respect of Areas of Consensus between *Pattenisers* and *Hotspurs*. The items on which both

perspectives agreed in that case (Q: 2, 48 & 57) had negative implications for relational accountability. At the same time, both perspectives had significant common ground in their critique of those items. On the other hand, these areas of divergence add a layer of complexity. The perspective of *Pattenisers* remains critical of the quality of disclosure while *Hotspurs* appear to be more internally conflicted or incongruous about this. Possible reasons why these differences may exist, and why *Hotspurs* may be conflicted are offered in the third part of this discussion. Other issues from relational accountability on which both perspectives diverge included bureaucratisation (39) and excessive demands (35) of accountability.

### **Transformational divergence**

The strand of transformational accountability appears to evoke least difference between the two perspectives. Only 3 items (Q: 53, 15 & 20) out of the 20 items which manifest greatest areas of divergence correspond with transformational accountability. Yet, even these offer some interesting and potentially contradictory findings for this study. Of note is the extent to which these items reveal the strength of divergence between *Pattenisers* and *Hotspur* with these 3 items in the top 4 items which most strongly differentiate both perspectives.

For instance, item Q.53 states: “If it was not for the work of the Police Ombudsman and the Policing Board the human rights agenda would not be so far advanced” (Q.53). *Pattenisers* strongly agreed with this but *Hotspurs* disagreed. More than any other, this item (Q.53) differentiated between the perspectives. In a moment, this will be further discussed. On item 15, *Hotspurs* strongly disagreed while *Pattenisers* were neutral. This item stated that the “Policing Board has been very successful in engendering public confidence in policing” (Q.15). Apart from the interesting difference in response, this finding has implications for the NIPB which has a statutory duty to engender public confidence. NIPB repeatedly refers to the Omnibus survey which is gathered by DoJ. Elsewhere in this study, questions were posed about how accurate these surveys may be in reflecting public confidence in the police and in policing. It was also noted that the construct employed by DoJ as a measure of confidence in policing is in fact not a measure of confidence in the police, but a composite of seven measures encompassing the NIPB, PONI and PSNI within “policing”. Lastly, in this section, participants had been asked to rate the item : “After 15 years of external oversight there is



now irrefutable evidence it has driven policing reform” (Q.20). Again, *Hotspurs* moderately disagreed with this while *Pattenisers* were strongly in agreement with that item.

All of these appear to contradict the affirmative areas of consensus shared by both perspectives on transformational accountability, as discussed earlier. The 3 items in this section seem to contradict the *Hotspurs* sharing a view with the *Pattenisers* that ECO bodies foster confidence, promote human rights and help PSNI reform and improvement. In the case of item Q.15, it more likely reflects a jaundiced view by *Hotspurs* of the contribution of NIPB to public confidence. In relation to the other two items, these may merely be indicative of the kind of embodied contradictions highlighted by Christine Chan in her seminal research on police culture (1997). It seems *Hotspurs* do not so much contest the potential for transformational accountability through ECO. Instead, *Hotspurs* seem to resent the implication that it is ECO bodies which lead the process, not the PSNI. That interpretation seems to accord with results that both perspectives are closely aligned to agency affiliation of participants in the study. *Hotspurs* demure from giving credit to the ECO bodies for ensuring that the human rights agenda is “so far advanced”(Q.53) or for having “driven policing reform” (Q.20). The corollary to this is *Hotspurs* think that the PSNI deserve more credit for these changes or would have achieved them anyway whereas *Pattenisers* credit ECO bodies.

### **Summary**

In addition to the statistical significance of the differences between *Pattenisers* and *Hotspurs*, they also diverge in their perspectives on some important aspects of accountability and external civilian oversight. To what extent this may affect the efficacy of the ECO bodies is not measured in this study. The final part of this discussion will attempt to explore why these differences in values, attitudes and beliefs may exist and what effect this may have.

## **9.6 Polarised perspectives and perverse effects.**

To find that values, attitudes and beliefs differ towards accountability and external civilian oversight among those involved in carrying it out is interesting in itself. What makes this more important for policing reform in Northern Ireland is that these perspectives mostly divide according to affiliation to either the police or policing oversight. At the outset of the Patten Commission’s programme of reform perhaps this would have been expected. As

discussed at the beginning of this thesis (Chapter 2), the context for reform was a huge accountability void. Values, attitudes and beliefs of those involved in policing might have been expected to reflect the norms of that time. Yet, almost two decades after the formation of the new architecture of accountability, existing differences in perspective held between *Pattenisers* and *Hotspurs* remain an important aspect of the ecological system.

Drawing upon wider literature and where necessary further data from this study to aid analysis, this final section of the discussion explores why these differences may exist between *Pattenisers* and *Hotspurs*. Two possible explanations are suggested: a new concept of “challenge fatigue” which this study postulates; and “defensive solidarity” (Bayley, 1990). Consideration is also given here to what implications such divergence between *Pattenisers* and *Hotspurs* may have for policing reform. In this, the importance of values, attitudes and beliefs for development and learning is underscored once more. So too is the dynamic nature of an ecological system of policing accountability. Consequently, the divergence between *Pattenisers* and *Hotspurs* helps to modulates the effect of accountability upon policing and policing reform. As such, unintended outcomes can occur. One of these is a duality of impact arising from the interplay between the ecological system and the views of elite actors. That duality of impact is postulated by this study to be “agathakakological” accountability.

### **9.6.1 Challenge fatigue.**

External civilian oversight means that change by the PSNI, or failure or refusal to change, is routinely exposed in public. By its very nature, there is a challenge function to external civilian oversight. Yet, what adds potency to this challenge is the repetitive exposure. It is conceivable that the very process of external civilian oversight itself has some adverse effect.

Recent research from the field of occupational psychology (Wray Kinman & Shelvin, 2015) tends to support this proposition. Looking at work-related well-being in UK higher education, researchers found evidence of what they describe as “change fatigue”. As Professor Kinman (2017) states: “There is a general sense of apathy or passive resignation towards organisational change. It is a growing problem ... Change fatigue can be highly stressful and reduce job satisfaction and motivation, stifle creativity and organisational citizenship behaviours, and encourage absenteeism and turnover. People need a period of stability, otherwise they may actively resist beneficial change” (Kinman, 2018, p42).

Findings of this kind might well have resonance with policing reform in Northern Ireland. The *raison d'être* of the process of policing reform heralded by Patten has been change. Seventeen years later, it is very clear that this reform process has had success. Yet there remain recommendations from the Patten Commission which are still outstanding. There are also some aspects of reform, such as change in workforce composition, which are far from complete. Latest data on workforce composition reveal that Catholics and women continue to be significantly underrepresented (Irish Times, 2018, January 12) and this is most acute at the highest ranks of the police. Considering the challenges and difficulties within the ecological system of policing accountability, there is a risk that the reform agenda loses momentum. Exploring literature on organisational fatigue more deeply offers further possible explanation.

Research has increasingly highlighted the incidence of “compassion fatigue” among nurses (Hooper et al, 2010; Abendroth & Flannery, 2006). The concept has been extended to social workers (Adams & Figley, 2008; Boscarino & Figley, 2004); and others involved in caring for traumatised populations such as those involved in mental health services (Figley, 2002; Sprang, Clark & Whitt-Whoosley, 2007). Compassion fatigue is defined as “the natural consequent behaviours and emotions resulting from knowing about a traumatising event experienced or suffered by a person” (Figley, 1995, p.7). Knowing the traumatic impact of an incident upon a person in detail and giving empathic support the person’s recovery is predictive of compassion fatigue in the carer or helper (Figley, 1995). There is more limited research on the prevalence of compassion fatigue in policing. Burns, Morley, Bradshaw and Domene (2008) examined the incidence compassion fatigue among police officers in an Internet Child Exploitation (ICE) team in Canada. Other research has looked at the occurrence of compassion fatigue among adult probation officers across in parts of the United States of America (Lewis, Lewis & Garby, 2012). Compassion fatigue was found to be highest among those who had served longest and engendered mistrust, dissociative episodes, desensitisation to trauma of others and impaired information processing or moral judgement (Lewis et al. 2008, p.80). Given the traumatic impact of the conflict in the north of Ireland and the salience of legacy-related issues in the realm of policing reform and oversight, it is at least arguable that something akin to compassion fatigue may impinge on ECO. Knowledge of the local context, including the conflict, may better equip an individual involved in policing and policing accountability to understand the need for reform. Yet, repeatedly placing individuals who have had exposure to the conflict in the position where they are faced with other people’s experience of the conflict or trauma risks challenge fatigue. That

risk would be consistent with scholarship in other fields which has been summarised. This risk must be heightened by the fact that some of those interviewed in this study have been involved in the criminal justice system for all of their careers. Several interviewees have been in post in the ECO bodies from the start. As other research indicates, length of service increases susceptibility to fatigue (Lewis et al. 2008). This study did not measure or set out to measure the concept of challenge fatigue but it has emerged during this study as something which invites further investigation in the future. Recounting the detail of personal experiences of exposure to conflict may impinge on the confidentiality of participants. However, it is apparent that some of those involved in senior positions within policing or policing accountability have personally witnessed or directly experienced injury or bereavement as a result of the conflict. Indeed, during this study interviewees from all three agencies have frequently referred to the past. This is because the nexus between past and present policing is the litany of legacy cases. Even those who might wish to face forward within the new policing arrangements with continuing policing reform may be pulled back by the failure of police accountability in the past and the resulting legacy.

Consequently, this study suggests that the on-going contest between “the old conditions... and a new order of things” (Machiavelli, 1513, p.9) is not simply a matter of reform meeting resistance through “change fatigue” (Kinman, 2018). Nor is it only a function of repeated exposure to vicarious traumatisation leading to onset of “compassion fatigue” (Figley, 1995). Instead, this study suggests that the ecological system of policing accountability in Northern Ireland meets the conditions highlighted by other research for occurrence and co-existence of both change fatigue and compassion fatigue. This presents an especially complex challenge for those who would wish to further advance policing reform. In an attempt to represent the distinctive attributes at work within the ecological system of policing accountability in Northern Ireland, this study proposes the concept of “challenge fatigue”. Challenge fatigue may be a composite or hybrid of change fatigue and compassion fatigue. It is argued that this “challenge fatigue” may help explain differences observed between *Pattenisers* and *Hotspurs*.

As a post-hoc interpretation of findings which have emerged from this study, this dynamic of “challenge fatigue” clearly requires further investigation. Nonetheless, the possibility that there is an adverse emotional or affective response to accountability which may influence the response of a group or organisation to reform is worthy of attention. As outlined earlier in this thesis (Chapter 4), social psychologists have been alert to this phenomenon through

research on accountability under experimental conditions (eg. Tetlock, 1992). More recently, research on attitudes towards Transitional Justice measures has found that negative emotions, especially anger and fear, influence attitudes towards support for TJ (Barcelo, 2018).

Interestingly, this finding of a negativity bias corresponds with policing research by Skogan (2008) which found negative police-public interactions were 14 times more impactful than positive interaction on attitudes by public towards the police. Building on this it might be argued that the difference in perspective between *Pattenisers* and *Hotspurs* is influenced by negative interactions between policing oversight and policing. It is possible that this also contributes to a sense of “challenge fatigue” amongst key actors engaged in accountability and external civilian oversight of policing reform, as this study suggests.

Finally, the research on an affective dimension underpinning reactions to TJ may yet hold another clue as to why *Pattenisers* and *Hotspurs* diverge in values, attitudes, beliefs. For it has been found that “emotional engagement with the past significantly influences support for TJ. The discrete emotions of anger and fear have a larger effect on the desire for justice...those individuals who report holding a feeling of indifference toward the regime are not neutral...they tend to support a lack of justice mechanisms” (Barcelo, 2018, p.488).

Although this research by Barcelo (2018) does not include existing policing scholarship, this study identifies a possible overlap. Previous policing scholarship has identified “defensive solidarity” (Bayley, 1990) as a dynamic in response to external accountability.

### **9.6.2 Defensive solidarity.**

Explaining the response to external criticism, a Police Commissioner in New South Wales compared the police to being like a turtle: “If it is bashed about, the turtle simply sucks its head, arms and legs into its shell... it does not matter how hard or ferociously you bang on top, it remains tucked away from public glare” (Lauer, 1994, p.65 cited by Chan, 1997). This phenomenon is one which Bayley (1990) has already observed in international comparative research on accountability and oversight of policing. More than an adverse reaction to external criticism, it is argued that internal regulation may also be inhibited by external accountability : “Read by the police as an indictment, external regulation impinges on police pride and self-esteem and confirms their impression that the public does not respect them... Defensiveness, riding on embitterment, destroys self-regulation.” (Bayley, 1990, p.178). The

effect of external accountability may be “defensive solidarity” within the police (Bayley, 1990, p.179). It is argued here that this may help to explain differences between *Pattenisers* and *Hotspurs*.

Earlier in this study, the socio-historical context for policing reform and a new architecture of accountability was outlined in some detail (Chapter 2). Amidst the findings to emerge from that was evidence that in the passage of legislation to enact policing reform, the British Government significantly diverged from recommendations made by the Patten Commission. In particular, it was noted that the former Secretary of State Peter Mandelson inserted the RUC into the “title deeds” of the new policing service (HC deb 06 June 2000, vol. 351 cc177-263, p.184). This intervention was all the more significant since those serving as members of the RUC transferred into roles in the new PSNI without any process of lustration. Naturally enough, those who transferred from the RUC to the PSNI retained pride in their former service under the “old conditions”. Yet, the Patten Commission had been very clear that for many in society, “the name of the police is symbolic of a relationship between the police, unionism and the British state. The argument about symbols is not an argument about policing, but an argument about the constitution” (1999, p.99). The decision by the former Secretary of State to disregard this and amend the “title deeds” of the new police service reflects a form of embodied contradiction (Chan, 1997, p.54). Importantly, this embodied contradiction has come to be embedded and expressed in the culture of policing.

When the HMIC visited PSNI headquarters to carry out an inspection a photograph was posted on social media (@HMICcunningham , 04 April 2017). Beside the HMIC and senior PSNI officers was a lectern displaying a plaque with an eagle and tourniquet. This emblem is also the background image to certificates issued to all PSNI officers for firearms training. The eagle and tourniquet emblem is the badge of the RUC branch comprised of Special Branch and armed officers which participated in joint ambushes with the British Army during the conflict. During 2017, the PSNI Superintendents Association Northern Ireland (SANI) had an internal debate about a change of symbols. SANI has a large membership within the PSNI and its symbol is the Harp and Crown crest of the old RUC SANI. During this study, a proposal to change the symbol of the SANI was rejected by members (by three votes).

Elsewhere, the PSNI sports facility at Newforge is still home to the RUC athletic association. A proposal to change the name of the association to the PSNI was voted down by members. The credit union for police officers is called the “Harp and Crown”, reflecting the RUC cap

badge. With its sponsorship of the PSNI Cricket team this cap badge is prominently displayed on the team kit and for any teams the Credit Union sponsors. The soccer team logo displays the RUC badge and the PSNI crest, along with the founding year of the club as 1956, 45 years before the PSNI was established. Within the PSNI, there is evidence of debate about this. The College Review undertaken in 2016 after Garnerville-gate (see Appendix 1) recommended that the military-style parading of probationary officers should be reduced. It stopped short of dispensing with the parade ground march for PSNI probationers on their graduation day, partly because some senior PSNI officers opposed a change. At PSNI Knock Headquarters, the RUC George Cross foundation has an office on site in secure premises. The RUCGC foundation is fully funded by the Department of Justice and two of its Board members were until recently, members of the NIPB. Moreover, the welcome by the PSNI to former members of the RUC extends to social occasions. An annual senior officers' dinner held in Newforge brings together the PSNI senior executive team (SET) with former chief officers in the RUC. At one such dinner, a senior PSNI officer addressed the gathering to salute the presence as a "hero" of Raymond White, former head of RUC Special Branch. Mr White was chair of the Northern Ireland Retired Police Officers Association (NIRPOA). He is an applicant in judicial review proceedings challenging the PONI Loughinisland report, discussed earlier, and has taken similar legal action previously. With the exception of the RUC GC, none of these examples are linked to the remembrance of those RUC officers murdered during the conflict, as mentioned at the outset of this study (Chapter 1). That is something on which the Patten Report acknowledged the need for sensitivity (1999, p.98). It is not the existence of the RUCGC Foundation which is of note but its co-location at PSNI HQ and the role of two of its members on the NIPB. The recurrent theme is an apparent allegiance to or fidelity with a past policing regime which is observable and is arguably an influential dynamic within the ecological system of policing accountability.

Recent research suggests that an "emotional engagement with the past significantly influences support for TJ..." (Barcelo, 2018, p.488). This may be important in explaining divergent values, attitudes and beliefs between *Pattenisers* and *Hotspurs*. All of those who serve at the highest ranks of the PSNI have previously been officers in the RUC. Other officers at middle and senior management who have joined the police service since the PSNI was formed have had superiors and mentors who served in the RUC. Strong relations remain between present police officers and those who are retired. The prevalence of symbols and

emblems related to the RUC noted within the physical environment of the PSNI appear to signify and perhaps even reinforce an emotional engagement with the past. That these remain so long after policing reform began and are the focus of agitation to retain is also notable. Taken together, this does suggest an emotional engagement with the former policing regime although testing this was outside the limits of this study. Moreover, other research (Barcelo, 2018) indicates that an emotional engagement with the past policing regime may impact upon attitudes towards accountability in the present. Furthermore, as discussed earlier the absence of accountability in the past has heightened the prominence of legacy cases in the present. This was captured most succinctly by one interviewee who said: "...it's back to the kind of concept the Chief (Constable) talks about all the time in terms of the past really being our critical incident of today" (PSNI interviewee, 2016).

Taken separately, these observations each hold potential significance for the explaining the findings from this study: embodied contradictions (Chan, 1997) inserted into the "title deeds" of the PSNI; an emotional engagement (Barcelo, 2018) with the past policing regime; and the perception of the past as a critical incident for police actors today. Taken together, this may engender a "defensive solidarity" (Bayley, 1990) towards accountability. This contention finds support in a direct way amidst through the interviews with participants:

"If anybody thinks there weren't wrong things done they weren't living in the same country as me. But that's in the public interest (to disclose). It's also in the police interest (to disclose). The public would have more confidence in modern day policing if there wasn't this feeling that they're trying to not reveal a murky past. And there's this sort of legacy of loyalty to officers that served in the past but most of them probably don't serve to any extent now. I think that's an area where they could do better. I think they are unnecessarily defensive at times" (NIPB interviewee, 2016).

Here the interviewee is reflecting on the reasons why difficulties in securing disclosure of information from the police continue to be experienced by external civilian oversight bodies. However, as the literature and evidence already reviewed reveals, this dynamic may, in part, also help to explain the differences in perspective between *Hotspurs* and *Pattenisers*. Having attempted to reason why these differences exist, this study argues that accountability and external civilian oversight has a distinctive duality in its impact upon policing reform. This study suggests that this duality of effect might best be considered as a form of 'agathakakological' accountability.



### 9.6.3 Agathakakological accountability

To explain further, this study has argued that the divergence in perspectives outlined and idiosyncratic features of the ecological system of policing accountability in Northern Ireland lead to a duality in the impact or effect of external civilian oversight. In simple terms, this study contends that the effect of accountability on confidence, legitimacy and trust can be both good and bad. Drawing on a word, first coined by 18<sup>th</sup> century poet Robert Southey ‘agathakakological’, this thesis presents the concept of ‘agathakakological accountability’ as an explanation.

Agathakakological derives from the Greek words *agath* (meaning good) *kako* (meaning bad) and *logos* (meaning word). This study argues that accountability and external civilian oversight has an agathakakological effect upon policing reform. Accountability can both help and hinder as this study shows. In part, this duality of effect relates to the earlier discussion about the possible reasons why *Pattenisers* and *Hotspurs* diverge in their perspectives. Significant differences in values, attitudes and beliefs among elite actors involved in the exercise of external civilian oversight can lead to differential impacts on policing reform. This dynamic is underscored by the idiosyncratic features of the ecological system of policing accountability within Northern Ireland, including co-existing and co-varying forces. This contention is supported by other policing scholarship. Both Bayley (1990) and Chan (1997) have highlighted the programmes of reform may have unintended or perverse effects. One of the circumstances in which unintended consequences may result from reform is where reformers give insufficient heed to the wider environment: “change agents may have miscalculated the effects of their action or may have been unaware of the other forces that were simultaneously acting” (Schein, 1985 cited by Chan, 1997, p.237).

That is what this study contends. A desire for the peace process to succeed, the overwhelming public support for the Good Friday Agreement, and the recognition that policing reform was fundamental to both, may have led to a miscalculation of the dynamics at work within the ecological system. Indeed, the pace of policing reform over the early years may have raised public expectations that the new ‘Patten Institutions’ would make past wrongdoing accountable. That appears to be reflected by one interviewee quoted earlier speaking about the expectation of those in PONI when it opened its doors for the first time:

“I suppose we expected a steady flow of people all day. But we soon realised that it would be more than that. A queue of people began forming at our front door and I think at one stage it formed across the front of the building and onto a side street. I also noticed that quite a few of them had bags with them, which turned out to contain folders of paperwork which they had amassed about their issues. I remember at one stage we had to send out for supplies of tissues as some of the people we were talking to had become emotional and tearful” (PONI interviewee, 2016)

Alongside this, whether as a result or in parallel, is a misalignment of values, attitudes and beliefs about accountability and external civilian oversight among and between key actors. That misalignment reflects itself in the divergent perspectives of *Pattenisers* and *Hotspurs*. Yet, it may also have deeper roots in the sense of abandonment or betrayal which appears to be part of policing culture in Northern Ireland. As far back as the Anglo-Irish Agreement of 1986, senior police officers have complained that the “RUC had become a political puppet” (Hermon, 1997, p.191). This sentiment of betrayal was reflected in outspoken criticism of policing reform by unionist politicians reflected earlier in this thesis (see chapter 2). Whether or not that is a factor, evidence in this study suggests that what is good for accountability and policing oversight may also be bad for policing, according to some of those involved in the process. In fact, some of those involved expressed a view which captured the complexity of this effect. Referring to PONI’s Loughinisland Report (2016), one participant from a PSNI background said there was a feeling of collective responsibility within the PSNI for the shortcomings exposed by the report even though these referred to the conduct of the RUC. The report (PONI, 2016) provided learning but was also impactful personally and organisationally:

“This is probably my felt experience internally in PSNI which is very real even though it’s got nothing to do with me. So for example when things like Loughinisland are reported on, that has an impact on my experience of policing as a police officer in that day for me, never mind what other people think about me. Because you can’t help but feel it’s, well, it’s not a halfway house policing. Either you’re in or you’re out. And when you’re in, you can’t help but feel a sense of responsibility for stuff like that even though you didn’t have anything to do with it....” (PSNI interviewee, 2016)

This expresses the sense of being “emotionally engaged” (Barcelo, 2018) in the way someone with a background in the PSNI can have a “felt experience” about the conduct of the RUC,

which was the subject of criticism in the PONI Loughinisland report (2016). Also, to “feel a sense of responsibility” implies a collective responsibility shared by those directly involved and the wider police family. This is revealing insight into the linkages which transcend levels within the ecological system and how these relations or perceptions may affect the impact of external civilian oversight. Responding to the same PONI report, another PSNI interviewee suggested that perceptions and emotions of others shape the perspectives of the police:

“...a lot of members of the wider police family who just feel that basically they’ve been left behind in the peace process, in a way and reengage some of that debate if there was a willingness to do that. But I don’t actually think there is. The report basically moved to a position where it’s saying in the wider meta-narrative terms, supporting one narrative over another. And therefore reinforces that black and white position of they (RUC) were a malign force designed to do only one thing. And then a lot of politicians can then say: well we told you so... the overwhelming sense was, the perception was that the effect that was desired was this visceral public outpouring of anger and vindication. It wasn’t actually a great sense that this was a report that led to reform or improvements” (PSNI interviewee, 2016).

The identification with the “wider police family” is an insight consistent with the findings discussed earlier in relation to a solidarity forged between PSNI officers and former RUC officers. The sentiment expressed of “being left behind in the peace process” is one which has a resonance with the feeling of betrayal highlighted in relation to policing reform, or being used as “a political puppet” as claimed by Hermon (1997). However, what is expressed most strongly is a view that accountability and policing oversight is for a purpose other than reform or improvements. On this basis, the PONI Loughinisland report is a product of a process where the process itself is being assigned an ulterior motive or hidden objective: “supporting one narrative over another..” to reinforce the position that the RUC “were a malign force designed to do only one thing”. To call into question the actual process of accountability and external civilian oversight tends to illustrate this agathakakological effect. It reveals a lack of trust between those engaged in the process itself. This is inimical to the “the growth of mutual trust, positive orientation, goal consensus...” which Bronfenbrenner, (1976, p.214) has argued is a precondition for learning, development and change. Of course, it might be argued that there were peculiarities about the PONI Loughinisland report which led to this negative attribution about the process from which it emerged. However, there is evidence within this study that the same belief of unfairness applied to other PONI reports:

“If you look at Operation Ballast, Nuala O’Loan’s report, that was broadly similar. There were not, I don’t believe there were any prosecutions came out of that report either... So again, she has reached conclusions, which she is entitled to as the Ombudsman based on the information available, despite the fact that it didn’t meet the threshold for prosecution. So it is a very different approach to the police service who can’t do that. So I think officers sometimes feel aggrieved that it’s not even the case now that you’re either guilty or innocent in the eyes of the law. You can be innocent in the eyes of the law and still be found to be guilty in the court of public opinion because the Ombudsman can simply publish their findings and make conclusions on the back of that” (PSNI interviewee, 2016).

Some PSNI participants were reticent to publicly articulate a negative reaction to the PONI report because of concern they could be accused of challenging the Office or its independence. For the purpose of this study, it is an important finding to note that such strong critical perceptions prevail. Most strikingly is the articulation by one PSNI participant that the Loughinisland report was “damaging to confidence among police officers in the service”:

“What I did see was that it absolutely affected serving officers ...the links that were made between incidents were not evidentially based. So it does feel like a judgement, an opinion, a judgement that has been put together, that is being put out publicly. That isn’t being caveated around presenting evidence, that suggests that’s what it is. And it feels like it is an attack on police legitimacy” (PSNI interviewee, 2016).

That those elite actors involved in policing should believe that policing accountability may delegitimise policing is an example of the agathakakological effect this study postulates. This is despite the acceptance by the report by the PSNI Chief Constable (PSNI, 2016, June 9) and by the British Prime Minister at that time (Cameron, 2016, July 12). The reaction of elite actors in policing also contrasts with families bereaved in the Loughinisland massacre whose complaint to PONI prompted the investigation and ultimately led to the report those families welcomed. In the context of wider scholarship this study reveals some of the challenges for policing reform. It may well be that these arguable contradictions are specific to the ecological system of policing accountability in Northern Ireland, as this study has suggested.

The Patten Report itself is evidence of the contested legitimacy of policing in Northern Ireland. This study has outlined the socio-historical context for that in detail and equally underlined the importance accorded to policing reform in the wider Peace Process.

Accountability and oversight of policing was central to the Patten Commission's plan for the creating a new policing dispensation which engendered legitimacy, confidence and trust and which would be human rights-based and representative of society (ICP, 1999). To a large extent that plan has been a success. However, this study suggests contradictions embodied inherently within the ecological system of policing accountability, and the political failure to address the legacy of the conflict, have hindered the Patten Commission's reforms. Some scholars have argued that legitimacy of policing and criminal justice is dialogic (Bottoms & Tankebe, 2012). Perhaps that is evident in other contexts. However, the context in Northern Ireland is one in which society is emerging from a sustained, low intensity, political conflict in which there was no effective accountability of the police (Moore and O'Rawe, 2000). It was a conflict in which thousands were killed, many more were injured and the institutions of State, including the police, were engaged in physical confrontation, including armed action, against the civilian population as well as those involved in paramilitary or proscribed organisations. In this specific context, the effect of accountability and external civilian oversight may have a duality for policing, both delegitimising and legitimising in the same process. Dynamics in the ecological system of triadic accountability (situational; relational & transformational) and perspectives, and perhaps also the experiences, of elite actors contribute to this duality of effect. It might be wished otherwise and presumably this effect was an unintended consequence of reform (Bayley, 1990; Chan, 1997). Yet the fact remains that this duality of effect as a result of accountability and external civilian oversight reflects findings emerging from this study. Moreover, given that legal proceedings about the PONI Loughinisland report continue (McCloskey J. 2018, January 26) as this study ends the agathakakological effect of this accountability for families already bereaved endures.

## **9.7 Conclusion**

This discussion has outlined an analysis of findings in three sections. Firstly, while still exploratory and embryonic, the development of 'triadic accountability' in this thesis offers a useful conceptual framework. Examining time-bound episodes (NIPB) or particular cases (PONI) through situational, relational and transformational accountability helps reveal those factors which may enable or inhibit the efficacy of external civilian oversight. While this modest framework invites further refinement and validation by post-doctoral study and by other scholars, the introduction and development of triadic accountability as a multi-level

paradigm for investigating these processes from an ecological systems perspective in important.

Secondly, the position assumed by this study from the outset has been that the values, attitudes and beliefs of elite actors involved in accountability and external civilian oversight interact with possible reform. The study contended that distinct perspectives would be evident among and between elite actors in this sample. The findings in this study support that contention. Furthermore, the two distinct perspectives, *Pattenisers* and *Hotspurs*, have been delineated to a large extent along lines of agency affiliation of participants. Areas of consensus were found between both perspectives and a minority of interviewees with a background in the police shared the perspective of *Pattenisers*. This appears to be a promising basis for further reform. Nonetheless, it is notable that *Hotspurs* reflects a perspective held almost exclusively by interviewees from a police background. Also, there are significant areas of divergence between *Hotspurs* and *Pattenisers*, which have been reviewed and analysed in this chapter. This study suggests this polarisation in perspectives between those at senior levels of policing and of policing oversight potentially fetters policing reform.

Finally, this discussion has suggested “challenge fatigue” and / or “defensive solidarity” as reasons why these differences in perspective may exist. The concept of “challenge fatigue” draws upon existing scholarship about organisational change and the repetitive exposure to trauma or grievance which has been found to be part of policing oversight in Northern Ireland. Nevertheless, this concept of challenge fatigue is one suggested as an interpretation of the findings in this study and the concept itself invites more robust empirical validation. There is more evidence for the salience of “defensive solidarity” (Bayley, 1990) in explaining the differences in perspective. Evidence of an emotional engagement (Barcelo, 2018) with the past policing regime appears to be an especially pertinent finding for helping to explain some of the findings in this study which have emerged from a police perspective. However, the analysis and interpretation is, perhaps by necessity, post-hoc. As a result, any attribution made of defensive solidarity for explaining the differences found between *Pattenisers* and *Hotspurs* must recognise this limitation. Consequently, it is beyond the scope of this study to conclusively explain why differences in perspective may exist. Despite this, it is argued that the values, attitudes and beliefs of elite actors interact with accountability and external civilian oversight in a way which has an agathakakological effect. In other words, accountability and external civilian oversight can be both good and bad for policing reform.

Whether this agathakakological accountability is avoidable or amenable to modification is beyond the parameters of this particular study but one which could be considered in the future. It may be that the idiosyncratic features of the ecological system of policing accountability in Northern Ireland make this effect inevitable. Again, that has not been tested in this study nor has the possibility that this duality of impact may be ameliorable. In any event, the argument central to this study is that in order for accountability and external civilian oversight of policing reform to optimise learning and change, then shared values, attitudes and beliefs are needed among elite actors. The evidence in this study suggests that there is in fact a polarisation of perspectives. This study argues such polarisation inhibits potential to maximise the learning from accountability. Instead, accountability and external civilian oversight is having unseen, unintended, perverse effects.

## Chapter 10: Restarting ‘the new beginning’ of policing.

### 10.1 Introduction

When the offices of the Police Ombudsman for Northern Ireland (PONI) opened for the first time in November 2000, the public were waiting for the new beginning to policing accountability. As mentioned earlier, the public response was more than PONI anticipated:

“We had done a media launch of the Office on a Friday, with a plan to open for business the following Monday morning. The launch got a lot of media coverage. We were in very early on the Monday morning to put the finishing touches to opening the Office for the first time to the public. I suppose we expected a steady flow of people all day. But we soon realised that it would be more than that. A queue of people began forming at our front door and I think at one stage it formed across the front of the building and onto a side street. I also noticed that quite a few of them had bags with them, which turned out to contain folders of paperwork which they had amassed about their issues. I remember at one stage we had to send out for supplies of tissues as some of the people we were talking to had become emotional and tearful” (PONI interviewee, 2016).

This story epitomised the challenge facing external civilian oversight in Northern Ireland. Past failings in policing and policing oversight, including the legacy of the conflict had, and still has, imposed heavily upon the new architecture of accountability from its inception. Despite this, the architecture of the Patten institutions and the PSNI has been sustained. That might be considered an achievement in itself, especially given the continuing political instability in Northern Ireland. More than a year ago, the power-sharing Executive and local Assembly was dissolved by the former Secretary of State on 26<sup>th</sup> January 2017 (S.I. 2017 No.32). Since then, successive attempts to restore the local institutions which emerged from the Good Friday Agreement (1998) have failed. The latest phase of multi-party talks have commenced as this study concludes. With no power-sharing Executive to make decisions, the budget for government departments and related agencies, including the agencies in this study, have already been set by the former Secretary of State for Northern Ireland. Resource allocation across Departments is being taken forward by the Senior Civil Service without input from local Ministers or scrutiny by local Assembly members. Elsewhere, negotiations



to finalise Britain's exit from the European Union continue and are likely to lead to further upheaval within the macro-political environment. The current political breakdown in Northern Ireland and prospect of future constitutional and legislative change under Brexit threaten to compound the challenges already facing policing and policing oversight.

As vividly illustrated at the outset of this chapter, the greatest challenge which policing and policing oversight currently face is the legacy of the conflict. Elsewhere in this study, the legacy of the conflict was described by one PSNI interviewee as “the critical incident of today”. That “critical incident” is not something for which the Patten institutions were designed. It is not something for which participants interviewed in this study were prepared. Indeed, neither the Good Friday Agreement (GFA, 1998) nor the Patten Commission (1999) proposed a way of dealing with the past. Instead, it was only in recent years that mechanisms were agreed under the Stormont House Agreement (SHA, 2014). Yet, with the on-going political breakdown in Northern Ireland, there is still no agreement to implement the SHA (2014) proposals. In societal terms, it is as if the queue of people standing outside PONI's offices almost 18 years ago is still waiting. Given the challenges described, the changes ahead, and the findings which have emerged, this study concludes that it is time to refresh and recalibrate the Patten Commission's proposals for accountability and policing reform.

## **10.2 Summarising the main findings**

At the outset of this study, a series of research questions were posed for this study. The primary research question was: in what way does accountability and external civilian oversight impact on policing and policing reform in Northern Ireland?

This study argues that the best way to demonstrate the potential impacts, or otherwise, is through the conceptualisation of accountability and external civilian oversight of policing reform in Northern Ireland as an ecological system, adapted from Bronfenbrenner's EST (1979; 1992; 1999; 2009). In doing so, the study has sought to bridge the apparent dichotomy between constructs of institutional and relational accountability which other scholars have highlighted (Bovens et al. 2014; Savage, 2013a; Dubnik, 2014b). This conceptualisation of an ecological system of policing accountability offers a better possibility of identifying and explaining the effect of co-varying and co-existing factors, which may be mutually contradictory; and may impede or enhance the efficacy of external civilian

oversight. An ecological systems perspective offers to provide a more complete and accurate insight into policing and policing accountability and its impacts than binary representations of external/internal, or civilian/non-civilian may do. From this perspective, contradictions and idiosyncratic variables are accepted as potential sources of rich data within the ecological system rather than ontological problems to be ironed out (Zeineddine & Pratto, 2017). The findings from this research offer evidence to support this new conceptualisation which the study has defined as triadic accountability. It is argued that this has three interactive and interdependent dimensions of accountability: situational (s); relational (r); and transformational (t). The thesis argues that this is the way that accountability and external civilian oversight has impacted on policing and policing reform in Northern Ireland.

The secondary research questions which were posed at the outset of this study were:

- i) what are the values, attitudes and beliefs held by those elite actors involved in external civilian oversight about accountability and its impact on policing?
- ii) how do these attitudes differentiate elite actors involved in external civilian oversight?
- iii) and, what are the factors which enable or inhibit the efficacy of external civilian oversight?

The answer to questions i) and ii) mirrors results for the results of the two hypothesis for this study. Therefore, the response to these are presented together later in this section. The answer to question iii) is related back to the new conceptualisation of an ecological system of policing accountability, which this study has proposed. Although triadic accountability is a new conceptualisation, exploratory research into the three putative dimensions of situational (s), relational (r) and transformational (t) offer some key findings in answer to question iii) For each dimension, three main features were identified earlier and summarised again here:

### **Situational accountability ‘s’**

Findings derived from participants’ responses for this dimension highlighted three significant factors or features which are relevant to the situational accountability. Firstly, the socio-historical context and legislative framework within which accountability and external civilian oversight operates is idiosyncratic. As this chapter has already reaffirmed, this idiosyncratic context and environment requires a bespoke approach to accountability and external civilian oversight. Secondly, the pre-eminent feature of effective accountability and external civilian

oversight is independence. Independence includes not only the autonomy of the institutions but also the exercise of powers of oversight, and the outlook and attitude of those who lead arrangements for policing oversight. Thirdly, the evidence in this study suggests that an overarching and effective approach to oversight of intelligence must be part of policing accountability. Without this, conflicting agency interests outside the realm of policing oversight may impinge upon and risk undermining external civilian oversight.

### **Relational accountability ‘r’**

Three main features of the putative dimension of relational accountability were suggested by participants’ responses in this study. First and foremost, was information sharing. Information-sharing, also described as disclosure, is the lifeblood of accountability. Without unfettered information-sharing, policing and policing oversight is a site of perpetual contestation, as some of the findings from this study confirm. Secondly, the leadership and the character and style of engagement in accountability and external civilian oversight may be enhanced or undermined by individual differences. Some of the main turning points in external civilian oversight of policing in Northern Ireland during the course of this study have occurred because of a change in the individuals involved. Thirdly, the inter-agency handling by policing and policing oversight of critical incidents may have a disproportionate influence upon relational accountability. This may have intra-agency, inter-agency and wider societal implications. Therefore, the third and final feature which findings suggest may be vital in enabling or impairing relational accountability is the approach to critical incidents.

### **Transformational accountability ‘t’**

The final dimension of triadic accountability has been proposed as transformational (t). As the literature reviewed elsewhere in this study reveals, the assumption of policy-makers and researchers is that accountability enables learning and reform. Participants’ responses in this study provided some evidence to support this. As such the first feature of transformational accountability is improvement. Secondly, the evidence available to this study suggested that where learning and reform or improvement has occurred, it has often been incremental and iterative, through exchange and collaboration between the agencies involved. There is clearly much room for improvement in this. As suggested earlier, one starting place would be to ensure that the computer-based tracking systems on policy reform are iterative. Therefore,

this study proposes a second feature of transformational accountability is that it is iterative. Finally, an abundance of literature reviewed in this study suggests that the conditions for reform are optimised when the internal conditions are conducive to learning and change. The kernel of this is that change and reform is adopted and internalised by those involved. Without shared values, attitudes and beliefs, proposals for reform especially from external oversight bodies are likely to meet with some degree of internal resistance. Forging shared values, attitudes and beliefs between those engaged in policing and policing oversight could not be more fundamental to enabling transformational accountability. Therefore, the third feature of transformational accountability which this study suggests is : internalised

Taken together these findings answer question iii). From an ecological systems perspective, these findings are summarised as: ‘s’ (idiosyncratic; independence; intelligence); ‘r’ (information-sharing; individuals; incidents); and ‘t’ (improvement; iterative; internalised). Therefore, this study proposes these to be the nine ‘I’s of triadic accountability.

This study also tests two hypotheses concerning participant’s perspectives on accountability and external civilian oversight for policing reform (Chapter 8). These hypotheses are:

- H1 - that at least two distinct social perspectives are held by participants in this study;
- H2 - that these social perspectives may be differentiated according to agency affiliation.

This study found empirical evidence which would tend to support both H1 and H2. In exploring the similarities and differences in the values, attitudes and beliefs of participants this study provides an answer to research questions i) and ii). Two distinct perspectives were found in the sample for this study named as *Pattenisers* and *Hotspurs*. These align closely although not exclusively with differences in agency affiliation. Thirty-five participants with a background in either PONI or NIPB and eight participants with a background in the PSNI and comprised the perspective named as *Pattenisers*. Sixteen participants with a background in the PSNI and two participants with a background in NIPB comprised the perspective named as *Hotspurs*. Both perspectives shared some common beliefs about the value of accountability and policing reform in Northern Ireland. However, *Pattenisers* and *Hotspurs* diverged most strongly in relation to the legacy of the conflict and reputation of the RUC.

This study has suggested that the idiosyncratic features of accountability and external civilian oversight have created embodied contradictions (Chan, 1997) which create the conditions where these differences in perspective have emerged. The study has argued the effect of either: a) defensive solidarity (Bayley, 1990); or b) the postulated influence of ‘challenge fatigue’ foster these differences in perspective. As a result, the effect of accountability and external civilian oversight on policing reform is both positive and negative for elite actors and for policing reform. This study posits this phenomenon as agathakakological accountability.

### **10.3 Limitations of research**

Every effort has been expended to ensure this research has been completed without compromise to personal integrity or academic rigour. However, there are significant limitations to the study which must equally be acknowledged.

The decision to adopt an interdisciplinary framework, albeit grounded in the discipline of social and political psychology, was especially challenging. Theoretical and conceptual debates and differences within disciplines did not easily yield to comparative analysis, nor did they give up intra-disciplinary disputes. The apparent virtue of an interdisciplinary approach does not sit comfortably with these theoretical and conceptual dilemmas. Therefore, the broad perspective brought to reviewing public accountability and policing reform leaves many questions and contradictions unreconciled, as yet.

Sampling for this study was by necessity purposive. That is not only compatible with but also supported by previous Q methods studies (eg: O’Connor, 2013; Ratcliffe et al. 2014).

However, purposive sampling carries with a selection bias. The fact that discussions between the researcher and agencies led to recruitment of participants may have helped to guard against further selection bias. Within the confines of a study of this kind, an earnest endeavour was made to secure a broad cross-section of elite actors, past and present, from within policing and within policing oversight. Nevertheless, the non-randomised nature of the sample does tend to caveat findings from the standpoint of generalizability.

The context-sensitive nature of the findings in this study does tend to inhibit the generalizability of these findings. Of course, that is consistent with the conceptual framework

employed but whether or not this study could be replicated may reflect on the validity of the findings from this study.

Being unable to examine the audit trail of exchanges between agencies limited the degree to which definitive conclusions could be derived from documents. As sensitive research which at times covered matters alive and ongoing for the agencies, it would have been insightful to have real-time access to meetings and exchanges. In the end, access of this kind would have gone beyond the boundaries of ethical approval and have transgressed agency protocols. Yet there is a limit to reliance upon the views and observations of others, albeit participants in the study. Self-presentation or hindsight bias is a risk in such instances where the participant may wish to reference him or herself in a way which justifies his or her own role in an episode.

The Q statements were not subject to pilot-testing. An opportunity for the statements to be trialled with a group of police officers not part of the sample was lost when the group cancelled. With a field trip to London to gather data the following month, the session could not be rearranged beforehand. Such a trial may have helped improve clarity and reliability of the Q set chosen.

While the two factor model derived from the Q sort results in *Pattenisers* and *Hotspurs*, there are limitations to this. Of the 62 participants, responses of 61 participants load on one perspective or the other to a level of statistical significance. However, this accounts for around 50% of variance in responses. Although this is sufficient, it means that a large amount of variance within the response of this sample is not explained by the model. This may reflect the nuance of individual differences which statistical solutions sometimes struggle to capture. Most participants loaded to some extent on both factors and this was especially the case in the 2 *Hotspurs* who had a background in ECO. This also illustrates the difficulty arising from maintaining anonymity of participants. To explore and attempt to explain the single participant who did not load on either factor would be to divulge information which may transgress research Ethics. Similar difficulties beset interpretation of the cross-over of participants from ECO bodies to *Hotspurs* and 8 participants from PSNI to *Pattenisers*.

Finally, the interpretation of findings is always fraught with potential for subjectivity. Effort has been made to triangulate findings from the Q sort responses with participants' interviews. However, there is a risk of confirmation bias with interpretation of results. Attempts have been made to mitigate this risk by reference to wider scholarship and comparable studies.

Yet, the iterative nature of this process and the post-hoc consideration of concepts such as ‘challenge fatigue’ invite further validation through research.

#### **10.4 Future Research**

For the purpose of understanding how accountability operates and how it may affect performance and learning, policing presents great research possibilities. Exploring the development of conceptual mapping, reframing expectations or fostering shared values and beliefs are all avenues for future research. Whilst this research postulates that realigning the ecology and the attitudes of key actors would optimise the learning and change from accountability, that needs to be tested. This study argues that by fostering shared values, attitudes and beliefs about accountability and external civilian oversight among all those involved; and recalibrating the dimensions of triadic accountability, the potential for learning and improvement will be optimised. In those circumstances, it would be revealing to track through single case study research the handling of a file or investigation from beginning to end. That would have required a different form of ethical approval than granted to this study. In particular, to explore the views and experiences of those who are victims or complainants compared with officials and with police officers may be revealing. Research of this kind invites consideration of theoretical research on procedural justice or fairness. It may also permit concepts such as challenge fatigue, malicious compliance and defensive solidarity to be validated or redefined. In fact, it may be possible to undertake experimental research which would permit the development of measures in these respects, as research has already done with concepts like compassion fatigue.

Perhaps the most promising area for future research would be to explore the application of triadic accountability to other performance contexts. For this study, it would be inviting to offer a visual, animated model of the ecological system of policing accountability. In this way, the graphic representation of triadic accountability might look more like a ‘swiss roll’ or kaleidoscope. With changes over time, the relative significance of different dynamics in the eco-system would be expected to alter and move, rather like a solar system. In this way, the temporal dimension or chronosystem for policing accountability might be more accurately represented. More importantly, those aspects of the system around which other factors or

variables orbit, or the dynamics which act like a centre of gravity for the eco-system might become more easily identified. This in turn may facilitate further change and reform.

There are also questions emerging from wider developments within the ecological system of policing which invite further research. With technological change, policing involves drones, body-worn video and cyber-security all of which have come on-stream since the Patten Commission reported almost two decades ago. In the USA, police deployed a robot to use lethal force against a sniper. In such an episode, it is unclear whether accountability for use of force is attributable to the robot or the officer controlling it. External civilian oversight is not yet aligned to the pace and development of such technological changes.

### **10.5 Another new beginning.**

This chapter opened with a vignette about the expectations and limits of accountability as a concept. This may be especially important after conflict: “Clearly in such contexts, shared values may be in short supply and... skilful negotiation by power-holders might be required if the legitimacy of the official law is to be fostered” (Bottoms & Tankebe, 2012, p.144).

As negotiations on policing reform in Northern Ireland moved swiftly from one stage to the next, the establishment of institutions appears to have taken precedence. Less attention appears to have been paid to the prevailing contradictions within the wider socio-legal and political ecological system. Even less attention appears to have been given to the negotiation and enculturation of shared values, beliefs and attitudes towards accountability. This is reflected in the divergent perspectives uncovered through this study. External civilian oversight is only one instrument for policing reform. It is most effective “when these processes work together and reinforce one another” (Millar, 2002, p.22). This study found that to optimise ECO, the situational, relational and transformational strands of accountability need realigned. In addition, greater convergence in the shared values, beliefs and attitudes of key actors in ECO is required to achieve reform through accountability. The corollary to this is a new process to reform the policing reforms to take account of what has occurred in the intervening time. Such an endeavour may be serendipitous if progress is made politically to dealing with the past and the legacy of the conflict outside the external civilian oversight bodies. Those conditions may present an opportunity to realign the dimensions of triadic accountability (s, r & t) and cultivate stronger shared values, attitudes and beliefs among elite



actors in policing. At that juncture, reviewing and refreshing the proposals which the Patten Commission first offered for a new beginning to policing could help revitalise momentum for policing reform. From an ecological systems standpoint, the timing of this is important. As evident almost twenty years ago when the “new beginning to policing” was heralded, the “old conditions” and “a new order of things” remain in contest. The difference now is that the “new order” ushered in the aftermath of the Patten Commission is no longer new.

If Machiavelli’s prescient analysis is correct, then reforming the reforms will not be easy. As this study comes to an end, that is the challenge which lies ahead.

## Appendices.

### Appendix 1 : 2014-2017 : Critical Incidents or Milestones in Policing Accountability

This summary is intended to help elaborate on the ecological system within which policing accountability operated in Northern Ireland during this study. The summary prioritises incidents or episodes involving PSNI, NIPB and /or PONI. This is especially germane to fieldwork and the interpretation of findings. It helps to contextualise the findings which emerge from this study. Therefore, academic research, investigative reports by media and public events relating to policing accountability which have occurred during this period are not included here. Changes in senior leadership in any of the three specified agencies during this time period is noted. Also included are reports or responses to deaths or critical incidents.

**2014** (during this time there were 27 reports by PONI – called itself in several times including case of video footage of woman in road in Derry 19/03/2014)

- PSNI referred Abuse of Process judgement in the John Downey court case to PONI (27/02/2014)
- PONI reported in relation to the death of Andrew Lorimer (February 2012) after a referral by the PSNI Chief Constable. PONI found that a police officer failed to provide police patrols with all relevant information but that this failing did not contribute to the death of Mr Lorimer (27/02/2014)
- PONI reported that Mr David McGowan died in police custody (30/05/2014) in Lisburn PSNI station. An investigation into the circumstances began by PONI.
- NIPB announced appointment under s.35 of the Police (NI) Act 2000 of George Hamilton as the new PSNI Chief Constable (29/05/2014). The appointment was approved by the Minister of Justice with the date of commencement of the new Chief Constable from 30/06/2014.
- PONI initiated Judicial Review proceedings against the PSNI for refusing to provide 100 pieces of information relating to PONI investigations into circumstances surrounding more than 60 deaths. (03/06/2014)
- PONI published a statutory report (under s.62, Police (NI) Act 1998) into the death of Paul Somerville (January 2012) in police custody after a referral from the PSNI. PONI reported that Mr Somerville had fallen from the PSNI van and sustained head injuries from which he later died. PONI made recommendations for improvements to cell vans which the PSNI implemented. Disciplinary action against two police officers was appealed by the officers affected and later withdrawn by the PSNI. (17/06/2014)

- Northern Ireland Community Safety College (NICSC) programme board tells the Assembly Justice Committee that it plans to proceed with a new joint training college for PSNI and emergency services at Desertcreat (June 2014).
- PONI published a statutory report (under s.62, Police (NI) Act 1998) into a complaint that RUC had colluded with loyalists in the attempted murder of Gerry Adams (14<sup>th</sup> March 1994). PONI found no evidence to support the complaint. (19/06/2014)
- PONI published a statutory report (under s.62, Police (NI) Act 1998) into the circumstances surrounding the loyalist murder of RUC sergeant Joseph Campbell (25/02/1977). PONI concluded several RUC officers at the most senior levels, including Special Branch, failed to act upon intelligence which would have prevented the killing of Mr Campbell and withheld information and evidence from follow-up investigations into his killing. (27/06/2014).
- NIPB Performance Committee was informed by the PSNI Chief Constable that he had agreed to disclose up to 100 pieces of sensitive information of relevant to ongoing investigations by PONI into more than 60 murders. Judicial Review proceedings by PONI against the PSNI ceased (02/09/2014).
- PONI published a statutory report (under s.62, Police (NI) Act 1998) into the disappearance and subsequent death of Mr Jonathan Magee (29/01/2011). PONI made recommendations on police policy and procedures, similar to those made in an earlier report (February 2012). PONI also recommended misconduct proceedings against 8 police officers which PSNI accepted (01/09/2014).
- PONI issued a public appeal for information following the death of two members of the public in road traffic collision with a police car (30/09/2014).
- NIPB announced appointment under s.35 of the Police (NI) Act 2000 of Drew Harris as the new PSNI Deputy Chief Constable. The appointment was approved by the Minister of Justice (15/09//2014).
- PONI published a statutory report (under s.62, Police (NI) Act 1998) into the referral by the PSNI of the John Downey trial judgment. PONI reported flaws in the PSNI approach to Operation Rapid. (20/10/2014).
- PONI published a statutory report (under s.62, Police (NI) Act 1998) into a referral by the PSNI relating to circumstances surrounding the Omagh Bomb (August 1998). PONI investigated the relationship between RUC Special Branch and the British Government Communication Headquarters (GCHQ). PONI confirmed that RUC Special Branch did not share some information with police investigating the Omagh Bomb but believed that was within the law at that time (Interception of

Communications Act 1985). PONI reported that “I do not have the authority to investigate matters concerning organisations other than the RUC/PSNI” (2014, p.15) . The Regulation of Investigatory Powers Act 2000 now governs the use of such intelligence but constraints are “arguably now even more restrictive although there are different views on this” (2014, p.15). PONI also state GCHQ is empowered by the Intelligence Services Act 1994 to constrain use of any intercept material shared with police (30/10/2014).

- PSNI state that, as the lead partner in the project team for the NICSC at Desertcreat that it would be prudent not to proceed with the project amidst concerns about the current financial environment. (03/11/2014)
- PSNI brief NIPB monthly meeting on proposals to establish a new Legacy Investigations Branch (LIB) to discharge its investigative responsibilities for legacy cases, after the dissolution of the Historical Enquiries Team (HET) (04/12/2014).
- PONI published a statutory report (under s.62, Police (NI) Act 1998 into the murder of Arthur Rafferty (August 1974). PONI found many failures in the RUC investigation which led to the destruction or loss of important evidence. PONI also found no evidence that police had information beforehand to prevent the attack or colluded with the killers to protect them (04/12/2014).
- NIPB welcomed a report published by CJINI on operation of PCSPs (04/12/2014).
- NIPB published the last report of four pieces on public confidence in policing (09/12/2014).

## 2015

- The DPP required the PSNI to carry an investigation into the actions of MI5 and referred the actions of police officers to PONI for investigation. The investigations concern the actions of former RUC and MI5 personnel in relation to withholding, concealing and destroying surveillance evidence. The DPP said : “I have carefully considered the matters disclosed by the CCRC (Criminal Case Review Commission) in relation to the events at Ballynery North Road on 24<sup>th</sup> November 1982 and the investigations carried out by Mr John Stalker and Mr Colin Sampson. In addition, I have considered the ruling of the Court of Appeal which quashed the conviction of Mr. Martin McCauley. ... The actions of police and security service personnel in relation to the concealment and destruction of potential evidence requires further investigation as does the identification of all those involved in those actions”. (14/01/2015)

- DoJ appointed Barney McGahan as an interim Chief Executive to the NIPB following the retirement of Mr. Sam Pollock after 3 years in post (January 2015).
- NIPB Performance Committee met and expressed concern about PSNI's continued delays in completing disclosures for several outstanding inquests. The Committee chair said : "There has been significant public commentary around delays in the PSNI disclosure of materials for inquest cases, particularly in relation to the Sean Brown case and the Stalker / Sampson cases. Following a hearing in the Coroner's court today, in relation to the murder of Sean Brown, Committee members are becoming increasingly concerned regarding the lack of progress made by the PSNI in this process" (15/01/2015).
- NIPB independent member Mrs Joan O Hagan brought libel action against two fellow independent members of the NIPB Stuart McDonnell and Brian Rea. The legal action before the High Court concerned "wrongful and unfounded allegations" against Mrs O Hagan which had occasioned psychiatric upset. Mr Justice Stephens was told that it was hoped that the terms of an agreement could be signed in the near future (30/01/2015).
- NIPB Performance committee questioned the PSNI Deputy Chief Constable in connection with delays in disclosure to coronial inquests. The Committee Chair said members remained seriously concerned around the damage this issues causes to confidence in policing and the Coronial process. (19/02/2015)
- NIPB published a report by its independent Human Rights advisor monitoring the PSNI performance under the Human Rights Act 1998. The report records the PSNI's implementation of 210 recommendations made by NIPB since the first annual Human Rights report and makes 9 new recommendations (20/02/2015).
- NIPB agreed to ask the Minister of Justice to commission HMIC / CJINI to undertake a review of the PSNI's roles in disclosures to the Coroner's court (05/03/2015)
- The British Secretary of State introduced an Order in Council permitting the National Crime Agency (NCA) to become operational in the north of Ireland (03/03/2015)
- PONI powers extended by agreement with British Home Office to investigate complaints and concerns about the conduct of Immigration and Customs officials. The powers are confined to 'serious' matters and do not include treatment of immigrants by a third party contractor (16/03/2015).
- DoJ and the Department of Health agree to recommendation from the NICSC programme board that existing plans for Desertcreat be redrawn (20/03/2015)

- NIPB Performance Committee is briefed by the PSNI on the findings of a pilot scheme of Body Worn Video and plans to roll-out the technology (23/03/2015)
- NIPB met with Director General of the British National Crime Agency (NCA) to discuss arrangements for NIPB's oversight of NCA and MoU for this (01/05/2015).
- PONI powers extended to investigate all complaints against NCA officers operating in Northern Ireland. NIPB also announce its role in oversight of the NCA (20/05/2015).
- NIPB published an update report on its 2012 thematic review of PSNI interaction with people who identify as LGB and / or Transgender. NIPB had made 18 recommendations to the PSNI which were accepted (22/06/2015)
- NIPB confirmed the appointment of nine independent members by the Minister of Justice for a term of either 3 or 4 years commencing from 1<sup>st</sup> July 2015. Four of the nine independent members had served previously on NIPB with the longest serving since 2009. For a minimum of four days per month, each independent member receives £15k p/a. (30/06/2015)
- NIPB interim Chief Executive exchanges correspondence with DoJ permanent secretary about changes to the role and remit of the NIPB's independent expert Human Rights adviser (June 2015), later disclosed under FoI.
- NIPB received a report from HMIC following up on its inspection of the PSNI's Historical Enquiries Team (HET). The initial report was published in 2013 and the NIPB had set up a working group to track implementation of the findings. In July 2014, the follow-up report was commissioned by the Minister of Justice following a request by the NIPB. NIPB said : "substantial progress has been made with 10 of the 20 initial recommendations fully implemented, however Board members are concerned that there are a number of outstanding areas. These concerned : independence of staff / officers involved in historical enquiries; management of intelligence; and openness and accountability. (24/06/2015)
- NIPB held a meeting at which it expressed concern at the decision by the Minister for Justice to refuse a request by NIPB to commission HMIC to carry out a review of the PSNI's role in supporting legacy inquests (30/07/2015)
- PONI reported that the death of a woman in a road traffic collision (December 2011) was not caused by PSNI. PONI recommended disciplinary action against two police officers in pursuit of the car which crashed. PSNI accepted the recommendation (18/08/2015).

- NIPB chair and vice chair met the new US consul general (25/08/2015).
- PSNI recruitment events at several venues are subject of security alerts (09/10/2015)
- NIPB's Performance Committee met with PSNI and with the chair of the Police Federation (PFNI) about a police workforce survey by PFNI (15/10/2015)
- PONI forwarded an interim report to the PPS regarding police conduct in circumstances surrounding 24 murders attributed to the IRA's 'Internal Security Team' and the activities of a British agent codenamed 'Stakeknife'. PONI's report identified potential culpability of not only police officers but members of other British Intelligence agencies and members of the public. The PPS referred these onto the PSNI for investigation (21/10/2015).
- NICSC programme board submit plans for Desertcreat to be set aside for a new training facility for the Northern Ireland Fire and Rescue Service (NIFRS). PSNI involvement in the new training college is withdrawn and it is proposed to allocate around £20m for upgrading existing facilities at PSNI Garnerville (27/10/2015).
- NIPB announce that the process to recruit a new Chief Executive will be restarted after the first process collapsed contentiously (Belfast Telegraph, 07/11/2015).
- PONI reported into events surrounding the murder of Mr Kevin McDaid (May 2009). PONI found no evidence that the PSNI failed to act to prevent the attack on Mr McDaid or had permitted sectarian violence (12/11/2015).
- NIPB met with the UN Special Rapporteur Pablo de Greiff to assist his investigation into 'truth, justice, reparations and guarantees of non-recurrence' (12/11/2015).
- PONI published a statutory report (under s.62, Police (NI) Act 1998) into events surrounding a bomb attack on PSNI Constable Peadar Heffron (08/01/2010). PONI reported that insufficient evidence had been found that the PSNI had prior information which might have prevented the attack. PONI also recommended disciplinary action against four officers in PSNI C3 intelligence for failings in the follow-up investigation. PONI summarised a dispute within senior levels of the PSNI about the recommended disciplinary action against the two officers (Detective Superintendents). The result was the level of sanction was reduced by the PSNI against these officers and discipline the other two officers remained outstanding (18/12/2015).
- NIPB held a meeting with PSNI to question the Chief Constable and Deputy Chief Constable about the PONI report about the bomb attack on Peadar Heffron. NIPB said

: “..this report highlighted a failure which affected the momentum of the investigation and has proven to be publicly and professionally embarrassing for the service. This was acknowledged and accepted by the Chief Constable. The Chief Constable has been asked by the Board to consider if there are any further measures which now need to be taken on the back of the PONI report and the Board has also asked its Human Rights advisor to conduct a review of arrangements.” (22/12/2015).

- PPS confirmed that no-one would be prosecuted in connection with an investigation into the awarding of PSNI vehicle contracts. Offences under investigation included allegations of bribery and misconduct in public office involving a total of nine people, including former and current police officers, police staff and civilians. (22/12/2015).

## 2016

- British Secretary of State for Northern Ireland Theresa Villiers made a special keynote address at Ulster University challenging PONI’s role in legacy investigations including Loughinisland. Ms Villiers’ Office had asked that retired police officers, police staff associations and relatives of former RUC officers who had been killed during the conflict be special guests at the event. Ms Villiers claimed investigations into legacy cases, including those by PONI, were part of a “pernicious counter-narrative” which was unfairly critical of the role played by State agencies in the conflict. (January 2016)
- PSNI Chief Constable rejected allegations that the RUC had prior knowledge of the Shankill Bomb in 1993 which killed 9 people (BBCNI, 27/01/2016). PSNI refuted the claims again at the public accountability session of the NIPB monthly meeting (05/02/2016). PONI had already announced investigation into a complaint following newspaper claims a police informer had passed on information prior to the bomb onto the RUC. (Irish News, 26/01/2016)
- PONI published a statutory report (under s.62, Police (NI) Act 1998 into the disappearance and death of Mr Gerard Hampson (November 2007). PONI’s report was completed in October 2012 but not published at the time as one of PONI’s recommendations was that the PSNI commission a ‘full structured review into the circumstances of Mr. Hampson’s death. PONI’s report also recommended disciplinary action against eight officers. PSNI accepted the recommendation in relation two officers and downgraded the sanction recommended by PONI in relation to the other six officers (26/01/2016).
- Master Bell issued a judgement dismissing application for an Order on PSNI to make discovery in Loughgall killings but criticised the PSNI “estimate that the discovery is likely to take ‘many months’ is unfortunately vague...the lack of more detail as to the current progress and possible resolution is troubling”. (05/02/2016)



- NIPB held its first public meeting with the Director of NCA director to receive her report on the operation and performance of NCA in the north of Ireland (03/03/2016).
- NIPB and PSNI go to Washington, USA for a scheduled programme of events and engagements ahead of St Patricks Day (14/03/2016).
- NIPB published the Policing Plan for 2016/17 and a report entitled Strategic Outcomes for Policing in Northern Ireland 2016/2020. NIPB also published the annual report by its independent Human Rights adviser (07/04/2016).
- NIPB appointed a new Chief Executive (16/05/2016).
- PONI published a statutory report (under s.62, Police (NI) Act into the loyalist murder of six men in the Heights Bar, Loughinisland (18/06/1994). PONI found serious failings by the police which, when viewed collectively, revealed that “collusion was a significant feature of the Loughinisland murders”. During the tenure of the previous Police Ombudsman, PONI had published a report in 2011 into the same incident which this was subject to legal challenge by the relatives of those murdered. When the new Police Ombudsman was appointed he agreed to the 2011 report being quashed and commissioned a new investigation into the Loughinisland massacre (09/06/2016). In immediate response to the PONI report, the PSNI Chief Constable apologised for the police shortcomings and for collusion (BBCNI, 09/06/2016). Several days later, the PSNI challenged PONI to produce arrests and bring police officers before the courts to substantiate collusion claims (BBCNI Spotlight, 13/06/16).
- PSNI announce Operation Kenova led by Bedfordshire Chief Constable Jon Boutcher, as an investigation into the alleged activities of an alleged British agent codenamed ‘Stakeknife’. The British agent is alleged to have worked with the British Army’s intelligence Force Research Unit (FRU) and to have been connected with the commission of serious crimes including murder. The PSNI Chief Constable George Hamilton made the announcement a day after the PONI report into the Loughinisland murders to avoid a clash. He said: “Chief Constable Boutcher will have the delegated authority of me as the Chief Constable of the PSNI.” Operation Kenova is based in London and staffed with officers with no connection to the police in the north of Ireland, the British Army or MI5. Any evidence uncovered by Operation Kenova of misconduct by police will be referred to PONI via the PSNI DCC (10/06/2016)
- NIPB chair, vice chair and officials join PSNI for breakfast ahead of the policing operation surrounding the annual Orange Order marches (12/07/2016).
- PSNI Chief Constable informs NIPB of allegations that a number of police recruits may have been cheating in an entry exam. NIPB convened a special meeting with

PSNI about its investigation into the incident (16/06/2016). The associated controversy (Garnerville-gate) triggered a wider review agreed by PSNI with NIPB of police training at Garnerville (August, 2016).

- PONI reported on the death of a woman after police contact (February 2014) following a referral from the PSNI Chief Constable. PONI recommended disciplinary action, accepted by the PSNI against two officers for failing to alert colleagues that the woman had sustained a head injury (23/06/2016).
- NIPB welcomes publication of two new HMIC reports about the PSNI (04/08/2016)
- NIPB hosted a conference about the 2015 annual report by the independent Human Rights adviser (07/09/2016).
- PONI reported on a finding of misconduct by a police officer who had acted contrary to advice from the PPS when he gave a man accused of assault an immediate caution (June 2015). The PPS asked PONI to carry out an independent investigation into the conduct of the police officer. No recommendation for disciplinary action was made by PONI because PSNI Discipline Branch had already sanctioned the officer (22/09/2016).
- PONI reported on the discharge of a firearm by a police officer (May 2015) in which the officer wounded herself. PONI found no evidence of misconduct but made recommendations in relation to PSNI firearms training, including the holstering of weapons. PSNI accepted the recommendations (06/10/2016).
- PONI published a statutory report (under s.62, Police (NI) Act) into the death of John Hemsworth (January 1998) after an alleged assault by police officers (July 1997). Following an inquest finding in 2011 that it was highly probable one or more RUC officers inflicted the injuries on Mr Hemsworth which led to his death, the PSNI referred the matter to PONI for investigation. PONI noted that whilst some of the police officers on duty at the time of the incident had since retired, others remain within the PSNI. PONI expressed concern that “throughout the course of three investigations and an inquest no officer who was present has been able to recall the incident” (24/11/2016).
- NIPB co-hosted a conference with the PSNI and Queens University Belfast about future challenges for policing in the north of Ireland (02/11/2016).
- NIPB held a special meeting (10/11/16) to consider final plans to implement recommendations arising from the College review of Garnerville and the arrangements for the student officer training programme. Subsequently, NIPB

announced approval for the PSNI student officer intakes to recommence (01/12/2016).

- NIPB welcome the appointment of former PSNI ACC Will Kerr by the NCA. After commencing employment Tribunal proceedings against NIPB following his non-selection by the NIPB to the post of PSNI DCC, Mr Kerr was awarded undisclosed compensation. NIPB later agreed Mr Kerr's secondment to NCA. (06/12/2016)

## 2017

- NIPB delegated its statutory functions and responsibilities to the chair, vice-chair and Chief Executive. DoJ extended the term of office of NIPB's chair, vice chair & independent members and their remuneration (February 2017).
- PSNI officer convicted and sentenced to 12 month conditional discharge for perverting course of justice in a RTC following an investigation by PONI (24/03/2017).
- Northern Ireland Retired Police Officers Association (NIRPOA) (R.White, former Head of RUC Special Branch & R.Hawthorne) are granted leave to judicially review against the publication the Loughinisland report by PONI.
- Maguire J. ruled (23/03/2017 : *Bell v PONI & DoJ* [NIQB 38]) that the Department of Justice was acting unlawfully by failing to provide PONI with sufficient resources to discharge its duties : "The present case is one of systemic and persistent underfunding which is disabling the Police Ombudsman, not in one but in a range of case, and not in one lone period but over a period of years now.."
- PONI reported on conspiracy to pervert the course of justice by a police officer in relation to a road traffic collision after a referral from the PSNI. PSNI reviewed a case file in March 2012 which had already been before the courts before referring the matter to PONI for investigation. PONI forwarded a file to the PPS resulting in the officer being prosecuted, convicted and sentenced to a 12 month conditional discharge (24/03/2017).
- PSNI and MI5 imposed a unilateral moratorium on the disclosure of all information to PONI and a former PONI investigator is arrested in England about alleged leaks (April 2017)
- Police Federation conference hears strident public criticism of PONI who attended the conference as a guest along with PSNI Chief Constable and NIPB chair (31/05/2017).

- PSNI Superintendents vote to retain the original emblem of the RUC for the Superintendents Association of Northern Ireland (SANI) (May / June 2017)
- NIPB host the first in a series of seminars about policing issues (05/06/2017).
- NIPB published a thematic review of Race Hate Crime and policing. The report which was authored by the NIPB's independent Human Rights adviser made 14 recommendations about improvement in PSNI response (28/06/2017).
- PONI opened an investigation into a news report (Irish News, 25/07/2017) and complaint of wrongdoing by PSNI officers in trying to recruit an informer. (26/07/2017)
- PONI reported finding misconduct by a police officer towards a solicitor during an interview (September 2016). PONI recommended a misconduct hearing and disciplinary action against the police officer. PSNI declined the recommendation and referring it as a matter of performance to the local police authorities to take appropriate action. (20/07/2017) (*this is the second case during this study of a complaint by a solicitor upheld against police officer*)
- Treacy J. ruled in the case of Barnard V PSNI (July 2017) which found that investigation by the PSNI LIB of collusion cases associated with the Glenanne Gang and more broadly legacy cases was not Article 2 compliant because police officers engaged in the LIB could not be fully independent of the police.
- Stephens J. ruled in the case of Flynn V PSNI (July 2017) that the PSNI was required to make disclosure of a list of documents or face a judgement on the statement of claim and costs incurred. The judgment stated that a loyalist informant was not brought to justice despite his criminal activities being known to the PSNI. There was no doubt that the documents had been provided by the PSNI to PONI for the Operation Ballast investigation but there was some question about whether or not either PSNI or PONI had a list of these documents : “Years have passed without compliance...there is no evidence of any attempt by the defendant (PSNI) to comply with its initial obligation under the rules to serve a list of documents or to comply with all the order made by the Master over many years”
- PSNI agreed with PONI to lift its moratorium on disclosure of sensitive information (26/7/17)
- PONI published a report into the killing of Harry Holland in 2008 which is critical of the role of the PSNI in the hours before Mr Holland's death.

- PONI published a report (31/08/2017) into the death of missing person Geng Feng Shi in 2015. The report is extremely critical of the PSNI and recommends disciplinary action against 14 officers. PONI also criticised the PSNI's failure to adopt and implement recommendations arising from previous Missing Person ('mispers') reports : "Some of the failings identified in 2010 were still happening in 2015" (when Geng Feng went missing). (31/08/ 2017)
- PONI published a section 62 report into the killing of two people by Sean Hegarty following a referral by the PSNI CC. PONI criticised the PSNI role in the supervision and release of Hegarty who was known by the PSNI to be a serious violent offender. Many but not all recommendations by PONI for disciplinary action against police officers are accepted by PSNI. NIPB issued a public statement expressing shock and disappointment (12/09/2017).
- PSNI brief NIPB that Managed Services (including call handling, guard duties etc) which had been the subject of failed legal proceedings civilian, has now been integrated into PSNI civilian staff. PSNI also request NIPB to pay legal costs (September 2017) arising from UK Supreme Court ruling in DB V PSNI (February 2017).
- NIPB's expert Human Rights adviser is forced to leave her position (September 2017) and the duties discharged by the Human Rights adviser cease to be carried out.
- PONI reported finding no evidence to support claims the PSNI had prior information or had facilitated a break-in and burglary of Castlereagh police station (17/03/2002). PONI undertook the investigation in response to a referral from the PSNI concerning allegations of that the break-in had been arranged to protect the identity of a police informant (28/09/2017). Although not part of the PONI report, the Castlereagh break-in was followed by a policy review of intelligence gathering by Sir John Chilcott whose confidential report recommended that primacy on national security intelligence gathering should be transferred to MI5. By 2007 St Andrews Agreement Act this was complete.
- DoJ publish annual report on public perceptions of policing. NIPB greeted the results as indicating that 90% of respondents had confidence in the PSNI (27/10/2017).
- PSNI recommence recruitment of police officers (October 2017) following NIPB monitoring of the implementation of findings arising from review of police training
- PONI announce investigation into allegations of bribery and misconduct in public office against PSNI Chief Constable, DCC and ACC.(13/10/2017)

- DPP directed no prosecution against 13 individuals alleged by assisting offender and police informer Gary Haggarty. The decision includes two former police officers identified by Haggarty as his Special Branch handlers who activities had been investigated and reported by PONI (Operation Ballast; Operation Stafford) in connection with 15 serious criminal offences including eight murders and two attempted murders (11/10/2017)
- Justice Stephens quashed the judgement by a District Court in September 2014 to throw out charges against three individuals, including a former police officer arising from the murder of Robert Hamill in 1997. The case of Robert Hamill was one of 6 specified inquiries agreed in the Weston Park agreement 2001. Mr Hamill's family have always insisted police (RUC) were complicit in his death by failing to intervene and covering up. Three individuals had been facing charges of perverting the course of justice charged in connection with the investigation into Mr Hamill's murder. However, a District Judge dismissed the case on grounds that the main prosecution witness was unreliable. Justice Stephens remitted the case with a direction to hold a fresh preliminary inquiry (8/12/17).
- In Judicial Review proceedings by *Hawthorne R. & White R. v PONI*, a preliminary ruling by Justice McCloskey found PONI had acted "unlawfully" in relation to the Loughinisland report (21/12/17). The case was adjourned until January 2018 to discuss a remedy and further submissions were invited from parties to the proceedings. ON 19<sup>th</sup> January, Counsel for PONI and for the families of the Loughinisland dead argued that Justice McCloskey should recuse himself because of a perception of "unconscious bias". The response of Justice McCloskey was to set aside his preliminary ruling and step aside from proceedings in order that they could be reconvened before another judge (28<sup>th</sup> January 2018).

## Appendix 2. Contextual semi-structured interview schedule with elite actors.



### Setting the context and sharing lessons (October 2015)

The rationale for this conversation is two-fold. Firstly, it's about briefly setting a context for the story of policing reform in the north of Ireland. I'd like to begin with your own experience, observations and recollections of the policing reform process and broader Peace Process at that time. I'd like to explore how you saw policing reform and wider negotiations evolve to the stage we have reached today. Secondly, it's around the development of a consensus which promotes the idea that the Northern Ireland experience provides valuable lessons for other trouble spots. I'd like to reflect on that a little with you. What these *valuable lessons* or *model* might be need to be unpicked and so I want to talk to people who have had experience of engaging with other countries and agencies/actors in this context. Sometimes these initiatives take place in host countries, sometimes we have delegations of actors/stakeholders come on fact finding missions to NI to learn from the experiences here.

#### Questions on setting the context for policing reform & Peace Process:

- 1) how would you describe the context in which the policing reform agenda emerged in the north of Ireland ?
- 2) what do you think were the key dynamics for reform in policing at that time? what did you see as the early sticking points in negotiations and reform?
- 3) where did you see policing reform feature in broader peace process / negotiations ?
- 4) did negotiations on policing reform evolve as you had expected ?

#### Questions on the NI Model

- 1) where have you been abroad to talk about the Peace Process in north of Ireland?  
OR who has travelled here to talk with you about the Peace Process?  
- who would have accompanied you ? how did it come about ? Official / unofficial ?  
organised by? What sort of briefing were you given beforehand ?
- 2) what sort of things did they want to know ?
- 3) what did you feel you could say about the Peace Process overall?  
- about policing reform in particular ? about lessons learned overall?  
-
- 4) what value do you place on these kinds of lesson sharing experiences ?  
- how much coherence do you see in these lesson sharing experiences ?  
- how were relations between the different interests / groups from our society ?  
- what was the follow up afterwards, if any, with those whom you met with ?
- 5) given the current context in local politics / local policing, how comfortable do you feel about the use of the Peace Process in the north of Ireland as a model for other societies emerging from conflict? - are there any particular lessons in our own society regarding policing reform / Peace Process which you feel we need to revisit (before we share with others)?

**Appendix 3.** General biographic questionnaire for participants



**Participant Number :**

**General information:**

Please tick one box

Age    25-29     30-34     35-39     40-44     45-49     50-54     55-59     60+

Gender Male  Female

Nationality \_\_\_\_\_

**Employment :**

Current employment \_\_\_\_\_

Years service \_\_\_\_\_

Role in policing / policing oversight (*if different from current employment*)

\_\_\_\_\_



Years service \_\_\_\_\_

**Education:**

What was the name & location of the first educational institution you attended?

\_\_\_\_\_

What was the name & location of the last educational institution you attended?

\_\_\_\_\_

Please tick each box which relates to

O level  A level  Undergraduate degree  Postgraduate  Other

**Parent's occupation:**

Father \_\_\_\_\_ Mother \_\_\_\_\_

## **Appendix 4.** Project information sheet and Consent form for participants.



### **Information Sheet Independent Study Undertaken by Ulster University**

**1. Study Title:** The impact of external civilian oversight on policing reform.

#### **2. Invitation**

You are being invited to take part in a research study. Before you decide whether or not to take part, it is important that you understand what the research is for and what you will be asked to do. Please read the following information and do not hesitate to ask any questions about anything that might not be clear to you. Make sure that you are happy before you decide what to do. Thank you for taking the time to consider this invitation.

#### **3. What is the purpose of the study?**

This research study seeks to examine and explain the impact of external civilian oversight on policing reform in the north of Ireland. The study will explore the views and experiences of those engaged in the process of policing accountability. Using approved qualitative and quantitative research methods, the study will analyse external civilian oversight of policing through the views and experiences of key stakeholders in policing, principally within the Northern Ireland Policing Board, Office of the Police Ombudsman and the Police Service of Northern Ireland. It will seek to identify examples of good practice and areas where it may be possible to enhance the framework for policing accountability. The findings of the study will inform stakeholders, government and policy makers and others interested in policing reform.

#### **4. Why have I been chosen?**

You have been chosen as potential interviewee for this research study because of your knowledge / experience of the process of policing accountability within the PSNI. In total, up to 42 interviews will be undertaken as part of this study.

#### **5. Do I have to take part?**

It is up to you to decide whether or not to take part. If you do decide to take part, you will be given this information sheet to keep. You will also be asked to sign a consent form giving your permission to be interviewed. If you choose to take part, you can change your mind at any time and withdraw from the study without giving a reason.

#### **6. What will happen to me if I take part?**

You will be asked to agree to participate in an interview of around one-hour long with the researcher, in order to answer questions on your expectations, views and experiences of policing accountability.

You will be provided with a consent form and asked to complete it, which will outline the use of the research information which will be collected during the course of the interview and how this information will be stored and safeguarded. The interview / focus group will be recorded, with your permission, and later transcribed.

### **7. What do I have to do?**

You are asked to respond to questions asked in the interview as honestly and comprehensively as possible.

### **8. Are there any alternative interventions? No**

### **9. What about side effects?**

There are no direct health risks to you. It is of course possible that you may become upset by discussing issues related to policing reform or policing accountability. Disclosure of any information is purely voluntary and not expected. You can expect to be fully briefed and to request detailed information about how your responses will be employed in this study.

### **10. Risks and/or disadvantages**

The purpose of the interviews / focus groups will be to learn your views about the process of policing accountability and experiences of engaging in it. However, we recognise that talking about this may cause distress. We will provide you with accurate information about the study so that you can make an informed decision about whether you would like to participate. There will be a number of opportunities for you to withdraw from the study: when you are initially contacted to arrange the research interview, before it starts; midway point during the interview, at the end and at any time after the interview up to the point of publication. A list of appropriate counselling services will be available to you and details of what each service can offer will be shared with you. All counselling services referred to will be free of charge. In addition, there will be an opportunity for you to be accompanied to the interview by a support person e.g. family member, friend or other person of your choice. There will be arrangements made for access to a counsellor if required. The researchers will be available before, during and after the interview. If you become distressed during this study, the interview / focus group will be stopped and will not continue unless you feel able to do so. You will be reminded that you can withdraw from the study and all records of your participation will be destroyed. You will receive a follow up call to check how you are feeling.

### **11. Are there positive benefits in taking part?**

The research offers you a platform to voice your views and experiences (positive or negative) of external civilian oversight of policing. This may result in change or enhancement of the processes of policing accountability and may help to inform government and policymakers and other societies thinking about undertaking a similar process.

### **12. What if new information becomes available?**

You will be kept fully informed about any new relevant information as it becomes available by the Principle Investigator. Alternatively direct information can be obtained from the researchers at the address given at the end of the information sheet.

### **13. What will happen to the results of the study when it ends?**

The main purpose of this study is research for an academic doctoral thesis at the University of Ulster. The results will be reserved primarily for that purpose and may also be used for:

- Short research briefing papers which may be written and distributed widely.
- Publication in Academic journals, media releases, social media engagement; and articles for newspapers and voluntary sector magazines, and websites.
- More broadly, the study will raise awareness and generate public debate on how external civilian oversight in policing accountability and its impact on policing reform.

### **14. What if something goes wrong?**

It is very unlikely that anything will go wrong, all possible risks have been identified by the researchers and measures put in place to address them. The University has procedures in

place for reporting, investigating, recording and handling adverse events. If you have any complaints they will be taken seriously by the University and should be made to the appropriate authority within the University.

**15. Will my taking part in the study be kept confidential?**

Prior consent will be sought to record the interviews. The digital recordings will be kept in a lockable file in a lockable office in the University in line with the University's Data Protection Policy. Transcripts of the interviews will be undertaken by staff members that are familiar with handling confidential information and they will not be any identifiable information about you. Data and consent forms will be stored separately to ensure confidentiality is not breached. No material will be made public without all identifying information being removed. In line with Ulster policy data will be destroyed after a period of 10 years by means of deleting transcripts and recordings. As far as legally possible all efforts will be made to ensure confidentiality. But there may be a situation where the police can compel the researchers to provide transcripts or recordings of interviews.

**16. What will happen to the results of the study?**

As discussed in point 13 above, the results will be distributed widely and will impact on in a number of ways (as described).

**17. Who is organising and funding the research?**

The research is organised within the Institute for Research in Social Science at the University of Ulster. At present no-one is funding the research. In the future, it is possible that funding applications will be submitted to the relevant academic and related funding bodies.

**18. Who has reviewed this study?**

The objectives, methodology and ethical considerations of this study have been reviewed by an Ethics Committee focussing on social science research within the University of Ulster. If you have any queries in relation to this ethical approval, you can contact the Ulster's Research Governance Department for further details.

**Contact details: Principal Investigator**

Professor Cathy Gormley-Heenan, School of Criminology, Politics and Social Policy, University of Ulster, Shore Road, Newtownabbey, BT37 0QB. Tel. 02890 366132.

Email: [c.gormley@ulster.ac.uk](mailto:c.gormley@ulster.ac.uk)

Dr. Jonny Byrne, School of Criminology, Politics and Social Policy, University of Ulster, Shore Road, Newtownabbey, BT37 0QB. Tel. 02890 366159

Email: [j.byrne1@ulster.ac.uk](mailto:j.byrne1@ulster.ac.uk)

Professor Brandon Hamber, INCORE, University of Ulster, Magee

Ciarán J. Kearney, PhD candidate, School of Criminology, Politics and Social Policy, University of Ulster, Shore Road, Newtownabbey, BT37 0QB.

Email: [Kearney-c24@ulster.ac.uk](mailto:Kearney-c24@ulster.ac.uk)



**Consent Form**

**Title of the Project:** The Impact of External Civilian Oversight on Policing Reform

**Name of Chief Investigator:** Professor Cathy Gormley Heenan

*Please Initial*

- I confirm that I have been given and have read and understood the information sheet about this study. [            ]
- I have been invited to ask questions about this study which have been dealt with satisfactorily. [            ]
- I understand that my participation is voluntary and that I am free to withdraw at any time without giving a reason and without my rights being affected in any way. [            ]
- I understand that the researcher will hold all information and data collected securely and in confidence. [            ]
- I freely give permission for the researcher to hold relevant personal data. [            ]
- I understand that as far as legally possible all efforts will be made to ensure confidentiality. [            ]
- I agree to the use of a tape-recorder during the interview. [            ]
- I understand that the researchers are obliged to report any information revealed in interviews about abuse, or other illegal behaviour, to the appropriate authorities. [            ]
- I understand that there will be a research report published and publications in the future and that all efforts will be made to ensure that I cannot be identified. [            ]
- I agree to take part in the above study. [            ]

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Name of Participant giving consent	Signature	Date
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Name of Researcher	Signature	Date
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## Appendix 5. Q set of statements (q=59).

### Q statements on 's' situational accountability

8. There is no need for the Policing Board to have scrutiny over or accountability for matters in the sphere of national security or covert policing.
9. The devolution of powers on policing and justice has led to tangible improvements in policing accountability
10. The most effective model of policing oversight is one which is under civilian control
11. The Police Ombudsman's access to all aspects of policing, including national security and covert policing is completely unfettered
20. All those aspects of policing which in the past gave cause for concern are now subject to effective accountability through the Police Ombudsman and / or the Policing Board.
21. The existence of the arrangements for external civilian oversight ought to be sufficient to build public confidence in policing.
22. All public agencies have to adapt to current funding constraints and external oversight of policing should be treated in exactly the same way.
23. More of what is presently done by external oversight could be transferred to internal police accountability mechanisms. (*reverse scored*).
24. The external oversight bodies are not ready for the creation of the Historical Investigations Unit. (*reverse scored*).
26. External oversight bodies are not yet effectively aligned to recent changes in the delivery of policing. (*reverse scored*).
27. A separate Policing Board and Office of the Police Ombudsman may have been justified at the start of the policing reform process but now resource constraints mean 2 separate oversight bodies is a luxury. (*reverse scored*).
34. The Northern Ireland Policing Board's powers and responsibilities need to be increased to make it effective. (*reverse scored*).
35. The emphasis on external oversight sometimes has the effect of inhibiting internal regulation within the PSNI. (*reverse scored*)
36. The office of the Police Ombudsman has all of the power and responsibilities it needs to fulfil its mandate.
37. A new beginning to policing accountability has been the key to a new beginning to policing
35. Democratically accountable policing is only possible because elected representatives are involved in the Policing Board.
38. External civilian oversight bodies should limit their remit to those issues of concern presented by members of the public. (*reverse scored*)
39. Policing accountability in Northern Ireland is the 'Rolls Royce model' of external oversight.
43. Ultimately, the PSNI is accountable to the courts and that takes precedence over the external oversight bodies. (*reverse scored*).

- 44. External oversight bodies should have scrutiny over only those aspects of policing which concern everyday crime and community safety. *(reverse scored)*.
- 46. The Department of Justice has too much influence over the affairs of the external oversight bodies. *(reverse scored)*.
- 47. What has evolved through negotiation and legislation for policing accountability in Northern Ireland is faithful to the Patten Report in 1999.
- 53. There was nothing wrong with the arrangements for policing accountability which we had in the past before the 1999 Patten report.*(reverse scored)*.

**Q statements on ‘r’ (relational accountability)**

- 4. The process of interaction between the PSNI and the external civilian oversight bodies is too adversarial. *(reverse scored)*
- 5. The PSNI has dealt fairly and speedily with all requests for disclosure of information from the external oversight bodies.
- 6. Sometimes it seems as though the external civilian oversight bodies are used by those who deliberately want to damage policing.*(reverse scored)*
- 13. Since the inception of the Policing Board and the Police Ombudsman, there has been effective collaboration between both in achieving accountability.
- 17. There are still some areas where the external oversight bodies struggle to gain full co-operation from police and officers and staff. *(reverse scored)*
- 28. Party politics has too great an influence on the Northern Ireland Policing Board. *(reverse scored)*
- 30. Sometimes the activities in which external oversight engage are like a morality drama or a piece of theatre.*(reverse scored)*
- 36. The institutions for policing oversight which have evolved are not like a monster which has to be fed. *(reverse scored)*
- 40. It’s as though the PSNI is being pulled up by its roots every time the policing oversight bodies grab an issue of concern.*(reverse scored)*
- 41. As a result of external oversight we now have leaders in policing chasing numbers and targets which are completely counterproductive. *(reverse scored)*.
- 41. Over the years the Office of the Police Ombudsman has shown consistency in handling of complaints against the police.
- 52. The independence of the external oversight bodies has never been challenged or undermined by the PSNI.
- 53. External oversight bodies have already played a positive role in dealing with the legacy of the past policing.
- 54. It is unfair of external oversight bodies to judge past policing practices and procedures by current policing practices and procedures.*(reverse scored)*
- 55. It seems as though there is little understanding and sympathy on the part of external oversight bodies of how policing works in the local context. *(reverse scored)*
- 55. The external oversight bodies do not engender confidence among the officers and staff of the PSNI.*(reverse scored)*.


- 60. Everything that is in the public interest - not the police interest – should be disclosed to the external oversight bodies.
- 61. The PSNI has always demonstrated complete transparency to the external oversight bodies.
- 62. There are clear and necessary limits to what the PSNI should disclose to the external civilian oversight bodies.
- 63. External oversight of policing in the north of Ireland is too complex and cumbersome (*reverse scored*).

**Q statements on ‘t’ (transformational accountability)**

- 8. Without effective external civilian oversight there can be no public confidence in policing
- 10. It is helpful that the Policing Board is consulted but ultimately all decisions on policing are for the PSNI.
- 14. It is useful that the Office of the Police Ombudsman can make suggestions for policy and practice reform but ultimately all decisions on policing are for the PSNI.
- 15. Without accountability policing in any democratic society is bereft of legitimacy.
- 16. Since the inception of the Policing Board and the Police Ombudsman, there has been effective collaboration in achieving accountability.
- 16. As a result of external oversight, accountability is now ingrained within the culture of policing in the north of Ireland.
- 17. The Policing Board has been very successful in engendering public confidence in policing.
- 21. After 15 years of external oversight there is now irrefutable evidence that it has driven policing reform.
- 23. The office of the Police Ombudsman has been very successful in engendering public confidence in policing.
- 26. There is no evidence that external oversight has had any impact on policing reform or improvements in the PSNI.
- 28. Without external oversight it would not be possible to have accountable policing
- 43. Monitoring human rights compliance is now an integral and vital component part of the external civilian oversight bodies.
- 46. The PSNI is the most accountable police service in the world
- 47. Without the external oversight bodies it would be difficult if not impossible for policing to have legitimacy.
- 53. If it was not for the work of the Police Ombudsman and the Policing Board the human rights agenda on policing would not be so far advanced.
- 54. The external oversight bodies do not engender confidence among the officers and the staff of the PSNI.
- 55. When decisions on policing have to be made, the external oversight bodies should not interfere with the police decision-making process.



### Appendix 6. Q sort sample recording form


 Study title : The impact of external civilian oversight on policing reform

Participant Number: \_\_\_\_\_

Very Strongly Disagree (3)	Mildly Disagree (5)	Neutral (7)	Mildly Agree (9)	Very Strongly Agree (11)
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## Appendix 7 – Post Q sort semi-structured interview schedule



### **Study Title: The impact of external civilian oversight on policing reform.**

What would policing in the north of Ireland look like today if we did not have external civilian oversight ?

What aspects of the exercise of external civilian oversight have you found most challenging - personally / professionally ?

If you were to start again, what would you like to have seen done differently in policing accountability?

In the here and now, how does external civilian oversight influence or impact upon policing reform ?

What are the obstacles / barriers, if any, to effective policing accountability ? What are the examples of best practice in policing accountability ?

Looking ahead, what would you see as being the key to enhancing policing accountability ?

What if anything can those interested in policing reform learn from the process of policing accountability here ?

**Appendix 8.** Correspondence with specified agencies granting research access.

Keeping People Safe



**TOMMY JOHNSTON  
STAFF OFFICER TO CHIEF CONSTABLE**

Our Ref: Com Sec 14\48657

30, December 2014

*Dear Ciaran,*

Thank you for your letter to the Chief Constable of 19 November to which I have been asked to respond.

Mr Hamilton would be content to accede to your request for assistance. However, this assistance will be subject to ratification of the proposed research question.

In the first instance the Chief Constable has asked that Superintendent Tim Mairs acts as your point of contact. I will ask Superintendent Mairs to make contact with you at his earliest convenience.

*Yours Sincerely,*

Sergeant

Ciaran Kearney  
Ulster University  
Shore Road  
Newtownabbey  
BT37 0QB

**CRIMESTOPPERS**  
**0800 555 111**  
Call anonymously with information about crime

Private Office, PSNI Headquarters, 65 Knock Road, Belfast, Northern Ireland BT5 6LE  
Telephone: 028 90 700003 Fax: 028 90 561645 Email: [tommy.johnston@psni.pnn.police.uk](mailto:tommy.johnston@psni.pnn.police.uk)

From: <[ni.pnn.police.uk](mailto:ni.pnn.police.uk)>  
Subject: 1.NOT PROTECTIVELY MARKED-All Networks: Research Project Assistance 14\48657  
Date: 19 January 2015 13:56:46 GMT  
To: <  
Cc: <

Dear Ciaran

I refer to your recent letter in regard to assistance for your research into policing reform and in particular the subject of accountability and the letter of provisional support from the Chief Constable's Staff Officer, Sergeant Johnston.

I believe Superintendent Tim Mairs has been in contact and if you or your supervisors require any further assistance in progressing your request, please do not hesitate to contact Superintendent Tim Mairs via email

May I take this opportunity to wish you well with your research project.

Kindest regards

Senior Personal Secretary  
to Chief Constable

Sam Pollock  
Chief Executive

Date: 5 January 2015

Mr C J Kearney  
Ulster University  
Shore Road  
Newtownabbey, BT37 0QB

Dear Cairan

## RESEARCH PROPOSAL

I would like to confirm that your letter outlining your research proposal on Police Accountability and Oversight, and requesting involvement and support of the Policing Board was considered by the Performance Committee on Thursday 18 December. I am pleased to indicate that the Committee on behalf of the Board considered your proposal to be of interest and value and welcome the initiative and the involvement of the University of Ulster in this research.

I hope it will be possible for Board Members to engage with you in this research, and certainly the Committee will be interested in the development of your studies. Peter Gilleece should be your first point of contact as you develop your research, but Alan Nesbitt is the NISRA Supervisor of Statistics and Research work under Peter, and he will be pleased to assist you as appropriate. It is ultimately a matter of choice of individual Board Members to provide their perspectives to you, but we hope some will indeed meet with you at a time convenient. Likewise our staff who are directly involved in research within the Policy Directorate may well be able to assist and support your studies, but it is for you to approach them through Peter when you have specific requests.

In any publication of your research either within the University or in a wider audience, it is important that you share with the Board any material or reference attributable to the Board, its Members or staff, for them to check on accuracy.

I wish you well in this important research and trust it will add value to the body of knowledge which now exists in Northern Ireland in the governance of policing and related matters.

Yours sincerely



**SAM POLLOCK**  
Chief Executive



24 January 2015  
Reissued: 12 February 2015

Mr Claran Kearney  
Institute for Research in Social Sciences  
University of Ulster  
Shore Road  
Newtownabbey  
BT37 0QB

Dear Claran

I write in response to your letter of 22 December 2014 when you discussed your doctoral research and access to some key staff in the Police Ombudsman's Office.

We would like to help you in your work, as we have done so with other students and researchers in the past, and would hope that your findings would prove an interesting and useful perspective on police oversight and accountability.

However, I think, we would need to deal with some 'house-keeping' issues first.

It is important that we take steps to ensure that the integrity of the investigation, of the Office and your academic integrity cannot be called into question.

For that reason I would suggest a phased access to the Office. I would suspect you would want to speak to Tim and his staff at an early stage. As our Director of Information his work is focused on our public face and he and his staff would be able to talk to you and provide you with information about cases we have publicly reported on, statistics and research and the community engagement work they have undertaken. You may also want to speak to other non investigative staff about issues such as finance and staffing structures. I would also be available to talk to you during this early phase.

You have met and talked with Police Ombudsman staff many times over the years and will understand there are important parameters in providing access to material we hold: we do not discuss ongoing investigations with any outside parties and also have strict limits on the documentation we may make available. We would not anticipate making case specific investigations material available other than publicly available reports; we would of course be happy to discuss generic policy and operational practice. The relationship between the Office, PSNI and the Policing Board are also legitimate areas for discussion when debating police accountability in Northern Ireland.



20150208 24 JAN 2015

continued.

Dr Michael Maguire - Police Ombudsman for Northern Ireland

New Cathedral Buildings, 13 Church Street, Belfast BT1 1PG Tel: 028 9082 8337

Fax: 028 9082 8603 Email: michael.maguire@policeombudsman.org Web: www.policeombudsman.org

Telephone calls to this office may be recorded and monitored for training, quality assurance and other lawful purposes

..12  
Ciaran Kearney

Set in this context we hope we will be able to give you a more detailed understanding of the police complaints process, the nature and challenges of that work and perhaps provide you with added insight into issues around police accountability.

Perhaps you may wish to contact Tim in the first instance and set up a meeting with him and Seamus McIlroy, our Director of Legal Services, to agree a way forward.

Best wishes

**MICHAEL MAGUIRE**  
*Police Ombudsman for Northern Ireland*









## Appendix 12. Statistical output for two factor solution

PQMethod2.35 External Civilian Oversight of policing in the north of Ireland

PAGE 1

Path and Project Name: C:\PQMethod\projects\ECOstudy

May 23

17

### Correlation Matrix Between Sorts

SORTS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
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2 PO2	57	100	60	28	55	57	53	55	55	38	58	42	55	33	59	12	18	48	39	42	32	34	33	37	49	25	27	22	42	54
3 PO3	42	60	100	20	62	51	42	58	38	36	34	42	48	19	54	17	15	51	47	46	39	27	26	38	42	35	32	38	34	58
4 PO4	29	28	20	100	25	28	15	22	46	13	20	0	25	12	34	27	9	26	19	0	23	10	9	16	17	16	8	1	5	10
5 PO5	48	55	62	25	100	56	58	49	55	46	42	55	52	40	63	16	18	61	58	48	42	32	27	32	50	26	42	21	23	53
6 PO6	62	57	51	28	56	100	68	58	70	48	64	63	70	65	56	15	15	64	37	47	48	43	35	45	60	33	56	30	46	50
7 PO7	58	53	42	15	58	68	100	43	47	52	51	66	52	49	65	2	13	59	36	42	45	47	20	36	50	19	47	20	43	50
8 PO8	48	55	58	22	49	58	43	100	45	57	54	57	55	39	51	15	13	55	50	52	36	42	28	53	59	48	55	38	44	55
9 PO9	52	55	38	46	55	70	47	45	100	41	49	48	67	47	55	32	23	58	38	31	38	33	40	42	53	30	46	32	47	35
10 PO10	48	38	36	13	46	48	52	57	41	100	48	50	59	30	52	17	37	52	35	52	48	36	44	64	47	38	59	37	37	44

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24 54 21 42 100

31 PS16 -5 13 12 25 13 16 3 17 23 22 12 9 30 17 16 51 46 37 27 21 33 20 33 41 25  
49 38 24 27 2

32 PS17 38 50 43 15 43 57 56 58 42 52 55 51 68 47 42 33 23 62 47 57 40 59 46 65 63  
54 62 54 64 32

33 PS18 44 48 49 20 60 65 59 61 55 57 47 68 55 30 67 14 31 59 68 60 55 48 33 43 70  
42 71 33 47 72

34 PS19 21 13 13 8 18 24 23 22 20 27 33 10 28 28 7 38 29 40 13 14 20 31 28 40 30  
32 42 42 38 14

35 PS20 42 30 40 20 44 57 44 45 38 50 48 43 57 40 47 45 42 68 31 46 53 56 42 50 55  
22 65 56 54 38

36 PS21 44 37 31 36 28 51 30 45 50 50 48 34 57 43 37 46 41 60 21 34 23 38 49 51 58  
39 49 54 50 18

37 PS22 17 1 9 1 13 22 20 28 22 33 27 25 33 25 14 43 48 42 31 33 27 37 52 48 38  
31 48 55 47 17

38 PS23 25 27 38 30 44 43 25 30 49 23 21 30 40 27 48 21 22 48 37 47 43 37 43 34 50  
30 50 40 33 42

39 PS24 44 37 29 12 32 52 42 48 42 54 57 52 54 48 39 48 33 50 31 45 39 42 40 55 58  
27 56 60 60 32

40 PB1 39 36 37 9 50 52 42 61 43 44 51 63 44 39 47 11 5 60 57 67 46 50 22 35 72  
38 62 32 53 55

41 PB2 62 50 31 18 48 58 60 60 58 62 61 62 58 51 53 13 11 56 30 57 43 43 32 53 64  
35 51 35 55 43

42 PB3 53 45 33 4 36 62 57 45 54 51 65 54 57 47 45 19 12 54 21 52 33 45 38 45 66  
24 52 53 70 37

43 PB4 44 42 38 17 36 46 37 59 45 51 50 37 42 34 29 1 -3 41 34 55 27 33 22 41 53  
45 39 27 40 28

44 PB5 47 45 46 10 55 54 57 60 50 58 51 59 49 30 57 3 13 45 58 57 42 31 28 44 59  
27 60 25 47 67

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## Correlation Matrix Between Sorts

SORTS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26  
27 28 29 30

45 PB6 29 35 38 9 34 45 37 58 29 52 48 37 38 31 36 -1 13 41 33 55 28 28 18 29 63  
31 49 18 38 44

46 PB7 53 35 36 12 40 58 43 57 45 63 49 53 58 40 54 17 29 51 49 59 46 35 50 50 60  
48 47 48 41 44

47 PB8 34 35 48 19 35 46 36 46 28 32 39 43 40 36 31 39 27 51 33 51 39 45 37 40 66  
50 62 36 46 49

48 PB9 30 44 27 37 43 53 41 37 35 40 49 34 55 40 33 34 32 49 37 44 27 43 32 25 56  
15 42 19 28 32

49 PB10 28 30 17 -3 17 43 44 28 32 47 37 34 31 28 31 -13 -10 25 3 30 28 6 5 35 30 -  
7 31 21 48 26

50 PB11 43 34 26 -3 27 64 54 55 43 49 45 65 50 52 40 3 6 41 35 40 37 30 44 49 57  
39 59 45 55 32

51 PB12 51 52 40 17 59 67 68 59 54 60 49 68 57 43 55 10 25 60 52 67 49 41 31 38  
64 30 60 27 48 62

52 PB13 13 18 43 10 44 35 23 34 35 43 12 43 39 27 33 18 32 42 50 52 52 26 30 44  
48 47 49 31 30 34

53 PB14 55 46 33 26 51 63 55 48 58 58 59 59 65 55 52 20 27 67 32 61 36 47 42 42  
70 32 57 40 56 41

54 PB15 28 38 36 12 43 52 46 51 39 53 34 44 44 25 33 22 22 37 31 35 32 41 35 49  
43 24 51 21 37 33

55 PB16 35 35 36 1 33 68 55 52 50 48 46 65 64 55 37 24 8 53 28 48 45 41 32 61 58  
38 57 50 62 29

56 PB17 40 43 36 22 44 53 48 45 45 45 51 40 53 43 32 11 -4 50 29 58 28 41 23 38 49  
37 31 28 28 27

57 PB18 40 36 44 20 27 51 32 52 33 53 48 37 56 40 48 28 21 45 37 51 32 27 33 51  
44 52 48 37 32 22

58 PB19 32 35 48 0 56 53 37 42 35 39 38 52 38 40 39 -15 -6 39 41 60 48 27 8 28 43  
18 36 24 32 47

59 PB20 47 26 25 5 26 47 33 33 36 27 42 48 42 50 36 15 -7 53 1 43 23 30 27 31 56  
15 32 53 47 16

60 PB21 53 35 45 18 43 65 57 56 53 56 59 54 53 52 53 27 13 63 27 53 40 35 24 39  
58 25 56 51 48 45

61 PB22 54 50 44 15 60 66 63 51 47 63 64 52 55 55 65 12 20 67 45 64 33 43 38 49  
62 33 52 35 39 42

62 PB23 38 42 45 28 63 60 49 48 59 57 43 47 66 49 53 20 22 62 62 53 41 37 35 49  
50 40 52 33 37 42

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## Correlation Matrix Between Sorts

SORTS 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55  
56 57 58 59 60

1 PO1 -5 38 44 21 42 44 17 25 44 39 62 53 44 47 29 53 34 30 28 43 51 13 55 28 35  
40 40 32 47 53

2 PO2 13 50 48 13 30 37 1 27 37 36 50 45 42 45 35 35 35 44 30 34 52 18 46 38 35  
43 36 35 26 35

3 PO3 12 43 49 13 40 31 9 38 29 37 31 33 38 46 38 36 48 27 17 26 40 43 33 36 36  
36 44 48 25 45

4 PO4 25 15 20 8 20 36 1 30 12 9 18 4 17 10 9 12 19 37 -3 -3 17 10 26 12 1 22  
20 0 5 18

5 PO5 13 43 60 18 44 28 13 44 32 50 48 36 36 55 34 40 35 43 17 27 59 44 51 43 33  
44 27 56 26 43

6 PO6 16 57 65 24 57 51 22 43 52 52 58 62 46 54 45 58 46 53 43 64 67 35 63 52 68  
53 51 53 47 65

7 PO7 3 56 59 23 44 30 20 25 42 42 60 57 37 57 37 43 36 41 44 54 68 23 55 46 55  
48 32 37 33 57

8 PO8 17 58 61 22 45 45 28 30 48 61 60 45 59 60 58 57 46 37 28 55 59 34 48 51 52  
45 52 42 33 56

9 PO9 23 42 55 20 38 50 22 49 42 43 58 54 45 50 29 45 28 35 32 43 54 35 58 39 50  
45 33 35 36 53

10 PO10 22 52 57 27 50 50 33 23 54 44 62 51 51 58 52 63 32 40 47 49 60 43 58 53  
48 45 53 39 27 56

11 PO11 12 55 47 33 48 48 27 21 57 51 61 65 50 51 48 49 39 49 37 45 49 12 59 34  
46 51 48 38 42 59



12 PO12 9 51 68 10 43 34 25 30 52 63 62 54 37 59 37 53 43 34 34 65 68 43 59 44 65  
40 37 52 48 54

13 PO13 30 68 55 28 57 57 33 40 54 44 58 57 42 49 38 58 40 55 31 50 57 39 65 44  
64 53 56 38 42 53

14 PO14 17 47 30 28 40 43 25 27 48 39 51 47 34 30 31 40 36 40 28 52 43 27 55 25  
55 43 40 40 50 52

15 PO15 16 42 67 7 47 37 14 48 39 47 53 45 29 57 36 54 31 33 31 40 55 33 52 33 37  
32 48 39 36 53

16 PS1 51 33 14 38 45 46 43 21 48 11 13 19 1 3 -1 17 39 34 -13 3 10 18 20 22 24  
11 28 -15 15 27

17 PS2 46 23 31 29 42 41 48 22 33 5 11 12 -3 13 13 29 27 32 -10 6 25 32 27 22 8 -4  
21 -6 -7 13

18 PS3 37 62 59 40 68 60 42 48 50 60 56 54 41 45 41 51 51 49 25 41 60 42 67 37 53  
50 45 39 53 63

19 PS4 27 47 68 13 31 21 31 37 31 57 30 21 34 58 33 49 33 37 3 35 52 50 32 31 28  
29 37 41 1 27

20 PS5 21 57 60 14 46 34 33 47 45 67 57 52 55 57 55 59 51 44 30 40 67 52 61 35 48  
58 51 60 43 53

21 PS6 33 40 55 20 53 23 27 43 39 46 43 33 27 42 28 46 39 27 28 37 49 52 36 32 45  
28 32 48 23 40

22 PS7 20 59 48 31 56 38 37 37 42 50 43 45 33 31 28 35 45 43 6 30 41 26 47 41 41  
41 27 27 30 35

23 PS8 33 46 33 28 42 49 52 43 40 22 32 38 22 28 18 50 37 32 5 44 31 30 42 35 32  
23 33 8 27 24

24 PS9 41 65 43 40 50 51 48 34 55 35 53 45 41 44 29 50 40 25 35 49 38 44 42 49 61  
38 51 28 31 39

25 PS10 25 63 70 30 55 58 38 50 58 72 64 66 53 59 63 60 66 56 30 57 64 48 70 43 58  
49 44 43 56 58

26 PS11 49 54 42 32 22 39 31 30 27 38 35 24 45 27 31 48 50 15 -7 39 30 47 32 24 38  
37 52 18 15 25

27 PS12 38 62 71 42 65 49 48 50 56 62 51 52 39 60 49 47 62 42 31 59 60 49 57 51 57  
31 48 36 32 56

28 PS13 24 54 33 42 56 54 55 40 60 32 35 53 27 25 18 48 36 19 21 45 27 31 40 21 50  
28 37 24 53 51

29 PS14 27 64 47 38 54 50 47 33 60 53 55 70 40 47 38 41 46 28 48 55 48 30 56 37 62  
28 32 32 47 48

30 PS15 2 32 72 14 38 18 17 42 32 55 43 37 28 67 44 44 49 32 26 32 62 34 41 33 29  
27 22 47 16 45

31 PS16 100 30 18 8 25 33 40 30 13 13 5 4 6 2 13 12 31 25 -18 4 12 37 11 17 12  
13 31 -14 7 12

32 PS17 30 100 52 44 55 51 40 33 58 49 54 63 55 46 43 52 55 53 26 60 55 40 63 47  
67 55 58 39 37 48

33 PS18 18 52 100 14 45 33 35 58 36 65 53 44 43 69 43 60 50 44 25 54 74 50 56 43  
51 41 44 57 23 48

34 PS19 8 44 14 100 44 51 34 12 51 21 25 36 30 5 16 19 40 19 11 28 14 18 32 31 37  
31 11 7 31 31

35 PS20 25 55 45 44 100 61 45 41 69 52 48 58 38 37 37 49 47 54 23 40 53 33 60 39  
45 36 40 38 50 57

36 PS21 33 51 33 51 61 100 40 33 72 38 52 53 48 27 40 53 52 57 20 49 37 32 58 40  
52 45 52 20 62 46

37 PS22 40 40 35 34 45 40 100 36 42 35 31 28 22 28 20 44 36 32 5 30 37 27 40 20 40  
29 21 5 20 19

38 PS23 30 33 58 12 41 33 36 100 25 42 32 24 22 35 27 45 35 38 10 27 42 35 44 28  
26 34 36 30 29 39

39 PS24 13 58 36 51 69 72 42 25 100 52 55 66 41 40 42 52 46 49 43 56 47 32 56 54  
60 50 44 34 59 53

40 PB1 13 49 65 21 52 38 35 42 52 100 57 48 55 48 49 48 44 38 29 47 52 35 50 39  
39 43 32 48 40 45

41 PB2 5 54 53 25 48 52 31 32 55 57 100 72 74 68 50 63 40 40 48 63 69 21 70 44 62  
62 46 49 56 65

42 PB3 4 63 44 36 58 53 28 24 66 48 72 100 68 61 57 58 39 41 58 64 62 27 75 38 67  
57 48 51 62 68

43 PB4 6 55 43 30 38 48 22 22 41 55 74 68 100 57 63 55 44 32 39 55 53 27 60 27 49  
65 57 52 43 48

44 PB5 2 46 69 5 37 27 28 35 40 48 68 61 57 100 63 62 43 40 45 60 77 39 63 39 49  
42 49 60 35 60

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## Correlation Matrix Between Sorts

SORTS 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55  
56 57 58 59 60

45 PB6 13 43 43 16 37 40 20 27 42 49 50 57 63 63 100 53 42 47 44 45 58 39 62 35  
38 49 54 39 31 49

46 PB7 12 52 60 19 49 53 44 45 52 48 63 58 55 62 53 100 36 43 34 67 67 50 68 38  
56 52 57 47 41 51

47 PB8 31 55 50 40 47 52 36 35 46 44 40 39 44 43 42 36 100 54 13 46 48 42 47 36  
45 39 46 29 35 43

48 PB9 25 53 44 19 54 57 32 38 49 38 40 41 32 40 47 43 54 100 14 31 55 27 62 43  
34 46 48 29 30 40

49 PB10 -18 26 25 11 23 20 5 10 43 29 48 58 39 45 44 34 13 14 100 50 41 17 40 34  
58 38 30 45 35 48

50 PB11 4 60 54 28 40 49 30 27 56 47 63 64 55 60 45 67 46 31 50 100 57 39 53 44  
73 37 48 45 48 53

51 PB12 12 55 74 14 53 37 37 42 47 52 69 62 53 77 58 67 48 55 41 57 100 48 74 55  
56 52 43 57 33 63

52 PB13 37 40 50 18 33 32 27 35 32 35 21 27 27 39 39 50 42 27 17 39 48 100 33 34  
42 22 34 55 16 30

53 PB14 11 63 56 32 60 58 40 44 56 50 70 75 60 63 62 68 47 62 40 53 74 33 100 35  
60 61 57 43 54 63

54 PB15 17 47 43 31 39 40 20 28 54 39 44 38 27 39 35 38 36 43 34 44 55 34 35 100  
50 30 27 25 10 39

55 PB16 12 67 51 37 45 52 40 26 60 39 62 67 49 49 38 56 45 34 58 73 56 42 60 50  
100 55 50 49 54 55

56 PB17 13 55 41 31 36 45 29 34 50 43 62 57 65 42 49 52 39 46 38 37 52 22 61 30  
55 100 52 42 57 43

57 PB18 31 58 44 11 40 52 21 36 44 32 46 48 57 49 54 57 46 48 30 48 43 34 57 27  
50 52 100 35 43 55

58 PB19 -14 39 57 7 38 20 5 30 34 48 49 51 52 60 39 47 29 29 45 45 57 55 43 25 49  
42 35 100 39 43

59 PB20 7 37 23 31 50 62 20 29 59 40 56 62 43 35 31 41 35 30 35 48 33 16 54 10 54  
57 43 39 100 59

60 PB21 12 48 48 31 57 46 19 39 53 45 65 68 48 60 49 51 43 40 48 53 63 30 63 39  
55 43 55 43 59 100

61 PB22 14 54 60 18 48 50 32 47 50 62 64 55 53 54 54 66 40 52 51 50 63 36 68 45  
56 62 61 47 43 61

62 PB23 29 59 69 23 45 45 36 52 36 53 53 47 56 53 32 52 41 49 26 47 55 47 57 29  
48 55 58 54 29 51

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### Correlation Matrix Between Sorts

SORTS 61 62

1 PO1 54 38

2 PO2 50 42

3 PO3 44 45

4 PO4 15 28

5 PO5 60 63

6 PO6 66 60

7 PO7 63 49

8 PO8 51 48

9 PO9 47 59

10 PO10 63 57

11 PO11 64 43

12 PO12 52 47

13 PO13 55 66

14 PO14 55 49

15 PO15 65 53

16 PS1 12 20

17 PS2 20 22

18 PS3 67 62

19 PS4 45 62

20 PS5 64 53  
21 PS6 33 41  
22 PS7 43 37  
23 PS8 38 35  
24 PS9 49 49  
25 PS10 62 50  
26 PS11 33 40  
27 PS12 52 52  
28 PS13 35 33  
29 PS14 39 37  
30 PS15 42 42  
31 PS16 14 29  
32 PS17 54 59  
33 PS18 60 69  
34 PS19 18 23  
35 PS20 48 45  
36 PS21 50 45  
37 PS22 32 36  
38 PS23 47 52  
39 PS24 50 36  
40 PB1 62 53  
41 PB2 64 53  
42 PB3 55 47  
43 PB4 53 56  
44 PB5 54 53

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### Correlation Matrix Between Sorts

SORTS	61	62
45 PB6	54	32
46 PB7	66	52
47 PB8	40	41
48 PB9	52	49
49 PB10	51	26
50 PB11	50	47
51 PB12	63	55
52 PB13	36	47
53 PB14	68	57
54 PB15	45	29
55 PB16	56	48
56 PB17	62	55
57 PB18	61	58
58 PB19	47	54
59 PB20	43	29
60 PB21	61	51
61 PB22	100	64
62 PB23	64	100

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## Unrotated Factor Matrix

	Factors							
	1	2	3	4	5	6	7	8
SORTS								
1 PO1	0.6360	-0.1738	-0.1131	0.3971	-0.1492	-0.0569	-0.0017	0.0689
2 PO2	0.6154	-0.2006	0.1410	0.3767	-0.0823	-0.0494	0.1094	0.3177
3 PO3	0.5867	-0.1118	0.3287	0.1058	-0.0234	-0.0156	-0.1094	0.3854
4 PO4	0.2508	0.1230	0.2273	0.6265	0.1721	-0.0316	0.0089	0.0419
5 PO5	0.6558	-0.2057	0.3875	0.2282	-0.0843	0.0769	-0.0956	0.0181
6 PO6	0.8022	-0.1723	-0.0242	0.2212	-0.0788	-0.0550	-0.1151	0.0063
7 PO7	0.6929	-0.2930	0.0036	0.1482	-0.2793	-0.0191	0.0438	0.0165
8 PO8	0.7350	-0.1117	0.1027	-0.0495	0.0980	-0.0671	0.1227	0.3092
9 PO9	0.6791	-0.0186	0.0598	0.3682	-0.0874	-0.1499	-0.1844	-0.0443
10 PO10	0.7209	-0.0099	0.0078	-0.0759	0.0131	-0.3573	0.2542	-0.0876
11 PO11	0.7085	-0.0674	-0.1723	0.2283	-0.0171	0.0885	0.2179	0.1201
12 PO12	0.7328	-0.2134	0.0547	-0.1936	-0.2037	0.0784	-0.1962	0.0155
13 PO13	0.7720	0.0870	0.0188	0.2310	0.0246	-0.2141	-0.1013	-0.0200
14 PO14	0.6084	-0.0466	-0.2062	0.1774	0.0590	0.0451	-0.2868	-0.1218
15 PO15	0.7011	-0.1404	0.2510	0.2776	-0.2695	-0.1241	-0.1025	-0.0412
16 PS1	0.3318	0.7187	0.0300	0.1566	-0.0965	0.0305	0.0497	0.0901
17 PS2	0.3297	0.5876	0.2176	0.0834	-0.1690	-0.1629	0.3049	-0.2288
18 PS3	0.8085	0.1502	0.0577	0.1324	-0.0461	0.2008	-0.1593	-0.0332
19 PS4	0.5737	-0.0020	0.5679	-0.1333	0.0802	-0.0239	0.0173	0.0433



20 PS5	0.7333	-0.1178	0.1268	-0.2879	0.2277	0.2811	-0.0411	-0.0558
21 PS6	0.6021	0.0523	0.2863	-0.1497	-0.2314	-0.0717	-0.1734	0.0428
22 PS7	0.6019	0.1806	-0.0058	-0.0732	-0.0530	0.3959	0.0228	0.0885
23 PS8	0.5141	0.4304	-0.0617	0.0321	-0.0757	-0.1858	-0.0409	-0.1308
24 PS9	0.6777	0.3354	-0.0472	-0.1395	-0.0304	-0.3582	-0.0626	0.1518
25 PS10	0.8230	0.0170	0.0056	-0.0937	-0.0216	0.3129	0.0610	-0.0227
26 PS11	0.5270	0.3147	0.2115	-0.1909	0.3743	-0.1289	-0.1395	0.3340
27 PS12	0.7720	0.2376	0.1118	-0.2821	-0.1328	0.0516	0.1181	-0.0287
28 PS13	0.5692	0.4249	-0.2671	-0.1347	-0.1983	-0.0000	-0.2235	0.0261
29 PS14	0.6862	0.1852	-0.2074	-0.1936	-0.3173	0.0295	-0.0367	0.1126
30 PS15	0.6140	-0.2486	0.4029	-0.0989	-0.2848	0.1632	0.1877	0.1274
31 PS16	0.2854	0.6212	0.2867	0.0258	0.2238	-0.0984	-0.0939	-0.0250
32 PS17	0.7763	0.1737	-0.0893	-0.0781	0.1214	-0.0088	-0.0097	0.2136
33 PS18	0.7752	-0.1288	0.4095	-0.1260	-0.1107	0.0277	0.0028	-0.0968
34 PS19	0.3920	0.4033	-0.3104	-0.0203	-0.0858	0.1275	0.0799	0.2901
35 PS20	0.7108	0.2720	-0.1025	0.0528	-0.1965	0.2153	0.0561	-0.1061
36 PS21	0.6718	0.3731	-0.2934	0.2206	0.1476	0.0107	0.0580	0.0025
37 PS22	0.4638	0.5154	-0.0464	-0.2438	-0.0276	0.0341	0.0545	-0.3111
38 PS23	0.5447	0.1425	0.3086	0.0640	0.0132	0.1504	-0.2513	-0.3086
39 PS24	0.7165	0.2147	-0.3602	-0.0203	-0.1443	0.0371	0.1291	0.0523
40 PB1	0.7039	-0.1284	0.1184	-0.1963	0.0038	0.3414	-0.0158	0.0430
41 PB2	0.7868	-0.2233	-0.2302	0.0376	0.0301	-0.0537	0.0506	-0.0176
42 PB3	0.7672	-0.1368	-0.4333	-0.0358	-0.0596	0.0214	0.0556	-0.0082
43 PB4	0.6656	-0.2308	-0.2058	-0.0844	0.4462	-0.0192	0.0781	0.1695
44 PB5	0.7344	-0.3496	0.1386	-0.1644	-0.0344	-0.1173	0.1867	-0.1032

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## Unrotated Factor Matrix (continued)

	Factors							
	1	2	3	4	5	6	7	8
SORTS								
45 PB6	0.6260	-0.2204	-0.0441	-0.1662	0.3096	0.0381	0.3906	-0.0474
46 PB7	0.7570	-0.0388	-0.0122	-0.1261	0.1354	-0.2099	0.0278	-0.2457
47 PB8	0.6390	0.2212	0.0734	-0.1033	0.1221	0.2701	0.1101	0.2175
48 PB9	0.6122	0.1118	0.0557	0.2742	0.1938	0.2367	0.3221	-0.2313
49 PB10	0.4616	-0.4124	-0.3936	-0.1417	-0.1696	-0.2875	0.0728	-0.0677
50 PB11	0.7067	-0.1283	-0.2674	-0.2666	-0.0403	-0.2374	-0.0853	0.0136
51 PB12	0.8019	-0.2470	0.1352	-0.0661	-0.0602	-0.0012	0.1877	-0.2119
52 PB13	0.5370	0.1238	0.3547	-0.3438	0.1073	-0.1496	-0.1896	-0.0691
53 PB14	0.8130	-0.0688	-0.1772	0.1150	0.1103	0.0946	0.1052	-0.2702
54 PB15	0.5722	0.0354	0.0377	-0.0479	-0.1849	-0.1799	0.3201	0.1591
55 PB16	0.7411	-0.0229	-0.3138	-0.1996	-0.0544	-0.1857	-0.2009	0.0724
56 PB17	0.6547	-0.1509	-0.2013	0.1216	0.4022	0.1066	-0.0647	0.0314
57 PB18	0.6583	0.0455	-0.0502	0.0435	0.4512	-0.2304	-0.0099	-0.0075
58 PB19	0.5927	-0.4448	0.0913	-0.2268	0.0329	0.0399	-0.2428	-0.0301
59 PB20	0.5736	-0.0433	-0.5175	0.0804	0.0382	0.2524	-0.3466	-0.0518
60 PB21	0.7405	-0.1284	-0.1896	0.0882	-0.0850	0.0243	-0.0380	-0.0529
61 PB22	0.7853	-0.1701	-0.0135	0.1041	0.1214	-0.0286	0.0284	-0.1931
62 PB23	0.7298	-0.0253	0.2265	0.0941	0.2163	-0.0953	-0.2127	-0.1357

Eigenvalues 26.9476 4.0647 3.2212 2.3239 1.8966 1.6493 1.5229 1.4242

% expl.Var. 43 7 5 4 3 3 2 2

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### Cumulative Communalities Matrix

Factors 1 Thru ....

1 2 3 4 5 6 7 8

### SORTS

1 PO1	0.4046	0.4348	0.4476	0.6052	0.6275	0.6307	0.6307	0.6355
2 PO2	0.3787	0.4190	0.4388	0.5808	0.5875	0.5900	0.6019	0.7028
3 PO3	0.3442	0.3567	0.4647	0.4759	0.4765	0.4767	0.4887	0.6372
4 PO4	0.0629	0.0780	0.1297	0.5221	0.5518	0.5528	0.5528	0.5546
5 PO5	0.4301	0.4724	0.6225	0.6745	0.6817	0.6876	0.6967	0.6970
6 PO6	0.6435	0.6732	0.6738	0.7227	0.7289	0.7320	0.7452	0.7453
7 PO7	0.4802	0.5660	0.5660	0.5880	0.6660	0.6663	0.6683	0.6685
8 PO8	0.5402	0.5526	0.5632	0.5656	0.5752	0.5797	0.5948	0.6904
9 PO9	0.4612	0.4616	0.4652	0.6008	0.6084	0.6309	0.6649	0.6668
10 PO10	0.5197	0.5198	0.5198	0.5256	0.5258	0.6534	0.7180	0.7257
11 PO11	0.5019	0.5065	0.5362	0.5883	0.5886	0.5964	0.6439	0.6583
12 PO12	0.5370	0.5826	0.5856	0.6231	0.6645	0.6707	0.7092	0.7094
13 PO13	0.5960	0.6035	0.6039	0.6572	0.6578	0.7037	0.7139	0.7143
14 PO14	0.3701	0.3723	0.4148	0.4463	0.4498	0.4518	0.5341	0.5489
15 PO15	0.4916	0.5113	0.5743	0.6514	0.7240	0.7394	0.7499	0.7516
16 PS1	0.1101	0.6266	0.6275	0.6520	0.6613	0.6623	0.6647	0.6728
17 PS2	0.1087	0.4539	0.5013	0.5083	0.5368	0.5633	0.6563	0.7087

18 PS3	0.6536	0.6762	0.6795	0.6971	0.6992	0.7395	0.7649	0.7660
19 PS4	0.3292	0.3292	0.6517	0.6695	0.6759	0.6765	0.6768	0.6786
20 PS5	0.5378	0.5517	0.5677	0.6506	0.7025	0.7815	0.7832	0.7863
21 PS6	0.3625	0.3653	0.4472	0.4696	0.5232	0.5283	0.5583	0.5602
22 PS7	0.3623	0.3949	0.3950	0.4003	0.4032	0.5599	0.5604	0.5682
23 PS8	0.2642	0.4495	0.4533	0.4543	0.4601	0.4946	0.4963	0.5134
24 PS9	0.4593	0.5718	0.5740	0.5935	0.5944	0.7227	0.7266	0.7496
25 PS10	0.6772	0.6775	0.6776	0.6863	0.6868	0.7847	0.7885	0.7890
26 PS11	0.2777	0.3768	0.4215	0.4579	0.5980	0.6147	0.6341	0.7457
27 PS12	0.5959	0.6524	0.6649	0.7444	0.7621	0.7647	0.7787	0.7795
28 PS13	0.3240	0.5045	0.5759	0.5940	0.6333	0.6333	0.6833	0.6840
29 PS14	0.4708	0.5051	0.5481	0.5856	0.6863	0.6872	0.6885	0.7012
30 PS15	0.3770	0.4388	0.6011	0.6109	0.6920	0.7186	0.7538	0.7701
31 PS16	0.0814	0.4673	0.5495	0.5502	0.6003	0.6100	0.6188	0.6194
32 PS17	0.6027	0.6328	0.6408	0.6469	0.6616	0.6617	0.6618	0.7074
33 PS18	0.6009	0.6175	0.7851	0.8010	0.8132	0.8140	0.8140	0.8234
34 PS19	0.1537	0.3163	0.4126	0.4130	0.4204	0.4367	0.4430	0.5272
35 PS20	0.5052	0.5792	0.5897	0.5925	0.6311	0.6774	0.6806	0.6918
36 PS21	0.4514	0.5906	0.6767	0.7253	0.7471	0.7472	0.7506	0.7506
37 PS22	0.2151	0.4808	0.4829	0.5424	0.5431	0.5443	0.5473	0.6440
38 PS23	0.2967	0.3170	0.4123	0.4164	0.4165	0.4392	0.5023	0.5976
39 PS24	0.5134	0.5595	0.6892	0.6897	0.7105	0.7119	0.7285	0.7313
40 PB1	0.4954	0.5119	0.5260	0.5645	0.5645	0.6811	0.6813	0.6832
41 PB2	0.6191	0.6690	0.7220	0.7234	0.7243	0.7272	0.7297	0.7301
42 PB3	0.5886	0.6073	0.7951	0.7963	0.7999	0.8003	0.8034	0.8035
43 PB4	0.4430	0.4963	0.5386	0.5458	0.7449	0.7452	0.7513	0.7801
44 PB5	0.5393	0.6615	0.6807	0.7078	0.7090	0.7227	0.7576	0.7682

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Cumulative Communalities Matrix (continued)

	Factors 1 Thru ....							
	1	2	3	4	5	6	7	8
SORTS								
45 PB6	0.3919	0.4405	0.4424	0.4701	0.5659	0.5674	0.7200	0.7222
46 PB7	0.5730	0.5745	0.5746	0.5905	0.6089	0.6529	0.6537	0.7141
47 PB8	0.4083	0.4573	0.4627	0.4733	0.4883	0.5612	0.5733	0.6206
48 PB9	0.3748	0.3873	0.3904	0.4656	0.5032	0.5592	0.6629	0.7164
49 PB10	0.2130	0.3831	0.5380	0.5581	0.5868	0.6695	0.6748	0.6794
50 PB11	0.4995	0.5159	0.5875	0.6586	0.6602	0.7165	0.7238	0.7240
51 PB12	0.6431	0.7041	0.7224	0.7267	0.7304	0.7304	0.7656	0.8105
52 PB13	0.2883	0.3037	0.4295	0.5476	0.5592	0.5815	0.6175	0.6223
53 PB14	0.6610	0.6657	0.6971	0.7104	0.7225	0.7315	0.7425	0.8156
54 PB15	0.3274	0.3287	0.3301	0.3324	0.3666	0.3990	0.5014	0.5267
55 PB16	0.5492	0.5498	0.6482	0.6880	0.6910	0.7255	0.7659	0.7711
56 PB17	0.4287	0.4514	0.4919	0.5067	0.6685	0.6799	0.6841	0.6850
57 PB18	0.4333	0.4354	0.4379	0.4398	0.6434	0.6965	0.6966	0.6967
58 PB19	0.3513	0.5492	0.5575	0.6089	0.6100	0.6116	0.6706	0.6715
59 PB20	0.3290	0.3308	0.5986	0.6051	0.6066	0.6703	0.7904	0.7931
60 PB21	0.5484	0.5649	0.6008	0.6086	0.6158	0.6164	0.6179	0.6207
61 PB22	0.6166	0.6456	0.6458	0.6566	0.6713	0.6721	0.6729	0.7102
62 PB23	0.5326	0.5333	0.5846	0.5934	0.6402	0.6493	0.6946	0.7130
cum% expl.Var.	43	50	55	59	62	65	67	69

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Factor Matrix with an X Indicating a Defining Sort

## Loadings

QSORT	1	2
1 PO1	0.6305X	0.1931
2 PO2	0.6274X	0.1593
3 PO3	0.5556X	0.2191
4 PO4	0.1463	0.2380
5 PO5	0.6642X	0.1766
6 PO6	0.7701X	0.2831
7 PO7	0.7422X	0.1227
8 PO8	0.6809X	0.2984
9 PO9	0.5840X	0.3472
10 PO10	0.6146X	0.3769
11 PO11	0.6348X	0.3216
12 PO12	0.7334X	0.2112
13 PO13	0.6060X	0.4861
14 PO14	0.5391X	0.2857
15 PO15	0.6676X	0.2560
16 PS1	-0.1037	0.7848X
17 PS2	-0.0354	0.6728X
18 PS3	0.6030X	0.5591
19 PS4	0.4860X	0.3049

20 PS5	0.6828X	0.2923
21 PS6	0.4809X	0.3660
22 PS7	0.4123	0.4743X
23 PS8	0.2045	0.6385X
24 PS9	0.3936	0.6456X
25 PS10	0.6865X	0.4542
26 PS11	0.2772	0.5477X
27 PS12	0.5255	0.6133X
28 PS13	0.2540	0.6633X
29 PS14	0.4810	0.5232X
30 PS15	0.6518X	0.1180
31 PS16	-0.0908	0.6775X
32 PS17	0.5633X	0.5617
33 PS18	0.7240X	0.3054
34 PS19	0.1158	0.5503X
35 PS20	0.4554	0.6098X
36 PS21	0.3684	0.6744X
37 PS22	0.1165	0.6835X
38 PS23	0.3842	0.4115X
39 PS24	0.4909	0.5644X
40 PB1	0.6635X	0.2677
41 PB2	0.7844X	0.2318
42 PB3	0.7216X	0.2943

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Factor Matrix with an X Indicating a Defining Sort (continued)

## Loadings

QSORT	1	2
43 PB4	0.6859X	0.1606
44 PB5	0.8075X	0.0970
45 PB6	0.6469X	0.1482
46 PB7	0.6605X	0.3717
47 PB8	0.4219	0.5285X
48 PB9	0.4577X	0.4217
49 PB10	0.6105X	-0.1019
50 PB11	0.6659X	0.2692
51 PB12	0.8098X	0.2198
52 PB13	0.3877	0.3916X
53 PB14	0.7240X	0.3763
54 PB15	0.4647X	0.3358
55 PB16	0.6387X	0.3767
56 PB17	0.6340X	0.2224
57 PB18	0.5320X	0.3903
58 PB19	0.7387X	-0.0592
59 PB20	0.5079X	0.2699
60 PB21	0.6945X	0.2872
61 PB22	0.7546X	0.2759
62 PB23	0.6304X	0.3686

% expl.Var.	33	17
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Free Distribution Data Results

QSORT	MEAN	ST.DEV.
1 PO1	0.000	2.117
2 PO2	0.000	2.117
3 PO3	0.000	2.117
4 PO4	0.000	2.117
5 PO5	0.000	2.117
6 PO6	0.000	2.117
7 PO7	0.000	2.117
8 PO8	0.000	2.117
9 PO9	0.000	2.117
10 PO10	0.000	2.117
11 PO11	0.000	2.117
12 PO12	0.000	2.117
13 PO13	0.000	2.117
14 PO14	0.000	2.117
15 PO15	0.000	2.117
16 PS1	0.000	2.117
17 PS2	0.000	2.117
18 PS3	0.000	2.117
19 PS4	0.000	2.117
20 PS5	0.000	2.117
21 PS6	0.000	2.117
22 PS7	0.000	2.117

23 PS8	0.000	2.117
24 PS9	0.000	2.117
25 PS10	0.000	2.117
26 PS11	0.000	2.117
27 PS12	0.000	2.117
28 PS13	0.000	2.117
29 PS14	0.000	2.117
30 PS15	0.000	2.117
31 PS16	0.000	2.117
32 PS17	0.000	2.117
33 PS18	0.000	2.117
34 PS19	0.000	2.117
35 PS20	0.000	2.117
36 PS21	0.000	2.117
37 PS22	0.000	2.117
38 PS23	0.000	2.117
39 PS24	0.000	2.117
40 PB1	0.000	2.117
41 PB2	0.000	2.117
42 PB3	0.000	2.117
43 PB4	0.000	2.117
44 PB5	0.000	2.117

Path and Project Name: C:\PQMethod\projects/ECOstudy  
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Free Distribution Data Results

QSORT	MEAN	ST.DEV.
45 PB6	0.000	2.117
46 PB7	0.000	2.117
47 PB8	0.000	2.117
48 PB9	0.000	2.117
49 PB10	0.000	2.117
50 PB11	0.000	2.117
51 PB12	0.000	2.117
52 PB13	0.000	2.117
53 PB14	0.000	2.117
54 PB15	0.000	2.117
55 PB16	0.000	2.117
56 PB17	0.000	2.117
57 PB18	0.000	2.117
58 PB19	0.000	2.117
59 PB20	0.000	2.117
60 PB21	0.000	2.117
61 PB22	0.000	2.117
62 PB23	0.000	2.117

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Factor Scores with Corresponding Ranks

No.	Statement	No.	Factors	
			1	2
1	1. The process of interaction between the PSNI and the	1	-0.63 42	0.14 27
2	2. The PSNI has dealt fairly and speedily with all req	2	-1.36 56	-1.20 52
3	3. Sometimes it seems as though the external civilian	3	-0.45 39	-0.26 35
4	4. There is no need for the Policing Board to have scr	4	-1.35 55	-0.54 41
5	5. The devolution of powers on policing and justice ha	5	0.85 13	0.89 13
6	6. The most effective model of policing oversight is o	6	1.45 6	0.80 14
7	7. The Police Ombudsman's access to all aspects of pol	7	-0.70 44	-1.43 54
8	8. Without effective external civilian oversight there	8	1.33 8	1.49 4
9	9. It is helpful that the Policing Board is consulted	9	-0.34 37	-0.47 40
10	10. PSNI is justified in its concern that information	10	-0.27 36	1.07 9
11	11. It is useful that the Office of the Police Ombudsm	11	-0.16 31	0.47 21
12	12. Without accountability policing in any democratic	12	1.75 2	2.14 1
13	13. Since the inception of the Policing Board and the	13	0.05 26	-1.15 51
14	14. As a result of external oversight, accountability	14	1.15 11	1.00 10
15	15. The Policing Board has been very successful in eng	15	0.00 28	-1.47 55
16	16. There are still some areas where the external over	16	1.17 10	0.98 12
17	17. All those aspects of policing which the in the pas	17	-0.24 33	-1.50 56
18	18. The existence of the arrangements for external civ	18	-0.25 34	-0.96 49
19	19. All public agencies have to adapt to current fundi	19	0.15 24	0.98 11
20	20. After 15 years of external oversight there is now	20	1.32 9	-0.06 29
21	21. More of what is presently done by external oversig	21	-1.28 53	-0.89 46

22	22. The external oversight bodies are not ready for th	22	-0.16	32	0.64	17
23	23. The office of the Police Ombudsman has been very s	23	0.83	14	-0.11	32
24	24. External oversight bodies are not yet effectively	24	-0.10	30	0.65	16
25	25. A separate Policing Board and Office of the Police	25	-1.51	57	-0.72	44
26	26. There is no evidence that external oversight has	26	-1.76	58	-1.69	58
27	27. Party politics has too great an influence on the N	27	0.46	21	1.43	5
28	28. Without external oversight it would not be possib	28	1.71	4	1.86	3
29	29. Sometimes the activities in which external oversig	29	0.05	27	0.52	20
30	30. The Northern Ireland Policing Board's powers and r	30	0.24	23	-1.41	53
31	31. The emphasis on external oversight sometimes has t	31	-0.35	38	0.71	15
32	32. The office of the Police Ombudsman has all of the	32	-0.04	29	0.60	18
33	33. A new beginning to policing accountability has bee	33	1.63	5	2.01	2
34	34. Democratically accountable policing is only possib	34	0.55	19	-0.47	38
35	35. The institutions for policing oversight which have	35	-1.07	50	0.21	26
36	36. External civilian oversight bodies should limit th	36	-1.23	52	-1.58	57
37	37. Policing accountability in Northern Ireland is the	37	0.55	18	-0.43	37
38	38. It's as though the PSNI is being pulled up by its	38	-0.98	48	-0.54	42
39	39. As a result of external oversight we now have lea	39	-0.65	43	0.55	19
40	40. Over the years the Office of the Police Ombudsman	40	-0.27	35	-0.91	48
41	41. Ultimately, the PSNI is accountable to the courts	41	-0.84	47	-0.32	36
42	42. External oversight bodies should have scrutiny ove	42	-1.16	51	-0.91	47
43	43. Monitoring human rights compliance is now an inte	43	1.42	7	1.30	7

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## Factor Scores with Corresponding Ranks

No.	Statement	Factors				
		No.	1	2		
44	44. The Department of Justice has too much influence o	44	0.35	22	-0.71	43
45	45. What has evolved through negotiation and legislati	45	0.66	16	-0.08	31
46	46. The PSNI is the most accountable police service i	46	0.61	17	0.46	22
47	47. Without the external oversight bodies it would be	47	1.77	1	1.41	6
48	48. The independence of the external oversight bodies	48	-0.99	49	-0.81	45
49	49. External oversight bodies have already played a po	49	0.72	15	-0.23	34
50	50. It is unfair of external oversight bodies to judge	50	0.50	20	1.19	8
51	51. It seems as though there is little understanding a	51	-0.77	45	-0.08	30
52	52. There was nothing wrong with the arrangements for	52	-2.20	59	-1.90	59
53	53. If it was not for the work of the Police Ombudsma	53	1.72	3	-0.47	39
54	54. The external oversight bodies do not engender conf	54	-0.46	40	0.28	24
55	55. When decisions on policing have to be made, the e	55	0.07	25	0.26	25
56	56. Everything that is in the public interest - not t	56	1.11	12	-0.15	33
57	57. The PSNI has always demonstrated complete transpar	57	-1.34	54	-1.07	50
58	58. There are clear and necessary limits to what the P	58	-0.46	41	0.36	23
59	59. External oversight of policing in the north of Ire	59	-0.82	46	0.10	28

## Correlations Between Factor Scores

	1	2
1	1.0000	0.6555
2	0.6555	1.0000

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Factor Scores -- For Factor 1

No.	Statement	No.	Z-SCORES
47	47. Without the external oversight bodies it would be diffi	47	1.773
12	12. Without accountability policing in any democratic societ	12	1.750
53	53. If it was not for the work of the Police Ombudsman and	53	1.717
28	28. Without external oversight it would not be possible to	28	1.711
33	33. A new beginning to policing accountability has been the	33	1.634
6	6. The most effective model of policing oversight is one whi	6	1.451
43	43. Monitoring human rights compliance is now an integral a	43	1.417
8	8. Without effective external civilian oversight there can b	8	1.333
20	20. After 15 years of external oversight there is now irrefu	20	1.322
16	16. There are still some areas where the external oversight	16	1.169
14	14. As a result of external oversight, accountability is now	14	1.147
56	56. Everything that is in the public interest - not the pol	56	1.108
5	5. The devolution of powers on policing and justice has led	5	0.854
23	23. The office of the Police Ombudsman has been very success	23	0.828
49	49. External oversight bodies have already played a positive	49	0.716
45	45. What has evolved through negotiation and legislation for	45	0.660
46	46. The PSNI is the most accountable police service in the	46	0.613
37	37. Policing accountability in Northern Ireland is the 'Roll	37	0.550
34	34. Democratically accountable policing is only possible bec	34	0.546
50	50. It is unfair of external oversight bodies to judge past	50	0.498
27	27. Party politics has too great an influence on the Norther	27	0.457
44	44. The Department of Justice has too much influence over th	44	0.350

30	30.	The Northern Ireland Policing Board's powers and respons	30	0.244
19	19.	All public agencies have to adapt to current funding con	19	0.149
55	55.	When decisions on policing have to be made, the externa	55	0.066
13	13.	Since the inception of the Policing Board and the Police	13	0.055
29	29.	Sometimes the activities in which external oversight eng	29	0.050
15	15.	The Policing Board has been very successful in engenderi	15	0.002
32	32.	The office of the Police Ombudsman has all of the power	32	-0.039
24	24.	External oversight bodies are not yet effectively aligne	24	-0.098
11	11.	It is useful that the Office of the Police Ombudsman can	11	-0.161
22	22.	The external oversight bodies are not ready for the crea	22	-0.164
17	17.	All those aspects of policing which the in the past gave	17	-0.245
18	18.	The existence of the arrangements for external civilian	18	-0.248
40	40.	Over the years the Office of the Police Ombudsman has sh	40	-0.265
10	10.	PSNI is justified in its concern that information disclo	10	-0.269
9	9.	It is helpful that the Policing Board is consulted but ul	9	-0.339
31	31.	The emphasis on external oversight sometimes has the eff	31	-0.346
3	3.	Sometimes it seems as though the external civilian oversi	3	-0.453
54	54.	The external oversight bodies do not engender confidence	54	-0.458
58	58.	There are clear and necessary limits to what the PSNI sh	58	-0.464
1	1.	The process of interaction between the PSNI and the exter	1	-0.626
39	39.	As a result of external oversight we now have leaders i	39	-0.650



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Factor Scores -- For Factor 1

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No.	Statement	No.	Z-SCORES
7	7. The Police Ombudsman's access to all aspects of policing,	7	-0.698
51	51. It seems as though there is little understanding and sym	51	-0.775
59	59. External oversight of policing in the north of Ireland i	59	-0.825
41	41. Ultimately, the PSNI is accountable to the courts and th	41	-0.845
38	38. It's as though the PSNI is being pulled up by its roots	38	-0.978
48	48. The independence of the external oversight bodies has ne	48	-0.986
35	35. The institutions for policing oversight which have evol	35	-1.065
42	42. External oversight bodies should have scrutiny over only	42	-1.156
36	36. External civilian oversight bodies should limit their re	36	-1.229
21	21. More of what is presently done by external oversight cou	21	-1.279
57	57. The PSNI has always demonstrated complete transparency t	57	-1.338
4	4. There is no need for the Policing Board to have scrutiny	4	-1.347
2	2. The PSNI has dealt fairly and speedily with all requests	2	-1.359
25	25. A separate Policing Board and Office of the Police Ombud	25	-1.508
26	26. There is no evidence that external oversight has had an	26	-1.761
52	52. There was nothing wrong with the arrangements for polici	52	-2.197

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Factor Scores -- For Factor 2

No.	Statement	No.	Z-SCORES
12	12. Without accountability policing in any democratic societ	12	2.145
33	33. A new beginning to policing accountability has been the	33	2.005
28	28. Without external oversight it would not be possible to	28	1.856
8	8. Without effective external civilian oversight there can b	8	1.494
27	27. Party politics has too great an influence on the Norther	27	1.434
47	47. Without the external oversight bodies it would be diffi	47	1.407
43	43. Monitoring human rights compliance is now an integral a	43	1.297
50	50. It is unfair of external oversight bodies to judge past	50	1.193
10	10. PSNI is justified in its concern that information disclo	10	1.074
14	14. As a result of external oversight, accountability is now	14	0.999
19	19. All public agencies have to adapt to current funding con	19	0.982
16	16. There are still some areas where the external oversight	16	0.977
5	5. The devolution of powers on policing and justice has led	5	0.890
6	6. The most effective model of policing oversight is one whi	6	0.797
31	31. The emphasis on external oversight sometimes has the eff	31	0.713
24	24. External oversight bodies are not yet effectively aligne	24	0.651
22	22. The external oversight bodies are not ready for the crea	22	0.642
32	32. The office of the Police Ombudsman has all of the power	32	0.598
39	39. As a result of external oversight we now have leaders i	39	0.551
29	29. Sometimes the activities in which external oversight eng	29	0.519
11	11. It is useful that the Office of the Police Ombudsman can	11	0.468
46	46. The PSNI is the most accountable police service in the	46	0.456
58	58. There are clear and necessary limits to what the PSNI sh	58	0.358

54	54. The external oversight bodies do not engender confidence	54	0.280
55	55. When decisions on policing have to be made, the externa	55	0.262
35	35. The institutions for policing oversight which have evol	35	0.209
1	1. The process of interaction between the PSNI and the exter	1	0.141
59	59. External oversight of policing in the north of Ireland i	59	0.096
20	20. After 15 years of external oversight there is now irrefu	20	-0.062
51	51. It seems as though there is little understanding and sym	51	-0.076
45	45. What has evolved through negotiation and legislation for	45	-0.077
23	23. The office of the Police Ombudsman has been very success	23	-0.105
56	56. Everything that is in the public interest - not the pol	56	-0.154
49	49. External oversight bodies have already played a positive	49	-0.227
3	3. Sometimes it seems as though the external civilian oversi	3	-0.260
41	41. Ultimately, the PSNI is accountable to the courts and th	41	-0.322
37	37. Policing accountability in Northern Ireland is the 'Roll	37	-0.428
34	34. Democratically accountable policing is only possible bec	34	-0.470
53	53. If it was not for the work of the Police Ombudsman and	53	-0.470
9	9. It is helpful that the Policing Board is consulted but ul	9	-0.472
4	4. There is no need for the Policing Board to have scrutiny	4	-0.536
38	38. It's as though the PSNI is being pulled up by its roots	38	-0.539
44	44. The Department of Justice has too much influence over th	44	-0.712

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Factor Scores -- For Factor 2

No.	Statement	No.	Z-SCORES
25	25.A separate Policing Board and Office of the Police Ombud	25	-0.724
48	48.The independence of the external oversight bodies has ne	48	-0.808
21	21.More of what is presently done by external oversight cou	21	-0.892
42	42.External oversight bodies should have scrutiny over only	42	-0.905
40	40.Over the years the Office of the Police Ombudsman has sh	40	-0.907
18	18.The existence of the arrangements for external civilian	18	-0.956
57	57.The PSNI has always demonstrated complete transparency t	57	-1.070
13	13.Since the inception of the Policing Board and the Police	13	-1.147
2	2. The PSNI has dealt fairly and speedily with all requests	2	-1.200
30	30.The Northern Ireland Policing Board's powers and respons	30	-1.408
7	7. The Police Ombudsman's access to all aspects of policing,	7	-1.434
15	15.The Policing Board has been very successful in engenderi	15	-1.467
17	17.All those aspects of policing which the in the past gave	17	-1.502
36	36.External civilian oversight bodies should limit their re	36	-1.575
26	26. There is no evidence that external oversight has had an	26	-1.690
52	52.There was nothing wrong with the arrangements for polici	52	-1.896

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Descending Array of Differences Between Factors 1 and 2

No.	Statement	No.	Type 1	Type 2	Difference
53	53. If it was not for the work of the Police Ombudsman and	53	1.717	-0.470	2.187
30	30. The Northern Ireland Policing Board's powers and respons	30	0.244	-1.408	1.652
15	15. The Policing Board has been very successful in engenderi	15	0.002	-1.467	1.469
20	20. After 15 years of external oversight there is now irrefu	20	1.322	-0.062	1.383
56	56. Everything that is in the public interest - not the pol	56	1.108	-0.154	1.261
17	17. All those aspects of policing which the in the past gave	17	-0.245	-1.502	1.257
13	13. Since the inception of the Policing Board and the Police	13	0.055	-1.147	1.202
44	44. The Department of Justice has too much influence over th	44	0.350	-0.712	1.062
34	34. Democratically accountable policing is only possible bec	34	0.546	-0.470	1.015
37	37. Policing accountability in Northern Ireland is the 'Roll	37	0.550	-0.428	0.978
49	49. External oversight bodies have already played a positive	49	0.716	-0.227	0.944
23	23. The office of the Police Ombudsman has been very success	23	0.828	-0.105	0.933
7	7. The Police Ombudsman's access to all aspects of policing,	7	-0.698	-1.434	0.737
45	45. What has evolved through negotiation and legislation for	45	0.660	-0.077	0.737
18	18. The existence of the arrangements for external civilian	18	-0.248	-0.956	0.708
6	6. The most effective model of policing oversight is one whi	6	1.451	0.797	0.654
40	40. Over the years the Office of the Police Ombudsman has sh	40	-0.265	-0.907	0.642
47	47. Without the external oversight bodies it would be diffi	47	1.773	1.407	0.366
36	36. External civilian oversight bodies should limit their re	36	-1.229	-1.575	0.346
16	16. There are still some areas where the external oversight	16	1.169	0.977	0.193
46	46. The PSNI is the most accountable police service in the	46	0.613	0.456	0.158
14	14. As a result of external oversight, accountability is now	14	1.147	0.999	0.149
9	9. It is helpful that the Policing Board is consulted but ul	9	-0.339	-0.472	0.133

43	43. Monitoring human rights compliance is now an integral a	43	1.417	1.297	0.120
5	5. The devolution of powers on policing and justice has led	5	0.854	0.890	-0.036
26	26. There is no evidence that external oversight has had an	26	-1.761	-1.690	-0.071
28	28. Without external oversight it would not be possible to	28	1.711	1.856	-0.145
2	2. The PSNI has dealt fairly and speedily with all requests	2	-1.359	-1.200	-0.159
8	8. Without effective external civilian oversight there can b	8	1.333	1.494	-0.161
48	48. The independence of the external oversight bodies has ne	48	-0.986	-0.808	-0.178
3	3. Sometimes it seems as though the external civilian oversi	3	-0.453	-0.260	-0.193
55	55. When decisions on policing have to be made, the externa	55	0.066	0.262	-0.196
42	42. External oversight bodies should have scrutiny over only	42	-1.156	-0.905	-0.251
57	57. The PSNI has always demonstrated complete transparency t	57	-1.338	-1.070	-0.268
52	52. There was nothing wrong with the arrangements for polici	52	-2.197	-1.896	-0.301
33	33. A new beginning to policing accountability has been the	33	1.634	2.005	-0.371
21	21. More of what is presently done by external oversight cou	21	-1.279	-0.892	-0.387
12	12. Without accountability policing in any democratic societ	12	1.750	2.145	-0.394
38	38. It's as though the PSNI is being pulled up by its roots	38	-0.978	-0.539	-0.439
29	29. Sometimes the activities in which external oversight eng	29	0.050	0.519	-0.469
41	41. Ultimately, the PSNI is accountable to the courts and th	41	-0.845	-0.322	-0.523
11	11. It is useful that the Office of the Police Ombudsman can	11	-0.161	0.468	-0.628
32	32. The office of the Police Ombudsman has all of the power	32	-0.039	0.598	-0.637

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Descending Array of Differences Between Factors 1 and 2

No.	Statement	No.	Type 1	Type 2	Difference
50	50. It is unfair of external oversight bodies to judge past	50	0.498	1.193	-0.695
51	51. It seems as though there is little understanding and sym	51	-0.775	-0.076	-0.698
54	54. The external oversight bodies do not engender confidence	54	-0.458	0.280	-0.738
24	24. External oversight bodies are not yet effectively aligne	24	-0.098	0.651	-0.749
1	1. The process of interaction between the PSNI and the exter	1	-0.626	0.141	-0.767
25	25. A separate Policing Board and Office of the Police Ombud	25	-1.508	-0.724	-0.784
22	22. The external oversight bodies are not ready for the crea	22	-0.164	0.642	-0.806
4	4. There is no need for the Policing Board to have scrutiny	4	-1.347	-0.536	-0.811
58	58. There are clear and necessary limits to what the PSNI sh	58	-0.464	0.358	-0.822
19	19. All public agencies have to adapt to current funding con	19	0.149	0.982	-0.834
59	59. External oversight of policing in the north of Ireland i	59	-0.825	0.096	-0.921
27	27. Party politics has too great an influence on the Norther	27	0.457	1.434	-0.977
31	31. The emphasis on external oversight sometimes has the eff	31	-0.346	0.713	-1.059
39	39. As a result of external oversight we now have leaders i	39	-0.650	0.551	-1.201
35	35. The institutions for policing oversight which have evol	35	-1.065	0.209	-1.275
10	10. PSNI is justified in its concern that information disclo	10	-0.269	1.074	-1.343

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Exact Factor Scores (à la SPSS) in Z-Score and T-Score units

No.	Statement	Factors			
		No.	1	2	
1	1. The process of interaction between the PSNI and the	1	-0.87	41	0.70 57
2	2. The PSNI has dealt fairly and speedily with all req	2	-1.02	40	-1.05 40
3	3. Sometimes it seems as though the external civilian	3	-0.53	45	0.13 51
4	4. There is no need for the Policing Board to have scr	4	-1.42	36	-0.01 50
5	5. The devolution of powers on policing and justice ha	5	0.67	57	0.75 57
6	6. The most effective model of policing oversight is o	6	1.65	66	0.17 52
7	7. The Police Ombudsman's access to all aspects of pol	7	-0.19	48	-1.44 36
8	8. Without effective external civilian oversight there	8	1.13	61	0.87 59
9	9. It is helpful that the Policing Board is consulted	9	-0.25	47	-0.39 46
10	10. PSNI is justified in its concern that information	10	-0.94	41	1.66 67
11	11. It is useful that the Office of the Police Ombudsm	11	-0.54	45	0.87 59
12	12. Without accountability policing in any democratic	12	1.14	61	1.72 67
13	13. Since the inception of the Policing Board and the	13	0.56	56	-1.39 36
14	14. As a result of external oversight, accountability	14	0.83	58	1.01 60
15	15. The Policing Board has been very successful in eng	15	0.68	57	-1.84 32
16	16. There are still some areas where the external over	16	1.02	60	0.49 55
17	17. All those aspects of policing which the in the pas	17	0.41	54	-1.73 33
18	18. The existence of the arrangements for external civ	18	0.14	51	-1.02 40
19	19. All public agencies have to adapt to current fundi	19	-0.33	47	1.37 64
20	20. After 15 years of external oversight there is now	20	1.73	67	-0.75 42
21	21. More of what is presently done by external oversig	21	-1.17	38	-0.46 45
22	22. The external oversight bodies are not ready for th	22	-0.45	46	0.68 57



23	23. The office of the Police Ombudsman has been very s	23	0.78	58	-0.14	49
24	24. External oversight bodies are not yet effectively	24	-0.35	46	0.73	57
25	25. A separate Policing Board and Office of the Police	25	-1.46	35	-0.43	46
26	26. There is no evidence that external oversight has	26	-1.43	36	-1.29	37
27	27. Party politics has too great an influence on the N	27	-0.24	48	1.76	68
28	28. Without external oversight it would not be possib	28	1.26	63	1.44	64
29	29. Sometimes the activities in which external oversig	29	-0.15	48	0.64	56
30	30. The Northern Ireland Policing Board's powers and r	30	0.82	58	-1.65	33
31	31. The emphasis on external oversight sometimes has t	31	-0.82	42	1.16	62
32	32. The office of the Police Ombudsman has all of the	32	-0.32	47	0.76	58
33	33. A new beginning to policing accountability has bee	33	1.08	61	1.63	66
34	34. Democratically accountable policing is only possib	34	1.08	61	-1.21	38
35	35. The institutions for policing oversight which have	35	-1.39	36	0.59	56
36	36. External civilian oversight bodies should limit th	36	-0.74	43	-1.44	36
37	37. Policing accountability in Northern Ireland is the	37	0.89	59	-0.81	42
38	38. It's as though the PSNI is being pulled up by its	38	-0.91	41	-0.23	48
39	39. As a result of external oversight we now have lea	39	-0.95	41	0.84	58
40	40. Over the years the Office of the Police Ombudsman	40	0.08	51	-0.87	41
41	41. Ultimately, the PSNI is accountable to the courts	41	-0.83	42	-0.19	48
42	42. External oversight bodies should have scrutiny ove	42	-0.91	41	-0.78	42
43	43. Monitoring human rights compliance is now an inte	43	1.09	61	1.01	60

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Exact Factor Scores (à la SPSS) in Z-Score and T-Score units

## Factors

No.	Statement	No.	1	2
44	44. The Department of Justice has too much influence o	44	0.87 59	-1.29 37
45	45. What has evolved through negotiation and legislati	45	0.79 58	-0.23 48
46	46. The PSNI is the most accountable police service i	46	0.50 55	0.35 53
47	47. Without the external oversight bodies it would be	47	1.63 66	0.85 58
48	48. The independence of the external oversight bodies	48	-0.67 43	-0.78 42
49	49. External oversight bodies have already played a po	49	0.86 59	-0.51 45
50	50. It is unfair of external oversight bodies to judge	50	0.18 52	1.11 61
51	51. It seems as though there is little understanding a	51	-0.99 40	0.32 53
52	52. There was nothing wrong with the arrangements for	52	-1.88 31	-1.28 37
53	53. If it was not for the work of the Police Ombudsma	53	2.31 73	-1.18 38
54	54. The external oversight bodies do not engender conf	54	-0.64 44	0.59 56
55	55. When decisions on policing have to be made, the e	55	-0.22 48	0.36 54
56	56. Everything that is in the public interest - not t	56	1.53 65	-0.58 44
57	57. The PSNI has always demonstrated complete transpar	57	-1.23 38	-0.66 43
58	58. There are clear and necessary limits to what the P	58	-0.77 42	0.66 57
59	59. External oversight of policing in the north of Ire	59	-1.07 39	0.42 54

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Factor Q-Sort Values for Each Statement

No. Statement	Factor Arrays		
	No.	1	2
1 1. The process of interaction between the PSNI and the exter	1	-1	0
2 2. The PSNI has dealt fairly and speedily with all requests	2	-3	-3
3 3. Sometimes it seems as though the external civilian oversi	3	-1	0
4 4. There is no need for the Policing Board to have scrutiny	4	-3	-1
5 5. The devolution of powers on policing and justice has led	5	2	2
6 6. The most effective model of policing oversight is one whi	6	3	2
7 7. The Police Ombudsman's access to all aspects of policing,	7	-1	-3
8 8. Without effective external civilian oversight there can b	8	3	3
9 9. It is helpful that the Policing Board is consulted but ul	9	-1	-1
10 10. PSNI is justified in its concern that information disclo	10	-1	2
11 11. It is useful that the Office of the Police Ombudsman can	11	0	1
12 12. Without accountability policing in any democratic societ	12	4	4
13 13. Since the inception of the Policing Board and the Police	13	0	-2
14 14. As a result of external oversight, accountability is now	14	2	2
15 15. The Policing Board has been very successful in engenderi	15	0	-3
16 16. There are still some areas where the external oversight	16	2	2
17 17. All those aspects of policing which the in the past gave	17	0	-3
18 18. The existence of the arrangements for external civilian	18	0	-2
19 19. All public agencies have to adapt to current funding con	19	1	2
20 20. After 15 years of external oversight there is now irrefu	20	2	0
21 21. More of what is presently done by external oversight cou	21	-3	-2
22 22. The external oversight bodies are not ready for the crea	22	0	1

23 23. The office of the Police Ombudsman has been very success 23 2 0

24 24. External oversight bodies are not yet effectively aligne 24 0 1

25 25. A separate Policing Board and Office of the Police Ombud 25 -4 -1

26 26. There is no evidence that external oversight has had an 26 -4 -4

27 27. Party politics has too great an influence on the Norther 27 1 3

28 28. Without external oversight it would not be possible to 28 3 4

29 29. Sometimes the activities in which external oversight eng 29 0 1

30 30. The Northern Ireland Policing Board's powers and respons 30 1 -3

31 31. The emphasis on external oversight sometimes has the eff 31 -1 2

32 32. The office of the Police Ombudsman has all of the power 32 0 1

33 33. A new beginning to policing accountability has been the 33 3 4

34 34. Democratically accountable policing is only possible bec 34 1 -1

35 35. The institutions for policing oversight which have evolv 35 -2 0

36 36. External civilian oversight bodies should limit their re 36 -3 -4

37 37. Policing accountability in Northern Ireland is the 'Roll 37 1 -1

38 38. It's as though the PSNI is being pulled up by its roots 38 -2 -1

39 39. As a result of external oversight we now have leaders i 39 -1 1

40 40. Over the years the Office of the Police Ombudsman has sh 40 0 -2

41 41. Ultimately, the PSNI is accountable to the courts and th 41 -2 -1

42 42. External oversight bodies should have scrutiny over only 42 -2 -2

43 43. Monitoring human rights compliance is now an integral a 43 3 3

44 44. The Department of Justice has too much influence over th 44 1 -1

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## Factor Arrays

No.	Statement	No.	1	2
45	45. What has evolved through negotiation and legislation for	45	1	0
46	46. The PSNI is the most accountable police service in the	46	1	1
47	47. Without the external oversight bodies it would be diffi	47	4	3
48	48. The independence of the external oversight bodies has ne	48	-2	-2
49	49. External oversight bodies have already played a positive	49	2	0
50	50. It is unfair of external oversight bodies to judge past	50	1	3
51	51. It seems as though there is little understanding and sym	51	-2	0
52	52. There was nothing wrong with the arrangements for polici	52	-4	-4
53	53. If it was not for the work of the Police Ombudsman and	53	4	-1
54	54. The external oversight bodies do not engender confidence	54	-1	1
55	55. When decisions on policing have to be made, the externa	55	0	0
56	56. Everything that is in the public interest - not the pol	56	2	0
57	57. The PSNI has always demonstrated complete transparency t	57	-3	-2
58	58. There are clear and necessary limits to what the PSNI sh	58	-1	1
59	59. External oversight of policing in the north of Ireland i	59	-2	0

Variance = 4.407 St. Dev. = 2.099

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Factor Q-Sort Values for Statements sorted by Consensus vs. Disagreement (Variance across Factor Z-Scores)

No. Statement	Factor Arrays		
	No.	1	2
5 The devolution of powers on policing and justice has led	5	2	2
26 There is no evidence that external oversight has had an	26	-4	-4
43 Monitoring human rights compliance is now an integral a	43	3	3
9 It is helpful that the Policing Board is consulted but ul	9	-1	-1
28 Without external oversight it would not be possible to	28	3	4
14 As a result of external oversight, accountability is now	14	2	2
46 The PSNI is the most accountable police service in the	46	1	1
2 The PSNI has dealt fairly and speedily with all requests	2	-3	-3
8 Without effective external civilian oversight there can b	8	3	3
48 The independence of the external oversight bodies has ne	48	-2	-2
3 Sometimes it seems as though the external civilian oversi	3	-1	0
16 There are still some areas where the external oversight	16	2	2
55 When decisions on policing have to be made, the externa	55	0	0
42 External oversight bodies should have scrutiny over only	42	-2	-2
57 The PSNI has always demonstrated complete transparency t	57	-3	-2
52 There was nothing wrong with the arrangements for polici	52	-4	-4
36 External civilian oversight bodies should limit their re	36	-3	-4
47 Without the external oversight bodies it would be diffi	47	4	3
33 A new beginning to policing accountability has been the	33	3	4
21 More of what is presently done by external oversight cou	21	-3	-2
12 Without accountability policing in any democratic societ	12	4	4

38	It's as though the PSNI is being pulled up by its roots	38	-2	-1
29	Sometimes the activities in which external oversight eng	29	0	1
41	Ultimately, the PSNI is accountable to the courts and th	41	-2	-1
11	It is useful that the Office of the Police Ombudsman can	11	0	1
32	The office of the Police Ombudsman has all of the power	32	0	1
40	Over the years the Office of the Police Ombudsman has sh	40	0	-2
6	The most effective model of policing oversight is one whi	6	3	2
50	It is unfair of external oversight bodies to judge past	50	1	3
51	It seems as though there is little understanding and sym	51	-2	0
18	The existence of the arrangements for external civilian	18	0	-2
45	What has evolved through negotiation and legislation for	45	1	0
7	The Police Ombudsman's access to all aspects of policing,	7	-1	-3
54	External oversight bodies are not yet effectively aligne	24	0	1
1	The process of interaction between the PSNI and the exter	1	-1	0
25	A separate Policing Board and Office of the Police Ombud	25	-4	-1
22	The external oversight bodies are not ready for the crea	22	0	1
4	There is no need for the Policing Board to have scrutiny	4	-3	-1
58	There are clear and necessary limits to what the PSNI sh	58	-1	1
19	All public agencies have to adapt to current funding con	19	1	2
59	External oversight of policing in the north of Ireland i	59	-2	0
23	The office of the Police Ombudsman has been very success	23	2	0
49	External oversight bodies have already played a positive	49	2	0

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No. Statement	Factor Arrays		
	No.	1	2
27 Party politics has too great an influence on the Norther	27	1	3
37 Policing accountability in Northern Ireland is the 'Roll	37	1	-1
34 Democratically accountable policing is only possible bec	34	1	-1
31 The emphasis on external oversight sometimes has the eff	31	-1	2
44 The Department of Justice has too much influence over th	44	1	-1
39 As a result of external oversight we now have leaders i	39	-1	1
13 Since the inception of the Policing Board and the Police	13	0	-2
17 All those aspects of policing which the in the past gave	17	0	-3
56 Everything that is in the public interest - not the pol	56	2	0
35 The institutions for policing oversight which have evolv	35	-2	0
10 PSNI is justified in its concern that information disclo	10	-1	2
20 After 15 years of external oversight there is now irrefu	20	2	0
15 The Policing Board has been very successful in engenderi	15	0	-3
30 The Northern Ireland Policing Board's powers and respons	30	1	-3
53 If it was not for the work of the Police Ombudsman and	53	4	-1

## Factor Characteristics

	Factors	
	1	2
No. of Defining Variables	43	18
Average Rel. Coef.	0.800	0.800
Composite Reliability	0.994	0.986
S.E. of Factor Z-Scores	0.076	0.117



Standard Errors for Differences in Factor Z-Scores

(Diagonal Entries Are S.E. Within Factors)

Factors	1	2
1	0.108	0.140
2	0.140	0.166

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## Distinguishing Statements for Factor 1

(P &lt; .05 ; Asterisk (\*) Indicates Significance at P &lt; .01)

Both the Factor Q-Sort Value (Q-SV) and the Z-Score (Z-SCR) are Shown.

No. Statement	No.	Factors			
		1		2	
		Q-SV	Z-SCR	Q-SV	Z-SCR
47 Without the external oversight bodies it would be diffi	47	4	1.77*	3	1.41
12 Without accountability policing in any democratic societ	12	4	1.75*	4	2.14
53 If it was not for the work of the Police Ombudsman and	53	4	1.72*	-1	-0.47
33 A new beginning to policing accountability has been the	33	3	1.63*	4	2.01
6 The most effective model of policing oversight is one whi	6	3	1.45*	2	0.80
20 After 15 years of external oversight there is now irrefu	20	2	1.32*	0	-0.06
56 Everything that is in the public interest - not the pol	56	2	1.11*	0	-0.15
23 The office of the Police Ombudsman has been very success	23	2	0.83*	0	-0.11
49 External oversight bodies have already played a positive	49	2	0.72*	0	-0.23
45 What has evolved through negotiation and legislation for	45	1	0.66*	0	-0.08
37 Policing accountability in Northern Ireland is the 'Roll	37	1	0.55*	-1	-0.43
34 Democratically accountable policing is only possible bec	34	1	0.55*	-1	-0.47
50 It is unfair of external oversight bodies to judge past	50	1	0.50*	3	1.19
27 Party politics has too great an influence on the Norther	27	1	0.46*	3	1.43
44 The Department of Justice has too much influence over th	44	1	0.35*	-1	-0.71
30 The Northern Ireland Policing Board's powers and respons	30	1	0.24*	-3	-1.41
19 All public agencies have to adapt to current funding con	19	1	0.15*	2	0.98
13 Since the inception of the Policing Board and the Police	13	0	0.05*	-2	-1.15
29 Sometimes the activities in which external oversight eng	29	0	0.05*	1	0.52

15	The Policing Board has been very successful in engenderi	15	0	0.00*	-3	-1.47
32	The office of the Police Ombudsman has all of the power	32	0	-0.04*	1	0.60
24	External oversight bodies are not yet effectively aligne	24	0	-0.10*	1	0.65
11	It is useful that the Office of the Police Ombudsman can	11	0	-0.16*	1	0.47
22	The external oversight bodies are not ready for the crea	22	0	-0.16*	1	0.64
17	All those aspects of policing which the in the past gave	17	0	-0.24*	-3	-1.50
18	The existence of the arrangements for external civilian	18	0	-0.25*	-2	-0.96
40	Over the years the Office of the Police Ombudsman has sh	40	0	-0.27*	-2	-0.91
10	PSNI is justified in its concern that information disclo	10	-1	-0.27*	2	1.07
31	The emphasis on external oversight sometimes has the eff	31	-1	-0.35*	2	0.71
54	The external oversight bodies do not engender confidence	54	-1	-0.46*	1	0.28
58	There are clear and necessary limits to what the PSNI sh	58	-1	-0.46*	1	0.36
1	The process of interaction between the PSNI and the exter	1	-1	-0.63*	0	0.14
39	As a result of external oversight we now have leaders i	39	-1	-0.65*	1	0.55
7	The Police Ombudsman's access to all aspects of policing,	7	-1	-0.70*	-3	-1.43
51	It seems as though there is little understanding and sym	51	-2	-0.77*	0	-0.08
59	External oversight of policing in the north of Ireland i	59	-2	-0.82*	0	0.10
41	Ultimately, the PSNI is accountable to the courts and th	41	-2	-0.84*	-1	-0.32
38	It's as though the PSNI is being pulled up by its roots	38	-2	-0.98*	-1	-0.54
35	The institutions for policing oversight which have evolv	35	-2	-1.07*	0	0.21
36	External civilian oversight bodies should limit their re	36	-3	-1.23	-4	-1.58
21	More of what is presently done by external oversight cou	21	-3	-1.28*	-2	-0.89
4	There is no need for the Policing Board to have scrutiny	4	-3	-1.35*	-1	-0.54
25	A separate Policing Board and Office of the Police Ombud	25	-4	-1.51*	-1	-0.72
52	There was nothing wrong with the arrangements for polici	52	-4	-2.20	-4	-1.90

Path and Project Name: C:\PQMethod\projects/ECOstudy

May 23

Consensus Statements -- Those That Do Not Distinguish Between ANY Pair of Factors.

All Listed Statements are Non-Significant at  $P > .01$ , and Those Flagged With an \* are also Non-Significant at  $P > .05$ .

No. Statement		Factors	
		1	2
		No. Q-SV Z-SCR	Q-SV Z-SCR
2* 2.	The PSNI has dealt fairly and speedily with all requests	2 -3 -1.36	-3 -1.20
3* 3.	Sometimes it seems as though the external civilian oversi	3 -1 -0.45	0 -0.26
5* 5.	The devolution of powers on policing and justice has led	5 2 0.85	2 0.89
8* 8.	Without effective external civilian oversight there can b	8 3 1.33	3 1.49
9* 9.	It is helpful that the Policing Board is consulted but ul	9 -1 -0.34	-1 -0.47
14* 14.	As a result of external oversight, accountability is now	14 2 1.15	2 1.00
16* 16.	There are still some areas where the external oversight	16 2 1.17	2 0.98
26* 26.	There is no evidence that external oversight has had an	26 -4 -1.76	-4 -1.69
28* 28.	Without external oversight it would not be possible to	28 3 1.71	4 1.86
36 36.	External civilian oversight bodies should limit their re	36 -3 -1.23	-4 -1.58
42* 42.	External oversight bodies should have scrutiny over only	42 -2 -1.16	-2 -0.91
43* 43.	Monitoring human rights compliance is now an integral a	43 3 1.42	3 1.30
46* 46.	The PSNI is the most accountable police service in the	46 1 0.61	1 0.46
48* 48.	The independence of the external oversight bodies has ne	48 -2 -0.99	-2 -0.81
52 52.	There was nothing wrong with the arrangements for polici	52 -4 -2.20	-4 -1.90
55* 55.	When decisions on policing have to be made, the externa	55 0 0.07	0 0.26
57* 57.	The PSNI has always demonstrated complete transparency t	57 -3 -1.34	-2 -1.07

QANALYZE was completet at 11:26:17

### Appendix 13. Descending factor arrays. Differences in perspective A (F1) v B (F2)

No. Statement	Factors			
	1		2	
	Q-SV	Z-SCR	Q-SV	Z-SCR
47 Without the external oversight bodies it would be diffi	4	1.77*	3	1.41
12 Without accountability policing in any democratic societ	4	1.75*	4	2.14
53 If it was not for the work of the Police Ombudsman and	4	1.72*	-1	-0.47
33 A new beginning to policing accountability has been the	3	1.63*	4	2.01
6 The most effective model of policing oversight is one whi	3	1.45*	2	0.80
20 After 15 years of external oversight there is now irrefu	2	1.32*	0	-0.06
56 Everything that is in the public interest - not the pol	2	1.11*	0	-0.15
23 The office of the Police Ombudsman has been very success	2	0.83*	0	-0.11
49 External oversight bodies have already played a positive	2	0.72*	0	-0.23
45 What has evolved through negotiation and legislation for	1	0.66*	0	-0.08
37 Policing accountability in Northern Ireland is the 'Roll	1	0.55*	-1	-0.43
34 Democratically accountable policing is only possible bec	1	0.55*	-1	-0.47
50 It is unfair of external oversight bodies to judge past	1	0.50*	3	1.19
27 Party politics has too great an influence on the Norther	1	0.46*	3	1.43
44 The Department of Justice has too much influence over th	1	0.35*	-1	-0.71
30 The Northern Ireland Policing Board's powers and respons	1	0.24*	-3	-1.41
19 All public agencies have to adapt to current funding con	1	0.15*	2	0.98
13 Since the inception of the Policing Board and the Police	0	0.05*	-2	-1.15
29 Sometimes the activities in which external oversight eng	0	0.05*	1	0.52
15 The Policing Board has been very successful in engenderi	0	0.00*	-3	-1.47
32 The office of the Police Ombudsman has all of the power	0	-0.04*	1	0.60
24 External oversight bodies are not yet effectively aligne	0	-0.10*	1	0.65
11 It is useful that the Office of the Police Ombudsman can	0	-0.16*	1	0.47
22 The external oversight bodies are not ready for the crea	0	-0.16*	1	0.64
17 All those aspects of policing which the in the past gave	0	-0.24*	-3	-1.50
18 The existence of the arrangements for external civilian	0	-0.25*	-2	-0.96
40 Over the years the Office of the Police Ombudsman has sh	0	-0.27*	-2	-0.91
10 PSNI is justified in its concern that information disclo	-1	-0.27*	2	1.07
31 The emphasis on external oversight sometimes has the eff	-1	-0.35*	2	0.71
54 The external oversight bodies do not engender confidence	-1	-0.46*	1	0.28
58 There are clear and necessary limits to what the PSNI sh	-1	-0.46*	1	0.36
1 The process of interaction between the PSNI and the exter	-1	-0.63*	0	0.14
39 As a result of external oversight we now have leaders i	-1	-0.65*	1	0.55
7 The Police Ombudsman's access to all aspects of policing,	1	-0.70*	-3	-1.43
51 It seems as though there is little understanding and sym	-2	-0.77*	0	-0.08
59 External oversight of policing in the north of Ireland i	-2	-0.82*	0	0.10
41 Ultimately, the PSNI is accountable to the courts and th	-2	-0.84*	-1	-0.32
38 It's as though the PSNI is being pulled up by its roots	-2	-0.98*	-1	0.54
35 The institutions for policing oversight which have evol	-2	-1.07*	0	0.21
36 External civilian oversight bodies should limit their re	-3	-1.23	-4	-1.58
21 More of what is presently done by external oversight cou	-3	-1.28*	-2	-0.89
4 There is no need for the Policing Board to have scrutiny	-3	-1.35*	-1	-0.54
25 A separate Policing Board and Office of the Police Ombud	-4	-1.51*	-1	-0.72
52 There was nothing wrong with the arrangements for polici	-4	-2.20	-4	-1.90

#### Appendix 13. - Differences in Perspective : Distinguishing Statements for Factor 1

(P < .05 ; asterisk (\*) indicates statistical significance at P < .01)

Both the Factor Q-Sort Value (Q-SV) and the Z-Score (Z-SCR) are shown.

<b>Appendix 14.</b>	<b>Chronology of the Loughinisland Massacre, 9 June, 1994.</b>
<b>June 1994</b>	A UVF loyalist gang attack the Heights Bar, Loughinisland, County Down murdering 6 people and injuring 5 others.
<b>March 2006</b>	Relatives of those killed and injured in Loughinisland lodge a complaint with Police Ombudsman for Northern Ireland Nuala O’Loan. Preliminary work is commissioned on the investigation.
<b>November 2007</b>	The British Secretary of State & NIO appoint Al Hutchinson to take over as Police Ombudsman for Northern Ireland from Nuala O’Loan
<b>Sept-Nov 2009</b>	A draft report is compiled on the investigation and shared with the PSNI. A file is submitted to the PPS.
<b>November 2010</b>	PPS direct no prosecution.
<b>June 2011</b>	PONI Al Hutchinson published the first report into Loughinisland.
<b>September 2011</b>	Families lodge Judicial Review papers in court against PONI.
<b>November 2011</b>	Amidst growing public controversy Al Hutchinson resigns his post.
<b>July 2012</b>	The First and deputy First Ministers appoint a new Police Ombudsman, Dr Michael Maguire. He directs a review of the report.
<b>December 2012</b>	Police Ombudsman for Northern Ireland Dr. Maguire agrees to the application by the families to have the first report quashed.
<b>June 2013</b>	Police Ombudsman for Northern Ireland Dr. Maguire commissions a new investigation into the Loughinisland massacre and RUC conduct.
<b>June 2016</b>	Police Ombudsman for Northern Ireland Dr. Maguire publishes his report into the Loughinisland massacre and RUC conduct.
<b>February 2017</b>	Retired police officers lodge Judicial Review papers in court against PONI
<b>December 2017</b>	Judicial Review by retired police officers against PONI is heard before Justice McCloskey. Preliminary judgment states PONI acted unlawfully and upholds all grounds of the retired officers application.
<b>January 2018</b>	Submissions are made that Justice McCloskey must recuse himself and that the preliminary judgement must be set aside because of disclosures that may give rise to a public perception of “unconscious bias”. Justice McCloskey agrees to step aside for another judge to hear the case.

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