

International comparison research: models of police governance and accountability

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1 Introduction

The Local Accountability Strategy Group of the Association of Police Authorities (APA) have agreed to review international models of police accountability and their impact on **key outcomes** such as **public confidence, workforce stability** and **long-term planning**.

The terms of reference for this international comparison research were agreed as follows:

Aims:

- to provide an analysis of key international models of police governance and accountability and compare outcomes relating to public confidence and satisfaction, and impact on operational policing where possible; and
- to provide a clear evidence base to enable debate on improving police governance and accountability in the UK.

This paper, as part of this international comparison research, will outline the models of governance and accountability in England and Wales, Northern Ireland (NI), the Republic of Ireland (RIO), France and selected US Cities. Reference will also be made to the police complaints models that are in place in these regions.

In describing the models this paper will focus on the following elements:

- who the police authority/board are accountable to;
- the appointment process for police authority/board members; and
- the role of the police authority/board, eg
 - appointment of chief officers
 - police performance
 - local accountability.

The paper will also address public satisfaction and confidence in policing in these jurisdictions, where this information is available.

It has become clear that the inspiration for politicians in making the police more 'accountable'

to the public has been the model of police accountability and governance in the United States. However, it is unclear what benefits and outcomes are delivered through this model that provides clear reason for introducing a similar model in this country. Equally, there may be lessons and evidence through research and academia that demonstrates the strengths and weaknesses of different models that may be useful in the context of reforms to the British system.

Arrangements for holding the police to account in England and Wales have changed considerably since the introduction of the 1964 Police Act. This has been particularly apparent over the last decade, during the New Labour era, where changes in police policy have included the centralising tendencies of government, the development of a performance management system, and the introduction of the Independent Police Complaints Commission (IPCC).¹

Another key milestone was the appointment of Sir Ronnie Flanagan, the Home Secretary's senior professional advisor on policing and HM Chief Inspector of Constabulary, to lead an independent review of the police service. This resulted in a final report on the *Review of Policing*² being presented to the Home Secretary in early 2008. On the back of this *Review of Policing*, the *Engaging Communities in Fighting Crime* review³ led by Louise Casey and submissions from key stakeholders such as the APA, the Home Office produced a Green Paper which responds to the challenges and recommendations contained in those reports and submissions.⁴

The Green Paper sets out the UK Government's vision for the future of policing and includes radical new plans to cut red tape and give the police more freedom to get on with the job of reducing crime, combined with new measures to increase public confidence in the police and give the public a greater say about how their communities are policed.⁴

The Green Paper sets out how the government will build on achievements, working with the police to continue to drive down crime, drive up public confidence and give local people more information and a bigger say in how their neighbourhood is policed.⁴

Following the completion of the consultation period, the UK Government is now proceeding with the implementation of the proposals in the Green Paper. In particular, where proposals require legislative changes the UK Government intends to bring forward legislation as soon as parliamentary time allows.⁴

In this context it is also important to look, not only at the UK Government's stance but also what policies the other main political parties have set down in relation to police governance and accountability in England and Wales.

1.1 The UK Government's proposals for police governance and accountability in England and Wales

The Green Paper originally stated that the UK Government was committed to introducing a stronger link between those responsible for delivering policing and the public they serve and intended to legislate to reform police authorities, making them more democratic and more effective in responding to the needs of the local community. They wanted to retain the crucial role that independent members play, and they were to be appointed as they are at present. At least one councillor would be retained on each police authority to ensure the maintenance of important links and relationships with local government.

The majority of each police authority, however, would no longer be formed from local councillors. Instead people throughout England and Wales would directly vote for individuals, known as Crime and Policing Representatives, to represent concerns locally. They would sit on their local Crime and Disorder Reduction Partnership (CDRP) (England) or Community Safety Partnerships (CSPs) (Wales) and would also sit on the force's police authority.

Where a local area already directly elects a Mayor, this person would automatically be their local Crime and Policing Representative. To ensure that police authorities have strong links with local authorities they also proposed that a number of councillors from some or all of the upper tier councils in the area should be invited to sit on the police authority.

The APA, in responding to the proposals in the Green Paper, welcomed many of the proposals such as the principle of a local '**policing pledge**' and more local information about crime as a means of providing a better police service for the public. However, the APA has stated that introducing directly elected representatives to police authorities would introduce a much greater degree of party politics to local policing. To do this would present a very real danger of extremists and single issue pressure groups targeting these elections for their own ends, as well as encouraging short-term, local agenda to take priority. The APA and local police authorities campaigned vigorously on this issue to try and get the UK Government to think again about introducing direct elections. The Association of Chief Police Officers (ACPO) and Local Government Association (LGA) also highlighted similar concerns in their response to the Green Paper, believing it could damage the delicate balance of the tripartite arrangements in place.

The Home Office has now decided to remove proposals to introduce direct elections to police authorities, as outlined in the Green Paper, through the Policing and Crime Bill published last December. However, the Home Office remain convinced that improvements to police accountability are still necessary, and commissioned David Blunkett MP to review arrangements and make proposals in a report to be published in the summer of 2009.

The UK Government are also keen to revise how the chief officer appointment system works and create a more cohesive national cadre of top police

officers. The Senior Appointments Panel (SAP) will be more proactive in succession planning and appointments, with greater strategic input into leadership development. Home Office ministers will retain the role of approving chief officer appointments, with SAP providing advice not only on individual posts, but also more strategically. The police authorities should continue to make the decisions on the appointments of their chief officers; however, chief constables and commissioners will be given a more formal and active role in being consulted on the appointment of their chief officer teams.⁴

1.2 Liberal Democrat Party policy on police governance and accountability

The Liberal Democrats believe police authorities should have far more power and must have the sole right to sack and appoint the chief constable, a right currently circumscribed by the approval of the Home Secretary. They believe they should also set local policing priorities, agree any national minimum standards (for example for response times), determine budgets, and change that part of taxation allocated to them (currently council tax, but a part of local income tax under their proposals).

Where a police force has the same borders as a local council, as is still the case with 8 of the 43 English and Welsh forces at present, that council should be the police authority. They therefore propose that two-thirds of the elected members of the police authority should be directly elected by fair votes. Direct election by the single transferable vote would properly represent all the strands of opinion, minorities and the quirks of geography in a police authority. There should be no bar on a dual mandate allowing people to stand for council and the police authority.

Given the importance of councils and police working together in CDRPs, police command units should be aligned with such council boundaries to encourage dialogue and co-operation between the

commander and the council, as is already the case in London.

A third of the elected members of the police authority should be nominated from councillors within the force area. Police authorities should also co-opt extra members such as magistrates and others to ensure diversity, experience and expertise. As now, key votes should require a majority of elected members.

So police authorities should have the resources to research the performance of their police force, and to allow for the full range of factors determining performance.⁵

1.3 The Conservative Party policy on police governance

The Conservative Party believes that effective policing is neighbourhood policing and the closer to the community the better. For that reason they also wish to reform the governance arrangements for the police force as a whole. Instead of being directed by, and accountable to, the Home Secretary, police forces should be directed by and accountable to the communities they serve.

A Conservative Government will make each police force accountable to an individual directly elected by the citizens of the police force area.

Police commissioners would be responsible for setting the police budget, appointing (and dismissing) chief constables, setting local priorities, monitoring how well the police perform against local targets, ensuring best value from the local police budget and consulting widely with local people to find out what they want from their local police force.⁶

1.4 What is accountability?

To put these models of governance and oversight into context it is important to define what accountability means in today's society.

Accountability is typically required when the citizens delegate the resources and power to a

government to make decisions on their behalf and in turn want an account for those decisions and use of resources.

Accountability manifests in, at least, two different facets:

- firstly, the giving an account for the actions taken; and
- secondly, being held to account for those actions.

In other words, accountability consists not just of the giving and receiving of information, although this is an important part, but also the action of being held to account. This process forms a bond between the citizen and the agency acting on their behalf.

The need for accountability in these circumstances rests on citizens needing to be assured that an agency is acting in their best interest, and is, for example, obtaining value for their money and acting with integrity. Holding to account is not straightforward. Receiving an account will necessarily occur after the event, but control mechanisms will usually need to be in place in advance. Often, in practice, the distinction is not always clear. However, the expectation is that having to give an account of actions will work to control behaviour.

The means of holding agencies to account take many forms, some of which are described in the following paragraphs as they relate to policing. Most of these models directly involve the active participation of the citizen be that in terms of electing a person to speak on their behalf, being a member of an appointed board to act on their behalf, or to have the opportunity to question directly the providers of services, in this instance the policing service.

One mechanism is to appoint to a board to carry out a specific purpose, such as holding the police to account. Typically such appointments are made to increase the expertise and representativeness in decision making, and to enable decisions to be

taken independently of government, albeit within the wider government policy objectives. With the exception of the office of ombudsman, such delegations are not invested in one individual.

In Northern Ireland the *Patten Report*, which will be discussed in detail later, strongly recommended that the chief constable must be free to exercise his or her responsibilities but also capable of being held to account afterwards for the manner in which he/she exercises them.⁹ This 'operational responsibility', according to Patten, is important in putting an effective police accountability model in place.

2 Police governance and accountability in England and Wales

2.1 England and Wales police governance model

In England and Wales a tripartite structure is in place for holding the police to account. This relationship allows responsibility for policing to be shared between the police authority, the chief constable and the Home Secretary. Chief officers are accountable for day-to-day operations; police authorities for agreeing strategic priorities, setting the annual budget and for ensuring the effective and efficient use of taxpayer' money; and the Home Secretary for setting the legislative and performance management framework within which police forces must operate.

2.1.1 Appointment to police authorities

Councillor members

- Councillor members of the Cumbria, Hertfordshire, Lincolnshire, Norfolk, Northamptonshire, Suffolk and Warwickshire police authorities are appointed by the county council from among their members. Members must be appointed in such a way that, as far as is practical, the political balance of the authority reflects that of the council.
- For all other police authorities, the top tier councils that cover that police area form a joint committee. The makeup of this committee varies between police areas, but must be agreed by all councils. Where there is a dispute regarding the membership of the joint committee, the Home Secretary makes the final decision on composition.
- The proportion of police authority members appointed from any given party by joint committees must, as much as practical, be the same as the councils in the police area taken as a whole.
- The terms of office for a councillor member of an authority are decided by the Police Authority, but cannot exceed four years. There is no limit to the maximum number of terms a councillor member can serve.

Independent members

- Independent members are people who live or work in the police authority area, and are appointed by the authority from a shortlist compiled by a selection panel. To ensure their independence they may not be a police officer, an employee of the police force or police authority or be a county, district or borough councillor.
- The authority decides the term of office of an independent member. The term of an independent member may not exceed four years and a member cannot serve more than two terms without the consent of the Home Secretary.
- The independent members of a police authority are appointed by a five member selection panel. Three of these members are appointed by the Police Authority and one is appointed by the Home Secretary. The fifth member, or independent assessor, is appointed by the other four members from a list compiled by the Home Secretary.⁷

2.1.2 The role of police authorities in England and Wales

Police authorities exist to hold police forces to account in their communities and to do this they have a number of powers and duties.

All authorities have a duty to ensure the maintenance of an effective and efficient police force for their areas, to this they must have regard to:

- the Home Secretary's **strategic policing priorities**;
 - any **objectives** and **performance targets** determined by the authority; and
 - any local policing plan issued by the authority.
- They also have duties to:
- monitor their force's compliance with the Human Rights Act 1998;
 - monitor their force's compliance with any plan issued under section 62B;

- ensure arrangements are made for their force to collaborate with other forces where it would be in the interests of the efficiency or effectiveness of the police force in its area or others;
- promote equality and diversity within their police force;
- appoint (and, if necessary, dismiss) chief constables and senior police officers;
- consult with local communities to find out what they want the local police to do;
- set the budget for their police force, and decide how much local people should pay for policing in the local council tax;
- set the strategic direction for policing locally and decide what the police should focus attention on locally based on their consultations with local communities; and
- make sure the police force is continuing to do a better job.⁷

2.1.3 Appointment and removal of chief officers

Most of the duties and powers of police authorities are set out in the Police Act 1996, although this has been substantially amended by subsequent legislation.

The principal power of any police authority is the power to appoint or remove the chief officer, although they may only do this with the consent of the Home Secretary.

The commissioner of the Metropolitan Police Force is a slightly different case. He or she is appointed by Her Majesty the Queen on the advice of the Home Secretary, although the Home Secretary is required to consider the views of the Metropolitan Police Authority before giving this advice.

Kate Lloyd believes that the powers of police authorities have been undermined by statutory powers that allow Home Secretaries to suspend

chief constables, if necessary, against the will of the police authority.¹

2.1.4 Police performance management

Police authorities have a role in the overall performance management of force activity and are required by statute to achieve continuous improvements in policing performance. Although the drafting of the Local Policing Plan is the statutory responsibility of the chief constable, the police authority is actively involved in the process and approval rests with the police authority.

The Home Secretary sets out the key **national strategic priorities** for the police service and the Statutory Performance Indicators (SPIs) which must feed into the Local Policing Plans.

2.1.5 Local accountability

Tackling the causes of crime requires bodies beyond the police to be involved in community safety issues. It was for this reason Crime and Disorder Reduction Partnerships (CDRPs) were created in England and Wales and Community Safety Partnerships (CSPs) were created in Wales through the Crime and Disorder Act 1998.⁸

This Act established partnerships between the police, local authorities, probation service, health authorities, the voluntary sector, and local residents and businesses. These partnerships are working to reduce crime and disorder in their area by:

- establishing the levels of crime and disorder problems in their area, and consulting widely with the population of that area to make sure that the partnership's perception matches that of local people, especially minority groups, such as gay men and lesbians, or members of ethnic minorities; and
- devising a strategy containing measures to tackle those priority problems. This is to include targets, and target owners for each of the priority areas. The strategy will last for three years, but must be kept under review by the partnership.

3 Police governance and accountability in Northern Ireland

3.1 Background

Policing in Northern Ireland (NI) has changed significantly during the last decade, mainly due to the implementation of recommendations outlined in a report published by an Independent Commission on Policing.⁹ The Commission, chaired by the Right Honourable Chris Patten was set up in 1998 to review policing in NI. Other members included representatives from South Africa and the USA as well as from across the UK and NI. The Commission published its report (better known as the *Patten Report*) in 1999 and in all made 175 recommendations.

These recommendations included changes to the governance and accountability policing structures in NI and these became statutory through the Police (Northern Ireland) Act 2000 and later 2003.

These new structures included the establishment of the NI Policing Board (the Board), as an executive Non-Departmental Public Body (NDPB) which replaced the Police Authority for Northern Ireland in 2001, and the establishment of 26 District Policing Partnerships (DPPs) across NI in 2003 to improve local police accountability.

3.2 Northern Ireland police governance model

Policing in NI is largely governed by the 'tripartite structure' involving the Secretary of State for NI, the Board and the Chief Constable of the Police Service of Northern Ireland (PSNI). Other bodies such as the Ombudsman and DPPs also play an important role.¹⁰

The Secretary of State sets long-term objectives for policing in NI after consulting with the Board and the Chief Constable. The Secretary of State also issues codes of practice to the Board and, in relation to planning, efficiency, financial and other resources and support staff, to the Chief Constable. The Secretary of State must consult the Board, Chief Constable and such other persons or bodies as the Secretary of State considers appropriate on any code and must publish it.¹⁰

The Board ensures an effective and efficient police service and holds the Chief Constable to account while the Chief Constable has 'operational responsibility' for PSNI.¹⁰

The Police Ombudsman is appointed by Her Majesty for a fixed term of seven years and is accountable to Parliament, through the Secretary of State. The Office provides an independent, impartial police complaints system for the people and police under the Police (Northern Ireland) Act 1998 and 2000.

3.2.1 Appointment to the Policing Board

The Board is made up of 19 members. Ten are political members from the NI Assembly and represent the four main parties in proportion to their strength, and nine are independent members appointed by the Secretary of State from the community following public advertisement. The Chairman and Vice Chairman of the Board to date are independent members.

3.2.2 The role of the Policing Board

The work of the Board is wide ranging in respect of its statutory duties which include measures to ensure effective oversight and monitoring of the work of the police and encouraging the engagement of the community with the police. It is the role of the Board to secure the delivery of an effective, efficient and impartial policing service for NI and to hold the Chief Constable to account for that.

The principles activities of the Board are:

- to consult with the community to obtain their views on policing and make arrangements to ensure their co-operation with the police in preventing crime;
- to set **objectives** and **performance targets** for PSNI;
- to publish **objectives** and **targets** for PSNI as part of an annual policing plan and to monitor PSNI performance against this plan;

- to appoint chief officers of the service, that is, above the rank of chief superintendent;
- to set the budget for policing and monitor expenditure;
- to inform itself on trends in complaints against the police and to conduct investigations into complaints against senior officers;
- to monitor Human Rights compliance with Human Rights Act 1998;
- to ensure that PSNI continuously improves performance; and
- to assess effectiveness of DPPs.

3.2.3 The appointment of chief officers

The Board have responsibility for appointing all chief officers and civilian equivalents and for determining their length of contract. The Board also has the power to call upon the Chief Constable to retire in the interests of effectiveness and efficiency. The decisions made are all subject to the approval of the Secretary of State. The Secretary of State also has the power to require the Board to ask a chief constable to retire; however, this power is only exercisable after consultation with the Board.

3.2.4 Police performance management

Overseeing police performance is a key responsibility for the Board. Each year the Board is responsible for setting the **objectives, performance indicators** and **targets** for policing in the Annual Policing Plan. The Plan provides a framework within which the PSNI operates, and a mechanism by which the PSNI can be held to account for performance through the Board to the NI Community. The Plan is prepared by the Chief Constable, agreed by the Board and endorsed by the Secretary of State.¹¹

3.2.5 Local police accountability

An important element of the *Patten Report* was that policing should be decentralised and that

there should be constant dialogue at local levels between the police and the community. To facilitate this, the report recommended that District Policing Partnerships (DPPs) were set up in each council area. The Government accepted this recommendation and legislation was enacted which led to the creation of DPPs in 2003.

A DPP is a partnership between the district council and representatives of the local community. The Board has a number of statutory duties with regard to DPPs which includes responsibility for the appointment of independent members, funding, issuing a code of practice and assessing the effectiveness of how DPPs carry out their duty.

The DPP model, in which a group of independent and elected members acts in partnership with the public, sits apart from the PSNI. It has a key role in consulting and engaging with local communities to develop a practical way of gaining the public's co-operation in working with the police to prevent crime and protect the public. It then advises on local priorities for the police, and monitors performance against delivery priorities. It does not deliver policing and community safety services itself and does not have a substantial operational budget of its own. Instead it oversees the delivery of those services from another. Whilst it has the potential to become a partnership between the monitors and the monitored, it is essentially external to the delivery of services. This model naturally involves elected majority members, whose mandate includes the oversight of public services.

Also alongside DPPs there are Community Safety Partnerships (CSPs) within each council district, which were established by the Community Safety Unit in the Northern Ireland Office (NIO). However, there is a degree of overlap between the functions of DPPs and CSPs, notably around the engagement with local communities and the identification of local priorities. A review of the two local partnerships is currently being carried out by the NIO in consultation with the Board.

4 Police governance and accountability in the Republic of Ireland

4.1 Background

In the Republic of Ireland (ROI) the framework within which An Garda Síochána operates has changed substantially and democratic accountability has been strengthened by the provisions of the Garda Síochána Acts 2005 to 2007

The Garda Síochána Act 2005 is the first major revision of the operation of the Garda Síochána since the foundation of the State. The Act aims to improve the effectiveness and efficiency of the operation and administration of An Garda Síochána. Key provisions of the Act provide for:

- revised discipline regulations and a new code of ethics;
- a Charter on the Confidential Reporting of Corruption and Malpractice;
- transfer of the Accounting Officer function to the Garda Commissioner;
- establishment of performance targets by the Minister; and
- transfer of responsibility for civilian staff to the Garda Commissioner.

4.2 Republic of Ireland police governance model

The ROI does not have the equivalent of a police authority and the Commissioner is directly responsible to the Dáil through the Minister of Department of Justice, Equality and Law Reform. However, recent times have seen the establishment of:

- the Garda Síochána Ombudsman Commission;
- the Garda Inspectorate;
- the Garda Reserve; and
- the Joint Policing Committees.

The Garda Síochána Inspectorate's function is to benchmark the overall policing performance of the Garda Síochána and to promote best practice in all its core operations.

The Garda Síochána Ombudsman Commission's function is to directly and independently investigate complaints against members of the Garda Síochána, or any matter where it appears that a Garda may have committed an offence or behaved in a manner that would justify disciplinary proceedings.

The Garda Reserve consists of volunteer members within An Garda Síochána who provide support to full-time members and help to strengthen links between the force and local communities throughout the country.

Joint Police Committees provide a forum for An Garda Síochána, local authorities, Oireachtas members and community interests, who can all make an important contribution to addressing issues relating to crime locally, to get together in a regular and structured way to consult with each other, discuss and make recommendations on matters affecting the policing of the local authority's area.

The Commissioner is fully accountable to the ROI Government and the Minister for any aspect of his functions and must provide any documents as requested. The Commissioner also has a general duty to keep the Minister fully informed of all significant matters, and must submit reports on any matters connected with policing or security or his other functions as requested by the Minister.

4.2.1 Role of the Department of Justice, Equality and Law Reform

As part of its role, the Department is responsible for monitoring the enforcement of standards and accountability within An Garda Síochána. The main objectives within this area are:

- to ensure relevant mechanisms are resourced and supported, such as the Garda Síochána Ombudsman Commission, which identifies and addresses allegations of Garda misconduct, and the Garda Inspectorate, which provides expertise on the optimisation of resources;

- to manage legal actions relating to allegations of Garda misconduct; and
- to handle compensation claims relating to An Garda Síochána under the Garda Síochána (Compensation) Acts 1941 and 1945.

The Department was also responsible for the establishment of the Commission of Investigation into the Dean Lyons case, the Morris Tribunal and the inquiry pursuant to the Dublin Police Act 1924 in the case of Brian Rossiter.

4.2. Appointment of chief officers

The appointment of the Commissioner of the Garda Síochána is made by the ROI Government. The ROI Government also has the power to appoint Deputy Garda Commissioners and Assistant Garda Commissioners.

The ROI Government can also remove the Garda Commissioner, Deputy Garda Commissioner or Assistant Garda Commissioner from office but only for stated reasons, including:

- because the person has failed to perform the functions of the office with due diligence and effectiveness or, in the case of the Garda Commissioner, has failed to have regard to any of the matters specified in section 26 of the Act (which outlines the functions of the Garda Commissioner);
- because the person has engaged in conduct that brings discredit on the office or that may prejudice the proper performance of the functions of the office; or
- because the person's removal from office would, in the ROI Government's opinion, be in the best interests of the Garda Síochána.

4.2.3 Police performance management

The Minister sets the **policing priorities** of the Garda Síochána as well as relevant **performance targets** and the Garda Commissioner is obliged to inform the Minister of the measures taken to achieve those **priorities** and **targets**.

The Commissioner is also obliged to submit for the Minister's approval a Strategy Statement for the Garda Síochána and the policing of the State for the following three years. Such strategy statements must be submitted every three years or more frequently if so directed by the Minister. Strategy statements must set out the medium term objectives of the Force, the strategies for achieving them and the expected outputs and outcomes.

Annual policing plans are prepared by the Commissioner and must address proposals to: establish or dissolve a national unit of the Garda Síochána; alter the divisional or regional boundaries of the Force; establish or relocate a district headquarters; or to open or close a station. As with a strategy statement, an **annual policing plan** must have regard to: government policy; ministerial **priorities** as set down; as well as the reports of joint policing committees. As is the case with strategy statements, policing plans are subject to ministerial approval and amendment.

Strategy statements, policing plans and **annual reports** must be laid before each House of the Oireachtas.

The Commissioner must submit a report every three years containing a review of the effectiveness and efficiency of the management of Garda resources. The Minister must lay the report before each House of the Oireachtas.

The Professional Standards Unit examines and reviews the operational, management and administrative performance of the Garda Síochána, and to promote best practice in the Force by reference to comparable forces. The Commissioner must submit an annual report to the Minister on the activities of the Professional Standards Unit.¹³

4.2.4 Local police accountability

The Garda Síochána Act 2005 established Joint Policing Committees, which allow for local consultation between senior Garda officers and local authority and community representatives. In preparing the **annual policing plan** the

Commissioner must have regard to the reports of joint policing committees.

29 pilot schemes were set up nationwide in 2006 and 2007 and, in the case of Dublin City, there are also five subcommittees, corresponding to the operational areas of the City Council. The intention is to establish a joint policing committee in each of the 114 local authority areas.

The functions of a joint policing committee include:

- monitoring two broad areas –
 - firstly, the levels and patterns of crime, disorder and anti-social behaviour in its area, including patterns and levels of misuse of alcohol and drugs, and
 - secondly, the broader issue of the factors underlying and contributing to crime, disorder and anti-social behaviour;
- advising the local authority and An Garda Síochána on how they might best perform their functions, having regard to the need to do everything feasible to improve the safety and quality of life and to prevent crime, disorder and anti-social behaviour within the area; and
- arranging, and hosting, public meetings periodically on matters affecting the policing of the local authority area.

5 Police governance and accountability in France

5.1 Introduction

France has developed two different police forces: the National Police and the National Gendarmerie. The National Police, which has civil status, is in charge of the main urban areas in France (cities with more than 20000 inhabitants, which represents about 50 percent of the French population) and is characterised by the concentration of the population it has to deal with.

The National Gendarmerie is responsible for limited urban areas and rural areas (which represents about 95 percent of the French territory) and is characterised by the extent of its area of responsibility. It has military status; however, it also carries out civil police functions. Currently its action is defined in the Defence Act.

Since 1 January 2009, both forces are under the authority of the Minister of Interior. Prior to this, the Gendarmerie was attached to the Ministry of Defence. In general the governance system works on the same way for both forces, even if there are still some nuances due to the military structure of the Gendarmerie. A bill about the Gendarmerie is currently under the scrutiny of the French parliament.

5.2 French police governance model

The oversight of the National Police and the Gendarmerie is organised at a national level and at a local level. The objectives for both forces are fixed by the Home Ministry and each force implements these in its own area of responsibility. There are specific objectives set for each branch eg criminal directorate, public order directorate, intelligence, etc.

The French Parliament controls the actions of the security forces by questioning the government. This informs MPs annually (and publically) about the sanctions taken against police officers. MPs also have the authority to make unannounced visits to detention/custody centres and meet with detainees.

The general directors of each force (or their deputies) attend a daily meeting with the Home Minister (or his private secretary) who in turn is questioned regularly by Parliament about how objectives are being met. Furthermore, when the French parliament is setting the annual budget for each force both directors report to the French MPs about the objectives and performance in their area of responsibility.

5.3 Inspectorate bodies

Both forces have developed their own inspectorate bodies, whose roles are quite similar and both have a national 'jurisdiction' on the force they belong to. The inspectorates, which sit within that force, are staffed by police officers and are appointed by the head of that force.

In Paris and the surrounding area the system is different and that force's General Inspectorate has responsibility for this function.

5.3.1 Police inspectorate bodies

The National Police General Inspectorate

It is in charge of:

- controlling units and training centers;
- conducting any study and making proposals in order to improve service quality;
- disciplinary enforcement which involves checking that every officer is acting in accordance with laws, regulations and ethical rules; and
- conducting any investigation (both at administrative and judiciary levels) relating to the latter.

5.3.2 Gendarmerie inspectorate bodies

Armed Forces General Inspectorate – Gendarmerie Branch

This body is directly attached to the Ministry of Defence. At present its role is to:

- inspect the services and question the services' authorities, especially about the directives given for deployment;

- conduct any study, especially on doctrine and regulation, or organisation;
- be informed by the services, especially about equipment programs, but also human resources or operational policy;
- inform and advise the Minister; on specific occasions its conclusions can be implemented into the services;
- implement lessons learned from inspection of the different services;
- make proposals;
- give any advice on individual decisions about Gendarmerie personnel; and
- deal with internal complaints from Gendarmerie personnel about disciplinary sanctions (but also about any administrative decision that is personally affecting them).

National Gendarmerie Inspectorate (IGN)

This body is directly attached to the Gendarmerie General Director and has the following functions:

- to conduct studies;
- to seek and promote information;
- to control gendarmerie units and services;
- to ensure the Gendarmerie Director's directives are implemented; and
- to inspect Gendarmerie Services.

Two sub-inspectorates are responsible for:

- investigations involving gendarmerie officers (when they are suspected to have committed an offence); in this case this is leading the investigation (both at administrative and judiciary levels); and
- administrative control and/or advice of any gendarmerie command: financial analysis and control of these units but also prevention and/or health and safety regulation.

5.3.3 The Administration General

Inspectorate (IGA)

Created in 1781, IGA is one of three intergovernmental inspectorates, the other two are the Finance General Inspectorate and Social Affairs General Inspectorate. The IGA's function is to control, audit, study and advise the Home Minister which includes all the services, units, bodies and institutions placed under a Préfet authority (a Préfet is the local government representative).

The IGA also evaluates public policies, training policies and international co-operation.

5.4 Local accountability

The Préfet represents the French government at a local level, reporting to the Home Minister, and holds the regional and departmental police (and Gendarmerie, which is part of the forthcoming bill) to account. There are also structures in place which bring together the local police chief, the mayor, non-governmental organisations, social workers, etc to set objectives that are specific to that area and to develop a comprehensive approach to crime prevention.

6 Police governance and accountability in the United States

6.1 Introduction

Unlike the pattern in many places in the world where law enforcement is exclusively a state or national function, policing in the United States (US) is predominantly a matter for local, municipal government. Overwhelmingly, municipal street patrol and other basic police services are provided by local authorities, including both police and sheriff departments.¹³

Accountability arrangements differ across states and counties in the US and in some smaller police departments some police chiefs are elected and answerable to the electorate while others are appointed by the local political power. Often these police chiefs lack a similar operational independence as UK chief constables and they can be relatively easily fired.¹³

The function of those oversight bodies set up in various cities and counties across the US vary in their roles and responsibilities. Some exclusively deal with police misconduct and are similar to an ombudsman's office while others have a monitoring role and set strategic objectives for the police service.

US law enforcement is extremely complex with over 18,000 agencies nationwide having investigative powers. Furthermore the desire for local control and interdependence makes it difficult to have a nationwide oversight system.¹⁴ However, a national body has been established, since 1995, to bring together individuals and agencies working to establish or improve oversight of police officers in the US. The National Association for Civilian Oversight of Law Enforcement (NACOLE) is dedicated to promoting greater police accountability and key functions include organising annual training conferences to increase knowledge and skills of staff who work in oversight; identifying best practices as they emerge from experiences of members; and encouraging networking, communication and information-sharing.

In detailing US law enforcement it is also important to refer to both the Federal Bureau of

Investigation (FBI) and the Department of Homeland Security. The FBI was set up in 1908 and its mission is to protect and defend the US against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners.

The Department of Homeland Security, which was set up by President Bush after the 9/11 terrorist attacks, became operational in January 2003 and most component agencies (of which there are 22) merged in March 2003. The Department's 216,000 employees are responsible for protecting the territory of the United States of America: patrolling borders, protecting ports, defending the skies, enforcing immigration laws, and responding to disasters and emergencies.

To get a better understanding of how police oversight works in this part of the world, outlined below are examples of oversight models that are in place in major cities across the US.

6.2 City of Los Angeles police governance

6.2.1 Background

The Los Angeles Police Department (LAPD) has undergone significant reform over the last number of years. The Independent Commission on the LAPD (the Commission), informally known as the Christopher Commission, was formed in July 1991, in the wake of the Rodney King beating, by then-mayor of Los Angeles Tom Bradley and was chaired by Warren Christopher. The Commission produced a report in 1998 which proposed sweeping reforms of the Department.

6.2.2 City of Los Angeles police governance model

Under the City Charter, the Los Angeles Board of Police Commissioners is the head of the LAPD. The Board is comprised of five civilians and sets overall policy, while the Chief of Police manages the daily operations of the Department and implements the Board's policies or policy direction and goals.

The Office of the Inspector General (OIG) has oversight over the LAPD's internal disciplinary process. The staff receive copies of every personnel complaint filed, and tracks selected cases along with any resultant litigation. In addition, the OIG audits selected investigations and conducts systemic reviews of the disciplinary system to ensure fairness and equity. Although the Commission, by Charter, does not have the authority to impose discipline, it receives regular reports and can investigate particular cases. In addition to overseeing the Department's disciplinary process, the Inspector General may undertake special projects as directed by the Board.¹⁵

6.2.3 Appointment to the Police Commission

Commissioners are appointed by the Mayor and confirmed by the City Council. The Commissioners serve a maximum of two five-year terms. The Commissioners routinely spend 25-50 hours per week on Commission business, and serve as the citizens' voice in police affairs and as a means of ensuring more responsive and effective City government.

6.2.4 The role of the Police Commission

The Commissioners' concerns are reflective of the community-at-large, and their priorities include implementing recommended reforms, improving service to the public by the Department, reducing crime and the fear of crime, and initiating, implementing and supporting community policing programs.

The Board holds weekly meetings and publishes an agenda consisting of various routine items of concern to the Department, as well as policy matters that may be of concern to the community. Each agenda includes a period for public comment, during which any member of the public may speak for up to two minutes on any topic within the Commission's jurisdiction. Meetings are also videoed and uploaded onto their website.¹⁵

6.2.5 Police performance

The Police Commission monitors crime and clearance rates, response times, attitudes of the community and complaints against the police.

6.2.6 Local police accountability

The Police Commission, through the Community Policing Implementation Coordinator, is responsible for coordinating the Board's efforts to implement the various recommendations of the Christopher Commission through its Management Steering Committee and Task Forces. The Coordinator serves as the Board's liaison to various community groups and the Community Police Advisory Boards (CPAB) throughout the City as well as to the Department's Community Policing Group. The Coordinator is also charged with reporting to the Mayor and City Council on matters pertaining to the implementation of community policing/ government programs and policies, as requested.

There are 21 policing areas in LA and each of these has a CPAB which is co-chaired by the local commander and a citizen from the area. Each month the Board from that area meets with the police captain to share information. The community task forces, run locally by police, liaise monthly with a wide range of minority groups such as the Lesbian, Gay, Bisexual and Transsexual (LGBT) community.

6.3 County of Los Angeles police governance model

6.3.1 Office of the Independent Review

The Office of Independent Review (OIR) is a civilian oversight group that was created by the Los Angeles County Board of Supervisors and began its work in 2001. The mission of the OIR is to monitor the Los Angeles County Sheriff's Department (LASD) and provide legal advice to ensure that allegations of officer misconduct involving LASD are investigated in thorough, fair, and effective ways.

The OIR consists of six attorneys with backgrounds in criminal law and civil rights issues and is

specifically designed to be an independent entity. The OIR has the freedom to arrive at its own conclusions and, if necessary, to challenge the Department with regard to specific practices or incidents.

The LASD and the Board of Supervisors have taken steps to make sure that the OIR is able to make a meaningful contribution to the integrity and efficiency of misconduct investigations. The OIR has full access to relevant documents, meetings, and personnel within the LASD. It has a close working relationship with the LASD's Internal Affairs Bureau and the Internal Criminal Investigations Bureau and is able to participate in ongoing investigations as needed in order to promote their effectiveness. The OIR also looks at broader LASD policies and practices and makes recommendations where appropriate to enhance both officer performance and the safeguarding of individual rights.

As it carries out its responsibilities, the OIR maintains contacts with state and federal prosecutors, as well as civil rights groups and community organizations. The OIR also welcomes the information, insight, or concerns that any individual would like to share.¹⁶

6.3.2 Office of the Ombudsman

The Ombudsman was created in 1994 to provide oversight into the Sheriff's Department's internal investigation process to insure that complaints were handled in a timely, thorough and appropriate manner. Since the office was created, its role has expanded to include the handling of complaints involving other county agencies as well. The office receives complaints from the public and the office frequently acts as a mediator in disputes as well as a reviewer.

6.4 Police governance and accountability in Chicago

6.4.1 Background

The Chicago Police Department (CPD) is the principal law enforcement agency of the City of

Chicago and is under the jurisdiction of the City Mayor. It is the largest police department in the Midwest and the second largest in the US after the New York City Police Department. Dating back to 1837, the CPD is one of the oldest modern police forces in the world.

6.4.2 City of Chicago police governance model

The Police Board of the City of Chicago is an independent civilian body that oversees certain activities of the CPD. The Board derives its authority from city ordinance and state law. The Board decides disciplinary cases when the Superintendent of Police files charges to discharge or suspend a Department member for more than thirty days.

The City of Chicago Independent Police Review Authority (IPRA) intakes all allegations of misconduct, whether generated externally by the public, or internally by Police Department personnel. When an allegation involves excessive force, domestic violence, coercion through violence, or verbal bias-based abuse, IPRA conducts the investigation into the allegation and recommends the result. All other allegations are referred to the Internal Affairs Division for appropriate resolution.

IPRA investigates or reviews all officer involved shootings, extraordinary occurrences in lock-up, uses of tasers and uses of pepper spray. The IPRA also may make recommendations of changes to training and policy.

6.4.3 The role of the Chicago Police Board

The Board's primary powers and responsibilities include the following:

- the Board reviews, upon the request of Department members, disciplinary suspensions of 6 through 30 days;
- the Board decides matters in which the Chief Administrator of the IPRA and the Superintendent of Police do not concur regarding discipline of a Department member;

- when there is a vacancy in the position of Superintendent of Police, the Board reviews applications, conducts interviews, and submits to the Mayor a list of three candidates; the Mayor must choose from the list or request another list from the Board;
- the Board adopts the rules and regulations governing the Police Department; and
- the Board performs certain court-ordered duties to monitor compliance with the terms of the federal court consent decree regarding individuals' First Amendment rights of freedom of expression and association.¹⁷

6.4.4 Appointments to the Chicago Police Board

The members of the Police Board are private citizens appointed by the Mayor with the advice and consent of the City Council.

6.5 Police governance and accountability in New York

6.5.1 Background

The New York City Police Department (NYPD), established in 1845, is currently the largest police force in the US, with primary responsibilities in law enforcement and investigation within the five boroughs of New York City. The NYPD was the first police department in the US.

6.5.2 New York police governance model

Established in its current incarnation in 1993 the Civilian Complaint Review Board (CCRB) asserts to be the largest civilian oversight agency of its kind within the US, and investigates thousands of civilian complaints each year.

The CCRB is an independent and non-police mayoral agency. It is empowered to receive, investigate, hear, make findings and recommend action on complaints against New York City police officers which allege the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language.

Investigations are conducted in an impartial fashion by the Board's investigative staff, which is composed entirely of civilian employees.

Complaints may be made by any person whether or not that person is a victim of, or witness to, an incident. Dispositions by the board on complaints are forwarded to the police commissioner. As determined by the Board, dispositions may be accompanied by recommendations regarding disciplinary measures.¹⁸

The CCRB is complimented by the NYPD's Internal Affairs Bureau, and the Mayor's Task Force on Police Corruption, each charged with investigating different types of allegations.¹⁸

6.5.3 Appointment to the New York Civilian Complaints Review Board

The CCRB has 13 members. Five members are designated, or nominated, by the New York City Council (one from each borough), three are designated by the Police Commissioner, and five are designated by the Mayor. However, the Mayor must appoint all members, even those designated by the City Council and the Police Commissioner. No member of the Board may have served previously in law enforcement (other than those designated by the Police Commissioner) and none may hold other public office or employment. Board members serve three-year terms, and receive compensation on a per-diem basis.¹⁸

6.5.4 Roles of the New York Civilian Review Complaints Board

The CCRB:

- hires the Executive Director;
- holds monthly public meetings;
- oversees agency operations through numerous committees;
- sets policy; and
- reviews all CCRB investigations and makes findings on every allegation raised by every complaint.¹⁸

6.6 Police governance and accountability in Miami

6.6.1 Background

The Miami Police Department or MPD, often referred to as the City of Miami Police, is the Chief Police Department of the US City of Miami, Florida. Their jurisdiction lies within the actual city limits of Miami, but have mutual aid agreements with neighbouring police departments, most importantly the county-wide Miami-Dade Police Department.

The Civilian Investigative Panel (CIP) provides for independent and impartial citizens' oversight of the Miami Police Department.

6.6.2 City of Miami Civil Investigative Panel

The City of Miami Civilian Investigative Panel (CIP) provides for independent and impartial citizens' oversight of the Miami Police Department.

The mission of the CIP is to provide the community with independent and impartial oversight of the Miami Police Department through monitoring and analysis of police practices, policies and procedures, investigation into allegations of misconduct and extensive community outreach.

6.6.3 Roles and responsibilities of the City of Miami Civilian Investigative Panel

The powers and duties of the panel are:

- to conduct investigations, inquiries and evidentiary hearings into allegations of police misconduct;
- to make factual determinations, facilitate resolutions and propose recommendations to the City Manager and Chief of Police;
- to review and make recommendations regarding the Miami Police Department's existing policies and procedures, including training, recruitment and discipline and provide input to the Chief of Police prior to implementation of new or revised policies and procedures;

- to request issuance of subpoenas for the purpose of obtaining evidence from witnesses, production of documents etc, after consultation with the State Attorney and CIP Independent Counsel; and
- to issue reports to the Mayor, City Commission, City Attorney, City Manager, Chief of Police and the public.

The CIP conducts public meetings on every third Tuesday of each month in addition to special and emergency meetings and public hearings.¹⁹

6.6.4 Appointment to the City of Miami Civilian Investigative Panel

The CIP is comprised of 13 members representing a diverse cross section of the citizens of Miami. The Mayor and City Commission appoint 12 of the 13 Panel members with a single appointment by the Chief of Police.

The enabling ordinance requires that, with the exception of the appointment by the Chief of Police, members shall be either permanent residents of, or own real property in the City of Miami, or work or maintain a business in the City of Miami and have a good reputation for integrity and community service. Members shall not be current employees of the City of Miami or have a record of a felony conviction.¹⁹

6.7 Police governance and accountability in San Francisco, Kansas and St Louis

San Francisco, Kansas and St Louis have also established police commissions similar to that of Los Angeles. All commissioners are members of the community and have full-time jobs in addition to their role as members of their police commission and many are lawyers. Their primary role is that of bridge between the community and the police, through the police chief. However, the police chief is responsible for the day-to-day managing of the departments. Size of the commissions vary and Los Angeles is by far the largest of any commissions represented.

6.7.1 San Francisco Police Commission

The San Francisco Police Commission oversees the Police Department and the Office of Citizen's Complaints. The Commission is made up of seven civilians. The Mayor appoints four Commissioners and the Board of Supervisors appoints the remaining three. Each Member serves a four-year term.

The role of the Police Commission is to set policy for the Police Department and to conduct disciplinary hearings on charges of police misconduct filed by the Chief of Police or Director of the Office of Citizen Complaints; impose discipline in such cases as warranted; and hear police officers' appeals from discipline imposed by the Chief of Police.

Commissioners are appointed by the Mayor and the Board of Supervisors and they oversee the Police Department and the Office of Citizen's Complaints.

The Commission also appoints and regulates Patrol Special Officers and may suspend or dismiss Patrol Special Officers after a hearing on charges filed.

6.7.2 Kansas City Police Commission

The Kansas City Police Commission is made up of four Civilian Commissioners and the Mayor. Commissioners are appointed by the Governor for a period of four years. The role of the Commission is to set policy, handle discipline of sentences which are over 15 days of suspension and appoint and dismiss the Chief of Police.

6.7.3 St. Louis Police Commission

The primary function of the St. Louis Police Commission is to oversee the activities of the Metropolitan Police Department and ensure the community receives the most responsive and effective policing services possible. The Board is the head of the Police Department and establishes overall policy while the Chief of Police manages the daily operations of the Department and implements the Board's policies and goals.

Commissioners serve as the citizens' voice in all police affairs, and priorities include implementing recommended reforms, improving Department services to the public, reducing crime, and initiating, implementing and supporting community policing programs. Other responsibilities include hiring, promotion, and approval of the Department's budget. In addition, the Commissioners are charged with overseeing disciplinary investigations and actions and making objective determinations on the merits of every case while respecting the rights of both officers and complainants.

The Board is comprised of five members, including four civilians who are appointed by the Governor, and the Mayor of St. Louis as an ex-officio member. The four citizen members serve four-year terms.

The Board regularly hold open meetings the third Wednesday of each month and the public is invited and encouraged to attend these meetings to learn about crime and safety in the community.

6.8 Police governance and accountability in the US – summary

The models of police governance and accountability in the US differ across cities and the emphasis tends to focus on police complaints and discipline. All commissions mentioned including Los Angeles, San Francisco, Kansas City and St. Louis hold the chief constable to account, however not all commissions have hiring and/or firing authority over the chief. Many of the boards and commissions that have been established are chosen by an individual, such as the mayor or governor and many of the members have a legal background.

7 Public confidence and satisfaction in policing bodies

Public satisfaction and **confidence** are sometimes measured as one entity; however, they are quite different concepts. **Satisfaction** can be defined as a direct measure of the quality of service delivered by an organisation while **public confidence**, according to Hibbard and Langmead-Jones, is 'the belief that police will behave in an appropriate way in a given situation'. Although, it must be recognised that the police alone cannot deliver confidence in policing.

Measuring the **effectiveness** of organisations can be difficult and there is a paucity of easily accessible information on **effectiveness** of police oversight/governance bodies across different jurisdictions, particularly in the US.

7.1 England and Wales

The Green Paper, as referred to earlier, dedicates a section to improving performance in policing, which outlines plans for radical reshaping of national performance management arrangements through changes in the relationship between central government and police forces and between police forces and their local communities. The Paper proposes that there will only be a single top down **target** for police forces – to improve **public confidence** in whether **local crime and community safety priorities** are being identified and addressed.

Up to now **public satisfaction** and **confidence** in policing in England and Wales has been measured through user satisfaction surveys. Best value user satisfaction surveys are also undertaken in local council areas. It is interesting to note that the Best User Satisfaction Survey 2006/07 shows that only 54 percent of people were satisfied with the overall service they receive from their local council, compared to police user satisfaction surveys which shows 80 percent of respondents were **satisfied** with the overall service received from the police. The Best Value User Satisfaction Survey also highlighted that 32 percent of people agree they can influence decisions affecting their local area.

As discussed earlier the Green Paper proposes to have directly elected crime and policing representatives to represent police concerns locally. This is based on the belief that if the community is more directly involved in policing they will be more satisfied and confident in the police service.

The APA is of the opinion that there is nothing from the experience of local councils that leads to the belief that being able to vote for the people who run services will lead to increased satisfaction, confidence or feelings of influence.

Ipsos Mori has done a considerable amount of work to try and understand the concerns around perceptions, the problems and possible solutions. In its report *Closing the Gaps*²⁰ Ipsos Mori asks why people believe there is more crime, and found that the top two reasons were 'TV' and 'from what I read in newspapers'. This clearly shows that the media has a significant impact on the public perception of crime.

The APA also commissioned Ipsos Mori to conduct research into public opinion, seeking to understand the degree to which the public want to be involved, engaged and informed about crime and policing. The survey found that 55 percent of respondents thought crime and policing representatives were a good idea, although only 17 percent strongly agreed.

When the issue of direct elections to police authorities was considered, one focus group was unanimously against the idea, and in the other there was a limited amount of support but this was dependent on certain provisions, including that no one from a political party should be allowed to stand as a crime and policing representative, and that elections should be more regular than once every four years.

The APA is committed to improving public confidence in policing and has undertaken a challenging programme of work to address this area in 2009/10. This will include developing a toolkit for police authorities in conjunction with

ACPO, the National Police Improvement Agency and the Home Office.

7.2 Northern Ireland

In NI one of the statutory duties of the Board is to assess the level of **public satisfaction** with police performance. The Board also carries out this function in relation to DPPs, in assessing the level of public satisfaction with the performance of the police in that area and with the DPPs themselves. This also includes assessing their **effectiveness** in obtaining the views of the public about matters concerning policing and the co-operation of the public and the police in preventing crime.

In order to comply with this the Board has set out '**confidence in policing**' as one of the main objectives in the Policing Plan 2009-2012. To measure the **targets** associated with this **objective** the Board, on a twice yearly basis, commissions two independent surveys. The most recent survey, published in December 2008, comprised 1,956 randomly selected households across NI and a total of 1,213 people aged 16 or over were interviewed.

The findings from this latest survey show that the vast majority of people (93 percent) feel **very/fairly safe** in their local community and 86 percent of respondents have **some, a lot or total confidence** in the PSNI's ability to provide a day-to-day policing service for everyone in NI.

It is also interesting to compare responses to questions asked soon after the Board was established in November 2001 with those published more recently. In April 2002 79 percent of respondents stated that they had some, a lot or total confidence in the PSNI's ability to provide an ordinary day to day policing service for all the people of Northern Ireland. This had increased to 86 percent in September 2008. Also in the April 2002 survey 69 percent of Catholic respondents stated that they had some, a lot or total confidence in the PSNI's ability to provide an ordinary day to day policing service for all the

people of Northern Ireland. This had increased significantly to 84 percent in September 2008.

In relation to the work of the Board, in the April 2002 survey findings, 70 percent of respondents who had heard of the Board stated that the Board is working at least adequately. This figure has increased by 8 percentage points to 78 percent in September 2008. Also 72 percent correctly identified that the organisation was independent of the police in September 2002, the same as the September 2008 finding.

It is difficult to identify the main reason for shift in perceptions of policing in Northern Ireland over the last few years. However it is fair to say that Policing in Northern Ireland, through the extensive programme of change brought about through the implementation of the *Patten Report*⁸ recommendations has improved the public's attitude to policing.

7.3 United States

There is a lack of statistically reliable evidence available in relation to the public's perception of police oversight bodies in the US. However, in Los Angeles the Police Commission uses a number of mechanisms to ensure that its members receive constant feedback from the community, elected officials and, just as importantly, the LAPD.

The feedback received suggests that the public feel that the organisation represents the community and they have more interaction with the police via the Commission. There is also recognition that Commissions generally are seen to be reflective of the community and speak on its behalf. Elected officials view the Police Commission as a viable role of oversight and the Police Department is respectful of its function.

8 Conclusion

This paper has attempted to explain the differing models of police accountability in different jurisdictions. At the heart of these considerations is the issue around the effectiveness of arrangements. There is no doubt that all the models work well in their different jurisdictions and match the expectations and political arrangements that have been set out in the various countries and cities.

There is also no doubt that the UK is at the centre of the debate on what constitutes effective police accountability. This is evidenced not only by the internal debate but also by the shift that has occurred within the larger US Cities who are now moving away from audit and police complaints functions towards holding the police to account, as is the case in the UK.

Police governance and accountability arrangements will progress further in England and Wales if the Green Paper on police reform, referred to earlier, becomes law, as many believe will happen. One of the recommendations of this Paper, as referred to earlier, was to introduce directly elected representatives to police authorities. The APA expressed their concern that this would introduce party politics to local policing and has the potential to focus on a 'one issue' agenda.²¹ The APA believes that the membership of police authorities is a good balance of local democratic accountability through the membership of local councillors and independent community members and reflects the communities they serve.¹²

The Home Office has now decided to remove proposals to introduce direct elections to police authorities although remains convinced that improvements can be made to the existing arrangements.

Models in the US differ in this respect in that appointment to boards or commissions is typically undertaken by the elected mayor in that area. However, there is no evidence to suggest that the chosen individuals truly reflect the communities they serve, as in the case in the UK, and there is

also no clear evidence to suggest that the police are more accountable under this system. However even when directly elected models are in place, there has been consistent movement towards making police oversight more independent in the US through the introduction of police boards, commissioners, etc similar to those models established in England, Wales and Northern Ireland.

This paper also raises issues around what is the benchmark for assessing effective accountability arrangements. The following elements can be identified as being important in this assessment:

- confidence in the community that the police service is accountable;
- that the chief officer is seen to be held to account for the decisions he or she makes; and
- the governance arrangements in place are seen to support the police in providing effective and efficient policing to the communities they serve.

The question then has to be addressed as to whether these are the standards by which police governance models should be judged. There are certainly implications for these bodies in relation to where they sit in the overall system and who is appointed onto them how they are selected.

There is certainly a general absence of evidential research based on accountability arrangements across the UK and the US. However, the police accountability model in Northern Ireland is based on extensive research undertaken at an international level by the Independent Commission on Policing, which included members from South Africa and the USA as well as from across the UK. Furthermore, since its inception, there is regular research on the public's view on the effectiveness of the Board, which in effect is the public holding the Board to account.

Significant progress has been made and the arrangements for police governance and oversight will develop over time. Whatever changes are

made to improve the systems that have been established in various jurisdictions, it is clear that the role of a police authority, board or commission must be to ensure that the service or force is effective, efficient, representative and accountable to the community and is given the support and resources to do this.

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