

A policing 'Patten' for the Millennium

Colin Cramphorn assesses the potential impact of the Patten report beyond Northern Ireland.

The Independent Commission on Policing for Northern Ireland was established under the terms of the Belfast agreement of 10 April 1998. It is not surprising, therefore, that during the fifteen months of the Commission's deliberations, it was seen by many in the wider policing, criminal justice and academic communities as somehow a peculiarly Irish affair

with little, if any relevance, to them. When the Commission published its report, on 9 September 1999, the chairman, Chris Patten, made clear that the Commission had looked at policing far beyond the island of Ireland, for the compelling reason that: "It is not only in Northern Ireland that people are considering how policing should change to meet the changing demands of society." Reported in the *Irish News*, 10 September 1999: 9.

Perhaps as a consequence the report quickly attracted attention on a UK wide basis from, amongst others, the Home Secretary and the President of the Association of Chief Police Officers (ACPO). The Commission is the nearest thing there has been, within the UK, to a Royal Commission on Policing since 1962. The generic themes of the report, which are of considerable significance to any consideration of 'Millennium Justice', will be considered in this article. Given the consultation period, which is extant at the time of preparation of this article, to go further and comment in the Northern Ireland context would be inappropriate.

Benchmarks and guiding principles

The Commission set itself six benchmarks against which it tested its proposals and stressed that these were policing not political benchmarks. They are - effectiveness, efficiency, impartiality, accountability, representativeness and respect for human rights. These benchmarks resemble the 'guiding principles' set out in the overarching aims and objectives for the police service in England and Wales, agreed between Home Office, ACPO and the Association of Police Authorities (APA), (representing the so called tripartite partners to policing), following the government's comprehensive spending review. Those 'guiding principles' are that the police should carry out their functions with integrity, efficiently and effectively, through partnership, in a way which obtains best value from police activities; (including those of other agencies), in ways which reflect local priorities and are acceptable to local communities and partners; treating everyone fairly, regardless of

ethnic origin, religious belief, gender, sexual orientation, disability or social background. As Her Majesty's Chief Inspector of Constabulary (HMCIC) commented in his recent annual report "The underpinning guiding principles provide a constant reminder of the crucial mechanisms to achievement, with integrity, partnership and acceptable local priorities featuring strongly." (HMCIC 1998/9). Given that the Independent Commission stressed its horizons included continental Europe, North America and South Africa, the degree of commonality between its own 'benchmarks' and the 'guiding principles' previously established for policing in England and Wales, can be seen as international validation of those 'guiding principles'. There are, however, subtle differences of shading which the Independent Commission's 'benchmarks' articulate.

The Lawrence principle

The emphasis by the Independent Commission on representativeness highlights a significant lacuna in the 'guiding principles', which was emphasized by the Stephen Lawrence inquiry and made the subject of specific recommendations in the inquiry's report. The Home Secretary's subsequent action plan has since set out ambitious targets for police services in England and Wales to meet, with regard to ethnic minority recruitment. These targets have to be achieved within the existing legal framework vis-a-vis discrimination and employment practices. In contrast the Independent Commission proposes a novel solution to achieving a representative policing service, in terms of community background, which will most certainly require a change to the current legal framework in Northern Ireland. Whilst care must be taken not to make simplistic read across comparisons, given the Independent Commission's international perspective, there may well be a lesson for the Home Office to draw from the Independent Commission's conclusion, with implications across the entire criminal justice system. Certainly HMCIC endorses the Independent



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Commission's emphasis on representativeness with his dire warning that; "Unless the Service places community and race relations at the core of its thinking, its policy and its actions, and recognizes the particular and special needs of visible ethnic minorities there is a real risk of losing the mandate to police by consent a substantial, and increasing, proportion of the population." (HMCIC 1998/99)

Rights or principles?

Notwithstanding the emphasis within the 'guiding principles' on integrity and the subsequent widening of the debate by the publication of a thematic inspection report on police integrity by HM Inspectorate of Constabulary, (HMSO, 1999) the Independent Commission, in its report, adopts a more formal human rights based approach. "We see the upholding of fundamental human rights as the very purpose of policing and we propose that it should be instilled in all officers from the start - in the oath they

take, in their training, and in their codes of practice and in their performance appraisal system."

Whilst acknowledging the impact the Human Rights Act 1998 will have when it comes into effect throughout the UK on 2 October 2000, the Independent Commission goes further. A code of ethics, modelled upon the draft code of ethics for policing produced by ACPO in 1992 is recommended, and the internalization of behaviours, which protect human rights as an article of policing philosophy, is championed. Given the existence of such supranational legal instruments as the European Convention of Human Rights and the United Nations code of conduct for law enforcement officials it is difficult to see how the approach envisaged by the Independent Commission cannot but have wider significance for policing right across the British Isles and far beyond.

Millennium justice

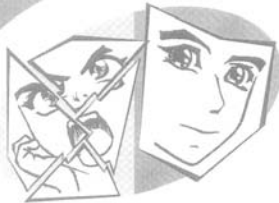
In conclusion, the Independent

Commission has provided an international set of principles to benchmark policing which have the capacity to assist police services across the UK and further afield, move into the new millennium. It will be a millennium in which the challenges and demands of policing will undoubtedly be increasingly complex and contradictory. The identification of clear philosophical and cultural anchors for policing could not, therefore, be more timely or important when thinking about 'Millennium Justice'. It follows that the Independent Commission on Policing for Northern Ireland has set out a significant contribution to the 'Millennium Justice' debate, which deserves to be considered and debated far beyond Northern Ireland and far beyond the police service.

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References:

- Chairman's statement at the launch of the report of the Independent Commission on Policing for Northern Ireland - "A New Beginning: Policing in Northern Ireland" - reported verbatim in *The Irish News*, 10 September 1999, p.9.
- Report of HMCIC 1998/99, The Stationary Office, London, p.27.
- Report of HMCIC 1998/99, op.cit; p.22
- Police Integrity: Securing and Maintaining Public Confidence, HMSO, London, 1999.
- Chairman's statement, op.cit.



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