Handbook of Policing

Second Edition

Edited by

Tim Newburn

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Tim Newburn

List of abbreviations

AC	Audit Commission
ACMA	Authorised Competent Military Authority
ACPO	Association of Chief Police Officers
ACPOS	Association of Chief Police Officers in Scotland
APACS	Assessments of Policing and Community Safety
APCS	Association for Payment Clearing Services
APPs	Annual Policing Plans
ARA	Asset Recovery Agency
ASBOs	Anti-social Behaviour Orders
ASPS	Association of Scottish Police Superintendents
BAWP	British Association of Women Police
BCS	British Crime Survey
BCUs	Basic Command Units
BERR	Business, Enterprise and Regulatory Reform
BHA	British Horseracing Authority
BIDs	Business Improvement Districts
BSA	Business Software Alliance
BSIA	British Security Industry Association
BTP	British Transport Police
BVPIs	Best Value Performance Indicators
CAAs	Comprehensive Area Assessments
CAMPS	Consultation, Adaptation, Mobilisation and Problem Solving
CDIIU	Central Drugs and Illegal Immigration Unit
CIB	Companies Investigation Branch
CIC	Chief Inspector of Constabulary
CID	Criminal Investigation Department
CIVPOL	Civilian Policing Initiatives

COPFS	Crown Office and Procurator Fiscal Service
CPD	Continuing Professional Development
CPIs	Crime Prevention Initiatives
CPOs	Crime Prevention Officers
CPOSA	Chief Police Officers' Staff Association
CPS	Crown Prosecution Service
CPSI	Crown Prosecution Service Inspectorate
CRC	Crime Reduction College
CSOs	Community Support Officers
CSUs	Community Safety Units
DPP	Director of Public Prosecutions
DPPBs	District Policing Partnership Boards
DPPs	District Policing Partnerships
ECHR	European Convention on Human Rights
EHOs	Environmental Health Officers
ENISA	European Network and Information Security Agency
FACT	Federation Against Copyright Theft
FBI	Federal Bureau of Investigation
FIS	Forensic Integration Strategy
FIUs	Financial Intelligence Units
FLINTS	Forensic Led Intelligence System
FMI	Financial Management Initiative
FROs	Financial Reporting Orders
FSA	Financial Services Authority
FSS	Forensic Science Service
GLA	Gangmasters Licensing Authority
HET	Historical Enquiries Team
HMCIC	HM Chief Inspector of Constabulary
HMCICS	HM Chief Inspector of Constabulary for Scotland
HMIC	HM Inspectorate of Constabulary
HMRC	HM Revenue and Customs
HOLMES	Home Office Large Major Inquiry System
HPDS	High Potential Development Scheme
HRA	Human Rights Act 1998
HSE	Health and Safety Executive
ICF	Integrated Competency Framework
ICPC	International Criminal Police Commission
ICPO	International Criminal Police Office
ICVS	International Crime Victim Survey
INLA	Irish National Liberation Army
IPCC	Independent Police Complaints Commission
IPLDP	Initial Police Learning and Development Programme
IRA	Irish Republican Army

ISOs	Intelligence and Specialist Operations
IWF	Internet Watch Foundation
LAAs	Local Area Agreements
MCU	Muslim Contact Unit
MDP	Ministry of Defence Police
MIRSAPs	Major Incident Room Standardised Administrative Procedures
MTO	Moving to Opportunity programme
NBPA	National Black Police Association
NCIS	National Criminal Intelligence Service
NCPE	National Centre for Policing Excellence
NCS	National Crime Squad
NCSP	National Community Safety Plan
NDIU	National Drugs Intelligence Unit
NFI	National Fraud Initiative
NFIU	National Football Intelligence Unit
NHTCU	National Hi-Tech Crime Unit
NIES	National Improvement and Efficiency Strategy
NIM	National Intelligence Model
NOS	National Occupational Standards
NPIA	National Policing Improvement Agency
NPM	New Public Management
NPP	National Policing Plan
NRC	National Reporting Centre
NRPP	National Reassurance Policing Programme
NSPCC	National Society for the Prevention of Cruelty to Children
NUPPO	National Union of Police and Prison Officers
OICs	Officers in the Case
OPONI	Office of the Police Ombudsman of Northern Ireland
OSPRE	Objective Structured Performance Related Examination
PACE	Police and Criminal Evidence Act 1984
PCA	Police Complaints Authority
PCB	Police Complaints Board
PCCS	Police Complaints Commissioner for Scotland
PCSOs	Police Community Safety Officers
PHPDS	Police High Potential Development Scheme
PIRA	Provisional Irish Republican Army
PIs	Performance Indicators
PITO	Police Information Technology Organisation
PLA	Police Leadership Academy
PLDB	Police Leadership Development Board
PLQF	Police Leadership Qualities Framework
PNAC	Police National Assessment Centre
PNC	Police National Computer
PPAF	Police Performance Assessment Framework

PPSIC	Professional Policing Skills Incident Command
PSA	Police Superintendents' Association of England and Wales
PSAs	Public Service Agreements
PSSO	Police Skills and Standards Organisation
PSU	Police Standards Unit
RAF	Recovered Assets Fund
RARTs	Regional Asset Recovery Teams
RCMP	Royal Canadian Mounted Police
RCSs	Regional Crime Squads
RICs	Regional Intelligence Cells
RSA	Royal Society of Arts
RSPCA	Royal Society for the Prevention of Cruelty to Animals
RUC	Royal Ulster Constabulary
SARA	Scanning, Analysis, Response and Assessment
SB	Special Branch
SBD	Secured By Design
SCC	Strategic Command Course
SCDES	Scottish Crime and Drug Enforcement Agency
SCT	Senior Command Team
SDEA	Scottish Drug Enforcement Agency
SFO	Serious Fraud Office
SIA	Security Industry Authority
SID	Specialist Investigations Department
SIS	Schengen Information System
SJCs	Standing Joint Committees
SLDP	Senior Leadership Development Programme
SOCA	Serious and Organised Crime Agency
SOCOs	Scenes of Crimes Officers
SPPs	Strategic Policing Priorities
SSMs	Scientific Support Managers
UBP	Unit Beat Policing
VCMM	Volume Crime Management Model
VWPs	Voluntary Women Patrols
WMB	Workforce Modernisation Board
WPS	Women Police Service
WPVs	Women Police Volunteers
YJB	Youth Justice Board
YOTs	Youth Offending Teams

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Richard Young is Professor of Law and Policy Research in the School of Law, University of Bristol, and is co-author of the leading socio-legal textbook *Criminal Justice* (with A. Sanders, third edition, Oxford University Press, 2007). With colleagues, he has conducted three pieces of research on policing, including a three-year action research study of restorative cautioning in partnership with Thames Valley Police, and a two-year study of how Hampshire Constabulary and Thames Valley Police handle complaints by members of the public against their officers. He has also acted as a tutor on the Bramshill Strategic Command Course. He is currently supervising two doctoral students examining contemporary issues in policing.

Chapter 1

Introduction: understanding policing

Tim Newburn

Image and reality

Social scientific literature is now dominated by discussions of globalisation, risk, new forms of modernity and cognate terms. Though varied in focus, what this literature shares is a concern with understanding what is perceived to be the very significant and rapid changes affecting our society and those around us. These changes – however described – permeate all aspects of public life, including policing. What is in little doubt is that we live in complex times. That the police play a central role in the maintenance of order is rarely questioned. Most opinion polls asking questions about security return the finding that the public appetite for 'more bobbies on the beat' remains undimmed. Yet, it is also the case that people are now much more sceptical about the abilities of the police than once would have been the case and are likely to be much more critical about their interactions with police officers. Writing in the inter-war years Charles Reith, in his 'orthodox' history of the police, suggested that, 'What is astonishing ... is the patience and blindness displayed both by citizens and authority in England over a period of nearly a hundred years, during which they persistently rejected the proposed and *obvious police remedy* for their increasing fears and sufferings' (1938: v, emphasis added). It is rarer now for policing to be viewed as an obvious remedy for the problems that confront us for, as Reiner (2000: 217) notes, 'police and policing cannot deliver on the great expectations now placed on them in terms of crime control'. Nevertheless, there remains considerable residual faith in this particular state institution.

It is worth reminding ourselves that public constabularies, in the sense we now know them, are less than two centuries old. Though there has only been concentrated scholarly attention on policing for a small part of that period, the police and policing are now a staple of sociological, criminological and popular discourse. There was considerable resistance to the introduction of the new police in the nineteenth century and, indeed, it was not until the mid-twentieth century that anything like a broad degree of social legitimacy

was achieved in the UK. By any standards, the public police service is now a formidable social institution. Its size and its cost, for example, have grown dramatically.

The political situation in which policing operates has also changed markedly. Up until the late 1970s there existed broad agreement between the main political parties on questions of 'law and order'. The end of this bipartisan consensus led to an intense battle over criminal justice generally, and arguably policing most particularly. The Thatcher administration signalled its desire to be perceived to be supportive of the police service by implementing the Edmund Davies pay agreement soon after reaching office in 1979. This led to a very substantial increase in police expenditure – doubling from £1.6 billion in 1979 to £3.4 billion in 1984, though with only a six per cent increase in staff levels. Although the pattern has been far from smooth since, expenditure has continued to rise, reaching £7.7 billion by 2000 and anticipated to rise to almost £13 billion during 2007–8 (*Hansard*, written answers 14 January 2008). This represents very nearly one half of total government expenditure on the criminal justice system. A significant element of recent increases in expenditure have been devoted to attempts to increase police numbers. Whilst this has by no means always been the focus of increased expenditure historically – as the Edmund Davies increases illustrate – nevertheless, police numbers have themselves increased substantially in recent decades. There were in the region of 50,000 police officers in 1955. This had increased to approximately 80,000 by 1975 and 118,000 by 1995. Total police officer strength stood at almost 142,000 by March 2007.

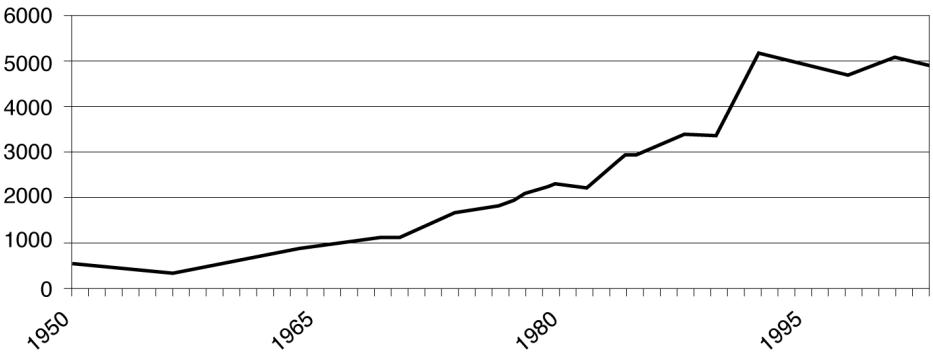
Such increased expenditure in part reflects the growing workload facing the police service. Whatever their other shortcomings, one thing that officially recorded crime rates are able to indicate fairly accurately is the number of calls on police time. Quite clearly this has expanded vastly in the post-war period. Notifiable offences recorded by the police, for example, grew from slightly over half a million in the early 1950s to substantially in excess of five million per annum at the beginning of the new century. The most dramatic increase occurred between 1980 and 1992, during which period recorded crime more than doubled.

There have been times when politicians assumed that increased expenditure on the police would lead, almost mechanically, to greater effectiveness in crime control (see, for example, Baker 1993). Whilst this is no longer the case, and indeed there is considerable scepticism in some quarters about police efficiency and effectiveness, there remains considerable competition between the political parties to be seen to be supportive of the police. Recent years have seen the police service become a much more effective lobbying body. ACPO, in particular, has become a key player in the politics of crime control and, in the main, Home Secretaries have been reluctant to take on the police service. One of the clearest ways in which political support can be delivered is through a commitment to provide increased resources and this has been a political stance that, for understandable reasons, the police service has been keen to encourage – and has generally managed to do successfully.

More problematic, however, has been the relationship between the police and the public. During the past 20 years there has been a substantial decline

in public satisfaction with the police, with the proportion of people saying that the police do a 'very good' job declining from 43 per cent in 1982 to 24 per cent in 1992 and then again to 20 per cent in 2000 (see Figure 1.1), though overall levels of approval remain relatively high.

Figure 1.1 Recorded crime, England and Wales, 1950–2000



Source: Criminal Statistics England and Wales

In part, the continuing faith in the police relates to the important role that they have played, at least up until relatively recent times, as a focus for a particular conception of English identity and social order (Reiner 1991; Loader and Mulcahy 2003). More particularly, for the bulk of the post-war period the police have been able to call upon a large degree of support from significant sections of the population not because – or not *entirely* because – of what they do, but because of what they represent. The immediate post-war period, and the fictional figure of PC George Dixon, has come to take on a particular resonance in relation to British policing (see Reiner, this volume). Why this supposed 'golden age' has become such a powerful symbol is difficult precisely to fathom but, as Loader (1997: 16) suggests, it is likely not only to be 'about the allure of a seemingly safer and more harmonious era; it is also a means of recalling just how great this medium-sized, multi-cultural, economically-declining, European nation once was'. Rising crime levels, together with a decline in faith in the efficacy of criminal justice generally, and the police in particular, together with a raft of socio-political changes to our way of life, have created significant challenges to this symbolic image of policing. Nevertheless, it remains the case that there is an almost endless public fascination with the police as an organisation and with policing as a set of activities.

Nowhere can this fascination be seen more clearly than in the changing media representations of policing in post-war Britain. As Reiner (this volume) and others note, important elements of the shifting nature of policing have been captured in the changing characters and representations in television drama, from the romantic and politically uncontroversial society policed by George Dixon, through the gradual emergence of an increasingly complex world of the 1960s and 1970s (*Z-Cars* and subsequently the regional crime

squad in *Softly, Softly*), to the acknowledgement, and implicit acceptance, of police rule-breaking in the Flying Squad in *The Sweeney*. In some respects, the multiple representations now available on television – from hard-edged soap opera (*The Bill*)[1] through attempts to recover a 'golden age' (*Heartbeat*) to farce (*Thin Blue Line*) and fly on the wall (*Rail Cops*, etc.) all the way to historical comparison (*Life on Mars*) – reflect the somewhat fractured and plural nature of contemporary policing, but also the somewhat more problematic relationship between policing and English/British national identity.

In part, such dramatic representations have much to tell us about the realities of policing, though they are also a potent source, reproduction and reinforcement of the myth and mystique that surrounds policing. As I have already implied, in recent times the police have become much more adept at managing and manipulating images and messages about what they are and what they do. Attempting to understand the changing nature of police representation, and how this relates to the realities of policing 'on the ground', is a central aim of this book. So plentiful, and sometimes so seductive, are the images of policing now available, that it is relatively easy to persuade ourselves that we understand and somehow 'know' policing. The *Handbook* focuses on the realities of contemporary policing, exploring the nature and organisation of policing activities, how policing is conducted, the problems and controversies that exist, and the key issues and debates that are likely to shape its possible futures.

Studying policing

In recent decades social scientists and historians have become increasingly preoccupied with policing. The socio-political changes of the 1960s permissive era set in train a number of changes in policing, as well as stimulating considerable academic thought on how policing should be theorised and understood. Since that period there has been a very significant expansion in both the sociology *of* the police and sociology *for* the police (Banton 1964). In recent times, in part reflecting the apparently increasingly complex policing division of labour, the sociology of polic*ing* has also grown substantially (Jones and Newburn 1998). At the same time 'law and order' in general, and policing in particular, have also become much more politicised and contested.

Much early work on policing focused on the nature of the police role and of police 'culture'. In particular, work by Banton in the 1960s, Cain in the 1970s and Smith and Gray in the 1980s set the parameters for much that has followed. Banton's observation that the police officer is primarily a 'peace officer' rather than a 'law officer' spending relatively little time enforcing the law compared with 'keeping the peace' had a profound influence on subsequent criminological work in this area. Subsequent work also focused on what were primarily functional definitions of police work with Cain (1979), for example, arguing that the police ought to be defined in terms of their key practice – the maintenance of order. Despite criticism, much academic writing continued in this tradition of analysing what policing *is* in terms of what constabularies *do*, and much such work focused on the idea that a considerable

portion of police work should be understood in terms other than crime control, or even order maintenance (Punch 1979). In contrast to studies focusing on the 'police function', work by Bittner and others focused on the legal capacity brought by the police to their activities. Starting from the position that neither the public generally, nor the police in particular, succeed particularly well in describing and justifying what it is that the police do, Bittner argued that it is the police's position as the sole agency with access to the state's monopoly of the legitimate use of force which makes them distinctive and accounts for the breadth of their role. As he put it:

> the police are empowered and required to impose or, as the case may be, coerce a provisional solution upon emergent problems without having to brook or defer to opposition of any kind, and that further, their competence to intervene extends to every kind of emergency, without any exceptions whatever. This and this alone is what the existence of the police uniquely provides, and it is on this basis that they may be required to do the work of thief-catchers and of nurses, depending on the occasion (1974: 17).

Bittner's crucial contribution was to identify what was distinctive about the role and contribution of public constabularies.

As I suggested above, much of the early sociology of policing tended not to allow its gaze to stray much beyond the public police. Recent years have seen much greater attention paid to the private security sector and to the range of policing providers that lie somewhere between the 'public' and 'private' spheres (see Shearing and Stenning 1987; South 1988; Johnston 1992; Jones and Newburn 1998; Johnston and Shearing 2003), though the bulk of criminological attention continues to be paid to public constabularies – and this is the case for this volume too. The title of this volume – The Handbook of Polic*ing* – is deliberately chosen. Though much space is devoted to the nature and work of the police, wherever relevant authors have focused attention on other policing bodies. As such, it is very much a child of its time, taking the increasingly complex, fragmented and plural nature of policing as a major focus.

Two other major additions transformed the study of policing during this period. The first was the emergence of a set of critical historians who, in Reiner's (2000) terms, challenged the 'cop-sided view of history' with a revisionist 'lop-sided' account (e.g. Storch 1975). The result is a much richer history of policing arrangements, and one that is able to grasp the extraordinary story of increasing police legitimacy during the nineteenth and early twentieth centuries whilst allowing for the fact that the power of the police is always contested (see, in particular, Reiner 2000, ch. 1). The second development was the emergence of a form of policy-oriented (administrative) criminology focusing in the main on police activity, operations and performance. Much of this was funded by government and was influenced by the dominant research paradigm emerging in the Home Office in particular in the late 1970s and 1980s (see e.g., Heal *et al*. 1985).

Work on the police has continued to expand since that time. Indeed, from a period 30 years ago in which the police service was, perhaps understandably,

somewhat nervous about, and on occasion actively resistant to, criminological research, we now find ourselves in a position where most forces have some form of internal research capability, and all forces actively encourage research. The sub-discipline of police studies is now well established within British criminology and beyond. Both professionals within the police service itself and students studying criminology and related subjects are increasingly involved in the study of policing in its broad sense. Courses are proliferating and this shows no sign of diminishing. A number of specialist journals cater for, and facilitate, this market in ideas, and the range of books on policing – including book series – is increasing all the time. It is for this territory that the *Handbook of Policing* is designed.

The volume

This volume aims to provide a broad introduction to policing – attractive to students at all levels and to practitioners – without sacrificing its commitment to high quality scholarship. The intention in this volume has been to cover all the major aspects of policing – in its broad sense – inviting experts in their particular fields to address key themes in the history, theory and practice of policing. This is a range that is difficult to capture within a single book and, certainly, existing textbooks in this area have only attempted to cover part of this terrain. Thus, the *Handbook of Policing* has a broader focus than has hitherto been possible in a single volume on policing, and one of its aims, therefore, is to attempt to provide the core reading for an entire course on policing, supplemented by other books and journals.

Clearly, the amount of criminological attention now paid to the police, and the quantity of research being undertaken, is significantly greater than in previous periods. The *Handbook* seeks to increase awareness of existing research, to provide the means with which to assess the major claims of such work, and to outline the social, political and cultural context in which the nature of policing is to be understood. It covers issues of theory, principle and practice, and seeks to engage with the major debates about the direction of policing and to explore the latest developments in the field.

As I have suggested above, its other main aim is to bring high quality scholarship, using experts in particular fields, to each of the topics in the volume. I noted in the first edition that I was extraordinarily fortunate that all of the authors that were originally approached to contribute to what we felt was a very ambitious volume agreed to do so. They were given a somewhat unenviable task: to attempt to capture, in a relatively short space, the key ideas, arguments and debates in their particular field in a way that would do justice to the complexity of the ideas, whilst remaining accessible to students. I am enormously grateful to them all for the hard work that has gone into achieving this.

One of the most difficult decisions in planning the volume was deciding where to set the boundaries, and what to leave out. In the event, most critics took little exception to the way in which the book was organised and, if sales are a reasonable measure, then it appears students have found it extremely

useful also. We have not sought radically to change a successful product and in the main the second edition is a consolidation and update of the first. There are, however, a few differences worth noting. We were always aware when putting together the first edition that, for perhaps understandable reasons, there was going to be a substantial emphasis on policing in England and Wales. An early plan to make the volume comparative was quickly abandoned as being so complex as to be unrealisable. However, in planning a second edition we wanted to correct that emphasis somewhat and to that end commissioned new stand alone chapters on policing in Scotland and in Northern Ireland. In addition, we have added a new chapter on forensics. One of the big changes in the last few years has been the prominence given to forensic science of various stripes, and we felt it impossible to publish a second edition of the *Handbook* without trying to acknowledge this developing body of activity.

The *Handbook* is aimed at students, researchers, teachers and practitioners. In relation to students the *Handbook* is appropriate for both undergraduate and postgraduate studies in criminology and its sub-disciplines, as well as sociology, social policy, politics and management. There is also a very considerable practitioner audience consisting of police officers, either at management levels within the police service or those likely eventually to reach such levels, together with those working in other organisations whose work involves crime and policing related issues. The police service is currently quite well served in terms of specific and targeted training manuals. At a time when policing is under pressure, and to a degree is beginning, to devolve responsibility to local levels, police service staff – both officers and civilians – are increasingly having to manage staff and resources, are devising and implementing policing plans, accounting for budgets, and are taking on a set of managerial and administrative duties unknown to their predecessors. As a consequence, the knowledge required by the modern officer is in many respects quite different from what would have been distilled from traditional training programmes.

For the increasing number of highly educated and reflective officers working within an increasingly professionalised service, we hope that the *Handbook* will continue to prove to be a comprehensive and authoritative source on policing that they can turn to.

That said, the volume is critical in intent. Every effort has been made to think *critically* about the nature of policing and the issues affecting it. In some respects, policing is intrinsically conflictual and controversial. In addition, it has become the site of ever-greater political contestation. This volume reflects both this nature and the content of these debates. Authors write from different perspectives – from critical criminologist to chief constable. As a consequence there is much to be gained from reading chapters in conjunction with each other, contrasting different perspectives and approaches. What links the contributions is a commitment to critical scholarship; a willingness to question and provoke but, overall, a commitment to examining and evaluating evidence. All the chapters were completed in 2008. They are therefore up-to-date, drawing on the most recently published writing and research. Recent years have seen a number of important developments:

- The Police Reform Act 2002 has further stimulated the pluralisation of policing.
- Increasing technological sophistication has led to a number of significant potential advances including DNA profiling and a more general emphasis on the use of intelligence in policing.
- A number of political developments, not the least of which was the terrorist attacks on the twin towers and the Pentagon, have had an important impact on international and transnational policing.
- Some significant changes have been made to the nature of the police organisation including both the development of new central police organisations such as NPIA and SOCA and increasing emphasis on basic command units.
- Recruitment to, and promotion within, the police service has changed with greater emphasis placed on formal educational qualifications – perhaps the most obvious illustration of increasing police professionalism.
- Women officers remain a minority within the police service, but in recent years have become increasingly visible at ACPO level.
- Training of officers at all ranks is being reorganised and NPIA now has broad overarching responsibility in this area.
- Although it is now almost a decade since the publication of the Stephen Lawrence Inquiry report, it continues to have a very substantial influence in relation to questions of policing and diversity.
- Much greater emphasis is now placed upon partnership or multi-agency working, particularly since the Crime and Disorder Act 1998 and subsequent legislation.
- New structures and new technologies have led to greater attention being paid to 'new' forms of criminality (such as cybercrime) and to some 'older' forms as well (such as white collar and organised crime).
- The changing political economy of Britain has stimulated the emergence of a variety of non-public 'providers' in all areas of public life, including policing (Reiner 2007).
- Changing political circumstances have reworked debates around governance and accountability, leading to more emphasis on performance management on the one hand and to a consideration of ethics and human rights on the other.
- The limitations of traditional systems of justice have led to a greater willingness to experiment with new developments (or modernised forms of traditional techniques) such as restorative justice.

The *Handbook* looks at all of these questions and more. This remains the most ambitious volume on policing at the current time, and it is one that seeks to take stock of the full range of developments and issues in this most important

of public services. In staking out its territory, the volume aims to set out the parameters for police studies as an important sub-discipline of criminology and to provide the basis for teaching in this area.

In covering this ground the volume is divided into four major sections. The first considers policing in its comparative and historical context. What are the major models of policing and how did they develop? How is policing best theorised and understood? How was policing organised and arranged before formalised state agencies became the norm in liberal democracies? How has policing developed in the past two centuries? All too often books on criminal justice generally, or policing in particular, avoid much discussion of history and origins. It is simply not possible, however, to make sense of where we are today unless we have a clear sense of how we got here, and how it might occur, and has occurred, differently elsewhere. The chapters in the first section of the book explore the development of policing internationally and historically, looking both at policing before the police and policing in its contemporary setting.

The second section of the volume looks at the context within which policing takes place. Policing, as I have alluded to, appears to be becoming increasingly fragmented and complex. Despite this, texts frequently assume that readers come fully equipped with a fairly comprehensive knowledge of structures and systems. This is more often than not a mistake. This volume seeks to describe, to analyse and to explain the contemporary topography of policing. What do international and domestic policing structures look like? How is the police service organised domestically? What do rank structures and organisational hierarchies have to tell us about modern policing? How does policing in England and Wales compare with Scotland and Northern Ireland? How is policing in its broad sense (the extended family of policing appears to be the currently favoured term) to be understood? How have international and, increasingly, transnational forms of policing developed? What powers are available to the police, how do they exercise them, and what might this tell us about the nature of police organisational cultures? And how is policing represented and understood in our media-saturated times?

The third section looks at how the police operate. How do the police analyse and investigate crime? Underneath the rhetoric and claims about the power of IT, is crime analysis revolutionising policing or are the changes more superficial? What do some of the major models of policing such as 'problem oriented policing' and 'intelligence led policing' mean, how widespread are they and what impact do they have on day-to-day policing? What approach do the police take to such issues as crime reduction and community safety, drugs and the policing of the streets? Have responses to terrorism and organised crime changed as a result of globalisation and the growth of transnational policing bodies?

The final section of the *Handbook* examines a range of key themes in contemporary policing. Some of these are debates of relatively long standing – such as that over governance and accountability – others are somewhat newer on the policing scene – such as ethics. However, what these and a number of other chapters in this section share is a common concern with how police behaviour and performance are determined, managed and governed.

All public services, including the police, are now subject to an increasingly bureaucratic system of performance management. This, together with some of the higher profile examples of apparent 'failure', have led to renewed scrutiny of police leadership and the chapters in Part IV explore both the general governance of the police and the more specific questions of what makes for effective management and leadership. As many chapters throughout the volume argue and illustrate, there is an almost inevitable tension between quantitative performance management and a focus on the quality of service being delivered. The treatment of women – by the police, as well as within the organisation – and more recently, the policing of minority ethnic communities, have drawn particular attention to some of these tensions and the way in which they are operationalised. The chapters which focus on these issues put questions about values, attitudes and appropriate conduct centre stage. This is examined in relation to leadership, to the treatment of staff, to the nature of police–community relations, as well as to the possible reorientation of policing styles through the adoption of restorative justice-influenced practices. Arguably, given the power of the police to exercise potentially violent supervision, it is precisely these questions – of values and ethics – that should dominate both our practical and our normative debates about the future of policing.

Note

1 Which first appeared as a one-off one-hour TV drama, entitled *Woodentop*.

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Part I

Policing in Comparative and Historical Perspective

Tim Newburn

It is all too easy to imagine that things have always been thus. In reality, we cannot possibly understand contemporary arrangements – whether they be policing or any other area of modern life – without reflecting on how it came to be the way we find it now. What are the origins of our current arrangements? Might it have been different and, if so, in what ways and to what extent? Is policing organised differently in different social, political and cultural situations? It is questions of this order that should form the basis of any developed understanding of current issues and trends in policing. All too often, however, relatively little attention is devoted to longer historical developments and concerns. Too frequently, history is treated as if it were either of less importance than the study of contemporary developments or, even where it is viewed as being important, it is its perceived intrinsic value that is valued rather than being viewed as central to the ways in which we make sense of our current arrangements. In constructing this volume, a very deliberate decision was taken that this oversight should not be repeated. We begin from the position that a reasonably developed understanding of the long-term history of the police and of policing is a prerequisite for a book that aims to be comprehensive in its treatment of the subject and to give students and other readers a firm basis on which to pursue this subject.

As I have already implied, not only is the starting point for the book the acknowledgement of the importance of historical understanding, but wherever possible this should be comparative too; we should have a least some sense of contrasting histories in other jurisdictions. This is only possible in part in a volume such as this. Thus, though the primary focus of the contributions in this volume is on policing in England and Wales, we have sought to include some sense of comparative developments in a number of key chapters. In particular, the opening chapter in this first section of the book examines the differing models of policing that have developed around the world. Rob

Mawby discusses the variation in the structure and role of police organisations, distinguishing between Anglo-American systems and those that have developed in continental Europe, colonial societies, communist countries and within different parts of Asia. All police forces are subject to change, and in some respects there appear to be some similarities in lines of development observable in different parts of the world. However, as Mawby rightly warns, 'this should not necessarily be taken as evidence that modern police systems are converging'.

Moving then to policing in Britain, Philip Rawlings' chapter is the first of three historical overviews. Rawlings examines 'policing before the police' – the nature, structure and meaning of policing activities before the creation of the 'New Police' in the early nineteenth century. He begins with the communal policing of the middle ages, a period characterised by considerable community responsibility for order maintenance via the hue and cry and the system of frankpledge. The three centuries from the mid-thirteenth century onward, he suggests, saw the replacement of community responsibility with the rise of officials drawn from the parish, the county and the crown. The seventeenth and eighteenth centuries saw the continuation of this process with the professionalisation of the watch and the rise of watchmen and constables and, in the eighteenth century, patrols such as those most famously associated with Bow Street – a process which culminated in the late 1820s with the establishment of the Metropolitan Police.

Clive Emsley continues the story picking up around 1829 with the intervention of Robert Peel and the emergence of the 'New Police'. He outlines the contrasting Whig and revisionist histories of the development of the formal state system of policing, taking in the nineteenth century and the first half of the twentieth. According to Emsley, though there was a degree of good fortune attending Peel's legislation to create the Metropolitan Police in 1829, and there was continued scepticism about the French model, anxiety about crime had converted many to the idea that policing required greater organisation and formalisation. Nevertheless, concern both about the threat to liberty and about the suspected military nature of the new police organisation continued. The remainder of the century saw the expansion of this new system of policing to the provinces together with growing formalisation and centralisation. Despite the considerable consolidation that occurred during the first century of the police, as Emsley concludes, by the end of the Second World War there remained more than 100 separate forces in England and Wales. Consequently, there were still many policy-makers and administrators that felt that further amalgamation of forces, and further centralisation of common police services, would be beneficial. In many ways his conclusion anticipates much of what was to follow.

Finally in Part I, Tim Newburn takes the narrative from the end of the Second World War, focusing on the very significant developments that have changed the topography of policing from that point to the present day. At the heart of much that has changed in this period, he suggests, is the continuation of the long-term process of centralisation through which the Home Office, and government generally, has extended its power over the police. Simultaneously, however, policing as a set of activities has become exceedingly more complex

in recent decades, a mixed-economy of provision having emerged. The other major themes he identifies concern the changing role and image of policing, the increasingly problematic relationship between the police and particular minority ethnic communities – highlighted by the Scarman and Stephen Lawrence Inquiries – and the heightened managerialist scrutiny of policing services.

Overall, it appears that policing now finds itself at an important juncture. Crime, though not currently rising, continues to place enormous demands on the police. Public expectations – apparently partly independently of crime levels – continue to rise, though trust appears increasingly problematic. As security becomes increasingly commodified, the police service faces enormous challenges in maintaining what hitherto – for the best part of a century and a half at least – has been a position of considerable authority. Cultural, social, political, economic and technological changes are all having a major impact on what the police do, what they are expected to do, and what they are able to do. Part I of the *Handbook of Policing* examines how we reached this position; the remainder explores the nature of policing and the challenges facing it.

Chapter 2

Models of policing

R.I. Mawby

Introduction

The police officer on the streets, the representative of an institution known as 'the police', is a concept that is familiar to most citizens of modern societies. It is a concept that we take for granted, but at the same time one that incorporates numerous inconsistencies and variations. For example, there is a marked difference between 'policing' as a process and 'the police' as an organisation. Policing, a term we might apply to the process of preventing and detecting crime and maintaining order, is an activity that might be engaged in by any number of agencies or individuals (see Chapter 7). It is, on the one hand, widely recognised that members of the public, especially victims, engage in policing in so far as they report crimes to the authorities and help identify the perpetrators. On the other hand, the private sector and agencies like Neighbourhood Watch and its less institutionalised (US) cousin, the Guardian Angels, probation officers enforcing drug-testing orders, social workers engaged in child protection work, street wardens employed by local councils and a myriad other agencies engaged in partnership work, co-operate in policing societies. The police as an institution, in contrast, is responsible for a range of services, not all addressing crime and disorder issues, as debates surrounding 'core issues' in England and Wales well illustrate (Mawby 2000). Yet the nature and extent of both policing and the police vary between different countries. This chapter focuses on the police as an institution and discusses the extent of this variation and also changes over time. But it also addresses the extent to which global influences, including 'multilateralization' (Bayley and Shearing 1996), mean that while police and policing within one country are becoming more diverse, on an international level convergence has occurred.

In focusing on the police, it is essential to define precisely what we mean by the term. Elsewhere, I have suggested that when we consider police systems in different societies we mean by the police an agency that can be distinguished in terms of its *legitimacy*, its *structure* and its *function* (Mawby 1990). Legitimacy implies that the police are granted some degree of monopoly within society by those with the power to so authorise, whether this is an elite

within the society, an occupying power, or the community as a whole. Structure implies that the police are an organised force, with some degree of specialisation and with a code of practice within which, for example, legitimate use of force is specified. Clearly, however, the extent of organisation or specialisation, and the types of force considered appropriate, will vary. Finally, function implies that the role of the police is concentrated on the maintenance of law and order and the prevention and detection of offences. Again, there will be considerable differences here in terms not only of different definitions of crime but also in the balance between law enforcement and order maintenance (Wilson 1968), or prevention and detection, and the extent to which other duties (welfare, political, restorative, etc.) are assigned to the police.

The extent to which police systems in different societies do vary is a subject of considerable debate. Writing in 1985, David Bayley argued that while differences between police systems remained, the modern police were distinct from their predecessors in terms of their specialisation, professionalism and state-ownership. Specialisation in that the modern police were employed exclusively on 'policing' and within the police organisation tended to specialise further; professionalism in that selection and training were ever more important; and state-ownership in that policing tended to be carried out by agencies of the state. Even then, however, the distinctiveness of the modern police was more apparent than real. Civilianisation, two-tier police systems and the existence of private and community police alternatives illustrated the continued diversity of police structures, while differences in their functions remained. Indeed, in the light of subsequent developments, particularly an expansion in private police organisations, Bayley and Shearing (1996) argued that by the 1990s a new era of *policing* had emerged, with resultant implications for the nature of police systems.

However, as Jones and Newburn (2002) observe, the Bayley and Shearing argument takes little account of police systems outside the Anglo-American mould and tends to assume a convergence of police systems. In contrast, I would argue that the police systems of different countries have, historically, varied markedly, and while shifts in policing arrangements in most countries can be identified, these are based on changing circumstances that are only occasionally global, and are mainly localised. The following sections use the threefold distinction of structure, function and legitimacy to provide a brief overview of the police in six societal 'groupings'. First, by way of introduction, the focus is on England and Wales. The following six sections then concentrate on five police systems that have been identified and discussed in the literature: continental Europe; colonial societies; communist societies and post-communist police systems; North America; and Far Eastern countries. In each case, variations between countries and changes over time are acknowledged. While clearly there are vast parts of the world that are excluded from this analysis, the main thrust of the chapter is to stress the extent of differences between police systems, the underlying reasons behind these differences and continuing variation in an increasingly global society.

England and Wales

Despite the tendency among some commentators to refer to the British police, in fact the police of England and Wales are quite distinct from their counterparts in Northern Ireland, the Channel Islands, and – to a lesser extent – Scotland. While this section focuses on England and Wales, differences *within* the British Isles should not be ignored (Mawby 1999a).

The modern police system in England and Wales can be traced back to the early nineteenth century. By this time, the locally based 'team' of justices and constables, adequate for enforcing the law in rural areas, was proving inadequate in industrial and more urbanised communities, where rising crime and – significantly – political protest, proved problematic. The police system that emerged reflected these concerns (see Chapters 3 and 4).

First, in terms of function, it was clearly the policy of both government and senior management to focus on the police's role in crime control and the maintenance of order, most especially crime prevention through uniformed patrol, while at the same time cultivating the image of the police as also fulfilling a welfare and service order role (Donajgrodzki 1977). The Home Office was concerned that the role should not be extended too far, but equally saw it as important to portray the police as a service rather than a force, in part to counteract the quite explicit involvement of the police in riot control and the policing of public protests.

What then of the structure of the new police? Successive Acts through the nineteenth century resulted in three types of police force: the London Metropolitan Police, county forces and borough police. While the Home Office acted to curb the proliferation of small borough forces, the advantage of the new policing arrangement was the balance between central and local government. As a result, despite local variations, a degree of conformity existed that was perhaps unique within a localised system. This interpretation of local control is particularly notable in the context of police legitimacy. In no sense were local forces accountable to their local communities. Rather, the new policing structure reconfirmed the power of local elites that had epitomised the old system (Wall 1998), with the Home Office's influence crucial but at least partly covert.

The police of England and Wales thus inherited a broad mandate to provide a service to the public that was wider than an exclusive emphasis on crime control and public order maintenance. Nevertheless, research has indicated that an increasing number of public-initiated police contacts are crime related, especially in inner-city areas (Shapland and Vagg 1988; Skogan 1995) and in a time of stretched resources many have argued that police duties should be more closely restricted to crime work. This was the dominant message behind the setting up of the Posen (1994) Inquiry into core policing tasks, which, despite denials, was envisaged as clearing the way towards the privatisation of so-called 'peripheral' police work (Mawby 2000). The conclusions of the Inquiry fell short of recommendations to promote wholesale change (Home Office 1995), but the debate itself signalled a marked shift in thinking about the English police (Cassels 1994; Reiner 1994). However, while this debate has centred attention on the balance between crime fighting and service roles for

the police, perhaps the most notable shift in emphasis on police functions emanates from the role of the police under the Conservative government of Margaret Thatcher, particularly in the early 1980s, where police were clearly used to enforce government policies, notably in breaking the power of the unions, best illustrated in the confrontations during the miners' strike (Fine and Millar 1985). The English police, despite the power of the myth, have never been divorced from politics, and the role of the police in these industrial disputes reaffirmed their role in preserving the status quo, through the maintenance of public order.

Industrial disputes and urban protests in the 1980s also bequeathed dramatic changes in the structure of the police. True, the 'average' police officer patrols armed only with a truncheon, albeit a longer and heavier one than in the past. However, recent years have seen considerable pressure from within the ranks to issue firearms on a routine basis (Waddington 1999). All forces include officers trained and qualified to use firearms, and many deploy armed response teams (Jefferson 1990). Backup squads, normally used in public order situations, specially trained and issued with riot gear, operate as paramilitary units and provide a high-profile range of policing light years from the cosy Dixon of Dock Green imagery of 1950s Britain. Thus, while the police of England and Wales remain among a minority in international terms who do not routinely carry firearms, armed police are becoming a more common sight on the mainland, and the question of arming the police is perhaps more openly debated than ever before (Ingleton 1996).

A further key question regarding the structure of the police relates to the balance between local and central control and organisation. Home Office (HO) influence towards consistency was evident through the latter half of the nineteenth century, but at the outbreak of the Second World War there remained nearly 200 separate local forces. These were reduced to 43 by the mid-1970s. The 1962 Royal Commission on the Police identified the protection of local police forces' autonomy through the institution of the tripartite structure of accountability: individual chief constables, police authorities and central government. However, it is widely accepted that local government influence on policing has been muted and recent developments have further strengthened the role of central government. These include: the role of the National Reporting Centre, notably during the miners' strike, as a mechanism for providing a co-ordination of police planning and policy implementation; the increased influence of central bodies, such as the Audit Commission and Her Majesty's Inspectorate of Constabulary (HMIC), on local forces' policies and practices (Applegate 2003; Loveday and Reid 2003); the creation of the National Criminal Intelligence Service; the expanding role of the national police training college in the approval and training of senior officers; and, with the Police and Magistrates Courts Act 1994, the introduction of central government's direct influence on the appointment of a significant minority of Police Authority members (Loveday 1996). The Labour government appeared at one stage to favour wholesale reorganisation, with the possibility of a move to a regional system, but although this has been shelved both the HO and Inspectorate have encouraged greater collaboration between police forces, for example over joint purchasing procedures and IT sharing (Godfrey 2007).

The central/local debate is at the heart of discourses over police legitimacy. Police legitimacy is derived from the law and public consent. The Police and Criminal Evidence Act 1984 strengthened legal controls over police powers, with regulation of police procedures and practices that had previously been the subject of common law being brought together and more clearly presented (Reiner 2000; see Chapter 10). Accountability to the public is more ambiguous. On the one hand it may reflect indirect accountability through the medium of elected politicians, at local or national level. On the other hand it may imply direct accountability to citizens 'in general'.

The extended influence of central government raises questions about the level of control local citizens and local communities hold over their police. While it was not local communities but local elites that controlled the police in their formative years, there is clear evidence that the rise of central government influence has undermined local influence on policing. Nevertheless, opportunities for local scrutiny of policing operations and policy have been strengthened in at least four ways, with the introduction of Crime and Disorder Reduction Partnerships (CDRPs), whereby the police and other local agencies are required to produce regular audit and strategy documents (Home Office 2001; Hughes *et al.* 2002), the formation of police consultative committees (Morgan 1992), the establishment of lay visitors schemes whereby designated members of the local community routinely visit prisoners remanded in police cells (Weatheritt and Vieira 1998), and the introduction of Independent Advisory Groups to monitor police racism following the Stephen Lawrence Inquiry. These attempts to allay public concern by providing public access to local police management and by providing 'independent' scrutiny of police stations have been bolstered by incorporating police services into the Citizen's Charter, encouraging forces to produce their own force charters and by urging forces routinely to carry out 'consumer' surveys (Bunt and Mawby 1994). While in many ways this enhances local people's say in policing matters, it signals a shift from seeing legitimacy in terms of citizens' rights to a position where the citizen is replaced by the consumer. The question thus becomes one of which members of the public rate as consumers, with a say in policing issues.

Continental Europe

Discussions of an alleged continental European policing system have a long history, and Fosdick's (1969 edition) account of continental police at the beginning of the twentieth century is the first of many attempts to identify key characteristics of the police systems of continental Europe (see, for example, Bayley 1975, 1979). At the same time, most authors have been at pains to distance this model from policing in England and Wales, and indeed early debates over the need for a professional police in England emphasised the undesirability of following the continental route.

None the less, pressures towards harmonisation have emanated from the European Community, supported by European and International law. Trevi, for example, was established in 1975–76 as an intergovernmental co-operative

mechanism between member states that established working parties comprising senior officers from different European police forces to plan joint operations. The Schengen Treaty was first signed in 1962 and subsequently expanded, notably through the 1984 Fontainebleau Declaration. This espoused as its basic principle the desirability of freedom of movement within the EU, but in recognising that this facilitated the movement of illegal goods and services also sought to enhance international police co-operation. The UK has not been a party to Fontainebleau, but in much of Europe the principle of greater co-operation has been accepted, initially through Trevi and later through the Schengen Convention of 1990 and the 1991 Maastricht Treaty. The emergence and strengthening of Europol is a further example of cooperation across Europe.[1] Finally, the formation of CEPOL as a pan-European agency charged with harmonising police education and training has proved another structure to support policy transfer (Jaschke *et al*. 2007).

Ironically, moves to facilitate co-operation have also served to emphasise differences and, on occasions, have led to aggravation, a case in point being German concern over the more liberal Dutch approach to drug control (Chatwin 2003). This suggests that in discussing policing on continental Europe we need to be mindful of the differences between countries, as well as differences between the continent and England and Wales, and also aware that increased co-operation is quite different from harmonisation or convergence. Traditionally, the police systems on continental Europe, derived as they were from the Roman colonial system, have generally been more centralised and more wide ranging than in England and Wales. In terms of the dimensions described earlier, I have argued that continental police systems may be characterised as: (1) structurally more centralised and militaristic; (2) functionally putting more emphasis on political and administrative tasks; and (3) in terms of legitimacy, being more closely tied to government and less accountable either to the public or the law (Mawby 1990). Nevertheless, there are marked variations between countries (Mawby 1992).

In terms of structure, for example, Iceland and Switzerland have, respectively, district and canton-based systems, and the Netherlands reorganised in 1993 into 25 regional forces (Interpol 1992; Jones 1995). Similarly, in Germany most police are based in the counties (*Länders*). At the other extreme, a few countries, including Sweden and the Irish Republic, have one centralised, national force. What is more characteristic of the traditional continental model, though, is a structure whereby one centralised, militaristic force is counterbalanced by either a second or a medley of local city forces. The French, Italian and Spanish police may traditionally be identified most fully with this model: in each case maintaining at least two police forces, allowing governments to ensure that no one institution achieves too much power. While the police in most continental countries carry firearms, it is also the case that in many countries there is at least one centralised force that evidences significant militaristic qualities. In France, for example, the state police comes under the Ministry of the Interior, whereas the *gendarmerie* is a military force under the Ministry of Defence, with a two-tier entry system, barrack accommodation and impressive armaments. The *carabinieri* operate in much the same way in Italy, as do the *guardia civil* in Spain.

Continental police systems are also distinctive in terms of their roles and responsibilities. Although a welfare orientation is rarely evident, traditionally forces have carried out a wide range of administrative responsibilities, albeit in the case of Germany these were scaled down in the post-war period (Fairchild 1988). Thus in different countries the police have held responsibilities for passport control, building regulations, tax collection, milk inspection, alimony supervision and collecting meteorological data!

In the past, continental police systems were also distinguished in terms of their lack of public accountability, being directly responsible to the head of state. While this is less easily reconciled with the liberal democracies of post-war Europe, it is still the case that public accountability is more restricted in countries where the police are more centralised and militaristic. Even here, though, there are exceptions, with Sweden, for example, incorporating a local accountability mechanism within its centralised structure.

The example of Sweden is illustrative of the fluidity of change throughout Europe. Sweden moved towards a national structure in 1965, with the National Police Act 1984 providing the basis of the current centralised framework (Akermo 1986). Elsewhere, however, policing has become more localised in some respects, as illustrated through the extension of local police units in France (Kania 1989; Journes 1993) as well as in Italy and Spain. Other changes include the removal of a range of non-crime responsibilities from the police in France under the Mitterand presidency. However, while it is tempting to see these as indicative of a convergence across Europe there is little evidence of any consistency here. Rather, it appears that governments have used their autonomy to respond to national issues where they arise. For example, in Germany the significance of the national police has faded as border patrols have become less necessary, and the Dutch system, never excessively centralised, was changed due to controversy over area variations in police funding, and is now structured in a way that is more akin to England and Wales.

Overall, there are still marked differences between the police of England and Wales and their counterparts from the continent, as well as considerable differences between the nations of continental Europe. That said, co-operation between European nations, accelerated by developments in the EU, has contributed to a greater degree of interchange between police systems (see Chapter 6).

Colonial societies

A second police system that has been consistently recognised in the literature is the colonial model. In many respects it corresponds to the continental model – not surprising given that much of the administrative and legal structure of European states was based on earlier Roman institutions, where the Romans were themselves colonists. This also serves to remind us that the British were not the only colonists (Igbinovia 1981; Cole 1999). However, while the French transported their centralised, militaristic policing structure across their empire, the British government allegedly created a different type of police system for

its empire, one that was more appropriate for the control of a subjugated population. The model it used was the one first established for Ireland (Tobias 1977), where the police could not rely on public consent, and then introduced throughout British-controlled Africa, Asia and the Caribbean.

Again using my model, colonial police may be characterised as: (1) structurally more centralised and militaristic (for example, armed and living as units in barracks); (2) in functional terms, giving more priority to public order tasks, but also having a number of administrative responsibilities; and (3) deriving their legitimacy from their colonial masters rather than the indigenous population. There has, however, been considerable debate over the distinctiveness of a colonial model. On the one hand, Brogden (1987) has argued that the differences between British and British colonial policing have been exaggerated. On the other hand, Anderson and Killingray (1991, 1992) claimed that the differences between colonial systems exceeded the similarities.

What is clear is that the British government saw the establishment of a strong police apparatus as central to the establishment of control and legitimacy across its empire. To enforce control, the police were formed according to a militaristic model, although not necessarily armed. Nor was the police system necessarily centralised: in India the provinces or states had their own police forces, although the Indian Police Service was responsible for the recruitment, training and deployment of senior ranks; while in Nigeria, at least two forces operated in different parts of the country. However, clearly the police acted on behalf of the British government and had little local mandate, frequently operating with draconian powers. A further illustration of the lack of local influence was the common practice of recruiting staff from either the British military or elsewhere in the Empire, ensuring that the police did not establish close relationships with the indigenous population. The police were part of the administrative structure, and their roles reflected this. They were involved in ensuring that local government ticked over quietly. While crime control might have been important, especially where it involved ex-patriots as victims, maintaining order and eliminating dissent were pivotal (Arnold 1986). The police were engaged in putting down political protest, including labour disputes, while in Hong Kong guarding against the threat of communism was central to their mandate (Anderson and Killingray 1991; Travers and Vagg 1993). To this end, a modified version of the British Special Constabulary model was transported to some colonies, where reliable 'expats' were used as police volunteers to deal with threats to public order. While crime and disorder issues within the indigenous community received little priority, this also meant – ironically – that in some countries, such as Hong Kong, communitarian forms of self-policing were tolerated.

The fact that the British government experienced similar problems throughout its Empire provided an important push towards conformity. This was strengthened, though, with centralised administration and control through the Colonial Police Service, based in London, central training for officers, the formation of the Inspector General of Colonial Police in 1948 and the practice of transferring senior officers between different countries.

However, just as there were differences in emphasis between different parts of the Empire, so the model shifted at different points in time. In particular, in

the conflict building up to independence, which in many cases culminated in armed insurrection, the response of the British government was to accentuate the key features of the model. So, for example, police numbers were increased, central control was strengthened, police arms were improved and links between police and military were enhanced (Anderson and Killingray 1992). That this should happen at a time when the legitimacy of the British government and its police was being challenged is scarcely surprising. What is equally important to stress, though, is that it makes problematic the transition from a colonial police to a postcolonial system of policing by consent. Moreover, given the inevitability of conflict and disorder after independence, the social control functions of the colonial police came to be valued by the new regimes. In consequence, the strategy, as in India (Arnold 1986), seems to have been to replace the (British) officer class but preserve the key aspects of the system. The lesson, here, seems to be that, even with significant political change, police systems may continue as before, an issue that carries resonance in both South Africa (Brogden and Shearing 1993) and Northern Ireland (Dunn 1995; Independent Commission on Policing in Northern Ireland 1999; Mulcahy 2005).

Communist societies

The claim that there is, or was, a distinctive communist police system has also been the subject of debate. For example, although some, like Shelley (1997), have argued that the system defined and propagated by the USSR was unique, it is plausible to argue that it was in many ways conceived out of the police models of continental Europe. Alternatively, there are clear differences between the police systems of Russia, the 'colonial power' of central/eastern Europe and the People's Republic of China (PRC). As elsewhere, then, the extent to which countries' police systems can be categorised into an ideal type is influenced by a host of variables such as social structure, prevailing culture, the influence of other countries and, in the case of communist countries, the nature of the previous regime and the distinctive form taken by the revolution. This section thus focuses on the (old) USSR and China as exemplars of communist systems up until the 1980s.

If we compare the USSR and China, it is immediately clear that they varied enormously in terms of size, density and levels of urbanisation. For example, the USSR covered an area of about 8.5 million square miles, with a population of 270 million, but despite its low population density some two-thirds of the people lived in cities. China, in contrast, with 1,000 million people and a land surface of 3.7 million square miles, was nearly ten times as densely populated, but only a fifth of the population lived in cities. The implications of these differences for social control are clearly profound.

The emergence of the two communist regimes was also different. Kowalewski (1981) noted that in the USSR the revolution of 1917 was all but completed by 1920, leading to minority Bolshevik control of a country where grass-roots support for the new regime was minimal. These conditions therefore paved the way for a highly centralised economy and state, with

control exerted through a party elite and where the former Tsarist Secret Police provided a model for the new secret police, the *cheka*. In China, on the other hand, decades of civil war culminated in the creation in 1949 of a rural-based popular government that was dependent upon peasant support and saw the Mass Line as a mechanism for forging conformity. That said, we can assess the extent to which the police systems in each country conformed to a communist model or developed in different ways.

Taking first the functions of the police, it is incontestable that a major role of the police in each country was to deal with crime. However, the extent to which crime control was *the main role* of the police is questionable. In each case the police played a key political role in maintaining the regime. In the USSR, for example, the *cheka*'s mandate was to control the border and to prevent internal counter-revolutionary activity, a mandate it accepted with such ruthlessness that it was disbanded in 1922, although its replacements – the GPU, MGB and, later, the KGB – were counter-intelligence organisations with considerably more power than the conventional police, the militia (Conquest 1968). Moreover, the latter also played a major part in political control through the regulation of passports and identity cards, through which it had a direct influence on restricting population movement.

In China the police public security bureau also play a crucial role in surveying where people live and the police are responsible for keeping a register of all families in the neighbourhood and all births, deaths and marriages, and visitors are also required to be registered. Since 1985 the police have also been involved in administering the personal identity card system (Chen 2002).

The political role of the police was not the only way in which the functions of the police were wide-ranging. However, whereas in the USSR the emphasis has been on administrative responsibilities, in China this has incorporated welfare and social service roles. The household census provides the mechanism for the police to identify need and respond to it. Thus: 'The household registration police are familiar with the needs of widowers, widows and other elderly people in their vicinities. They often help them wash clothes, buy food grain, clean their houses, manage household affairs and get to hospitals when they fall ill' (Yun 1983: 22).

Turning to consider the structure of the police in communist societies, the centralised nature of policing is evident. In the USSR any degree of local autonomy that existed in theory appears to have been purely fictional. In China, each of the three major cities and 29 provinces had its own public security bureau and while attached to the Ministry of Public Security the opportunity for local influence appears slightly greater. However, the militaristic qualities of the police seemed to vary. At one extreme, the USSR's militia was essentially militaristic, with a rank structure equivalent to the military and recruits drawn from either the party or the armed forces; firearms were carried. In contrast, in China the police seemed to have been more civilianised and, while the emphasis has changed (see below), a recurrent theme was to ensure that the police remained close to the people. Thus, although party members and former members of the rebel forces joined the police in the new PRC, the majority of the police were unarmed and civilian (Wong 2002).

This acknowledgement of party membership is crucial to an understanding of the legitimacy of the police in communist societies. The inter-relationship of party and police was perhaps the most significant feature of the system. In both countries covered here, the police included a disproportionate number of party members, but in addition the party independently exerted considerable influence on police practices.

In the USSR, with an early emphasis on a written constitution, the militia was in theory accountable to the law, although the security forces have traditionally operated above the law. As Solomon (1987) noted, however, the influence of the party on the entire criminal justice system meant that the concept of separation of powers was entirely absent. Similarly, attempts to involve the public in the policing process seemed to result in either additional party control through the creation of police aides (at best) or a complex informer system (at worst).

One of the key distinctions between Soviet and Maoist versions of communism was over the role of law, with Mao seeing law as a conservative force and preferring a dialectic process whereby the system was adjusted according to criticism and counter-criticism. Emphasis was placed on local community groups (controlled by the party) to stand as a corrective to police elitism (Cohen 1966).

Although the above discussion is of different communist systems at one point in time, clearly the emphasis changed as the balance of power shifted and new priorities gained ascendancy. In the USSR, for example, Lenin's preference for apportioning some power to factory committees illustrated an example of locally based crime control that was dismantled in Stalin's ruthless pursuit of a totalitarian central regime, but re-emerged under Khrushchev, with the introduction of Comrades Courts, the Campaign against Parasites and the People's Guard.

Perhaps the most notable shifts, however, were to be found in China. The period of establishment (1949–53) with an emphasis on the Mass Line and prioritisation of a rural economy was supplanted by a period of Soviet influence (1953–57), which itself was rescinded by the Great Leap Forward (1957–61) when the power of the party over the 'professional expert' was re-established. This in turn was superseded by a move towards greater bureaucracy and professionalism during the 1961–64 period, and then a further reaffirmation of the party during the Cultural Revolution (1964–68). There was then a period of uneasy calm, culminating in Mao's death, the removal of the Gang of Four and the gradual move towards a market economy.

While the role of local community groups is still crucial, and indeed is arguably more important than in the past (Chen 2002), in other respects the police in modern China have changed. Wong (2002), in a wide-ranging review, argues that the police priorities have changed, with greater emphasis on 'crime fighting' and order maintenance and less on political matters or welfare work; that the structure of the police has changed, with the police more centralised and professional; and that the accountability of the police has been transformed, with recruitment of more non-party members, a greater emphasis on the rule of law through the 1995 Law on People's Police of the PRC, and the

introduction of a Ministry of Supervision. However, given that economic changes have so far exceeded political changes it remains doubtful exactly how radical recent changes have been.

In Europe, the reform of police systems following the break up of the USSR has also been the subject of debate. On the one hand, it appears that change in Russia and many of its former states has been minimal (Shelley 1999; Pustintsev 2000; Beck and Chistyakova 2002; Galeotti 2003). On the other hand, reform in some, but by no means all, of its central/eastern European 'colonies' was accorded priority in the embryonic periods of the new regimes. For this reason, the following section focuses on the emerging police systems of central/eastern Europe, commonly termed 'societies in transition' (Zvekic 1996, 1998).

Central/eastern Europe

The late 1980s saw a dramatic redrawing of the political map of Europe. For this reason alone it would be difficult to ignore discussion of policing in central and eastern Europe. However, there is relatively little accessible data on police systems in central and eastern Europe prior to 1939, and, while currently a considerable amount of evidence is emerging from Hungary and Poland, there is rather less from countries such as Albania, Bulgaria and Romania.

The difficulties are compounded by the enormous variations between these societies in transition. Some were part of the former USSR, others had some semblance of separate identity; some of the former, like Estonia, vigorously pursued independence, while others, like Kazakhstan, had it virtually forced upon them. Some have committed themselves to radical economic reforms and have achieved or await EU membership; others have been slower to change. Demographic and geographical differences are also marked. Poland has a population of over 38 million and its capital, Warsaw, is home to over one and a half million. Estonia's entire population is similar to that of Warsaw. The political status of countries prior to Soviet domination also varied. Some attained a degree of independence in the interwar period; for others, history reveals a cycle of dominance by one conqueror after another (Rothschild 1993).

Social, economic and cultural changes have added to the pressure on criminal justice systems in general and the police in particular. Economic inefficiency, collapse of living standards and social dislocation have bred a criminogenic environment (Anderson 1995) and the rising levels of crime are well illustrated in official statistics. Victim survey data, while being relatively recent, also suggest that from comparatively low rates under communism, crime rates in societies in transition may be catching up with those in the west; certainly, public anxiety has increased (Zvekic 1996 1998; Mawby 1999b).

The police systems of eastern bloc countries in the post-war period were closely modelled on that of the USSR, and thus unsurprisingly incorporated political and administrative responsibilities, a strong centralised secret police and a centralised, militaristic uniformed police. Being accountable to the party, there was little popular mandate (Ward 1984; Cullen 1992; Dános and Tauber

1995; Mawby 1999b). In many postcommunist societies the police are frequently referred to as a 'repressive' system.

It is also notable that during the mid-1980s, as these regimes faced more overt public opposition, the repressive political role of the police became *more* pronounced, mirroring the colonial transition described earlier. In Czechoslovakia, Zapletal and Tomin (1995) note that the police were associated with brutality in the period leading up to 1989. In the GDR the police played a key role in protecting the Honiker government in the early 1980s (Cooper 1996). Similarly Jasinski (1995) describes the role of the police in attempting to repress Solidarity in Poland in the 1980s.

Given the importance of the police in sustaining the 'old' system, it is scarcely surprising that the new democratic regimes of central and eastern Europe should have prioritised changing them, and in the early days of the new regimes, changes to police systems were considered crucial (Mawby 1999b). However, while the most radical changes occurred in East Germany, where the former GDR's police organisation was absorbed into West Germany's, elsewhere changes were less radical. Changes to police *personnel* appear to have been widespread in the early phase of development, but the function, structure and legitimacy of the police have been affected rather less. Some changes *have* taken place but they have perhaps not been as radical as was envisaged at the time of the collapse of communism in central and eastern Europe. This reflects both the difficulty of radically changing established institutions and the changing priorities in postcommunist societies, where governments have identified an escalating crime problem (Beck *et al.* 2006).

The link between central/eastern and western Europe and the USA is also important in terms of how the police of postcommunist societies will change. Political alliances with the west, through Interpol, EU membership and joint training operations will draw postcommunist societies closer to the west, and especially closer to western Europe (Tupman 1995) and the USA (Marenin 1998). In the latter case, however, US concern to emphasise the war against crime, and especially terrorism and the international drug problem, has taken priority over any emphasis upon democratising and decentralising the police. The impediments to change in eastern Europe bear a striking similarity to those in postcolonial societies. As in the latter, the death throes of the old regimes incorporated a toughening of police systems, while the crime and public disorder problems associated with 'independence' have led to pressures to retain aspects of the old repressive system. Thus, while calls to move to a more community-oriented police have been made in both postcolonial and postcommunist societies, as Table 2.1 demonstrates this has inherent difficulties. In particular, as in South Africa (Brogden and Shearing 1993), an ideal type community policing system is – in terms of function, structure and legitimacy – almost the opposite of that which previously existed.

North America

Despite the alleged 'Anglo-American' policing tradition and the direct influence of Britain on the Canadian system, from the beginning, differences

Table 2.1 Aspects of community policing in the context of colonial and eastern European police systems

	Community policing	*Colonial*	*Eastern European*
Function	Welfare	Control	Control
Structure	Localised, civilian	Centralised, militaristic	Centralised, militaristic
Legitimacy	Local people	Colonial power	Central party

between the USA, Canada and England and Wales have been recognised. Differences between the current police systems of England and Wales, the USA and Canada are best understood in this historical context.

In many ways, the circumstances in which paid police systems developed in Canada and the USA were similar. For example, in both countries the majority of the early settlers lived in townships on the east coast, and modern police forces first featured in these townships. The key difference, however, was the relationship held with the British government. While the USA had attained independence in 1788, before the establishment of paid police in Britain, Canada's independence was ratified in the North America Act 1867.

Before then, early policing was directly influenced by the British government; afterwards, as part of the British Empire, Canada continued to be subject to British indirect influence. In British Canada, paid town forces were established at a similar time to England. However, of perhaps greater significance during the nineteenth century was the policing of the vast, underpopulated areas of rural Canada, where control of the Indian and Inuit populations, protection of the territory from foreign incursions and the need to impose order within the goldfields required distinctive forms of policing, based on the colonial model.

The force established was seen as ideal for exerting order across the vast territories of Canada, whose sheer scale made law enforcement, public administration and the assertion of sovereignty difficult (Morrison 1985). This force, originally known as the North-West Mounted Police, extended its influence in the early twentieth century, taking on security and counter-espionage services during the First World War and, in 1919, helping to break the Winnipeg general strike (Horrall 1980). In 1920 it was renamed the Royal Canadian Mounted Police (RCMP) and continued to expand, on the one hand taking on additional responsibilities from federal government, on the other hand extending its services in the provinces. By the 1930s it provided police services in the Yukon and Northwest Territories and for six of the ten provinces; in the post-war period it assumed provincial policing responsibilities in two further provinces and established a foothold in urban policing (Chapman 1978).

In direct contrast, policing and law enforcement in the USA emerged in the aftermath of the struggle for independence and a concern that control from Westminster should not be substituted by control from Washington (Sweatman and Cross 1989). Nevertheless, in rural areas with significant public disorder problems and a perceived threat from labourers, 'aliens' and the like,

police organisations were formed that showed striking similarities to the colonial model. The establishment of the Pennsylvanian force in 1905, for example, heralded a new wave of state forces designed to 'crush disorders, whether industrial or otherwise, which arose in the foreign-filled districts of the state' (Reppetto 1978: 130).

An appreciation of early policing arrangements in the USA thus has to take account of differences according to the areas being policed. As in Canada, the first examples of paid police forces were found in the cities, where high crime rates, threats to public order and the conflicts engendered by internal and international migration came to be viewed as unacceptable. City administrators therefore looked elsewhere – initially to England and subsequently to other American cities – for ideas about how to respond to the problems (Monkkonen 1981). The first modern force, established in New York in 1844, for example, was in many respects modelled on the London police (Miller 1977).

Local government interests dictated that these early police carried out a wide variety of administrative and service tasks, rather than concentrating solely on law enforcement (Fosdick 1920: 211–15; Smith 1940; Fogelson 1977; Monkkonen 1981). In other respects, US city police were markedly different from their English cousins. For example, they were almost immediately issued with firearms, but only reluctantly donned uniforms (Miller 1977), the latter being rejected initially as 'un-American', 'undemocratic' and symbolic of the (British) military (Fosdick 1920: 70). Perhaps the most notable distinctions, however, surrounded the community base for US city police, expressed in terms of recruitment policies and control of the police. For example, unlike the English police, US city police were specifically recruited from their local communities (Miller 1977) and local residency requirements continued well into the twentieth century (Smith 1940; Fogelson 1977).

However, the fact that police officers were closely identified with their precincts and the power structure at that local level meant that corruption was an endemic feature of city police (Fogelson 1977). The Lexow Committee of 1895 was one of many Inquiries to demonstrate not merely the extensiveness of police corruption but also the impotence of local government to eliminate it. The extent to which corruption was a feature of the political manipulation of the police is illustrated in the way in which control over the police was exercised. Whether the police were controlled by a single commissioner or board of commissioners, the fact that such appointments were temporary and subject – directly or otherwise – to political influence meant that the police were a political football. On one level this was reflected in a power play between the (usually Democrat controlled) city and the (often Republican controlled) state (Miller 1977). On another level it meant that a change of political control meant not merely a change in police policy but also the replacement of senior officers (Fosdick 1920). In rural areas, political influence on policing was even more direct, with popular elections substituting for the control of colonial governors (Smith 1940).

This plethora of policing arrangements developed in the nineteenth and early twentieth centuries without any central direction. Indeed the lack of a public national police force meant that on occasions national private police

systems were used by central government (Johnston 1999). Early attempts to co-ordinate policing activities were taken on by the International Association of Chiefs of Police which established a national clearing house for criminal identification records in 1896 and initiated a uniform crime-reporting system in 1927. Those responsibilities were subsequently transferred to the Bureau of Investigation, which was renamed the Federal Bureau of Investigation (FBI) (Smith 1940). The creation of the FBI was not, however, uncontroversial, given popular distrust of central government (Walker 1983). Thus, while in Canada the British colonial police model provided an alternative to local urban police systems that resulted in the creation of the RCMP as a national, if not monopolistic, public police agency, reaction against colonial dominance in the USA created an atmosphere of suspicion towards central control and led to the proliferation of local autonomous forces. The different ways in which the police developed in Canada and the USA provide the foundations for the police today.

Underpinning the structure of policing in Canada today is the 1867 constitution, modified in 1982, which established a federal government structure with considerable autonomy delegated to the provinces. This means that policing within each province is a matter for local government to decide, with the result that metropolitan and provincial forces generally coexist. But the federal police, the RCMP, provides three sets of services that impinge on this local blueprint. It acts as a federal police force with national responsibilities throughout the country; it maintains the responsibility for policing the Yukon and Northwest Territories; and it can be subcontracted to provide police services at provincial and municipal level. In Ontario and Quebec the RCMP's responsibilities are confined to national legislation and policing is provided by metropolitan and – to a lesser extent – provincial forces, but elsewhere the RCMP has a substantial foothold as provider of provincial and metropolitan policing.

In essence then, Canada today has at least two public police systems. In Ontario and Quebec, and in many municipalities elsewhere, policing is provided locally, by provincial government, municipal government or an amalgamation of municipalities. In such cases the role of the police parallels discussion in Britain and the USA. Local accountability, through a variety of police boards and commissions (Stenning 1981; Hann *et al.* 1985) similarly reflects much of the debate elsewhere over unrepresentativeness of membership. On the other hand, the RCMP, with its traditional order-maintenance emphasis and its involvement in a wide range of administrative responsibilities (Weller 1981; Dion 1982; Morrison 1985), appears as a more remote and more militaristic alternative. Moreover, with its centralised structure it is clear that local accountability has traditionally been restricted, even where its relationship is a contractual one (Weller 1981), although it has established citizens' advisory councils (Bayley 1994).

The situation in the USA is somewhat different. In terms of functions it is commonly agreed that the police of the USA have moved away from their broader welfare mandate and have concentrated more on crime fighting. To a large extent this is associated with moves to reform the community-based early police with their roots in local politics by creating a more 'professional' police, where professionalism is located at the organisational rather than the

individual level and becomes bound in with militarism (Fogelson 1977; Walker 1977).

However, while some commentators, like McKenzie and Gallagher (1989), see this as a linear development, there is considerable evidence that the police have either maintained or re-established a wider mandate. A variety of studies from the 1960s onwards demonstrated that routine police work involved providing a myriad services for the public and that 'dealing with crime' is only a small part of the patrolling officer's workload, leading Bayley to assert that the US police spend little of their time preventing crime and more of it 'restoring order and providing general assistance' (Bayley 1994: 18–19). This was probably accentuated as the USA entered the 'community problemsolving era' (Kelling and Moore 1988), with community policing prioritised, at least on a policy level, far more than in England and Wales. Structural changes towards decentralisation, the introduction of foot patrols, closer links with community groups, etc., were thus paralleled by an emphasis upon problem-solving over crime control, crime being recognised as a symptom of community problems rather than the cause (Eck and Spelman 1987; Goldstein 1987; Rosenbaum 1994). Interestingly, while zero-tolerance policing emerged in New York (Kelling and Coles 1996), it appears to have been accepted less enthusiastically elsewhere in the USA than in England and Wales (Burke 1998; Innes 1999).

Clearly police developments incorporated both police functions and police structure. The move to rid the police of corruption accentuated the militaristic image of the police, leading Walker (1977: 171) to argue that 'The hierarchical, semi-military organisational form was one of the major fruits of professionalism'. Equally, problem-oriented policing has emphasised decentralisation of command and a more accountable structure (Goldstein 1987). However, much of the research emphasis has been on urban, especially 'big-city', police rather than rural areas (Maguire *et al.* 1997).

Leaving aside the traditionally significant – and growing – private security sector (Bayley and Shearing 1996; Johnston 1999), there are, in fact, six levels of public law-enforcement organisation: federal, state, county, city, rural and 'special district' (Walker 1983; Sweatman and Cross 1989).

At the federal level, while no agency has responsibility for policing in general, some 50 agencies have specialist nationwide law-enforcement responsibilities (Sweatman and Cross 1989). Of these, the Department of Homeland Security is the largest, but perhaps the best known are the FBI and the DEA (Drug Enforcement Administration), with 12,242 and 4,400 full-time operatives respectively in 2004 (Reaves 2006). The former is responsible to the Attorney General and deals with crimes that transcend state boundaries, principally pornography, racketeering, bank robbery, white-collar crime and terrorism. Overall about 10 per cent of police are based in federal government agencies (Maguire and Pastore 1994).

The second level of law enforcement is the state. Forty-nine states have their own police force, in total employing over 58,000 full-time sworn officers. The largest force is the California Highway Patrol with about 7,000 full-time officers, the smallest is the North Dakota Highway Patrol with 135 (Bureau of Justice Statistics 2002; Reaves 2007). State forces are commonly accountable to state governors.

The third level of law enforcement is the county. Most of the counties in the USA have their own police departments, headed by a sheriff elected to run the department for 2–4 years, who is in turn accountable to the county administrators. In 1999 there were some 3,088 sheriffs departments employing about 185,859 sworn officers, more than three times the number in state forces (Bureau of Justice Statistics 2002; Reaves 2007).

The fourth level of law enforcement, and the one that has received the most attention from researchers, is the city. There are about 3,220 police forces in cities of over 250,000 population, employing on average 2,465 sworn personnel. The largest force is New York City with over 36,000 officers, the smallest is Anaheim with about 400 (Bureau of Justice Statistics 2002; Reaves 2007).

The fifth level of law enforcement operates at the rural level in the small towns. There are over 13,000 such forces, employing about 438,000 full-time sworn officers, with 46.5 per cent of these agencies located in areas with less than 2,500 people (Bureau of Justice Statistics 2002). As a result, while in terms of personnel the typical US police officer works for a large urban department, the most common police *organisations* are small-town, independent forces (Reaves 2007).

Finally, separate police forces may be located in 'special districts', providing police services to particular institutions and/or geographical areas like parks, university campuses and military bases (Ostrom *et al.* 1978; Walker 1983; Reaves 2007).

It is scarcely surprising, given the extent of variation, that police standards also differ considerably. Personnel levels differ markedly, with the largest cities spending more per capita and having more police per population (Bureau of Justice Statistics 2002; Reaves 2007). The fragmented nature of policing is further illustrated by the difficulty of transferring from one police department to another. Clearly also many police jurisdictions overlap. New York, for example, with the largest city force, is also serviced by five county forces which have jurisdiction in different parts of the city (Sweatman and Cross 1989).

The extent of variation is equally reflected in differing mechanisms for accountability. Thus police chiefs, notably county sheriffs, may be elected and thereby directly accountable, or they may be political or internal appointments accountable to mayors or police boards. The extent of corruption associated with the early police led reformers away from a politically accountable police. Reformers like Fosdick and Vollmer favoured the London Metropolitan Police model whereby police were internally accountable and politics was (allegedly) distanced from police management (Reppetto 1978). Thus Fogelson (1977) argued that attempts during the 1970s to decentralise police organisations, encourage citizen participation and break down professional barriers, and hold the police externally accountable, failed because of fears of a return to earlier levels of corruption. Nevertheless, marked differences in political influence over the police remain. The very different relationship that exists between police and local government in different US cities was illustrated in Ruchelman's (1974) study of police politics in New York, Philadelphia and Chicago in the 1960s. The pervasive nature of police corruption at the time is more widely illustrated in Sherman's (1978) work.

In many respects, the police systems of the USA and Canada have converged. In each case, local forces carry out a range of crime and service-related functions and are accountable to the local political machine, while federal forces have a wider mandate and are less readily accountable. However, although some have argued that the plethora of US police forces have become more centrally co-ordinated through the increasing influence of the FBI (Loveday 1999), the extent of diversity in the USA remains a distinctive feature. In contrast, in Canada the RCMP plays a more explicit and significant role that can be traced back to its colonial heritage.

The Far East

Most literature on the police focuses on either western industrial societies or those – like (post)colonial countries – that were influenced by them. Far Eastern examples are less common, with Japan – possibly the most extensively researched of all police systems outside England and North America – the notable exception. In considering policing in the Far East, it is useful to focus on Japan and then briefly consider other examples (Leishman 1999).

Before the opening up of Japan to western influence, social control was based around groups of families, the *gonin gumi*, enforced at a regional level by the feudal system and its samurai warriors. However, the late nineteenth century saw Japan import models of policing from continental Europe (albeit these were reworked within an essentially Japanese model). Thus the fact that the police operated within a culture that was moulded by Confucianism, Buddhism and Taoism, where duty and obligation were central and rights subordinate, suggests both that social control in Japan is more problematic than Bayley (1976), for one, implied (see also Miyazawa 1992) and that Japan's police may share many characteristics with its geographical and cultural neighbours. One good example of control is the pivotal role played by the police prior to the Second World War, leading the US occupying forces in the immediate post-war period to attempt to reduce the power of the police and to impose a local system of policing. Nevertheless, these reforms were short lived and, by the mid-1950s, Japan had reverted to a police system that combined central control with local presence (Aldous 1997), in some senses reminiscent of the Chinese model.

Indeed, there has been considerable debate over the essential structure of the Japanese police, which incorporates a number of contradictions. For example, they wear firearms but rarely use them, and they are centrally administered through the National Police Agency, but are divided into 47 local prefectures that are predominantly funded from local taxation. On a local level, they operate out of police substations, known as *koban* in the cities and *chuzaisho* in rural areas. Although this provides a local presence that is missing in many western societies, the Japanese have been keen to prevent their police displaying divided loyalties, recruiting them from other areas of the country and transferring them regularly.

In terms of function, the police traditionally encompassed a myriad responsibilities, but many of the administrative ones were dropped in the

1940s. Most notably, though, they embrace a range of welfare responsibilities, including carrying out periodic household surveys, counselling and advising on debt and family relationships.

This, alongside the localised nature of policing, led Bayley (1976) to argue that the Japanese police were held in high esteem by, and were accountable to, the public (Bayley 1983). However, this perspective has been undermined on a number of fronts. First, it is evident that while, in theory, the police are locally accountable, in practice public safety commissions are conservative bodies that show few teeth. Secondly, the legal system provides the police with considerable opportunity to pressurise suspects, and examples of the police exceeding even this latitude are common (Miyazawa 1989). Finally, the pervasive occupational culture (Bayley 1976) provides insulation from external influence (Miyazawa 1989, 1992). As a result, it is scarcely surprising that the image of the police derived from consumer surveys like the International Crime Victim Survey (ICVS) (van Dijk *et al.* 2008) is less positive than early police studies implied.

In turning to compare Japan with its neighbours, a number of factors are worthy of consideration. On the one hand, cultural similarities and the direct influence of Japan during its occupation of, for example, Singapore, Korea and parts of China, suggest that police systems might be similar. On the other hand, differences in the political systems (Leishman 1999) and varying outside influences have encouraged differences in the ways in which systems have developed. Thus, as noted earlier, Mao drew on the Japanese model in moulding the Chinese police system, and also based policing within Confucian ethics, remoulded as communist principles, but the PRC's political system provides a contrasting framework for police accountability, with party involvement more immediate and more challenging than Japan's conservative and weak public safety commissions. Similarly, Singapore inherited many of the features of the Japanese police, most notably in terms of a local police presence and the operation of the police census, but within a more tightly controlled political system (Austin 1987; Ganapathy 2005).

South Korea provides another example of where Japanese colonial influence is still evident in modern policing, but where the USA was more than willing to sanction a more distanced and repressive police in the interests of the 'war' against communism. Lee's comparison of Japan and South Korea emphasises the differences but also notes that 'both forces are natural, hierarchical, authoritarian – respected and feared by the vast majority; opposed even hated by politically progressive minorities' (1990: 91).

Japan inherited many of its ideas on modern police systems from continental Europe, but then modified these to match its distinctive culture. It is these modifications, particularly the balance between a local police presence and a centralised control system, that it passed on to its neighbours, but these were in turn adapted to fit different political systems and to meet different disorder priorities. Thus, although it is arguable that there is a distinct Far Eastern police system, again there are considerable variations within the subcontinent.

Explaining the differences

The nature of 'the police' varies markedly between countries and over time. For example, the model that emerged in the United Kingdom and the USA in the nineteenth century differed from the centralised, autocratic arm-of-state authority that preceded it on continental Europe, and while the cross-national interchange of ideas in recent years has resulted in police structures and methods from one country being imported to others, there are still stark contrasts. Here, for example, we distinguish between Anglo-American police, policing on continental Europe, communist/post-communist police, colonial police and the type of police that has emerged in the Far East. Nevertheless, there are often as many differences between countries within a model as there are between alternative models. Equally, there are often variations within a country.

Essentially, the variations described can be considered on a continuum from those police systems that are control-dominated to those that are community-oriented. A control-dominated system is one where the main function of the police is to maintain order, and where the population generally fails to recognise the legitimacy of the state and its agents, the police. In such societies, the police may carry out a range of administrative tasks on behalf of the state, but rarely provide a public service that addresses the needs of the community. The police are consequently generally organised and managed centrally and have many paramilitary qualities. In complete contrast, a community-oriented system is one where the main function of the police is to provide a public service that addresses the wider needs of the community. Maintaining order is important, but the emphasis is more on crime as symptomatic of community problems than as an affront to authority. Such a model assumes that the police are accorded considerable legitimacy by local communities. The police are consequently generally organised and managed locally, and barriers between police and public are minimised.

The control-dominated system can be identified with traditional policing on continental Europe, the colonies established by Britain and its European neighbours, and communist Europe. In each case, the introduction of police provided the key instrument of government in imposing order on a reluctant population. To this end, the police were relatively centralised and militaristic, involved in high policing, and gaining legitimacy from the political elite rather than the public. While identifying a control-dominated model may be useful, it should not blind us to the fact that most countries associated with it differ in a number of respects. For example, although British colonial authority was centralised in London, within different countries the police system was often regionally based; also, officers were not always issued with firearms. On continental Europe, there were also considerable variations, with, for example, the Dutch system neither overtly militaristic nor excessively centralised, and while countries such as France, Spain and Italy traditionally had control-dominated police systems, in each case the maintenance of at least two police forces ensured that no one institution achieved sufficient power to threaten government. Each model also has its own distinctive features. In communist societies, the role of the party was unique; in colonial societies, given the

difficulties occupying powers have had in recruiting loyal and reliable police officers, a common tactic was to recruit from either indigenous minorities or from other colonies, on the basis that such groups would be less likely to form allegiances with local people against the interests of the occupying power.

The task of assigning specific police systems to a community-oriented model is even more difficult. Although this may be the type of democratic policing to which many of us aspire, it is difficult to nominate any one country as even approaching achieving it (Mawby 1990; Brogden 1999). In England and Wales, for example, often eulogised as the home of 'community policing', modern systems of policing emerged at least in part as a means of maintaining order in the midst of working-class protest, and in many cases police were recruited from rural areas to work in the cities, undermining the claim that they were local citizens in uniform. In the USA, where police systems have been traditionally locally based, personnel have been recruited locally, and officers have engaged in a wide range of 'noncrime' responsibilities, the image of the police as a militaristic body charged with fighting the 'war' against crime is equally pervasive. Elsewhere, Bayley's (1976) early presentation of the Japanese police as community-based and welfare-oriented has been severely undermined (Miyazawa 1992; Aldous 1997; Leishman 1999). Community-oriented policing may, arguably, be an alternative means to the same end, the velvet glove rather than the iron glove (Innes 1999). It may, therefore, be that the key strengths of specifying control-dominated and community-oriented models centre around understanding the underlying principles of the police in different societies and advocating the sort of police system to aim for.

Discussion

This brief review of police systems across the world illustrates the extent of variation that still exists. Police organisations differ in terms of how they are structured, what roles they carry out and the extent to which, and mechanisms through which, they are held accountable.

On the other hand, all police systems are subject to change. The modern police contrast starkly with the police of newly industrialising societies, and indeed the police in England and Wales (or the USA) today differ from their predecessors of the 1970s or 1980s. However, this should not necessarily be taken as evidence that modern police systems are converging. True, the global village brings senior police managers and politicians closer to their contemporaries from other countries, and police innovations are more readily transferred from one country to another than was the case even 30 years ago, but the examples of postcommunist and postcolonial countries illustrate the difficulties this entails (see also Pino and Wiatrowski 2006). External influence is particularly important in postmodern societies where similar influences are prevalent across national boundaries and where examples of innovative developments in one society are readily available as examples of best practice elsewhere. The expansion of private policing is a case in point (Bayley and Shearing 1996), but while this has expanded in a variety of countries, including postcommunist societies (Los 2002; Favaral-Garrigues and le Huerou 2004)

there is evidence of continued variation, for example within Europe (Jones and Newburn 2006; Jaschke *et al*. 2007).

Formal pacts add a further impetus to change. For example, the emergence and expansion of the European Union has involved greater cross-border co-operation and, consequently, increased pressure towards harmonisation of policy. However, national interests may prevent more radical change, as illustrated by conflicts between the Dutch and Germans (Leuw and Marshall 1994) and Swedes (Chatwin 2003) over drug policies. A further source of external pressure involves post-war reconstruction. Here Fairchild (1988) has detailed the transformation of the (West) German police under allied occupation. In contrast, Aldous (1997) notes how US pressure for decentralisation in post-war Japan was thwarted, first by internal resistance to change and then by conflicting US objectives.

Internal pressures to change the structure and functions of the police are also evident, but it is sometimes difficult to identify any consistent pattern. For example, in countries such as Sweden (Akermo 1986) and the Netherlands (Jones 1995) the police have become more centralised; in contrast, the traditionally centralised French system has diversified to allow the addition of local police bodies (Kania 1989). Internal changes may, on the other hand, be predicated by regime change. This is particularly well illustrated in the case of former eastern bloc countries and postcolonial societies. In each case, the transformation of the traditionally control-dominated police into a community-oriented police was commonly advocated by aspiring leaders. However, in the former case a perceived threat to law and order led to a dismantling of police reform agendas (Mawby 1999b), while in the case of postcolonial societies, new governments also sometimes retained old police systems in order to establish and assert their authority (Arnold 1986; Anderson and Killingray 1992). South Africa provides an excellent recent example of the difficulties of enacting reform (Brogden and Shearing 1993) but it is by no means the only one (Pino and Wiatrowski 2006).

In many cases, of course, internal pressures for reform may combine with external influences. For example, both the USA and many western European countries have been influential in advising former eastern bloc countries on reform agendas, in the former case including the funding of a police college in Budapest. However, as in the earlier cases of Japan (Aldous 1997) and South Korea (Lee 1990), the pressure towards community-oriented policing might be outweighed by foreign policy concerns, be these political or international crime related. This point has current resonance in the context of Iraq (Pino and Wiatrowski 2006).

The fact that changes to policy or practice in one country were successful is no guarantee that innovations can be successfully implemented, much less operate effectively, in another system. Police systems are closely embedded in the wider structure and the culture of their societies. They are resistant to change, even when political systems change, and a change of personnel does not guarantee that the system itself can be transformed. A review of police in different societies, then, both informs us of the distinctions that can still be drawn and introduces us to the complexities of change.

Note

1 See EUROPOL website at http://www.europol.eu.int.

Selected further reading

Most of the academic analysis of police systems across the globe can be assigned to one or more of five categories. First, a number of writers have focused on criminal justice systems in one particular country. Of course, such material is not necessarily comparative, but where academics are writing about non-Anglo-American countries and aiming for a wider audience, it is almost inevitable that they draw international comparisons. Examples of police systems in transition, such as Brogden and Shearing's analysis of South Africa (*Policing for a New South Africa*, 1993) or Aldous' work on post-war Japan (*The Police in Occupation Japan*, 1997) are particularly illuminating.

A second approach is to draw comparisons between two or more countries. Of these, perhaps the best known is Bayley's critique of the Japanese police (*Forces of Order: Policing Modern Japan*, 1991 edition), in which he draws on his experience of the US system. Others include Miller's comparison of the emergence of the modern police in New York and London (*Cops and Bobbies*, 1977).

A third approach that is perhaps a variant on this is what we might term the global perspective. Here primary or secondary material may be drawn from a number of countries to illustrate similarities in structures or issues facing policy-makers and practitioners. Bayley's *Patterns of Policing* (1985) provides a useful illustration of this approach: on the one hand, he contrasts aspects of policing, such as whether or not the police are organised on a national basis as a centralised institution or on a local level. On the other hand, he identifies what he sees as the key features of modern police systems – public, specialised and professional – and argues that in contemporary society similarities between nations are more notable than differences. In his more recent work (*Police for the Future*, 1994), Bayley focuses almost exclusively on the similarities between police systems. Based on research in Australia, England, Canada, Japan and the USA he argues that the police face a common set of problems related to their roles, and sets out various 'agendas for change'.

A fourth category of international comparison is where authors draw links between countries by focusing on international or multinational agencies. One recent example is debate over police co-operation in Europe – see Anderson *et al.*'s *Policing the European Union* (1995) and Hebenton and Thomas' *Policing Europe* (1995).

Finally, the police systems of a wide range of countries can be covered separately. This endeavour can, however, be approached in a number of different ways. One is to focus on a number of countries separately and to identify the core features of their policing systems in the context of their social and political systems, subsequently classifying them according to a typology – see Findlay and Zvekic's *Alternative Policing Styles* (1993) and Mawby's *Comparative Policing Issues* (1990). The alternative, as adopted here, is to provide a broad-brush approach by considering a range of contrasting systems. Thus Mawby's *Policing across the World* (1999) distinguishes between Anglo-American policing, policing on continental Europe, communist/postcommunist policing, colonial systems and the type of policing that has emerged in the Far East. More detailed discussions of any of these models are also available. For example, the similarities and differences between colonial police systems have been the subject of detailed scrutiny in two volumes edited by Anderson and Killingray – *Policing the Empire* (1991) and *Policing and Decolonisation* (1992) – and more recently changes in postcommunist societies are addressed by Beck *et al.* in *Police Reform in Post-Soviet Societies* (2006).

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Chapter 3

Policing before the police

Philip Rawlings

Communal policing

The title of this chapter highlights problems of definition in writing police and policing history. Who are the police and what is policing? Is policing the work that police do, or are the police those who do policing? One tradition assumes that these terms are unproblematic and that their meaning can be read from the organisation and practice of the modern police, that is, the police created by the Metropolitan Police Act 1829 and later legislation. This has led to the characterisation of the period before 1829 as merely a defective prologue to the modern police. Without pre-empting too much any conclusions on that view, this chapter adopts the words 'police' and 'policing' as shorthand terms (see Radzinowicz (1956: 1–8) for the meaning of police before 1829). By policing is meant the maintenance of order, the control of disorder, the prevention of crime and the detection of offenders, and by the police is meant those officials concerned with policing matters.

Before the Conquest of 1066 the primary responses to wrongdoings in England doubtless came from the victim, the victim's kin and the community. The state's intervention was relatively limited and to a large extent reflected the customary practices of the blood-feud and communal involvement. Nevertheless, the codes of law drawn up by Anglo-Saxon kings beginning with Æthelbert (died 616) were expressions of royal authority and as such they sought to rearticulate the rights of the victim and the roles of kin and the broader community into duties owed to a superior authority. The rights of the victim and the community to kill a wrongdoer were restricted and, instead, an expectation was established that offenders would be brought before the courts. The laws of Æthelbert directed that anyone who 'take revenge before he demand justice' was to provide compensation (Thorpe 1840: 109), and the laws of Ine (died 726) required that the killing of a thief be justified by showing that 'he whom he killed was a thief trying to escape' (Simpson 1981: 74). The codes also restructured the role of the community. The assistance of neighbours in the pursuit of a suspected offender became an obligation owed to the Crown – 'the hue and cry'. The laws of Athelstan (died 939) stated that a thief who fled 'shall be pursued to his death by all men who are willing to carry out the

king's wishes' (Riggs 1963: 46). Similarly, the system of frankpledge turned the tendency of a community to exclude strangers into a duty by requiring adult male inhabitants to be members of a tithing and obliging each to swear, 'I . . . will not be a thief nor the fellow of a thief, nor will I conceal a theft nor a thief but will reveal it to those to whom it should be revealed' (Maitland and Baildon 1891: 76). These themes survived the Conquest. For example, the Statute of Winchester of 1285 sought to strengthen the hue and cry through a requirement that the community compensate the victim of a robbery, who had raised the hue, if the offender escaped. In addition, the statute stipulated that town gates were to be closed at night and in the summer months when drier roads facilitated travel a watch was to be posted with authority to arrest strangers 'where they find a Cause for Suspicion'. The town bailiff was also to ensure that any resident who gave lodging to a stranger was ready to 'answer for him', typically by giving security for good behaviour.

While it can be argued that the victim and the community remained central to law enforcement because this reflected customary practice and lent legitimacy to the new system, it was also the case that the Crown had neither the inclination nor the resources to intervene itself. The feudal system meant the connection between the Crown and its subjects was not direct but ran through various intermediaries, who were expected to maintain order. Furthermore, the immediate threat posed by thieves was to the local community, and local people were likely to be better equipped to identify offenders, even though this might allow powerful criminals to operate with impunity. At the same time, the Crown could raise revenue through this system, not just through the penalties and confiscations imposed on offenders, but also through the fines levied on those who neglected their duties in relation to enforcement. As much as anything, it was this revenue potential that over many centuries began to drive the formalisation of these duties and the creation of complex systems of accountability that ran through parish, county and royal officials and the courts. Indeed, the law enforcement process at this time could be characterised as developing into a means of identifying offenders and as establishing a network of interlocking obligations on officials, witnesses, victims and whole communities. A case from Northampton in 1329 illustrates communal policing (Sutherland 1983: i, 168–9):

> At Heyford on 30 May 1317, Robert fitz Bartholomew of Heyford received certain unknown thieves as guests in his house. The watchmen of the town saw that those thieves were staying up suspiciously late in the night and therefore went to enter the house; when they came to one door Robert and the rest of the thieves went out the other door. The hue and cry were raised at once and the men of the town came to pursue and arrest the aforesaid felons. Among the men of the town came a certain John of Bannebury, who has now died, who pursued the felons, calling upon them to surrender to the king's peace. They would by no means surrender or permit themselves to be judged by the law, nor could those who were pursuing them take them alive. A general fight ensued between the felons and their pursuers, and John of Bannebury cut off the head of the aforesaid Robert. The chattels of the aforesaid Robert are confiscated for flight.

While this may not accurately reflect how communities really dealt with suspected offenders, it does provide some understanding of what the Crown – in the shape of the royal justices who heard the case – expected. It also nudges us towards a problem encountered by writing the history of policing, namely, the difference between the system of policing as constructed by the state and the practice of policing by officials, victims and so forth.

The rise of the official: the constable

Well before Robert fitz Bartholomew met his grisly end, it was feared that crime had continued to rise in spite of the Statute of Winchester. One reason given for this was that the provisions of the statute were being ignored, but the truth may have been that key assumptions underpinning communal policing no longer held true. To some extent, communal policing was the progeny of feudalism and, like it, depended on the existence of relatively stable communities. However, by the late thirteenth century the feudal system was in decay. The economy was stagnating and food prices were being forced up by a rise in population coupled with a decline in production. Then, severe famines in the early fourteenth century and later the plague of 1348 decimated the population, destroying many communities. The labour shortage that resulted pushed up wages and encouraged greater mobility. This mobility raised concerns that the economic and political order was being undermined and created obvious difficulties for a policing system that depended on an internally coherent community with a stable population. These problems led many in the political elite to swallow their reservations about the centralisation of power and support a national strategy co-ordinated by justices of the peace appointed by the Crown and operating in the counties (Palmer 1993).

To some extent, these events merely accelerated a long-established trend whereby the obligations of the community and the victim for law enforcement were being shifted into the hands of officials who were linked in a network that sought to achieve accountability. For instance, all members of a tithing were required to appear periodically before the sheriff for the relevant county to answer questions about the performance of their functions, but in practice the tithing was represented by a chief pledge or tithingman, who, typically, later evolved into the constable. There was also nothing new about the Crown seeking to increase its authority at the expense of local power-holders through the appointment of royal officials. Some of these officials were permanent appointments, such as coroners; some were appointed to deal with temporary crises, such as the keepers of the peace; and some were periodically sent to hold local officials and communities accountable for their actions, such as assize judges. Indeed, the extent of the legal reforms implemented by Henry II during the late twelfth century has led one historian to conclude that, 'Judicial activity and law continued to be characterized by a considerable degree of local self-government, but in important aspects it was self-government at the king's command' (Hudson 1996: 141). Yet, this is a depiction of the system and not its practical impact. How far was the behaviour of local officials influenced by, on the one hand, the expectations of

the people among whom they lived, and by, on the other hand, their relationship with higher officials? The difficulty of enforcing supervision means that the impact of county and royal officials on the practice of the constable may have been limited. So, for instance, the report on the killing of Robert fitz Bartholomew may have been shaped by the system of accountability rather than what actually happened. Yet, this flexibility may have been regarded as unproblematic and even essential in order to adapt to local circumstances (Clayton 1985). It may also have been the case that a shift of policing responsibilities towards officials deepened the split between procedural obligations placed on officials, such as the requirement that the constable lead the hue and cry, and the actual detection of offenders, which remained primarily a matter for communities and victims well into the nineteenth century and beyond (Herrup 1984; King 1989; Gaskill 1996).

Although the varied nature of medieval and early modern local government makes it difficult to generalise, in most communities the main official in terms of law enforcement was the constable, whose office probably derived from that of chief pledge. He served for one year, was unpaid and was appointed from the more substantial people in a parish. Shakespeare's depiction of the constable as incompetent, lazy and ignorant may have influenced how these officials have been viewed, but it must be remembered that his characters served dramatic and comic purposes and so they should not necessarily be taken at face value. It is certainly possible to find examples of poor quality constables and doubtless Shakespeare was appealing to his audience's perceptions. Yet, complaints seem to have been rare. This may merely reflect unwillingness among parishioners to criticise important figures in a community or recognition of the difficulties involved in a job that the potential complainant will have to take on in due course. Kent, in her history of Tudor and Stuart constables, confessed herself 'impressed by the time, effort, and even financial sacrifice that was expected, and so often given' (1986: 222) by constables. This was in spite of a relentless growth in duties which meant their role extended so far beyond what we would recognise as crime that a twenty-first-century observer might describe them as more like general civil servants than police officers. By the early seventeenth century the constable was responsible for such matters as military organisation, tax collection, the regulation of alehouses, weights and measures, the maintenance of public order, the control of vagrants and environmental pollution, in addition to the duties relating to the arrest and custody of suspects. It was also evident that the provision of constables did not reflect changes in the demography of some communities. In the City of London in 1663 there was one constable for every 25.5 houses in the Bread Street ward, but only one for every 486.5 houses in Cripplegate Without (Beattie 2001: 114–68). Efforts to implement reform had to contend with complexities in the structure and politics of local government, so that an apparently uncontroversial proposal to increase the number of constables in the City took decades to achieve.

What appears to be neglect by some constables in performing their functions may have been symptomatic of the complex position in which they found themselves. On one side, the constable's performance was liable to scrutiny by the justices of the peace, who might themselves be under pressure from central

government, and, on the other side, the constable might have his own interests to pursue and also depended on maintaining a good relationship with the community, both because without it many aspects of the work would have been difficult to perform and because these people were his neighbours. Writing in 1626, James Gyffon acknowledged the problem (Wrightson and Levine 1995: 115):

> The Justices will set us by the heels
> If we do not as we should
> Which if we perform, the townsmen will storm
> Some of them hang 's if they could.

Uncertainty about the constable's legal powers laid them open to harassment by litigation, although, presumably, they were more likely to face the sort of verbal abuse meted out in the 1660s by William Shepheard who, when angered by Thomas Webb, a Norfolk constable, provided an insight into a world of invective that we seem to have lost: 'I wonder what rogues made you a constable. I could shit a better constable, the devil take you . . . You Goodman Jackanapes, what will you do to me Goodman Constable, Goodman Turd' (Rosenheim 1991: 65). The motive for such attacks varied. In 1583 a constable in Colchester was set upon by a crowd trying to obtain the release of a prisoner (Emmison 1970: 106) and, more generally, the dislike of puritan restrictions on popular culture and the hatred of taxes imposed by the governments of James I and Charles I led to assaults on some of those constables who were regarded as over-zealous in their enforcement of these laws. The economic, social, religious and political upheavals of the fourteenth to seventeenth centuries tended to deepen the cultural gap between the prosperous members of a community from whom the constable was appointed and their poorer neighbours. This often created the sort of divisions within communities from which emerged both the enthusiasm of puritan constables for their work in enforcing laws against popular leisure pastimes and the opposition of those who resented these intrusions. On the other hand, constables knew that it was difficult in practice for the justices of the peace to hold them accountable and this provided an opportunity to obstruct or delay policies with which they did not agree and to pursue their own agendas (Langelüddecke 2007).

By the eighteenth century London householders were reluctant to serve as constables (Beattie 2001). Fulfilling that function as well as continuing to earn a living was burdensome so it became common practice to hire a deputy and, indeed, legislation was passed in 1756 to formalise arrangements for their appointment in Westminster. Soon after, the Bow Street magistrate, John Fielding, who, generally, supported the professionalisation of policing, praised the 'general good Behaviour, Diligence and Activity' of the Westminster deputies (Reynolds 1998: 46–7), although much later there was concern that, as one writer put it in 1829, 'the office has fallen into the hands of the lowest class of retailers and costardmongers, who make up the deficient allowance of their principals by indirect sources of emolument' (Wade 1829: 78). Nevertheless, events in London do not necessarily describe what happened in the rest of the country. Certainly, the idea that householders were anxious to shrug off

their obligations to serve does fit in with the history of policing as a gentle slide towards professionalism, but against this there was by the late seventeenth century an influential strand of political thinking which regarded the fulfilment of these civic duties as fundamental to the safeguarding of liberty that might otherwise be threatened by an unrestrained government backed by armies of its own officials (Dodsworth 2004).

The key official in connecting the parish officers to the Crown was the justice of the peace. This office emerged during the crises in the fourteenth century as a means of controlling wages and prices, but the justices later acquired a broad range of judicial and administrative responsibilities and formed an 'elaborate and co-ordinated system which for the first time provided the crown with a permanent judicial presence' (Musson and Ormrod 1999: 74). Although the Crown used its powers of appointment and dismissal to influence political opinion among the justices, they were not mere puppets. Most came from the land-owning gentry and some were members of Parliament, so that, while they were doubtless often flattered by the connection with the Crown and wary of making such a powerful enemy, their position in the county gave them an authority that could not lightly be ignored. Indeed, even when the shortage of active justices in the eighteenth century, particularly in towns, led to more appointments from the middling classes, the government did not necessarily find these men any more compliant.

Public and private police in the eighteenth century

All towns were required by the Statute of Winchester in 1285 to establish a watch and householders were periodically obliged to perform this duty. Aside from guarding the entrances to the town during the night, the watchman patrolled the streets and maintained order by, for instance, arresting drunks and prostitutes. The watchmen of sixteenth-century Devizes were instructed to challenge those who 'suspiciously walk about the Towne in the nyght' (Cunnington 1925: ii, 1), and little had changed by the eighteenth century when London watchmen were authorised to arrest 'all night walkers, malefactors, rogues, vagabonds, and other disorderly persons whom they shall find disturbing the publick peace, or shall have just cause to suspect of any evil designs' (10 Geo. II, c. 22). The burgeoning economy and leisure industry in the eighteenth century may have changed expectations of the watch. People stayed out into the night and many towns facilitated this by street lighting schemes, so that the idea of the watch enforcing an informal curfew no longer seemed appropriate. Instead, the expectation was that the watch would protect those whose legitimate business or pleasure took them onto the streets at night (Beattie 2001: 169–225).

There is evidence that by, at least, the seventeenth century watch duty was unpopular. In 1665 John Callin attacked William Child, a Norfolk constable, who had told him it was his turn to serve (Rosenheim 1991: 59). Yet, relatively few refusals were recorded, although it is difficult to know whether this was because people undertook the duty, or because they hired a substitute, or because enforcement action was only taken at times of crisis: in 1665 the Surrey

justices, alarmed at the possibility of the plague spreading from London, fined a large number of people for neglecting their duty (Powell and Jenkinson 1938: 69, 245–6). In any event, by the eighteenth century few householders in London were choosing to serve, which led to the appointment of paid deputies, who might continue to undertake this function for long periods of time.

An important change came when the London parishes of St James, Piccadilly and St George, Hanover Square obtained legislation in 1735 under which householders exchanged the duty to serve in the watch for the duty to pay a watch rate (8 Geo. II, c. 15). Other parishes followed this example, but the initial enthusiasm had been prompted by a crime panic and this faded with the outbreak of war in 1739 which, it was supposed, would remove into the armed forces the young men who were assumed to be responsible for most of the crime. The next surge in reform did not occur until peace came in 1748. Nevertheless, by the end of the century many London parishes had either established or improved watch schemes. Reform did not necessarily stop once a new watch scheme was in place. Many parish watch committees continued to seek improvements so that by the early nineteenth century some places had fairly sophisticated regulations about the qualifications, pay, working methods and discipline of the watchmen, and had even extended their cover by the appointment of patrol officers with greater freedom to operate (Harris 2004).

In other parts of the country, as growing economic activity expanded villages into towns, the local elite often wanted their town to acquire the trappings of civic status, including a professional watch system. There was also a snowball effect whereby reform of the watch in one place led neighbouring communities to introduce changes because of the fear that criminals would migrate from well- to poorly-policed areas – a fear that sometimes accompanied the construction of a turnpike road, which enabled faster travel. At Clapham in Surrey, for instance, a proposal to reform the watch in 1785 was put forward because the village 'is become large and populous, and, from its Vicinity to the Metropolis, the Inhabitants thereof, and also all Persons passing to and from the same in the Night Time, are much exposed to Robberies, and other Outrages' (*Journal of the House of Commons* 1785: xl, 616). These reform proposals did encounter difficulties. Householders who were unwilling to serve or critical of the professional watch might also be unenthusiastic about contributing to the cost. The complex structure of the government in many boroughs could also obstruct reform, and there were often struggles between local political and interest groups to gain control over any watch forces.

The question remains as to whether these reforms made a real difference. The records of trials at the Old Bailey indicate that after 1740 victims, who had previously cried out for assistance from their neighbours, were more likely to call for the watch (Shoemaker 2004). This might suggest they had some confidence in the new professional forces, although it might merely indicate that, their neighbours having paid for this service, they no longer expected them to respond, or there was a belief that saying they had called for the watch would in some sense reinforce their testimony against an offender. Certainly, criticism of the watchmen persisted throughout the eighteenth and early

nineteenth centuries, although it is not always easy to judge whether this was because they were inefficient and/or corrupt, or because expectations about what they should achieve had risen (Hurl-Eamon 2005). Newspapers delighted in recounting stories of the incompetence of watchmen, such as when the *London Evening Post* (29 February 1772) reported that lead had been stolen from the roof of a London watch-house, and it is not difficult to find confirmation of these types of story in parish records. John Pizzey, who served as a watchman in Holborn, London, was rewarded by the watch committee in 1819 for making an arrest, but within 18 months he had been dismissed for 'improper conduct'. Reinstated following a petition of support from householders on his beat, he was dismissed again three months later for falsely charging a gentleman with assaulting him, which offence he compounded by his defiant attitude before the watch committee (St Andrew, Holborn, B/1D21). The alleged deficiencies of the watch were not always blamed on the watchmen. In 1770 John Fielding complained to a select committee of the House of Commons that the watch in Westminster 'is insufficient, their Duty too hard, and Pay too small' (*Journal of the House of Commons* 1770: xxii, 879), and he attacked the parishes for their parsimony and their failure to co-operate with each other. Difficulties were caused by the limits on the jurisdiction of watchmen, especially in London: Stephen Haydon told the Old Bailey in 1741 that, although he had heard the cries of a robbery victim, he had not gone to her assistance because 'it being out of my Parish I durst not venture to go' (*Old Bailey Sessions Paper* July 1741: 4). In some places, such as Southwark in 1766, neighbouring watch schemes were joined together, although this was just as likely to be prompted by financial savings as by considerations of greater policing efficiency.

Another area of concern was the ability of the watch forces – in London and elsewhere – to cope with major disturbances. The authorities could be overwhelmed by a demonstration against food prices, or by a crowd gathered to celebrate Guy Fawkes' night or to gawk at an execution. The Gordon Riots dramatically exposed this weakness in 1780, when large parts of London fell into the hands of the rioters for five days. The army could be used to support the civil authorities in the eighteenth century, but this raised a number of problems. The distrust of powerful government meant there was strong opposition to the existence of a large standing army and the use of troops against civilians. Moreover, the magistrates, who had the power to request assistance from the army, had a number of concerns about doing so: the nearest barracks might be at some distance, which meant the soldiers could arrive too late; there was uncertainty about who could order the soldiers to use force and what force might be used; and it was feared that the presence of soldiers could stir up resentment that might otherwise have dissipated peacefully. The civil authorities had been criticised for failing to use the army early enough to quell the Gordon Riots, but there were also accusations that the troops themselves had been sympathetic to the rioters. At the other extreme, in 1761 the North Yorkshire Militia became known as the Hexham Butchers after charging into a crowd gathered in that market town to protest against new methods of conscription and hacking 40 people to death.

After the Gordon Riots and particularly during the French Wars (1793–1815) efforts were made to reduce the dependence on soldiers by establishing

paramilitary forces composed of part-time volunteers, but they often proved difficult to control, as when in 1819 a charge by one such force turned a peaceful meeting in Manchester into the Peterloo Massacre. On the whole, therefore, the government and local authorities continued to rely on the army. To improve the distribution of troops around the country, a large number of barracks was built. In 1812, at the height of the industrial protests known as the Luddite disturbances, about 12,000 soldiers were stationed in the Midlands and the North – more than Wellesley (later the Duke of Wellington) took to Portugal. Even so, the uncertainty about the use of the army remained and was again exposed during the riots in London in support of Queen Caroline in 1820–21. It is not clear whether there had been a rise in disorder in the early nineteenth century or just a growing intolerance of public gatherings (Harris 2003). In any event, these events seem to have caused consternation to one observer in particular, Robert Peel, who became Home Secretary in 1822 and who later introduced the Metropolitan Police Bill, but, even if he did contemplate the formation of a civil force that might take on riot control, the issue remained politically sensitive and did not feature prominently in his public pronouncements on policing in London.

In 1792 the Middlesex Justices Act was passed. Although it did not apply to the City, across the rest of the metropolis there were established seven police offices. Each office was staffed by stipendiary magistrates and a small group of officers whose jurisdiction was not confined by parish boundaries. Nevertheless, the implementation of a unitary watch scheme in London remained unlikely. Legislation had been passed in 1774 to bring some uniformity to the parish forces in Westminster in terms of pay, duties and force strength, but Fielding's proposal to establish a single watch and place it under the control of the Middlesex magistrates – of which he was one – failed, as had similar proposals earlier in the century, including one put forward in 1749 by Henry Fielding. In 1785, however, the government introduced a bill to unify policing in London. This was part of the reaction to a crime panic that followed the demobilisation of a huge army and navy at the end of the American War of Independence. The authorities increased the number of people hanged and searched for a destination to which convicts might be transported as a replacement for the American colonies, but there were also innovations in the form of new prison building by local authorities and the proposal by William Pitt's government that the policing of the metropolis be put into the hands of commissioners. The bill was rejected. Although the decisive issue in this instance was the City of London's resentment at what it regarded as an invasion of its privileges, such proposals were, typically, opposed because of concerns over cost and the loss of parochial authority. Ratepayers wished to retain control over their own watchmen and spending, and the members of the parish vestries, who managed the watch, were often reluctant to relinquish their power. Rich parishes, such as Marylebone, which had well organised forces, feared that a unified watch in Westminster would lead to reduced coverage because resources would be channelled to boost provision in poorer areas. Finally, there was the belief that unification would increase the power of central government and so threaten liberty. In 1822, a select committee of the House of Commons accepted that such a system might improve crime

control, but rejected the idea as 'difficult to reconcile . . . with that perfect freedom of action and exemption from interference, which are the great privileges and blessings of society in this country' (Select Committee 1822: 9; see Emsley, this volume).

Aside from the constable and the watch, there were other types of public police provision. After the revolution of 1688, government became more involved in the criminal justice system. The removal of James II and the subsequent Jacobite rebellions and plots made governments sensitive about internal order, including crime. Changes in government finance also provided the resources that allowed a more aggressive approach to criminal justice policy, and MPs, who acquired greater significance as a result of the new constitutional settlement, were often enthusiastic about such policies, as the rapid creation of a large number of new capital offences testifies. From the 1690s, the government funded a number of initiatives, including statutory rewards, transportation of convicts to North America and some prosecution costs. The government also reinforced state police officers. Increases in public spending were, in part, funded by duties on a wide range of goods, and this increased the opportunities for illicit trading and smuggling, which, in some cases, was well organised, attracted popular support and even involved violence. This led the government to increase the number of customs and excise officers and even to deploy troops in support of them, as happened in the campaign in the mid-eighteenth century against the Hawkhurst gang in Sussex (Winslow 1977). Other government departments, such as the Mint and the Post Office, also used rewards and employed officers to enforce laws relating to their spheres of interest.

The government encouraged active magistrates and from the 1720s appointed a 'court justice' to advise on policing in London, which role eventually fell to Henry and then John Fielding at Bow Street. During a panic over crime that began after the end of war in 1748, public funds were given to the Fieldings to establish a detective force to tackle street robbery. This force had, at most, 12 men, and became known as the Bow Street Runners. It represented a significant shift in policy since it was not under the control of the parishes within which it operated and, instead, was accountable to a magistrate and to government, which provided funds. This pattern was extended by the creation of other Bow Street forces. John Fielding used the opportunity of a crime panic after the end of the Seven Years War in 1763 to obtain government funding for the appointment of officers under his direction to patrol the highways leading into London. This Horse Patrol was made permanent in 1805 and continued until absorbed into the Metropolitan Police in 1836. Other forces followed: the Foot Patrol was made permanent in 1790 and operated in 16 central districts of London until replaced by the Metropolitan Police in 1829, and there was also the wonderfully named Dismounted Horse Patrol, which was responsible for areas outside the jurisdiction of the other patrols. By 1829, these patrols together comprised around 400 officers.

Alongside these public policing schemes, there seems to have been an expansion in privately employed watchmen during the eighteenth century. In some prosperous areas neighbours joined together to fund patrols and by the mid-nineteenth century some 150 communities in London were using guarded

gates for protection against traffic and thieves (Draper 1984). Several hundred subscription societies were established across the country from the mid-eighteenth century for the prosecution of offenders, and some of these provided patrols to guard members' property. Many warehouse owners, dockyard operators and turnpike trustees operated small forces of watchmen, some of whom were sworn as constables or enjoyed special statutory powers. In Yorkshire worsted manufacturers obtained legislation to outlaw certain working practices and employed inspectors to enforce these laws. The most famous of these private forces was the Thames River Police. It was established in 1797 by dock owners as part of a strategy to impose new working practices and the intervention of these officers led to a riot in October 1798, which resulted in the death of a foreman and the execution of a dockworker. The force survived and expanded, and in 1800 its funding and control passed into the hands of the government.

The practice of policing: maintaining order

Transformations in social, economic and political relationships after the fourteenth century led to officials and the Crown playing a greater role in policing, and provided those officials with an agenda in which the focus was on the regulation of labouring people rather than the detection of offenders.

Laws on work, vagrancy, poor relief and morality proliferated, encompassing the whole of the labouring population in both their economic and social lives. The Statute of Labourers 1351 was passed to deal with, among other things, the rising labour costs that had resulted from the shortage of workers. This shortage was, however, ascribed by the statute to the attitudes of workers rather than the plague: '[some] will not serve unless they may receive excessive wages, and some rather willing to beg in idleness, than by labour to get their living'. Working people, it was believed, had to be closely regulated otherwise they would drift into idleness and immorality, and from there to poverty, vagrancy and crime.

Vagrants were regarded as symbolising the dangers posed both by the labouring people and by inefficient regulation (Slack 1988). They were defined in law as those engaged in jobs that involved moving around, such as pedlars, but, more broadly, they were 'all wandering persons and common Labourers being persons able in bodye using loitering and refusing to worcke for . . . reasonable Wages' (39 Eliz. I, c. 4 (1597), s. 2). Vagrants were routinely blamed for spreading crime and disease, and they were subject to severe punishments, such as whipping. In 1596, during a severe economic depression, a series of poor harvests and the demobilisation of large numbers of troops, Edward Hext, a Somerset magistrate, wrote to Elizabeth's chief minister, Lord Burghley, claiming that:

> the Infynyte numbers of the Idle wanderynge people and robbers of the land are the chefest cause of the dearthe, for thowghe they labor not, and yet they spend dobly as myche as the laborer dothe, for they lye idlely in the ale howses daye and nyght eatinge and drynkynge excessively (Tawney and Power 1951: iii, 341–2).

That the government agreed with this view is suggested by a proclamation issued in the same year ordering monthly searches for 'pretended soldiers' and appointing provost marshals with wide powers to sweep up vagrants.

Alongside this penal attitude to vagrancy, the Tudors did introduce a statutory system of poor relief. This was made necessary, in part, because of the Reformation, which diminished the role and resources of the church. In its place, the parish acquired responsibility for the poor. Yet, although the poor laws amounted to an acknowledgement of the state's obligation to provide assistance to the indigent, they also provided a flexible and broad disciplinary regime that had an impact on all labouring people, whether they required assistance or not. A pauper could be incarcerated in a workhouse or house of correction, or returned to her or his place of settlement (broadly, the place of birth or long residence or, in the case of a married woman, the settlement of her husband). Since settlement defined the responsibility of a parish to provide relief for a pauper, casual workers were likely to be moved on before they could acquire a settlement and pregnant local women pressured to marry someone from another parish, even if no claim for relief had been made.

There were also labour laws that regulated various aspects of work, including wages, controlled or prohibited attempts by workers to organise strikes or trade unions, and gave justices of the peace broad powers to discipline employees. Employers were subject to some regulation, but to a lesser extent than the workforce and the sanctions involved were of a quite different order, so that, for instance, while an apprentice who ran away might be imprisoned, an abusive master or mistress would, at worst, only suffer the cancellation of the apprenticeship agreement. Finally, the labouring population was subject to a maze of legislation on morality, which concentrated on the control – or eradication – of popular culture rather than the leisure pastimes of the rich. Once again, the justification for these laws lay in the connections that were made between immorality, crime and poverty. A statute of 1606 declared drunkenness to be:

> the root and foundation of many other enormous sins, as bloodshed, stabbing, murder, swearing, fornication, adultery, and such like, to the great dishonour of God, and of our nation, the overthrow of many good arts and manual trades, the disabling of divers workmen, and the general impoverishing of many good subjects, abusively wasting the good creatures of God. (4 Jac. I, c. 5)

Administration of the laws on vagrancy, poor relief, labour and morality was largely placed into the hands of parish officials, such as the constable and the overseers of the poor, under the supervision of the justices of the peace. In practice, this gave the officials flexibility because there was little likelihood of their decisions being challenged. Edward Hext was concerned about lax enforcement, which encouraged what he believed to be the natural idleness of the labouring people: he complained 'of Constables and Tythingmen that suffer [vagrants] to wander, and of inhabitants that releve them contrary to the lawe' (Tawney and Power 1951: iii, 344). Yet parish officials faced problems in carrying out their duties. The law was often obscure or difficult to enforce. For

instance, the identification of a pauper's place of settlement was likely to depend on information supplied by that person, which an official would have neither the time nor the resources to verify, even if he were inclined to do so: Amy Moore was arrested in Salisbury for vagrancy three times between 1603 and 1607, and on each occasion was removed to a different place because of the information she gave concerning her settlement (Slack 1975). Undoubtedly, officials were not always as rigorous in their enforcement of the law as Hext would have wished. Some were either sympathetic or simply unwilling to spend time enforcing the law: encouraging someone to move to the next parish and even giving a few pence to help them on their way may have seemed the kindest or easiest option. Not all were as critical of such flexibility as Hext. William Lambarde, a Kent justice, was certainly willing to use the whip against vagrants, but he was also critical of the harsh policy adopted towards demobilised soldiers. Writing in the same year as Hext, he observed:

> what marvel is it if after their return from the wars they do either lead their lives in begging or end them by hanging. Nevertheless we are by many duties most bounden to help and relieve them, considering that they fight for the truth of God and defense of their country; yea, they fight our own war and do serve in our places, enduring cold and hunger when we live at ease and fare well. (Read 1962: 183–4)

Another aspect of this issue of enforcement has already been touched on, namely, the relationship between the officials, the communities within which they lived and the justices of the peace. Communities would have agreed on the need for a moral order, but that did not mean there was agreement about its shape or how it was to be maintained. This, in turn, could lead to conflict around enforcement and even reluctance to use the law, not least because it placed control over the definition of moral order outside the community. Instead, informal methods would often be used to impose order, such as rough music, which involved noisy demonstrations aimed at an individual whose behaviour was regarded as objectionable, 'to make soe notorious an abuse exemplarye whereby others evill disposed might be discoraged from committinge the like' (Reay 1998: 160). Sometimes there seemed no alternative to the law, although it is safe to assume that, in common with most litigants, a community resorted to the law in the expectation of receiving confirmation of its view of a 'difficult' neighbour. In the 1590s the villagers of Little Onn in Staffordshire petitioned the justices to have William Alcocke bound over to keep the peace. They complained that he did not repair his fences, took fuel from his neighbours' hedges and that:

> he ys so stout and prodigall that he may in no wyse be reprehended for any of these his manifest faultes and suspiciouse lyffe but he thereupon threateneth to kill . . . the manner of his lyffe ys so suspicious as wee greatlie doubt hym . . . [He] thinketh hym selfe a man Lawlesse and therefore lyvethe without the compasse of all good order. (Burne 1932: 25–7)

Yet, as has been seen in the context of those constables who enthusiastically enforced the laws on morality in the late sixteenth and early seventeenth centuries, communities were often internally divided over these issues: a complaint to the Somerset Quarter Sessions in 1608 about the immorality of John Newman's lifestyle was met by a petition from 26 of his neighbours which provided an unqualified endorsement of his honesty and industriousness (Bates Harbin 1907–08: i, 16).

In the eighteenth century the laws regulating the labouring people continued to grow, but there does appear to have been a shift in the reasoning behind them and their enforcement. Some did continue to view the immorality of the labouring people in fairly apocalyptic terms, as Hext had done, and to pursue the issue vigorously. Societies for the reformation of manners were formed in 1690 as voluntary organisations to prosecute offences against morality (see Claydon 2004, for the politics behind this movement), but initial enthusiasm among the political elite soon evaporated in the face of criticism, which was neatly summarised in some lines by Daniel Defoe (1709): 'Your Annual Lists of Criminals appeare/But no Sir *Harry* or Sir *Charles* is there'. By the 1720s the societies had lost most of their support and attempts to revive them later in the century met with only limited success. Assumptions about the inherent dishonesty, immorality and idleness of the labouring people and the link with poverty and crime continued to hold sway, but they were no longer seen as the threat to the political order that, in part, underpinned Tudor policy. Such fears had largely been displaced by concern over the cost of poor relief and by the belief that, 'Our domestic safety and comfort, our private wealth and prosperity, our national riches, strength, and glory, are dependent upon an industrious and well-order'd Poor' (Potter 1775: 1). This acknowledgement that the labouring people created wealth in which they did not share was not meant to generate sympathy for them, it was regarded as placing them under an obligation to work or to work harder: 'having nothing but their labour to bestow on the society, if they withhold this from it they become useless members; and having nothing but their labour to procure a support for themselves they must of necessity become burdensome' (Fielding 1988: 228). In short, the immorality of the labouring people led to personal and national disaster, while the immorality of the rich had little impact and, indeed, might even benefit the economy through increased expenditure on luxuries.

The labouring people were not simply regulated by more laws, their opportunities for earning a living outside the discipline of the labour relationship were reduced. From the sixteenth century, common land, on which the labouring people might have raised some cattle, came under increasing pressure from land-owners, and non-waged work, such as gleaning, was criminalised. At the same time, there was growing political support for the removal of regulations on capital, which included the withdrawal of legal protections for labouring people and a greater willingness to oppose forms of popular action, such as trade unionism in the workplace or the use of rioting to influence food prices (Hay and Rogers 1997). It should, however, be remembered that enforcement of such laws remained uncertain because it depended on parish officers. Moreover, while the expansion of the jurisdiction of the justices of the peace to try cases summarily gave employers an

additional weapon, it also allowed the labouring people to use these courts to attack the actions of employers and landowners (King 2004).

The practice of policing: crime control

While the regulation of the labouring people became an important part of the parish officers' roles, the detection of offenders was left mainly to the victim, who had to identify the offender and bear at least part of the costs of prosecution. A brief glance at contemporary trials makes this evident. To take one session at random, the *Old Bailey Sessions Paper* (*OBSP*) for December 1720 reported 27 trials involving convictions for stealing or attempted stealing. There is too little information in five cases to draw any conclusions about the means by which the suspect was identified. In 13 cases the connection between the defendant and the crime seems to have been made fairly rapidly: in nine at least one defendant was an employee or former employee, and in the other four at least one defendant was caught near the scene of the crime. In the remaining nine cases there was a delay in identifying the suspects and it is not always clear how the identification was made, although in four the arrest was made after a pawnbroker or dealer in goods, to whom the stolen property had been taken, became suspicious.

Offenders were often taken at or near the scene of the offence. In 1637, William Stevenson reported that, as he walked through the crowds at Scarborough market, he felt the hand of John Watson 'very busie aboute his reight pockett' (Ashcroft 1991: 299). Thomas Armstrong, one of the defendants at the Old Bailey in 1720, was apprehended leaving the public house from which he had stolen goods. Mrs Richins, who worked there, 'threw him down', and, although he ran off, he was pursued and caught by two men responding to her cries of 'Stop thief!'. Employees of the victim had a greater opportunity to steal or, at least, were more likely to be identified as suspects: in another of the cases before the Old Bailey in 1720, Mary Ann de la Fountain disappeared from her employment at the same time as the theft of a silver knife and fork and this led to her arrest and the discovery of the missing items. Some victims were prepared to engage in fairly prolonged detective work. In 1784, George Arthur suspected that an ex-employee had stolen from his shop in Tower Hill, London. Resolving to track the man down, Arthur went to his lodgings in Old Street, then travelled the considerable distance to Bristol and eventually caught up with him in Bath (*OBSP* December 1784: 183–4). Victims who subscribed to one of the societies for the prosecution of offenders were encouraged to undertake a pursuit because they could claim the expenses incurred (King 1989; Philips 1989). In London, those who had valuable items stolen could report the theft to the Goldsmiths' Company, which after the early seventeenth century (and possibly before) operated a system of despatching a beadle to warn goldsmiths and pawnbrokers (Jowett 2005). The Bank of England's campaign against forgery of bank notes between 1797 and 1821 illustrates the possibilities that were open to well-resourced victims of crime. The campaign was orchestrated by the Bank's solicitors, who used rewards to encourage the co-operation of local officials and officers attached to the

Metropolitan Police offices, and who gathered and disseminated information and maintained careful records (McGowen 2005).

Since prosecutions usually depended on the involvement of victims, they had a broad discretion to decide on the responses that most suited their interests and these did not necessarily coincide with the aims of the justice system. A victim might have wished to avoid the cost and inconvenience of a prosecution that would not guarantee the return of stolen property, or might have been reluctant to bring a petty thief to the gallows. When a victim of theft identified the offender, there were a number of alternatives to prosecution: the victim might pay the thief for the return of the goods, or be content with some compensation or an apology from the thief, or just ignore the matter. In 1649, at the height of the civil war, John Dickinson, a farmer in North Yorkshire, reached a settlement with the men who had stolen his sheep 'because . . . it was a dangerous tyme and Elvard was a soldier and may been hee and his partners might have done the said Dickinson some harme' (Ashcroft 1991: 196–7). In the early eighteenth century, Jonathan Wild built a profitable business based on mediating between victims and thieves, and he cunningly reduced the effort involved by organising some of the thefts himself. As one of his biographers put it, 'The People who had been robb'd, it may be suppos'd were always willing enough to hear of their Goods again, and very thankful to the Discoverer' (Anon 1725: 8). Legislation may have terminated some of the business practices that Wild had perfected, but many victims continued to place the return of their property above the prosecution of the thief. The eighteenth-century boom in the newspaper trade enabled them to contact thieves directly by advertising rewards for the return of property, which was typically described as 'lost', with the added promise of 'no questions asked' (Styles 1989). Although illegal, compromising an offence did occur. In 1750, Horace Walpole, the son of the former prime minister, Robert Walpole, came to an agreement for the return of a watch with James Maclean, 'the gentleman highwayman', who had robbed him in Hyde Park. Even justices of the peace seem to have regarded mediation between victim and offender as part of their broader role of maintaining local harmony: in 1665 Robert Doughty, a Norfolk justice, persuaded a farmer to drop a prosecution for theft in exchange for compensation from one woman, a day's unpaid work from another and an apology from a third (Rosenheim 1991: 61).

Third parties sometimes became involved in the detection process. By the eighteenth century the hue and cry had lost its role as a means of compelling the community to pursue a suspect, but, as the arrest of Thomas Armstrong in 1720 shows, a shout of 'Stop thief!' might still bring assistance from neighbours and bystanders. The involvement of pawnbrokers and dealers in second-hand goods in the arrest of thieves may have been prompted by the tightening of the laws on receiving stolen goods in the eighteenth century. James Washfield, who was convicted at the Old Bailey in 1720, had been arrested when he tried to sell some stolen brass weights to Samuel Wood. For some reason Wood became suspicious and had 'stopt him, and upon hearing a very indifferent character of him, had him before a justice, where he confess'd he stole them'. Then, there were the chance encounters. In 1733, John Felt went to the assistance of John Cullington, who had fallen from his horse.

He noticed several bullets roll from Cullington's pocket, 'which made me suspect him for a Highwayman, and therefore I secur'd him' (*OBSP* December 1733: 10). Finally, some offenders were identified as a result of comrades being persuaded by magistrates to give evidence for the prosecution in exchange for immunity: when James Dalton was arrested in 1728, he quickly offered to appear as a witness for the Crown against the members of the gang of street robbers which he led (Rawlings 1992: 77–109).

The nature of the work of constables and watchmen meant that they also occasionally detected suspects. Responding to the cries of a robbery victim, Moses Bennet, a London watchman, chased and caught Benjamin Beckenfield (*OBSP* December 1750); and Michael Hollingsworth was arrested in the cellar of the Half Moon in Westminster in 1817 after a watchman noticed an open window (*OBSP* October 1817: 472–3). Watchmen also made arrests as a consequence of stopping someone whose behaviour appeared 'suspicious': William Paine was convicted of stealing a pig in 1740 after being stopped while walking through Bermondsey by a watchman who heard a squeak coming from the sack slung over his shoulder (*Surrey Assizes* July 1740: 9). In general, however, watchmen and constables were concerned with order maintenance, and, unless a reward or fee was offered, many were doubtless as unenthusiastic about detection work as the constable in London who told a robbery victim in 1734 that 'he should be upon Duty that Night, and would look after such Fellows as I had describ'd' (*OBSP* December 1734: pt I, 9). Officers did make arrests and search premises, but usually this was only after a suspect had been identified by the victim. In the summer of 1739, Henry Davies suspected that Elizabeth Williams had picked his pocket, so he found out where she lived, obtained a warrant from a magistrate and only then called on the assistance of the constable to make the arrest and search her house (*Surrey Assizes* August 1739: 9).

Some of the more active justices of the peace, such as John Fielding (Beattie 2007), advertised for information about a notorious crime or instructed a parish officer to make inquiries into a suspicious person who had been arrested but against whom no specific charge had been laid. However, most justices who engaged in the criminal justice process (which, by the eighteenth century, many did not) tended to restrict themselves to their statutory duty. In felony cases they were required to collect such evidence 'as shall be material to prove the felony'. This was usually taken to mean just examining those who came before him, such as the victim, the suspect and the witnesses, and binding them over to appear at the trial with the objective of ensuring that the prosecution would not be abandoned (2 & 3 Ph. & Mar., c. 10). In theory, the justices were not concerned with any possible defence, although some seem to have considered whether the 'right' person had been arrested by testing the evidence and, as has been seen, it was not uncommon for them to step even further outside their authority by encouraging parties to reach a compromise.

The enthusiasm with which victims or officials pursued a suspect was, doubtless, influenced, not just by the time, effort and expense involved, but also by the degree of danger. Crowds could just as easily fight to free a pickpocket who had been grabbed by a victim, as seek to apprehend them. When John Warden, a constable, went to the Black Boy Inn in Lewkener Lane,

London, to make an arrest in 1734 he was well aware that this was a dangerous area, so he armed himself and took along a number of colleagues. Nevertheless, his mission was abandoned because on entering the inn he was confronted by 'about thirty shabby Fellows, who began to mob us, so that we were glad to get away' (*OBSP* December 1734: pt I, 20). Others were less fortunate: a London watchman called Crowder was shot dead in 1750 when he joined in the pursuit of street robbers (*OBSP* 20 October 1750).

As has already been seen, active intervention in criminal justice policy became a routine part of the state's functions from the 1690s. Part of this strategy involved the offer of rewards, which had been used since the fourteenth century to encourage people to prosecute victimless crimes, such as religious nonconformity, profane swearing and operating an unlicensed alehouse or gin shop (Warner and Ivis 2001). From the late seventeenth century, this idea was extended to more serious offences and payments as high as £500 were offered for the conviction of those engaged in certain smuggling offences. In addition, victims, their families and local authorities offered rewards in response to particular crimes. These inducements encouraged some people, including professional constables and watchmen, to exploit their connections and engage in thief-taking as a supplement to their income (on the origins of thief-taking, Wales 2000).

Since payment of the reward depended on conviction, thief-takers were often keen not to leave the gathering of evidence to the magistrate, but to take charge of the process by extracting a confession. Commonly, interrogations took place in a nearby inn. In 1741, Charles Shooter, who was described in court as a child, claimed that thief-takers had tricked him to confess by getting him drunk (*OBSP* January 1741). If two suspects were taken, the thief-takers might set them in competition against each other with a promise of allowing one to appear as a witness for the Crown and so escape prosecution – a promise they had no power to make and which, with confessions secured, was often not fulfilled. The testimony of witnesses was also important and, doubtless, many were coached. When Nicholas Sweetman was asked at the Surrey Assizes in 1741 how he could be sure that the accused had robbed him, he blurted out, 'I was told by a Gentleman who makes it his Business to take up these Sort of People' (*Surrey Assizes* July 1741: 2–3). Greater care had been exercised by the thief-taker who, after a mail robbery in 1721, took two witnesses to Newgate Prison. There, as they later said in the Old Bailey, both identified William Wade, who had been arrested on suspicion, but they were careful to add that they had picked him out from a dozen or more prisoners exercising in the yard and that the thief-taker had given them no hint and had told them not to confer (*OBSP* July 1721: 7).

A cynic might be a little suspicious at the frequency with which thief-takers were victims or happened to be passing the scene of a crime in progress, and there was extra-judicial criticism that rewards encouraged perjury – a claim that drew support from cases where thief-takers were convicted of having laid false charges of robbery, such as the cases of John Waller in the 1730s and the McDaniel gang in the 1750s. Moreover, there was good reason to suppose that some thief-takers did not bother to go to the trouble of bringing a prosecution, which might end with a jury failing to produce a conviction for an offence that

carried a reward, and, instead, extorted money from people by threatening them with prosecution. In spite of the notoriety of these practices, the judges appear not to have been impressed by unsupported allegations from defendants about the behaviour of thief-takers and Beattie (2001: 244) seems right in his suggestion that they 'were tolerated because they were useful'. Indeed, thief-takers enjoyed close relationships with some of the more active London magistrates and constables and would have been familiar figures in court. It is true that the judges constructed certain rules of evidence, for example that confessions should be voluntary, but these may have posed few difficulties for thief-takers and could have even worked to their advantage because appearing to conform to the rules may have improved the chances of obtaining a conviction. What eventually caused problems for the thief-takers was that by the 1740s the trade was becoming overstocked and profits squeezed (Beattie 2001: 413). In addition, as defence lawyers became more common in the late eighteenth century, the evidence of those who stood to earn a reward was subjected to greater scrutiny (Langbein 2003).

The emergence of professional constables across the country and, more particularly, the establishment of the Bow Street Runners and later the police offices under the Middlesex Justices Act 1792 also played a significant part in the decline of freelance thief-takers. In the second half of the eighteenth century, Henry and John Fielding were energetic in their pursuit of offenders and in publicising this work. John Fielding devised a plan that involved advertising through newspapers for victims and witnesses to bring information to Bow Street. The information was then distributed to selected London thief-takers and to magistrates throughout the country (Styles 1983; Beattie 2007). He argued that this enabled the rapid exchange of information between magistrates and offered a means of tackling those offenders who travelled about the country and who drew support from an alleged network of receivers and safe houses. Fielding (1768: vi) believed that this would increase the likelihood of offenders being caught and that 'the Certainty . . . of speedy Detection, must deter some at least'.

One difficulty facing the Fieldings was to convince governments to fund their plans. Crime panics, together with the Fieldings' skill in using newspapers and pamphlets to publicise their work, enabled them to extract some financial support. They found posts for some of the Bow Street thief-takers as gaolers or deputy constables, but they also relied on rewards and fees paid by victims. Although rewards were an accepted means of obtaining assistance, they were associated with some of the stink of corruption of the Waller and McDaniel cases, which the Fieldings struggled to dispel. Another difficulty was that the plan to control crime through the detection of offenders represented a departure from the assumptions that had underpinned an important part of criminal justice policy. It was believed that attaching the death penalty to a large number of offences would deter people from crime, but this required the execution of only a few carefully selected offenders because otherwise there might be revulsion at the bloodshed, sympathy for the hanged and a dilution of the message (Hay 1977). There was, in this sense, no need for a more efficient system of detection. On the other hand, the plan was in tune with other developments in criminal justice policy. Although it was

accepted that not all felons should be hanged, there were sustained efforts to establish punishments, such as transportation and later imprisonment, to deal with those who were reprieved: in other words, all offenders were to be punished. This was reinforced by policies aimed at encouraging prosecutions, such as the payment of costs and rewards.

Like the professionalisation of the watch, this professionalisation of detectives may not have been resented by victims or the community, even though the involvement of officials, who reported to magistrates, threatened to reduce the discretion that the community had over its response to criminals and to prevent victims themselves from engaging in a trade with criminals for the return of stolen property. In any event, it did not prevent – and may well have encouraged – the expansion of what came to be called private security. Private security had always been present, but seems to have expanded from the mid-eighteenth century. People were able to establish – or to believe that they had established – some control over their own security and over the response to crime as it affected them personally. The priorities of victims, which were not necessarily the same as those of the Bow Street office, could be addressed: the return of stolen property might outweigh the desire to apprehend the thief. This growth in private security undermined a rational debate on police because it stood outside the professional police structures and, therefore, did not form part of the rather narrow idea of policing that was emerging. This continues to cause problems.

The history of police and policing

Early police historians took as their subject the new police after 1829 and even when looking at events before then they tended to do so with a view to identifying the commentators and practitioners whose opinions seemed in sympathy with later developments (Radzinowicz 1956). Their working assumption was that these reforms showed the police before 1829 to have been largely defective. This meant historians were not particularly concerned with previous systems and so did not look at their objectives or how they worked in the context of those objectives. This assumption has been challenged by recent work on the history of the police and, as a result, our understanding of the period before 1829 has been changed dramatically (see selected further reading; also Zedner 2006). Yet, events after that date continue to have an influence. Much of the new work engages in an argument with traditional police history, showing, for instance, that early watch schemes were efficient according to the criteria of the new police, or that the Bow Street Runners were not as corrupt and ineffective as had been assumed. This involves an implicit acceptance of the definition of police and policing as determined by the organisation and practice of the modern police. The concentration has been, therefore, on officials who resemble the modern police, such as the constable, the watch and the Runners, leaving little room for the work of victims, communities, private security and other officials (overseers of the poor, churchwardens, etc.), or for a discussion of the broader understanding of policing, such as the laws on poor relief, labour and morality and the

enforcement of informal or communal ideas of order, which requires that term to be detached from the police. It is not that these areas have been neglected by historians, but that they have been neglected by the historians of police and policing. Of course, this may be simply a matter of definition. Nevertheless, the history of the police is not the history of policing and the history of policing is not the history of the police. This is not to minimise the significance of the excellent work undertaken by the new historians of the police or to suggest that the reconstruction of eighteenth-century police and policing is completed, but to argue for other directions that both widen the inquiry and push it backwards in time.

Selected further reading

Overviews of the whole period remain scarce, see Critchley's *A History of Police in England and Wales, 900–1966* (1967) and Rawlings's *Policing: A Short History* (2002) (see this volume for fuller reference citation). There is only a limited amount of work on policing before 1700. The definitive study of the Anglo-Saxon codes of law is Wormald's *The Making of English Law* (1999), while the administration of medieval criminal justice is discussed in Musson's *Public Order and Law Enforcement* (1995), Musson and Ormrod's *The Evolution of English Justice* (1999) and Summerson's 'The structure of law enforcement in thirteenth century England' (1979); see also the controversial account in Palmer's *English Law in the Age of the Black Death, 1348–1381* (1993). For a discussion of the range of officials in the medieval justice system, see Cam's essay (1950). Vagrancy and poor relief in the Tudor and Stuart periods have been widely discussed: Beier's *Masterless Men* (1985) and Slack's *Poverty and Policy in Tudor and Stuart England* (1988) provide excellent starting points; see also Rogers' 'Policing the poor in eighteenth-century London: the vagrancy laws and their administration' (1991). Kent's *The English Village Constable, 1580–1642* (1986) is an excellent book concerned with the Tudor and early Stuart period, as is an essay on the dilemmas facing the constable by Wrightson (1980); see also Langelüddecke's valuable contribution, ' ''The pooreste and sympleste sorte of people''?' (2007). The puritan regulation of morality is discussed in Underdown's *Revel, Riot and Rebellion* (1987). For a valuable case study of the administration of criminal justice in the seventeenth century, see Herrup's *The Common Peace* (1987). On the involvement of victims in the detection of crime, see Herrup's 'New shoes and mutton pies' (1984), Styles' 'Print and policing' (1989) and Gaskill's 'The displacement of providence' (1996). The societies for the prosecution of felons are discussed in King's 'Prosecution associations and their impact on eighteenth-century Essex' (1989) and Philips' 'Good men to associate and bad men to conspire' (1989). The work of the watchmen is receiving more consideration, see, Beattie's *Policing and Punishment in London, 1660–1750* (2001), Henderson's *Disorderly Women in Eighteenth-century London* (1999), which gives more focus to the practice of the watch, and Reynolds' *Before the Bobbies* (1998). Thief-takers are discussed in Beattie's book (2001), Paley's 'Thief-takers in London in the age of the McDaniel gang, *c.* 1745–1754' (1989) and Wales' 'Thief-takers and their clients in later Stuart London' (2000), while Howson's *Thief-taker General* (1970) analyses the practices of Jonathan Wild. The ideas and practice of Sir John Fielding are examined in Beattie's 'Sir John Fielding and public justice' (2007), Styles' 'Sir John Fielding and the problem of crime investigation in eighteenth-century England' (1983) and Rawlings' 'The idea of policing' (1995). Work is starting to emerge on the Bow Street Runners, in particular, Beattie's 'Early detection' (2006); while Cox, in his 'A certain share of low cunning'

(2006), shows the range of their work outside London. Dodsworth's 'Police and prevention of crime' (2007) suggests that those who argued for reform of the police in the eighteenth century took the view that policing should tackle the deterioration of morals, which led to crime and enfeebled the nation. The role of the army in the policing of riots is considered in Hayter's *The Army and the Crowd in Mid-Georgian England* (1978). Finally, the *Old Bailey Sessions Paper* is a valuable, if not wholly reliable, resource for the study of crime in the eighteenth century, and is available in a free-to-all online (www.oldbaileyonline.org) version that is easy to use, allows the reader to choose between the original and a transcription, and has excellent search and statistical facilities as well as background material, a bibliography and links to other sites.

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Chapter 4

The birth and development of the police

Clive Emsley

Introduction

The year 1829 is commonly seen as the one in which the 'New Police' were established in England. The traditional Whig histories, accounts infused with the idea of social progress pushed forward by far-sighted men, assumed that London's Metropolitan Police were a significant advance on what had existed before and, in support of their arguments, they quoted early nineteenth-century police reformers who maintained as much. In the perception of these histories late Georgian and early Victorian British society sought to be consensual but was threatened by mob violence and rising crime committed by individuals who, as 'criminals', were separate from the majority within society. The 'New Police' were a neutral government's solution to these threats (Reith 1938, 1943; Critchley 1978; Ascoli 1979). The Whig histories also assumed that the gradual spread of policing through parliamentary legislation was a further illustration of the success, superiority and public acceptance of the Metropolitan model. Charles Reith, the doyen of the Whig police historians, even argued that British success in two world wars during the twentieth century was, at least in part, due to a superior policing system – a 'kin' police as opposed to a state-directed *gendarmerie* (Reith 1952: 20, 244). From the late 1960s revisionist historians started to challenge this view. They began from a perception of late Georgian and early Victorian society as divided internally, primarily by class conflict. In the revisionist view, the new police were an instrument for controlling and disciplining a burgeoning, and increasingly self-confident and non-deferential, working class (Storch 1975, 1976).

There is no easy resolution to the dichotomy between consensual and conflicting views of society. It is something that has always been at the heart of policing as well as of police history. Nor is it something that this chapter can seek to resolve. The chapter has much more modest aims: divided into three sections, it seeks simply to provide a chronological account of how the police institution developed from the early nineteenth to the mid-twentieth

centuries. It has two main emphases. First, it draws attention to the British insistence throughout the period that their police were different from those on continental Europe – an insistence that can probably best be explained by ignorance, prejudice or a combination of the two. Secondly, it describes a steady current of centralisation, not part of a conspiracy, but something generally perceived by the legislative, governmental and legal elite as in the best interests of society as a whole and of the police institution in particular.

Origins and early years

The statement that a 'new' police was established in London in 1829 assumes that an 'old' police had previously existed. The latter had been a mixture of parish constables, watchmen and an increasing number of 'professional' detectives. The police established by Peel in 1829 were, essentially, centrally controlled, uniformed watchmen with a rigid work discipline geared for supervising the streets and, in theory, for preventing rather than detecting crime. In many respects, and whatever the police reformers and Whig historians maintained, they were not so much 'new' as a significant refinement and centralisation of the old London watches.

The recent detailed research on the watch system of eighteenth and early nineteenth-century London has drawn attention to the improvements made under various local Acts of Parliament (Reynolds 1998; Beattie 2001; Harris 2004). By the 1820s several parishes had watch organisations made up of fit, relatively young men, not the old decrepit 'Charlies' of the Whig histories. The problem was that some parishes were wealthier than others, and while the wealthy could afford an efficient watch, their less well-to-do neighbouring parishes might be far less fortunate. Parochial division was a further problem highlighted by Sir Robert Peel, the Home Secretary, to Parliament in April 1829: 'The chief requisites of an efficient police were unity of design and responsibility of agents – both of which were not only not ensured by the present parochial watch-house system, but were actually prevented by it' (*Parliamentary Debates* 1829: xxi, col. 872). As Home Secretary Peel was determined to reform the criminal justice system and he saw improved policing as part and parcel of this. In the aftermath of the Napoleonic Wars there were anxieties about rising crime, about offenders escaping prosecution because victims could not afford the costs of criminal prosecutions or because victims and jurors were reluctant to see thieves exposed to a lottery in courts in which the death penalty was the statutory punishment for most felonies. In the mid-1820s Peel recast the criminal code and extended the financial assistance for poor prosecutors. As Chief Secretary for Ireland between 1812 and 1818 he had experience of developing a police institution. But he was also well aware that while the English might countenance a police force in Ireland, their perception of their own liberty and their hostility to things French made them very wary of any institution that smacked of a military presence or a political surveillance of the population.

In 1828 a parliamentary select committee set up by Peel and chaired by T.G.B. Escourt, Peel's fellow member for Oxford University, presented

conclusions favourable to the creation of a centralised police organisation for London. Peel introduced his Metropolitan Police Bill in April the following year and it had a relatively trouble-free passage through Parliament. This was due partly to good management, partly to good fortune and partly also to the probability that, concerns about the French model apart, anxiety about crime had won new converts to the idea of a centralised police organisation. Peel persuaded Parliament to let the bill be scrutinised by the same select committee that had expressed itself sympathetic to reform in 1828. He forestalled the opposition of the powerful City of London by omitting its square-mile jurisdiction from his bill. The potential opposition of the London parishes was fortuitously silenced by their own problems in defending themselves against charges of corruption and exclusivity. Finally, the furore over another bill concerning Catholic emancipation possibly diverted some parliamentary and public opposition. The bill was passed in June (10 Geo. IV c. 44) and the first Metropolitan Police constables took to the London streets in September.

According to the instructions issued for the new police their principal task was 'the prevention of crime'. The assumption was that by the regular patrolling of his beat and the careful checking of doors and windows, especially at night, the patrolling police constable would deter thieves. But the constable could also apprehend any individual about whom he had 'reasonable suspicion' as well as vagrants, prostitutes and 'all idle and disorderly persons'. The latter powers had existed for the old parish watchmen under a variety of statutes and had been consolidated by the Vagrancy Act 1824. The instructions also delineated those tasks of the old parish constables that now fell to the police constables: powers to arrest or to take an individual's name and address for a future summons in such matters as careless driving, gaming, street nuisances, and keeping pubs, coffee and tea shops open after the regulatory hours. Within weeks of their first deployment the new police were also being used in groups to clear the streets of Saturday night's hung-over human detritus, before the respectable walked to church for the Sunday morning service. In addition to the prevention of crime, it seems clear that, from very early on, the new police were seen as a means to establish and to maintain a new threshold of order and respectability on the public highways.

A uniform was perceived as necessary for the new Metropolitan Police so as to demonstrate that the men were not engaged in a 'system of espionage' which, it was believed, was the essential role of the police in France during both the old regime and under Napoleon. France also had an armed, military police institution that patrolled the main roads – the *gendarmerie*. Since the Glorious Revolution of 1688 'freeborn Englishmen' had been concerned about any attempt to police them regularly by means of the army, or to use troops to prevent what they considered to be legitimate protest. Peel, and the two men whom he appointed as commissioners of the Metropolitan Police – the soldier, Colonel Charles Rowan, and the lawyer, Richard Mayne – set out to ensure that their new policemen did not look military. They wore top hats and blue uniform long-tailed coats; both very different from the plumed shakos and scarlet, short-tailed coats of the British infantry. The ordinary police constable carried a wooden baton as his only normal armament. The fact that

the men belonged to a hierarchical, drilled and fiercely disciplined organisation was glossed over in the assertions that the new police were not military. However, there were complaints in the ranks about the drilling and ferocious discipline, some of which was reported in the press, and some radicals referred to the police by an anglicised corruption of the word *gendarmes* into 'Jenny Darbies'.

Hostility to the Metropolitan Police in its early years was not confined to its supposed threats to English liberties or to its suspected military nature. London parishes intensely disliked having to fund a police institution over which they had no control. Moreover, some parishes found themselves having to pay more for the new police when their streets were now patrolled by fewer police constables than when they had previously had watchmen. Some responded by demanding a degree of control over the police in their area, by lowering the value of house rentals to frustrate the new precepting system or simply by withholding money. The government ignored the demands for local control but, in 1833, introduced legislation by which a quarter of police expenses up to £60,000 were met out of the Consolidated Fund (Palmer 1988: 305–8; Paley 1989). This softened but did not silence the complaints, and protest about having to fund a police over which they had no control was an issue that was to recur within local government in London throughout the nineteenth and twentieth centuries.

For its first 10 years the Metropolitan Police functioned alongside the constables working for the stipendiary magistrates in the old police offices established in 1792. These constables appear to have conducted investigations and to have detected offenders, though their modus operandi and their efficiency await historical investigation. Some offenders were stupid enough to attempt thefts in full view of patrolling Metropolitan Police constables. But even though it was also recognised that the uniformed police constable might only temporarily delay an offence being committed and might not be the best person to take a thief, Rowan and Mayne were not keen to establish a plain-clothed detective force. For one thing they appear to have been reluctant to offer any opportunity for accusations to be levelled that their men were acting as spies; for another, they appear to have been anxious that, whereas the uniformed constable on a regular beat could easily be supervised by his superiors, a plain-clothed constable working on his own initiative was far more difficult to keep track of and observe. In 1842, however, three years after the closure of the old police offices, the Metropolitan Police established its own detective force.

Even before the creation of the Metropolitan Police, new structures were being developed in the provinces, and for much the same reasons: there was concern about crime; there were also concerns for the development and maintenance of a new threshold of order. Lord Grey's government considered plans for a national police organisation at the time of the Great Reform Bill, but their enthusiasm appears to have died as the popular agitation demanding parliamentary reform subsided (Philips and Storch 1994). Thereafter, while single-minded Benthamite police reformers, like the individuals who made up the Royal Commission on a Rural Constabulary that met from 1836 to 1839, were keen for a single centralised organisation, central government appears to

have accepted that the supervision of police institutions should, with the exception of the Metropolitan Police in London, be the responsibility of local government. Thus the Municipal Corporations Act 1835 (5 & 6 Wm. IV c. 76) required the new elected councils of corporate boroughs to establish watch committees whose task was to provide and supervise a body of police appropriate for their community. The county police legislation of 1839 and 1840 (2 & 3 Vict. c. 93; 3 & 4 Vict. c. 88) enabled counties to establish police forces if they so wished. While the chief constables of the counties were to have more autonomy than their borough counterparts and, unlike their borough counterparts, required the approval of the Home Secretary for their appointment, the new county police came within the remit of the traditional rulers of the counties – the benches of magistrates. Alongside the enabling legislation of 1839 the government, alarmed by local bickering in three urban areas where Chartism appeared as a significant force, itself established police forces under chief constables appointed directly by the Home Office. These centralised forces for Birmingham, Bolton and Manchester, however, were handed over to local control after three years.

There were several models available for the new provincial police and, for a variety of reasons, the Metropolitan one was not always favoured. In Gloucestershire the new constabulary was based firmly on the Irish model with the men deployed in fours in small barracks across the county. Several counties, like Gloucestershire, chose their chief constables from the senior ranks in Ireland. Others looked to the Metropolitan Police for their senior officers. Northamptonshire selected a former Bow Street Runner. In some boroughs the former watchmen were put in uniforms and now called policemen; while a few of the smaller boroughs did not even bother to implement the police requirements of the Municipal Corporations Act. Hostility to the police continued in both boroughs and counties throughout the 1840s and early 1850s, and this was not simply the hostility of political radicals. There was considerable concern over the cost of the police and whether they were providing value for money. In 1842 there was a petitioning campaign across much of the country urging the abolition or, at least, the reduction of police forces; the common complaint was that, even though they had to pay for them, many rural districts rarely saw a patrolling constable. In Lancashire, most notably, the campaign led to the quarter sessions voting a reduction in the county force from 502 to 355 men (Emsley 1996: 45–6). Several counties steadfastly refused to take up the provisions of the 1839 and 1840 legislation. They preferred to develop the old police system; the Parish Constables Acts of 1842 and 1850 (5 & 6 Vict. c. 109; 13 & 14 Vict. c. 20) enabled them to do this with professional superintending constables. Often recruited from the new police forces, a superintending constable was placed in a subdivision of a county and charged with co-ordinating and supervising the traditional parish constables.

During the 1840s central government left county quarter sessions and borough watch committees to develop policing as they saw fit, but it became interested in policing matters once again at the beginning of the 1850s. Lord Palmerston as Home Secretary in 1853–54 was in favour of making the provisions of the 1839 legislation mandatory. A House of Commons select

committee was established in 1853. It was packed with supporters of the idea of rationalising the county police system and appears to have ensured that the majority of its witnesses would be men critical of the superintending constables system. The committee's report duly recommended that a uniform system of policing be established across the whole country; that, at the very least, the smaller borough forces be amalgamated with the counties, and that a government grant be provided for the county forces. The bill, which was drafted in the wake of the report, went rather further than the report in proposing the amalgamation with larger county forces of the five smallest county forces and of all borough forces in towns with a population of fewer than 20,000. It promised also to establish a system of government inspection. But it made no provision for any government grant. The bill provoked outrage, particularly in the boroughs. Borough representatives flocked to London to protest, and Palmerston was forced to withdraw his bill. In February 1855 Palmerston became Prime Minister, and the new Home Secretary, Sir George Grey, came up with a new police bill which carefully drew the sting of the objections to its predecessor (Philips and Storch 1999).

The County and Borough Police Act 1856 (19 & 20 Vict. c. 69) required all counties to establish police forces under the direction of the county benches. It also prompted hitherto recalcitrant boroughs to comply with the 1835 legislation and to appoint a watch committee that would establish and supervise a police force – though the number that had previously failed to establish forces has probably been overestimated as a result of the failure of various boroughs to supply details to the Home Office (Wall 1998: 33). The plans to amalgamate smaller forces with their larger neighbours were dropped, but the proposal for a Treasury grant was adopted. Henceforth, efficient forces were to receive one quarter of their costs for pay and clothing from central government. Efficiency was to be decided by a system of inspection with a team of inspectors of constabulary making annual reports to Parliament. A similar Act, passed in the following year, brought a similar structure to policing in Scotland. This was far from the scale of centralisation that the Benthamite police reformers such as Edwin Chadwick advocated, but it was a significant step towards central government involvement in provincial policing, and it was further than other European states had gone in their supervision of provincial police organisations. The British might still insist that they had no centralised police, and nothing like the military *gendarmeries* of continental Europe – with reference to the latter, and excluding the situation in Ireland, they were right. But the administrative and organisational structure of the Metropolitan Police was much like that of capital city and state police on continental Europe. At the same time, municipal policing on the continent was much like that in England, but even in centralised France and Imperial Germany it lacked the uniform supervision of a national inspectorate (Emsley 1999).

Early nineteenth-century police reformers had different perspectives. The aspirations of men like Chadwick, one of the three commissioners of the 1836 Royal Commission on a Rural Constabulary, were never met. In the circumstances of the times they could not be met. No government could countenance the cost of a centralised police and there was a general reluctance to impose any sort of centralised system – a system that the English believed, quite

wrongly, to exist across continental Europe. Pragmatic and influential politicians like Peel, however, were keen for reform, and recognised the possibilities of what could be done. It is significant too that the Whig government of Melbourne profited from Peel's support in 1839, and the reforms of the early 1850s built on a similar coalition of Peelite Conservatives and Whig/Liberals.

Consolidation

In the early 1850s London's Metropolitan Police basked in the success of the Great Exhibition. Thousands of visitors had poured into London, but order had been maintained while thefts from the visitors appeared to have been kept to a minimum. In addition, England with its boasted civilian police had escaped the revolutionary upheavals of 1848. Disorders associated with Chartism paled into insignificance besides the pitched battles on the streets of Berlin, Paris, Rome, Vienna and other cities. The relative social peace in England over the following few decades enabled the new police structures to consolidate without major, massive deployments for the maintenance of public order. There were occasional instances of loud criticism when the police appeared to fail in preventing offences or in apprehending criminal offenders, notably the garrotting panic of 1862 and the murders accredited to Jack the Ripper in 1888. There was similar criticism when the police failed to control disorder, or when their action in such control seemed excessive, such as the turbulent Reform Bill agitation around Hyde Park in 1866 and the events of Bloody Sunday in Trafalgar Square in 1887. But by and large the press were complimentary. The 'bobby' became acknowledged as a minor, but key, support to the constitutional structure; his comic appearance in Gilbert and Sullivan's *The Pirates of Penzance* was indicative of this.

The image of the Bobby was largely based on the London experience. Many of the traditional histories have implied that London was the model that other forces sought to copy, though the administrative and command structures remained very different. In the boroughs the watch committees had the power of appointment and dismissal and they were the bodies responsible for discipline. In some instances the committees appear to have delegated many of their duties to their head constables. But the committees often met one or more times a week and, as representatives of elected town councils, they were conscious of the demands of their constituents and the level of the local rates. A dominance of Tory brewers and publicans, or a majority of temperance reformers on the committee, provided the most obvious examples of instances in which local politicians could influence police policy and behaviour. In some boroughs the police were regarded above all as servants of the municipality; they could be expected to collect market tolls or to act as mace bearers on civic occasions. In the counties the police committees of magistrates enjoyed much less authority over their chief constables, and this looser authority continued following the local government reforms of 1888 (51 & 52 Vict. c. 41). This legislation introduced an elective element into the supervision of the county constabularies with the replacement of committees of magistrates by standing joint committees (SJCs) composed of an equal number of magistrates and

elected county councillors. It was these committees which now appointed the chief constables of counties, subject to Home Office approval, and which precepted the county councils for police costs. But the SJCs never met with the frequency of borough watch committees, nor did they have the watch committees' powers over their police and, as a result, the greater autonomy of the county chief constables remained. Arguments that the Metropolitan Police should be brought under the supervision of the new London County Council (LCC), created at the same time as the local government reforms, were vigorously opposed by the government on the grounds that the force had 'imperial' tasks – protecting the monarch, Parliament and public buildings. Fears were also expressed about the potential threat to central government from the police should the LCC ever have a majority of socialists and radicals (Emsley 1996: 86).

The provincial forces subscribed to the idea of 'the prevention of crime' as their first duty. Nevertheless, officers found themselves taking on a variety of duties that could not always be immediately related to this aim. Burgeoning cities were developing traffic problems that were handed over to the police to resolve; and the police were commonly charged with the licensing and regulation of cabs. Following the Education Act 1870 some men were appointed as school attendance officers with the duty of ensuring that working-class children attended school, and that parents who kept their children away were served with a summons. Some suggestions of new roles for the police were discouraged by central government, notably the idea, popular with a few ex-military chief constables, that the police might be trained as military auxiliaries and equipped with rifles and cannon in case of invasion. The assumptions about the inter-relationship between vagrancy and crime, however, encouraged the use of police as Poor Law relieving officers, but while some of the new inspectors of constabulary encouraged this, others saw the task as taking up too much time and deflecting police officers from their proper duties.

The inspectors of constabulary introduced a degree of uniformity across the provincial police institutions by defining what activities were proper for the police and what constituted police efficiency. Initially a few boroughs were resistant to their recommendations and even refused to accept the Treasury grant as a matter of local pride, but to local politicians dependent on a local electorate, the value of the grant eventually proved stronger than civic pride, especially when, in 1874, it was increased from one quarter to one half the cost of pay and clothing. Other pressures, internal and external to the police institutions, also made for increased centralisation and greater uniformity.

Police officers were drawn from the unskilled or semi-skilled working class. The pay was not high, though it was regular and not subject to the ups and downs of the trade cycle. There were also official perks such as the uniform, medical assistance that, in some forces, was extended to a man's family, and, very rare for a Victorian working-class occupation, a pension or some sort of gratuity at the end of a man's service. The pension was properly formalised and guaranteed by the Police Act 1890 (53 & 54 Vict. c. 45) to any man who retired after having served for 25 years or who was forced to retire on medical grounds after 15. But there were also drawbacks to the job. The discipline was

harsh. Patrolling an urban beat at the regulation pace of two and a half miles an hour, while it might be enlivened by the occasional incident, was generally gruelling and monotonous. Trudging country lanes was no better. Much of the patrolling was done at night and it had to be done whatever the weather. Beat sergeants checked the men regularly in urban areas, and country policemen had to make conference points at set times to meet fellow constables or sergeants. The police officer was meant to demonstrate his respectability the whole time, and this extended to his family. When a man wanted to marry he needed permission, and his future wife commonly had her respectability investigated. Moreover, unlike other wives in the unskilled and semi-skilled working class, many, possibly most, of the police forces forbade their men's wives from taking employment. This could have a severe impact on the overall family budget and create difficulties in maintaining the required respectability. At times economic pressures, harsh discipline and general dissatisfaction provoked industrial action in individual forces. However, the development of a trade press for the police helped to foster a national awareness among officers. *The Police Service Advertiser*, first published in 1864, declared itself to be 'A Journal for the Police and Constabulary Forces of Great Britain and the Colonies'. The paper's editorials and letter columns discussed wage rates and conditions of service. It also provided advice on legal questions and on aspects of the policeman's job. The *Advertiser* was relatively short lived. Its more well-known successor, *Police Review and Parade Gossip*, began publication in 1893. By the outbreak of the First World War the *Police Review* had conducted several vigorous and high-profile campaigns on behalf of officers who considered themselves to have been poorly or wrongfully treated by their superiors. And while it had eventually come out in opposition to the idea, the *Review* had also been deeply involved in debates about the justification for a police trades union.

While internal processes linked with a trade press brought police officers to an awareness of themselves as a national body, the Home Office continued to urge centralisation, rationalisation and greater uniformity. The Municipal Corporations (New Charters) Act 1877 (40 & 41 Vict. c. 69) prohibited the formation of police forces in any new boroughs with a population of fewer than 20,000 – the same figure as that suggested in Palmerston's aborted bill nearly a quarter of a century before. Seven years later a bill was introduced that would have removed the existing Treasury grant from any borough with a population of fewer than 20,000, effectively forcing it to amalgamate with a neighbour. The bill failed, but the local government reform legislation of 1888 effectively abolished the forces of boroughs with populations under 10,000. The mandatory pension enforced by the 1890 Act removed one of the key instruments by which watch committees could ultimately force compliance on a head constable. The bright young men brought into the Home Office as a result of the introduction of open competition for places forced the pace in these changes. Notable here was Edward Troup, who joined the Home Office in 1880 and held the post of Permanent Under-Secretary of State from 1908 to 1922. In an essay published some years after his retirement Troup made it clear that, in his opinion, local autonomy in policing matters was too extensive, particularly when it involved 'ignorant or meddling watch committees in the smaller boroughs' (Troup 1928: 15).

The Police Act 1890 also recommended that forces enter into agreement with each other to provide mutual aid in cases of popular disturbance. Assistance had been provided on an ad hoc basis at least since the middle of the nineteenth century, with men from one force supporting another confronted with an election riot or with the potential of industrial disorder. Few formal agreements for such aid appear to have been made in the immediate aftermath of the 1890 Act, but the industrial unrest in the decade immediately before the First World War saw such aid provided on numerous occasions. This unrest also highlighted the general difficulties inherent in policing such disputes as the boundaries of peaceful picketing were unclear, and some particular issues relating to the command and control of local police in disputes were attaining national importance. In south Wales in 1910, within a few months of each other, borough police were required to act in contradictory ways. A strike in the Newport docks witnessed a police chief and his watch committee refusing to protect 'blackleg' labour on the grounds that their first duty was to preserve the public peace. Shortly afterwards a lockout in Swansea was the occasion of police baton charges, on the orders of the head constable and in defence of the interests of the employers. The baton charges were ordered without consulting the watch committee, who would appear to have preferred the sort of approach used in Newport. The south Wales coal strike of 1910–11 and the nationwide rail strike of the summer of 1911 witnessed an interventionist Home Secretary, Winston Churchill, dispatching police and troops around the country to maintain the peace and ensure essential services. There is some debate about the overall impact of these actions, yet many of them point towards a growing separation of chief police officers from their local government committees and a growing tendency of central government, in the form of the Home Office, to link directly with the police rather than negotiating with police committees (Morgan 1987; Weinberger 1991).

The English boasted that they had no political police, but in comparison with countries such as France where royalists, Bonapartists, Jacobins and socialists all had alternative constitutions, alternative governments and often some experience of government, they had very little need of political police. There had been some relatively low-profile surveillance of Chartists as well as of refugees from the continental revolutions. It was the fear of Irish terrorism, particularly with the Fenian bombing campaigns of 1867–68 and 1881–85, that prompted the creation of the Metropolitan Police Special Branch. By the turn of the century the Special Branch was investigating foreign anarchists, socialists, suffragettes and any others that its political masters, and sometimes its own officers, deemed a threat to the British way of life (Porter 1987). Special Branch remained a section of the Metropolitan Police but political surveillance spread into the provinces especially with the spy scares in the period shortly before the First World War. It was at this point that Vernon Kell, the future head of MI5, then preparing a secret register of aliens, got into contact with provincial police chiefs. Nevertheless, as late as April 1914, the Home Secretary could still respond sharply to an MP's question with the statement that, while there was indeed a Special Branch responsible to the Commissioner of the Metropolitan Police, 'there is no ''political'' branch of the Criminal Investigation Department' (*Parliamentary Debates* 1914: lxi, col. 1874).

New challenges and standardisation

In the first half of the twentieth century two world wars and concerns about industrial unrest served further to separate local police from local authority. War and shifting perceptions of gender combined to foster the development of women police, while technological change, in the shape of the motor car, telephone and wireless communications, began to impact both on police relations with the public and on methods of policing.

The First World War put enormous pressures on the police. First, police numbers were depleted initially with the recall of reservists to the colours and then with the departure of volunteers for the military. Recruitment was halted. At the same time a reduced and ageing workforce found itself burdened by additional wartime tasks such as the protection of vulnerable points, the pursuit of deserters, the investigation of 'misconduct' on the part of women who were in receipt of a separation allowance because their husbands were in the forces and the enforcement of a variety of new requirements under the Defence of the Realm Regulations. Special constables were recruited to assist and the right of retirement of regular police officers was restricted. But the wartime pressures still meant that beats and hours were lengthened and that the guaranteed weekly rest day, established by Act of Parliament as recently as 1910, was circumscribed in various ways by different forces. Wartime inflation had a deleterious effect on police pay. There was concern in both central and local government that a significant pay increase could create problems with the return of peace. But the decisions to solve the problem by awarding non-pensionable war bonuses from time to time did little to alleviate either the financial problems of police families or the growing disaffection that provided ready recruits for the emerging National Union of Police and Prison Officers (NUPPO). In August 1918 the dismissal from the Metropolitan Police of an ex-guardsman and Boer War veteran for his union activities precipitated a strike among the Metropolitan and City of London Police forces. The authorities caved in making a scapegoat of the Metropolitan Police Commissioner, Sir Edward Henry, reinstating the dismissed constable and promising a pay rise, a war bonus and a widow's pension scheme.

From an early stage of the war there was disquiet that large military encampments and the traditional garrison towns and seaports now bloated with new recruits would act as magnets for prostitutes and encourage weak young women to 'fall'. There was also anxiety about the large numbers of young women, now outside the usual supervision of their families, having been recruited to staff the munitions factories. These concerns led, for the first time, to the use of women police. Male officers alone had been responsible for the supervision of prostitutes before the war and while, even with the Contagious Diseases Acts in force between 1864 and 1886, the British had never established the kind of morals police that had been present on continental Europe, this supervision had commonly led to accusations of corruption, high-handedness and insensitivity. Since the late nineteenth century the searching and supervision of women in police stations had usually been entrusted to a police matron, often the wife of the station sergeant. The Voluntary Women Patrols (VWP), which began in the early months of the war,

were organised by the National Union of Women Workers, a voluntary body dedicated to social work. These patrols were rather more popular with the authorities than the Women Police Volunteers (known as the Women Police Service (WPS) from February 1915) established by former militant suffragettes and morality campaigners, who wore uniforms and sought the status and powers of male police officers. In 1916 the Metropolitan Police Commissioner contracted 40 VWP personnel as full-time members of his force. In October 1918 the new Commissioner, General Sir Nevil Macready, announced the formation of the Metropolitan Police Women Patrols, again drawing principally on the VWP, much to the annoyance of the more aggressive leadership of the WPS (Carrier 1988; Douglas 1999).

The exigencies of war provided new occasions for watch committees and SJCs to be bypassed as chief constables linked with central government agencies. Concerns about German spies, then about Bolshevik subversion, strengthened the ties between the secret security agencies and the police; even local members of the Independent Labour Party and of local trades councils found their way on to lists of suspects. The country was divided into special administrative areas each under the command of an Authorised Competent Military Authority (ACMA). The several chief constables in such an area were subordinate to the ACMA with reference to his powers under the emergency wartime regulations. Early in 1918 the Home Office divided the country into eight districts and established the District Conference system whereby all the chief constables in the district met regularly; the eight districts, in turn, appointed members to a central committee to confer with the Home Office and the military. Indirectly, the police strike of August 1918 brought about further standardisation of the police service across the country.

The success of the strike by police officers in London in 1918, together with the ambiguous statement of the Prime Minister, Lloyd George, that he could not recognise the police union during wartime, encouraged recruitment to the NUPPO, especially among provincial officers. In the new year a committee chaired by Lord Desborough, appointed in the aftermath of the strike to inquire into the police service in England, Wales and Scotland, began taking evidence on police pay and conditions, with much of the evidence being presented by NUPPO members. The Desborough Committee's report, presented in the early summer, rejected nationalisation as alien to the British constitution in which, it claimed, law and order was the task of local authority. It also feared that nationalisation would prejudice the unique relationship between the public and the police. However, with reference to conditions of service and pay, the committee recommended standardisation across the country. It also stressed that police pay needed a boost beyond that given to the London police in the wake of the strike and rapidly copied elsewhere; police pay, the committee explained, compared unfavourably with other occupations, even unskilled ones. Finally, the committee suggested that there should be some formal body with 'the right to confer' over such matters as pay and conditions of service (Desborough 1919 and 1920).

The government was keen to accept swiftly the recommendations. It was also keen to see off the NUPPO and it set out to use the improved pay and conditions resulting from Desborough, together with the promise of 'the right

to confer', as means to this end. The union, fearing for its survival, called a second strike in August 1919. Officers struck in London, Liverpool and Birmingham; in the latter two cities the men had long been dissatisfied with their superiors and their conditions. But the strike was a disaster. All those who took industrial action were dismissed and were never reinstated. The union was destroyed and union membership prohibited (Klein 2001). A Police Federation was established with the right to confer, but not the right to strike. Finally, while some local authorities expressed concern about the effect of the police pay award on local budgets and the idea of paying men of the same rank the same rate in widely differing economic and social conditions, uniformity in pay and conditions was established across the country. Industrial unrest in the years following the war, together with fears of what such unrest might herald, ensured that the Home Office maintained its close links with, and direct lines to, chief constables. At the same time statements from the Home Office and various legal authorities were increasingly stressing that the police officer was primarily a servant of the Crown rather than a servant of local government. Justice McCardie's celebrated but legally questionable ruling in the case of *Fisher* v. *Oldham Corporation* in 1930 confirmed this official line. The ruling subsequently became a significant plank underpinning the limitations placed on police committees with reference to what are considered police operational decisions (Lustgarten 1986: 56–61; Emsley 1996: 163–4; see Chapter 24).

There was a succession of scandals during the 1920s concerning arbitrary and high-handed behaviour by police officers. The most celebrated of these occurred in 1928 with the arrest of a leading economics expert, Sir Leo Chiozza Money, for indecency with a young woman in Hyde Park. The scandals resulted in the creation of a Royal Commission on Police Powers and Procedures which met in the winter of 1928–29. The commission's deliberations coincided with revelations of corruption and the taking of bribes by a police sergeant involved with the investigation of vice in central London. The trial of Sergeant Goddard resulted in a conviction and in subsequent years the scale of corruption was revealed to have been far more extensive than the prosecution of one man might suggest. Nevertheless, the royal commission, while acknowledging that even the police force contained a few 'rotten apples', gave the institution a clean bill of health (Emsley 2005).

There is a consensus that the Desborough award combined with the economic depression of the interwar years to bring recruits to the police of a slightly higher social background than had previously been the case. Even so, the rigid discipline remained, alterations to police practice and procedures could be very slow and the determination to maintain local independence was allowed to work against efficiency. Some forces still did not have detective departments and the Departmental Committee on Detective Work and Procedures that reported in 1938 concluded that those that did exist were, in general, lagging seriously behind many of their counterparts on continental Europe and in North America. Some forces, initially as a result of the determination of a particular chief constable, sought to employ new technology and various scientific aids for policing. Yet tight control on the purse strings by watch committees and SJCs could act as a check to such

developments, and if a progressive municipality pressed ahead with wireless communications the overall value could be limited if surrounding counties refused to follow suit. The development of the family car began to bring police officers into confrontation with members of the middle class for the first time, but investment in motor vehicles for the police and in training to deal specifically with motoring offences was slow. Rationalisation and standardisation in these areas tended to be driven from the centre, usually by the Home Office. Thus it was, in the aftermath of the Road Traffic Act 1930, that the Home Office made it clear that it expected all but the smallest forces to establish motor patrols. Seven years later the Home Secretary announced an experimental motor patrol scheme for London, Essex and Lancashire, popularly known as 'the courtesy cops'. And throughout the 1930s the Home Office fostered the development of what became known as 'common police services', namely wireless depots and forensic science laboratories that might be used by all forces.

The threat of a new war also ensured the strengthening of links between central government and the police. Discussions about the possibility of war and the likely role and responsibilities of the police had begun at the end of the 1920s and a committee had been established to prepare war instructions for the police in 1933. In consequence, the police were much better prepared for the exigencies of war in 1939 than they had been 25 years earlier. As with the previous conflict, it was the pressures of war that forced the pace of change, and particularly with reference to the greater acceptance of women officers and the abolition of the smaller forces.

The preparations for war included the organisation of large numbers of auxiliary police who would be able to replace men called up for military service and carry out the additional tasks necessitated by the war emergency. The experiment of using women police during the First World War had not led to any great advance during peacetime. Indeed, the Parliamentary Committee on the Employment of Women on Police Duties that met in 1920 reported that 142 of the 241 chief constables in England, Wales and Scotland were opposed to women police. In 1939 there were only 226 women police officers in England and Wales, and all but a hundred of these were serving in London. Their duties were largely restricted to dealing with women and children. The range of duties of attested women officers did not change during the Second World War, but the number of women officers was more than doubled. In addition, more than 3,000 auxiliary women police, of whom about a tenth were fully and formally sworn in with all the duties of a constable, were recruited principally to carry out clerical tasks, to work in canteens and to drive police vehicles. Some forces had to be pressurised by the Home Office into accepting women, even for the latter responsibilities. Nevertheless, by the end of the war the number of chief constables prepared to accept women police had increased significantly, even if women officers continued to be restricted to the gendered roles of the care of juvenile and women offenders and family liaison. The rank and file also began to accept them, if grudgingly, with the Police Federation agreeing to the admission of women members in 1948.

As part and parcel of its suggestions for rationalisation the Desborough Committee had recommended the amalgamation with the surrounding county

force of all separate police in boroughs with a population of 50,000 or less. No action was taken on this proposal and frequent suggestions throughout the interwar years that the smaller forces be amalgamated with their larger neighbours were similarly left to lie on the table. It would seem that the fears of upsetting both local pride and the traditions of laissez-faire liberalism continued to act as a check on central government in this respect. The demands of war, however, finally encouraged ministers and their civil servants to move. Centralised direction was assumed, following a procedure already developed during the General Strike of 1926, with the country being divided into 11 districts, each under a civil commissioner who was responsible for supervising and co-ordinating civil defence and the activities of central and local government agencies. The assumption was also that fewer police forces would facilitate command and control, especially in the event of invasion. As a consequence, a wave of amalgamations was enforced during 1942, particularly in the south and south east. Assurances were given that the amalgamations were for the duration of the war; however, peace and the election of a Labour government brought the Police Act 1946 (9 & 10 Geo. VI c. 46) which confirmed the wartime changes and made provision for others. By the end of 1947 the 180 pre-war forces in England and Wales had been reduced to 131 and, while representatives of local government were unhappy with events, the barriers to future amalgamations had been significantly breached.

The problems of an ageing, depleted workforce dissatisfied over pay were not as acute in 1945 as they had been at the close of the First World War. But there were difficulties and, over the first years of peace, many of these were aggravated. Men returning to the police after war service, or newly recruited after war service, often resented individuals who appeared to owe their senior rank simply to the fact that they had not been in the military during the war years and had consequently been promoted because there was no one else. They also resented the continuance of oppressive discipline and pettifogging regulations, which, in some forces, still required that a man's fiancée be interviewed and investigated for her respectability and still forbade a man's wife from taking up paid employment. The proportionately higher pay rates of the interwar years were rapidly eaten away by high industrial wages and inflation. The government introduced new and improved pay scales in April 1945, and awarded a further increase in pay the following year. But police personnel drifted into other jobs and in May 1948 a committee was established under Lord Oaksey to investigate police conditions of service. The Police Federation hoped that the Oaksey Committee would come up with a report as favourable to the police as that of the Desborough Committee. In some ways it did, praising police officers for their qualities and for dealing with ever greater and more complex tasks. But on the crucial issue of pay, while the Federation was hoping for increases of between one third and one half, Oaksey took note of the government's recent statement on incomes, costs and prices, and recommended only 15 per cent (Oaksey 1949).

The Oaksey Committee drew attention to the monotony of police work. For most officers the job still involved patrolling a beat on foot and a high proportion of patrolling was still done at night. According to evidence presented to the committee, outside London 80 per cent of constables spent the

whole of their first 10 years of service on beat duty. However, the committee was also given details of an experimental system established in Aberdeen to cope with the personnel shortage. Here beats had been combined and put under the supervision of a small squad, commanded by a sergeant, and linked with police cars equipped with two-way radios. A working party of the committee studied the scheme in depth. It was sceptical about its overall value and suspected that the improved morale of the officers involved might be only temporary. However, it also found no evidence to substantiate the fears of traditionalists that such a significant reorganisation of the beat system and the greater use of cars by police would be bad for police–public relations.

While in the decade following the war police morale remained low and personnel retention continued to be a problem, police relations with the public appeared to be good. In 1950 the feature film *The Blue Lamp* was premiered. The film was in the tradition of the wartime eulogies of the armed services – *In Which We Serve* (the Navy, 1942), *The Way Ahead* (the Army, 1944), *The Way to the Stars* (the Airforce, 1945). It fitted also with a new series of Ealing films putting an emphasis on community in English life. In Police Constable George Dixon, shot dead in the film but resurrected a few years later for a long-running television series (*Dixon of Dock Green*), *The Blue Lamp* introduced a character that was to become a benchmark for the police in future years (see Chapter 11). Honest, upright, cool, calm, and avuncular with the public, with young tearaways and with 'villains' alike, Dixon was an ideal type. He fitted what *The Times*, in its review of the film, called 'an indulgent tradition' of the English police officer. Probably some men like Dixon had existed, and some had sought and continued to seek to follow such a pattern of behaviour, but even by 1950 Dixon was fast becoming an anachronism as forces increasingly looked to technological solutions, such as the Aberdeen system, to resolve their personnel problems as they recognised that more and more of the population were leaving the pavements for the convenience of the family car. Moreover, with more than 100 separate forces still existing in England and Wales, there were still Home Office administrators, and others, who considered that more amalgamations and further centralisation of common police services would benefit both police personnel and the country at large.

Selected further reading

Critchley's *A History of Police in England and Wales* (1978) is a comprehensive and, by far, the most perceptive of the more traditional Whig histories. Emsley's *The English Police: A Political and Social History* (1996) is a general history that summarises recent research and current debates and that draws upon several largely unexplored provincial police archives, as well as the better known parliamentary and Metropolitan Police records. Philips and Storch's *Policing Provincial England 1829–1856: The Politics of Reform* (1999) is an important, exhaustively researched reassessment of the emergence of police institutions in the provinces of Victorian England. Shpayer-Makov's *The Making of a Policeman: A Social History of a Labour Force in Metropolitan London, 1829–1914* (2002) is a path-breaking attempt to get at who ordinary Victorian policemen were, the nature of their work experience, and the management aims and techniques of their

superiors. Finally, Weinberger's *The Best Police in the World: An Oral History of English Policing* (1995) is a study of the different tasks of policing and the experience of the job from *c.* 1930 to 1960 that draws significantly on interviews with a cross-section of officers of different ranks and from different forces.

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Chapter 5

Policing since 1945

Tim Newburn

Introduction

'Never has a Government inherited a more disciplined nation than did the incoming Labour ministers in 1945, nor, almost certainly, a more united one' (Hennessy 1992: 89). According to Bottoms and Stevenson (1992: 10), 'all things considered . . . the omens for the criminal justice policy-maker in 1945 looked good'. However, as they document, and is noted by many commentators, 'the years which followed the war were jaundiced by disappointed hopes' (Critchley 1967: 237). The reasons for this are complex, but certainly include the continual growth of recorded crime and the practical and political consequences it set in train, the emergence of research questioning the efficacy of elements of the criminal justice system and a series of 'scandals', or at least incidents, that served to illustrate some of the problems with policing and to challenge previously held public views about its character and purpose.

It is worth remembering that professional policing in Britain at this time was little more than a century old. The nineteenth and early twentieth centuries had seen the gradual establishment and refinement of the system of policing and, by the 1930s, what had originally been a somewhat amateurish and chaotic system had been replaced by one in which officers earned wages almost one-third above the national average (Royal Commission on the Police 1960). Inflation gradually but systematically eroded this pay differential, and increasing post-war prosperity and full employment served to ensure that other advantages once enjoyed by police officers were progressively shared by other occupations, though the disadvantages of police work, of course, were not (Martin and Wilson 1969).

In the period since the Second World War, British policing has, in many respects, undergone remarkable change (though that is not to say that there are not also some very significant continuities). In organising this chapter, four broad themes in policing since 1945 are considered: the role and the image of the police; the relationship between the police and local communities, particularly minority communities; the relationship between government and the police; and the relationship between the police and other policing agencies. The last six decades have seen three Royal Commissions consider various

aspects of policing – though only one directly on the police – and numerous other inquiries that have sought to explore and, in some respects reform policing. Legislation affecting policing has been so extensive as to be almost impossible to summarise (see Figure 5.1). As might be expected from such a lengthy list of inquiries, reports and legislative changes, capturing the full range and nature of police reform is highly problematic. What seems clear from a simple scanning of the table is just how the pace of change – or least the frequency with which reviews and legislation are passed – has increased in the last decade or decade and a half. The British police currently find themselves in a rather odd position. On the one hand, and looking at the list of inquiries, reports and Acts of Parliament listed above, it appears that they have been subject to constant, if not increasing, scrutiny and change. On the other hand, and ironically, it remains the case that for some politicians the police continue to be perceived as 'the last great unreformed public service'.[1] Reform efforts over the past half century have made substantial changes to police powers, have altered in important ways the system of police governance and have radically increased the degree of external scrutiny of policing. Much governmental deliberation in this period, however, has focused on the fundamental issue of the role of the police.

The role and image of the police

Policing in the post-war years was still largely organised on a beat system, the basis of which had been established during the nineteenth century. A number of beat systems existed but, crudely speaking, there were two major types. In rural areas, by and large, constables were responsible for the entire (geographic and temporal) policing of a particular area. In urban areas, where full 24-hour cover was often required, officers worked in shifts, but still walked either a fixed or a variable beat (with support from other officers where necessary). In the late 1940s the idea of motorised patrols was rejected for a number of reasons including that it would diminish 'that contact with the public which is so useful to the police and to the public itself' (cited in Bottoms and Stevenson 1992: 29). The drawbacks of moving to motorised patrol were also noted by the Royal Commission in its interim report and it is undoubtedly the case that attachment to beat policing remained strong, including within the police service, well into the 1960s.

Influenced by recent research, in 1967 the Home Office issued a circular that encouraged police forces to adopt a new system of policing which reduced the number of officers on foot patrol and put them into cars. This system, called 'unit beat policing' (UBP), was felt to have the advantage of allowing much wider geographical areas to be covered on a 24-hour basis and, together with the personal radios that were to be issued, of enabling officers to respond much more quickly to calls from the public. The hope that it would both improve policing and police–community relations is now widely presented as being the polar opposite of what happened in practice, partly, it is suggested, because it was undermined by a police culture which played down the 'service' element of the system and exploited the opportunities it provided for

Figure 5.1 Major inquiries and the main legislation affecting policing 1960–2008

1960	Establishment of the Royal Commission on the Police
1964	Police Act – establishes the 'tripartite structure' for police governance
1967	Home Office circular encouraging 'unit beat policing'
1976	Police Act – establishes the Police Complaints Board
1977	Fisher Report – on the Maxwell Confait case
1980	Home Affairs Select Committee Report on 'Sus' laws
1981	Royal Commission on Criminal Procedure
1981	Byford Inquiry – into the Yorkshire Ripper case
1981	Scarman Inquiry – into the Brixton riots
1983	Home Office circular 114/83 ('Financial Management Initiative')
1984	Police and Criminal Evidence Act
1988	Home Office circular 106/88 (new management strategies for the police)
1989	Publication of the Operational Policing Review
1989	Taylor Report on the Hillsborough Stadium Disaster
1991	Royal Commission on Criminal Justice
1993	Audit Commission publishes *Helping with Enquiries*
1993	White Paper on Police Reform
1993	Publication of the Sheehy Inquiry report
1994	Police and Magistrates' Courts Act – reforms police authorities
1994	Audit Commission publishes *Cheques and Balances*
1995	Core and Ancillary Tasks Review – final report
1996	Final Report of the Cassels Inquiry
1996	Audit Commission publishes *Streetwise*
1996	Police Act (consolidating legislation)
1997	Police Act – creates Police Information Technology Organisation and NCIS
1998	Crime and Disorder Act – sets out police responsibilities in connection with community safety
1999	Stephen Lawrence Inquiry report
1999	'Patten Report' – on future of policing in Northern Ireland
2000	Regulation of Investigatory Powers Act
2001	Criminal Justice and Police Act – establishes Centrex
2001	Cantle Report on community cohesion and policing in Oldham
2001	Clarke Report on community cohesion and policing in Burnley
2001	Home Office White Paper – *Policing a New Century*
2001	Private Security Industry Act
2002	Police Reform Act – national policing plan established; PCSOs introduced; IPCC established
2003	Bichard Inquiry into the Soham murders
2003	Home Office Green Paper – *Policing: Building Safer Communities Together*
2003	Anti-Social Behaviour Act
2004	*National Policing Plan 2005–8*
2004	HMIC report on workforce modernisation
2005	Home Office report – *Neighbourhood Policing*
2005	Prevention of Terrorism Act
2005	Serious Organised Crime and Police Act
2006	Terrorism Act
2006	Police and Justice Act (establishes National Policing Improvement Agency)
2007	Flanagan Report
2008	Policing Green Paper

'action' (Holdaway 1983). Reiner (1992b: 76) suggests that with the transformation of the patrol into a 'fire brigade' service, the emphasis was placed on 'technology, specialisation and managerial professionalism as the keys to

winning the fight against crime'. The main charge laid at the door of UBP is that, albeit unintentionally, it was partly responsible for a sea change in the style and image of British policing, creating a new style that not everyone was entirely comfortable with. As Chibnall (1977) described it: 'The ''British bobby'' was recast as the tough, dashing, formidable (but still brave and honest) ''Crime-Buster'' ' (cited in Reiner 1992b: 76). However, just around the corner were a series of well publicised cases that would challenge the police's reputation for honesty.

In the space of less than 10 years at least four separate corruption scandals involving Metropolitan Police officers were uncovered. It all began with journalists from *The Times* tape recording conversations between detectives and criminals in which the covering up of serious crimes was being discussed. Equally as shocking as these revelations was the subsequent apparent inability of those tasked with investigating these abuses to secure co-operation within the force and to discipline those officers involved. This pattern continued with other allegations against officers from the Drug Squad and the Obscene Publications Squad (Cox *et al*. 1977). There were even allegations towards the end of the decade that detectives had been involved in major armed robberies. If the general public had ever accepted the image of PC George Dixon at something approximating face value (see Reiner this volume), they were unlikely to do so after this (Sparks 1993).

Corruption of a different sort, sometimes rather misleadingly referred to as 'noble cause corruption', formed part of the impetus behind the establishment of a further Royal Commission in 1981. In these cases the issue was the behaviour of the police during the detention and interrogation of suspects – in particular of people suspected of being involved in Irish Republican terrorism. The police had been under enormous pressure to get results. Throughout the 1970s there was concern about the convictions secured in the aftermath of the bombings in Birmingham, Guildford and elsewhere, with allegations of intimidation, violence and the fabrication of evidence being widely made. The release of the Guildford Four, the Birmingham Six, the Maguires, the acquittal on appeal of the Tottenham Three, and widespread concern about the activities of the West Midlands Serious Crimes Squad, were part of the reason that public confidence in the police fell dramatically – though there was evidence of changing public attitudes more generally towards public services (Glennerster 2000).

The Home Secretary responded by appointing a Royal Commission on Criminal Procedure (RCCP). Arguably the commission's greatest impact was in forming the basis for much of what later became the Police and Criminal Evidence Act 1984 (PACE). The RCCP focused on the rights of suspects, an issue that had been debated vociferously for some time, but which had been brought to a head by the 'Confait case' in which, it was subsequently found, three boys had been convicted of murder on the basis of false confessions. The Judge's Rules, which at that time formed the basis for suspects' rights, were identified by many commentators, and by the Royal Commission, as being inadequate. PACE not only extended police powers in a number of important ways but also introduced far-reaching procedural safeguards (some of which were revised in 1991 and again subsequently) to guard against abuses of these

powers. There can be little doubt that the Act has had an impact on the behaviour of police officers, and on the culture of policing, and the worst fears of its critics should certainly have been allayed (though see Sanders and Young, this volume).

The early 1980s also saw both significant urban disorders and a bitter miners' strike. The very visible public order policing these involved also affected the image of British policing. Though using a degree of hyperbole in describing the policing of the miners' strike, Jefferson suggests that the new image of public order policing was:

> not one of a line of bobbies defensively 'pushing and shoving', but of 'snatch squads': menacing teams of officers, unrecognizable in visored, 'NATO-style' crash helmets and fireproof overalls, advancing behind transparent shields being banged by drawn truncheons, making 'search' sorties into crowds of fleeing demonstrators for the purpose of arrest, or a spot of retributive 'destruction'. (1990: 1–2)

Similarly, the 'television pictures of a police officer apparently hitting a prostrate picket repeatedly with his truncheon at the Orgreave coke works during the miners' strike did immense damage to the police reputation for restraint' (Waddington 1991).

Against this background, public consensus about, and satisfaction with, the style and nature of policing appeared precipitately to decline. The response from within the police was to endeavour to institute a programme which would begin to alter the image and, wherever possible, the reality of policing. The Metropolitan Police instituted a programme of reform – the Plus Programme – and the Association of Chief Police Officers (ACPO) built on this with the release of its *Strategic Policy Document* (ACPO 1990), within which was its 'Statement of Common Purpose and Values'. At the heart of much of this endeavour was the intention to present policing as a *service* rather than as a *force* (Stephens and Becker 1994); the reform programme being both 'a reaction to . . . declining public satisfaction and also as a consumerist expression of managerialist policy' (Mawby 2002: 45). Both the Strategic Policy Document and the Operational Policing Review which preceded it identified considerable public dissatisfaction with much of the current style of policing. It was around this time that there emerged ideas associated with 'community policing' and, as one of the more radical chief constables of the period put it, 'police should be much more than law enforcers; to use an older term they should be ''peace officers'' ' (Alderson 1984: 11). There was a significant shift in emphasis in policing at this time and this could be seen, in part, in the slowly changing role accorded to crime prevention.

Although since the inception of the new police crime prevention has been thought of as a key function, there has generally been a lack of clarity about what this is to mean in practice. It was not until after the publication of the report of the Cornish Committee on the Prevention and Detection of Crime (Home Office 1965) that specialist crime prevention departments began to come into being in any number. Despite the apparent rise in the stock of crime prevention with central government, responsibility *within* police forces for crime prevention work for a long time remained the domain of specialist crime

prevention units and crime prevention officers and was initially treated as a peripheral specialism of low status and interest when placed alongside crime-fighting (Graef 1989; Byrne and Pease this volume). However, as crime continued to rise, despite the increase in resources devoted to policing in the early 1980s, one of the key messages emanating from the police was they could not be expected to carry responsibility for the prevention of crime unaided. Beginning with the Ditchley Circular (211/78), increasing emphasis came to placed upon the 'community' in relation to policing and, later, upon what has since become known as 'inter' or 'multi-agency co-operation'.

This has broadened further more recently, and during the course of the 1990s the stock of what is now generally referred to as 'community safety' rose (Crawford 1998; Hughes 2007). In 1990, the Morgan Committee – an inquiry established by the Standing Conference on Crime Prevention – had recommended the imposition of a statutory requirement on local authorities to stimulate crime prevention and community safety programmes at a local level (Standing Conference on Crime Prevention 1991). There was no reform until after the 1997 General Election, however, when the Labour Party's manifesto commitment to implement the Morgan Committee recommendations was acted upon. In fact what was included in the Crime and Disorder Bill was a variant on the Morgan proposals, the compromise being a provision to give local authorities *and* the police new duties to develop statutory partnerships to help prevent and reduce crime. Such language has subsequently been replaced by the vocabulary of 'crime and disorder reduction'.

The Crime and Disorder Act 1998 placed a statutory duty on chief police officers and local authorities, in co-operation with police authorities, probation committees and health authorities, to formulate and implement a 'strategy for the reduction of crime and disorder in the area', including undertaking and publishing an 'audit' of levels and patterns of crime locally. The language of the late 1990s was dominated by talk of 'partnership', of multi-agency working and of joint responsibilities, and it was in the area of community safety that this was perhaps most visibly seen. The largely 'service-based, consumerist' view of policing espoused by many police managers by the early 1990s (Reiner 1991) certainly held sway within the police service by the end of the century with, for example, the Commissioner of the Metropolitan Police recommending a return to 'Dixon of Dock Green-style bobbies on the beat' (*Guardian* 28 February 2003). Policing, of course, is not like other public services and the nature of the relationship between it and the communities it 'serves' can never be as entirely straightforward as notions of 'service delivery' can make it sound. Nowhere is this clearer than in the relationship between the police and Britain's minority ethnic communities. Responses to the perceived problems of police–community relations have led to calls for significant reform of the police service – by and large from a liberal-idealist position. An exception, this time from the right, has come recently from Hitchens (2003) who, in a critique of contemporary criminal justice, identifies what he feels has been a profound cultural shift in policing as part of a broader trend in which the moral certainties of the immediate post-war period have been replaced by a system in which authority has been undermined and moral relativism rules. The result, in his view, has been that the 'best police force in the world has been

reduced to bureaucratic uselessness' (2003: 17). Though not alone in identifying problems in contemporary policing, Hitchens' diagnosis is unusual, indeed a throw-back to previous times, arguing that what is required is a moral counter-revolution reversing the tide of what he perceives to be the broad sweep of liberal progressive reformism in the past 40 years. Many are blamed by Hitchens for the current failings of policing; key, however, among those he holds responsible are Lord Scarman and Sir William Macpherson.

From Scarman to Stephen Lawrence

In the aftermath of the 1981 riots Lord Scarman was appointed to inquire into the causes of the unrest in Brixton and to make recommendations (Scarman 1982). Scarman was critical of the policing of Brixton and especially the heavy-handed 'Swamp 81' 'street saturation' operation. Almost 950 'stops' had been made in the course of this operation, resulting in 118 arrests. More than half the people stopped were black. A total of 75 charges were brought, though only one was for robbery, one for attempted burglary and 20 for theft or attempted theft. As a result of his inquiry, Scarman concluded that the lack of consultation with community representatives prior to 'Swamp 81' was 'an error of judgement' (Scarman 1982: 4.73), that the whole operation 'was a serious mistake, given the tension which existed between the police and local community' (1982: 4.76) and that 'had policing attitudes and methods been adjusted to deal fully with the problems of a multi-racial society, there would have been a review in depth of the public order implications of the operation, which would have included local consultation'.

Scarman's recommendations as a result of the inquiry were wide ranging and took in such diverse areas as recruitment of ethnic minorities to the police, increasing consultation through the introduction of statutory liaison committees, the introduction of lay visiting to police stations, the independent review of complaints against the police and the tightening of regulations regarding racially prejudiced behaviour by officers. In relation to the nature of the policing service being delivered to minority communities, Scarman explicitly rejected 'institutional racism' as an explanation for the problems that had precipitated the inquiry. However, in the careful language of an eminent lawyer, he went on to note that if 'the suggestion being made is that practices may be adopted by public bodies as well as private individuals which are *unwittingly discriminatory* against black people, then this is an allegation which deserves serious consideration, and, where proved, swift remedy' (Scarman 1982, emphasis added). As Stuart Hall noted at the time (1982: 68),

> the idea that oppressive policing is not a set of fortuitous events but a process, a structural condition, is beyond [Scarman's] grasp. The concept of ''institutional racism'' is not merely repugnant to his sympathies. It is unthinkable within his discourse. This is one limit-point to his reformism.

Nevertheless, the report emphasised the need for change and, despite its limitations, 'was the trigger for a reorientation of policing on a wide front.

Indeed by the late 1980s, [Scarman's] ideas had become the predominant conception of policing philosophy amongst Chief Constables' (Reiner 1991).

A little over a decade after the Scarman Inquiry – on 22 April 1993 – 18-year-old Stephen Lawrence was stabbed to death in Eltham, South London, giving rise, albeit over four years later, to another significant inquiry into policing. There are many differences between the Scarman and Stephen Lawrence Inquiries – in terms of the incidents that gave rise to them, the speed with which they were called and their recommendations (Bowling 1999) – but both left a lasting impression on the British policing landscape. On that evening in April 1993, Stephen Lawrence had been standing at a bus stop with a friend, Duwayne Brooks, when they were approached by a small group of clearly hostile and abusive white youths. Though Brooks was able to escape and call for help, Stephen Lawrence was stabbed twice and died within a short period of time. As the Stephen Lawrence Inquiry, established by Jack Straw in the aftermath of the 1997 General Election, put it (Macpherson 1999: para. 2.1): 'those violent seconds in 1993 have been followed by extraordinary activity, without satisfactory result'. The police investigation found no witnesses to the attack other than Duwayne Brooks and 'other sound evidence against the prime suspects [was] conspicuous by its absence' (1999: para. 2.2). A private prosecution was launched against five suspects in 1996 but failed because of lack of evidence (two suspects were discharged at the committal stage and the other three, who went to trial, were acquitted). Ominously the verdict of the inquest jury was that 'Stephen Lawrence was unlawfully killed in a completely unprovoked racist attack by five white youths'. The Stephen Lawrence Inquiry concluded memorably, and in contrast with Scarman, that: 'There is no doubt but that there were fundamental errors. The investigation was marred by a combination of professional incompetence, *institutional racism* and a failure of leadership by senior officers' (1999: para. 46.1, emphasis added).

The 'professional incompetence' included a lack of direction and organisation in the hours after the murder, little or no pursuit of the suspects, insensitive treatment of both the Lawrence family and Duwayne Brooks (Brooks and Hattenstone 2003), inadequate processing of intelligence, ill thought-out surveillance and inadequate searches. However, the inquiry concluded that incompetence alone could not account for police failures and it suggested that the very fact that the victim was black led directly to less competent behaviour on the part of officers, in particular with regard to their actions at the scene of the crime, in connection with family liaison, the treatment of Duwayne Brooks and in the use of inappropriate and offensive language. The service, the inquiry suggested, was 'institutionally racist'. This it defined (Macpherson 1999: para. 6.34) as:

> The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people. (for a critique see Lea 2000; Tonry 2004)

The inquiry made 70 recommendations which covered: the monitoring and assessment of police performance; the reporting and recording of racist incidents and crimes; the investigation and prosecution of racist crime; family liaison; the treatment of victims and witnesses; first aid; training; employment, discipline and complaints; stop and search; and recruitment and retention. These recommendations amounted 'to the most extensive programme of reform in the history of the relationship between the police and ethnic minority communities' (Bowling and Phillips 2002: 16). At the centre of the recommendations was a proposed ministerial priority for the police to seek to 'increase trust and confidence in policing among minority ethnic communities'. As Reiner (2000: 211) suggests,

> the Macpherson Report ... has transformed the terms of the political debate about black people and criminal justice ... what had not [previously] featured in public awareness and political debate was the disproportionate rate at which black people suffered as victims of crime.

In this, the Macpherson Inquiry achieved something that Scarman hadn't. Moreover, as Bowling and Phillips (2002: 18) note:

> Where Scarman was hesitant on the question of accountability, Macpherson was strident. Since the Lawrence Inquiry had concluded that the failings of the police were systemic and the result of insufficient accountability, it recommended the introduction of lay oversight into all areas of police work, and the creation of a fully independent complaints system. Crucially, the Inquiry recommended bringing the police into the ambit of race relations law, a proposal that had been roundly rejected two decades earlier.

The nature of police relationships with, and the policing of, minority ethnic communities has been the subject of considerable attention, and no little controversy, in the period since the publication of the Stephen Lawrence Inquiry (see Rowe 2007; Bowling *et al*., this volume). One of the key issues raised by both Scarman and the Stephen Lawrence Inquiry concerns the nature of the relationship between the police, government and local communities and, more particularly, how the police service is effectively to be made accountable.

Centralisation and control

In some respects the most obvious and consistent trend in the history of policing since 1829 is the gradual centralisation of control as government, largely through the Home Office, established greater control over chief officers and their constabularies (see Chapter 4). There are at least four major ways in which this process of centralisation may be seen in the post-war years:

1. The progressive reduction in the number of police forces in England and Wales (and increased government powers of amalgamation).

2. The increased ability of police forces to co-ordinate their activities across force boundaries together with the formation of new, powerful national policing organisations such as the National Crime Intelligence Service (NCIS) and the National Crime Squad (NCS).
3. The formalisation of the activities of police representative bodies such as the Police Federation and, in particular, ACPO.

And perhaps most significantly,

4. The increase in government oversight of, and influence over, policing via legislative change and new managerial reforms.

Since 1945 increasing centralisation has seen the amalgamation of forces in England and Wales, and their reduction from almost 200 in 1945 to their current level of 43 (see Chapter 8). These changes were initially brought about by the Police Act 1946 which gave the Home Secretary power compulsorily to amalgamate police forces with populations below 100,000. As a result of the 1946 Act the number of forces was reduced to 125 by 1949, and then was further reduced by 1964 to 117. In its consideration of police governance, the Royal Commission gave serious thought to the possibility of 'nationalisation'. As we know, nationalisation didn't occur, though Stevenson and Bottoms (1989: 10–11) conclude that 'Overall, one is left with the clear impression of a Commission impressed with some of the logic of the nationalisers' case, but regarding it as simply too radical in the context of the times'. Despite rejection, as its secretary put it, 'the Commission came near to the brink' (Critchley 1967: 282). The trend was unmistakably towards fewer and bigger forces. In the aftermath of the Police Act 1964 there was a very substantial period of consolidation, and the number of forces was reduced to its current level in 1974. Further amalgamations appeared likely in the early 1990s, particularly during the period of Michael Howard's tenure as Home Secretary. New provisions were included in the Police and Magistrates' Courts Act 1994, giving the Home Secretary powers to order force amalgamations without having any form of local inquiry, as would have been the case under the Police Act 1964. The provisions contained no requirement on him to justify his plans before an independent inspector, or even to do more than give reasons to those that have objections to his proposals. More recently, during the period of the second Labour administration of recent times (2001–05), proposals for further amalgamation were being actively considered within Downing Street policy units and the Home Office. The 2004 White Paper (Home Office 2004) had raised the issue and a subsequent thematic report by Her Majesty's Inspectorate of Constabulary (HMIC 2006) reiterated the case for the restructuring of policing. Indeed, a number of forces signalled their willingness to amalgamate. In the event a combination of factors – most notably a number of 'crises' affecting the Home Office, resistance to amalgamation in some police circles together with growing financial restrictions affecting government across the board – led to the abandonment of such plans.

The second aspect of centralisation concerns the increased ability of forces to work across boundaries in support of each other, together with the creation

or reinforcement of national policing bodies. The Police Act 1964 provided the basis for the establishment of regional crime squads (RCSs) and within a year nine RCSs had been established. The squads grew in size significantly during the 1970s and 1980s, though their number was reduced from nine to six in the early 1990s.

The policing of the miners' strike in 1984 focused attention on the increasingly 'national' nature of policing in Britain. In 1972, the National Reporting Centre (NRC) was established as a system for co-ordinating and managing mutual aid between forces in times of emergency. It had been used on a relatively small number of occasions prior to the miners' dispute, but during the strike was utilised on a hitherto unprecedented scale – the 'high point in the national co-ordination of policing public order' (Reiner 1991: 191). The perception that this vast policing operation was too obviously acting on behalf of government – perhaps the primary fear about the consequence of nationalising policing – left many chief constables feeling uncomfortable, though it appears many also believed that 'it had averted rather than precipitated the formation of a national police force' (Reiner 1991: 188).

Plans for a National Criminal Intelligence Service (NCIS) got underway in 1990, the intention being to integrate the work of the existing National Football Intelligence Unit, the Art and Antiques Squad, the National Drugs Intelligence Unit, the regional criminal intelligence offices and a variety of other bodies. NCIS was established in 1992. Growing awareness of crime problems that crossed national borders, and the need to liaise effectively with international policing organisations such as Europol and Interpol, was a significant pressure towards the development of formal national policing bodies. At the 1995 Conservative Party conference the Home Secretary announced that he intended creating an operational National Crime Squad (NCS) to deal with serious crimes, a proposition implicitly endorsed by the Home Affairs Committee in its 1995 report on organised crime. This was put into effect by the Police Act 1997 and the NCS came into operation on 1 April 1998. The Director General of the NCS effectively took control of the RCSs which were absorbed into the structure of the NCS. The formation of national squads is indicative of creeping centralisation in British policing and some commentators see this as presaging the eventual nationalisation of policing (see Uglow and Trelford 1997).

In 2003, the government's Green Paper, *Policing: Building Safer Communities Together* (Home Office 2003) proposed the idea of a dedicated, national organised crime policing unit and the subsequent Serious, Organised Crime and Police Act 2005 made this a reality, establishing the Serious Organised Crime Agency (SOCA). The Agency, established initially with 4,200 staff, amalgamated the functions of NCIS and NCS, together with the investigative branches from the Immigration Service and the Revenue and Customs Service. SOCA has a number of other important characteristics that set it apart from the main constabularies in the UK. Although SOCA's first Director General was drawn from the police service, having previously headed up the NCS, its first chair, Sir Stephen Lander, was previously the Head of MI5, indicating the emergence of a hybrid agency working as a policing body but specialising in covert and intelligence-gathering activity. SOCA will have officers permanent-

ly stationed abroad working with and within intelligence agencies in other jurisdictions and similarly will house investigators from other agencies within the UK. SOCA is a non-departmental public body (NDPB), not a police force, and its staff is civilian not police officers, although they have considerable designated powers. As a NDPB it is governed by a Board with a majority of non-executive members and, unlike the majority of police forces, is answerable directly to the Home Secretary rather than to a police authority.

In terms of national co-ordination of policing, one of the most significant developments in the post-war period has been the remarkable transformation of police representative organisations and, most especially, ACPO. Prior to the establishment of ACPO in 1948, chief officers had been represented by the County Chief Constables' Club and the Chief Constables' Association of England and Wales (for the city and borough forces). Most commentators describe the activities of these organisations as being more like clubs than policy-making or pressure groups (ACPO 1998). Indeed, there is little evidence that ACPO was much different in the first two decades or so of its existence (Savage *et al*. 2000). For the bulk of this period, the impression that the police service was somehow outside politics was successfully maintained. The politicisation of 'law and order' from the late 1960s onwards is by now well documented (see Downes and Morgan 2002, 2007). The growing visibility of the police in 'political' debates can be seen both in the changing role of ACPO and in the activities of the Police Federation, beginning in the 1960s with campaigns for better pay. From that point onward, the Police Federation became a relatively vocal and influential pressure group, even going so far as to place an advertisement in the national newspapers in the run-up to the 1979 General Election, linking rising crime with the failure of the Labour administration's policies (McLaughlin and Murji 1998). The crucial development which saw the police thrust into the centre of political controversy was the election of the radical Thatcher government and, most obviously, the role undertaken by the police in support – as it appeared to some at least – of government attempts to undermine the miners' strike. In the period since then, and encouraged in many respects by the Home Office, ACPO has become a highly organised and effective national coordinating body. It has, less happily for the Home Office, also become a supremely effective lobbying organisation. As comfortable working in the public eye as behind the scenes in the Home Office and Parliament, it is now one of the most important influences on contemporary policing in Britain.

The formidable power of ACPO was successfully exercised in the early 1990s when, beginning with Kenneth Clarke and continuing under Michael Howard, the Conservative government attempted to engineer radical reforms in policing and, in particular, to increase central control dramatically and to begin a process of partial privatisation, 'hiving off' or 'contracting out'. A series of inquiries, including the Sheehy Inquiry into Police Responsibilities and Rewards, and the Core and Ancillary Tasks Review (the Posen Inquiry), together with the first drafts of the Police and Magistrates' Courts (PMC) Bill, appeared to herald the possibility of a new era in policing; one in which policing was redefined largely as 'crime fighting', with other functions contracted out, and where government had significantly enhanced powers to hire and fire officers and to manage local policing delivery. That the Posen

Inquiry resulted in almost no change at all, that the Sheehy Inquiry had much less impact than had been anticipated in some quarters and that elements of the PMC Bill were successfully resisted is in no small measure due to the influence of ACPO. The erstwhile head of the Audit Commission, Howard Davies, once noted that the police was the least affected of all public services by 'the Thatcher revolution' (McLaughlin and Murji 1993: 95). This has not been because of a perception that the police were somehow less in need of reform but rather that successive Home Secretaries up to and including the present incumbent have ultimately fought shy of taking on ACPO; for the Thatcher administration partly because of the 'debt' owed in aftermath of the miners' strike; for later administrations more because of the increasing influence and leverage exercised by ACPO. Radical reform of the police service remains a very dim prospect in the absence of a Home Secretary truly willing to confront the association.

Despite the now very powerful position occupied by ACPO, the clearest element of the long-term centralisation of British policing has been the gradual accretion of power over policing by government. This can be seen in two key respects: successive reforms to the tripartite structure for police governance which have progressively enhanced central powers; and the growth of a form of centralised managerialism which seeks to regulate policing primarily by means of performance assessment but which, under New Labour, shows every sign of becoming a form of fairly direct government micro-management. In the post-war period, police governance and accountability were defined and shaped by the Royal Commission on the Police and the subsequent Police Act 1964. The Police Act sought to define, effectively for the first time, the respective roles of the Home Secretary, chief constables and police authorities. It replaced the old system of watch committees and standing joint committees with a single system of police authorities. These authorities were placed under a duty to secure the maintenance of an 'adequate and efficient' force for their area, though these terms were undefined. In terms of governance, the Royal Commission's recommendations, and the Act that followed, were based on the principle that 'there should be stronger central control' (Critchley 1967: 286) and the 1964 Act reinforced the powers of the Home Office and chief constables at the expense of local authorities (Marshall 1978). One of the major changes made by the Act was the enshrining in statute of the fact that supreme responsibility for local policing lay with chief constables, each force thenceforward being 'under the direction and control' of its chief officer. In order to do this the chief officer was empowered by the Act to appoint, promote and discipline all officers up to the rank of chief superintendent. The Home Secretary was given the power to call for reports from chief constables, to approve the appointment of senior officers and to compel the retirement of an inefficient chief constable. Such a description, however, does scant justice to the degree of influence that was exercised even then by the Home Office over policing. As Lustgarten (1986: 100) puts it, 'practice in this area embodies to an extreme degree a notable feature of British politics: its informality and preference for behind the scenes influence, quiet words in ears, and careful selection of key people who can be trusted to share fundamental norms'. The basic structure established by the 1964 Act – and which concentrated greatest

powers in the hands of the Home Office and chief constables at the expense of local police authorities – remained the basis of police governance for 30 years until the Police and Magistrates' Courts Act 1994 (for a more extended discussion, see Jones, this volume).

The initial proposals in the PMC Bill to establish police authorities independent of local councils, yet subject to significant oversight by the Home Office, prompted Vernon Bogdanor to claim that 'the Bill establishes a national police force under the control of the Home Secretary' (*The Times* 19 January 1994) and the then President of ACPO, Sir John Smith, to comment, 'I am inclined to the view that we are witnessing a move, perhaps unintended, for national control of the police by central government' (cited in Jones and Newburn 1995: 448). As has already been suggested, the original proposals were considerably amended during their passage through Parliament, partly as a result of ACPO's lobbying efforts. In the event, depoliticisation was one of the most visible consequences of the Act. The influence of party politics generally, and the political complexion of authorities in particular, clearly diminished significantly as a result of the reforms (Jones and Newburn 1997). If anything, it was the power of chief constables that was reinforced by the reforms, though there was the potential to reinvigorate police authorities, certainly with regard to financial oversight of local policing.

As far as central control was concerned, though not especially dramatic at that stage, it was the introduction of national objectives for policing that was the clearest illustration of the future direction of change. The growing emphasis on the key elements of 'new public management' (see Golding and Savage, this volume), and the increasing influence of the Audit Commission were, among other developments, indicators of a shift towards what Reiner called 'calculative and contractual' accountability (1993: 19–20) in which performance is 'judged according to the achievement of a limited range of performance indicators'. Central control through such means was most clearly and most recently articulated in the establishment of the Police Standards Unit.

Its focus is on the management of 'performance' and spreading 'best practice' via the quantitative measurement of police activities and the publication and comparison of results, not just between individual forces but between basic command units. In addition, the Police Reform Act 2002 introduced an Annual Policing Plan, provided powers to promote consistency across police forces through the introduction of statutory codes of practice and introduced new powers to require police forces to take remedial action where they are judged to be inefficient or ineffective by Her Majesty's Inspectorate of Constabulary (HMIC).

The most vivid illustration of what I have called the current trend towards government 'micro-management' of policing is what became known as the 'street crimes initiative'. As a result of growing concern in government about levels of recorded street crime in 2000–1 and 2001–2, and the perceived failure of the police service to respond adequately, there was direct intervention in local policing strategies. A Downing Street 'summit' on street crime resulted in the identification of 10 forces in which the greatest street crime problems were believed to exist. For the following six months these 10 forces provided weekly crime figures to a designated government minister. At the end of this

period of close scrutiny, and after the injection of considerable extra resources to support enhanced police operations within the 10 forces, success was claimed for the Prime Minister's promise to have street crime 'under control by September [2002]' (*Police Review* 26 July 2002). The success or otherwise of the initiative is not the issue here. Its importance for policing lies in the extraordinary level of control, and the unusually hands-on manner, exercised by central government, and by the Prime Minister in particular. That government should have deemed this to be necessary, and now be defining it as a success, is likely to mean more of the same in the future.

Although centralisation is *the* dominant trend in post-war British policing, recent years have seen increasing emphasis, at least at a rhetorical level, placed on the importance of localism. This can be seen most visibly in what has become known as 'neighbourhood policing', a set of reforms designed to respond to what has been perceived as a growing 'reassurance gap' (Crawford 2007). A significant reassurance policing programme was established between 2003 and 2005, arising in part from survey research which showed that despite year-on-year falls in crime since the mid-1990s a significant proportion of the public continued to believe that crime was still rising. In parallel with this, at the same time there was also political concern that despite dropping crime levels there were continued demands in many communities for tough and more visible action against a range of activities – some criminal, some not. In response, the government's 'antisocial behaviour agenda' developed strongly from about 2000 onward and, in due course, fed into the emerging reassurance policing experiment.

In 2005, the government introduced the 'Neighbourhood Policing' programme to develop neighbourhood policing teams that work closely with local communities (Home Office 2005). By the end of 2008, all local areas will have a local team consisting of police officers and Police Community Support Officers (PCSOs), possibly together with Special Constables, local authority wardens, volunteers and partners (see Crawford, this volume). The aim is to provide citizens with access to local policing services through a named point of contact, giving them an opportunity to exert influence over policing priorities in their neighbourhood, to facilitate the effective development and implementation of joint action to reduce crime and disorder with key partners and the public, and to provide clear accountability and feedback to local people about what is being done in their area. At one stage, there was speculation that the government was planning to introduce elected 'community boards' at the level of the neighbourhood, to whom the neighbourhood policing teams would be accountable. However, in the event, the government retreated from this position, demonstrating a continued reluctance to devolve too much power to local communities (McLaughlin 2006). For this reason, it appears that the long-term trend towards greater central control of policing is, on current evidence, unlikely to be reversed.

Policing and the police

The other most significant changes affecting policing in the post-war period are in some ways difficult to characterise. Put crudely they concern a set of

processes that have had the consequence of 'pluralising' the provision of policing. At the beginning of the twenty-first century we find ourselves confronted by what often appears to be a bewildering array of organisations that might broadly be thought of as policing bodies (for a discussion see, for example, chapters by Walker and Crawford, this volume). Indeed, so significant do the changes appear to have been that two influential criminologists have argued that 'future generations will look back on our era as a time when one system of policing ended and another took its place' (Bayley and Shearing 1996: 585). A central strand of Bayley and Shearing's argument concerns what they term the 'end of a monopoly' by the public police; something they allege has occurred since the mid-1960s. Though the accuracy of this claim has been contested (see Jones and Newburn 2002), what seems undeniably the case is that the 'policing division of labour' has become more highly differentiated and more complex in recent times.

Thinking more directly about public policing – the primary focus of this chapter – a number of distinct processes can be identified. These include: the imposition of tighter financial controls over the police; the related questioning of the appropriateness and effectiveness of the public sector in delivering particular policing functions; and the stimulation of alternative forms of provision through increasing emphasis on partnerships and related forms of citizen 'responsibilisation'. The Metropolitan Police Act 1829 recognised that the commissioner could employ civilian clerks, and indeed this happened from the early days of the force. Furthermore, there was a 'civilian' influence in senior positions prior to the 1950s with a number of commissioners being appointed from outside the service (Loveday 1993). By and large, however, most civilian appointments were confined to clerical or ancillary posts, and it was not until after 1945 that the main expansion in civilian employment took place (Jones *et al*. 1994). There was a very rapid expansion in civilian employment between 1945 and 1975, some slowing during the remainder of the 1970s and then increasing interest in a policy of civilianisation from the Conservative government in the 1980s, supported by bodies like the Audit Commission. The pressures stimulating increasing employment of civilians changed during the post-war period, from a concern initially with ensuring that officers were available for mainstream police duties to a more fiscally driven concern from the 1970s onwards focusing on 'economy' (police expenditure), 'efficiency and effectiveness' (specialist civilian staff in specialist support posts). Whatever the impetus, the policy of civilianisation has had a marked impact on British policing since 1945.

The era of tighter financial control in policing followed hot on the heels of one of the most significant increases in expenditure on policing. In 1979, part of the Conservative Party's 'law and order' election promises concerned a pay deal for the police, and an increase in police numbers. In the five years to 1984 public expenditure on the police doubled from £1,644 million to £3,358 million. A rather naive belief that this would yield positive results was quickly dashed and recorded crime predictably continued to rise despite the vastly increased financial commitment. Government ministers were deeply unhappy at what they perceived to be a lack of return on their expenditure and from approximately 1982–83 onwards the government began vigorously to pursue

its 'Financial Management Initiative' (FMI). This was designed to encourage efficiency and cost savings by applying private sector management methods to the public sector, and imposing market disciplines on them. Home Office Circular 114/1983 (and later the even tougher 106/1988), produced largely without consultation with police representative bodies, signalled that the financial climate had changed. The circular outlined potential new management strategies for the police – now generally referred to as 'policing by objectives' (PBO). Though Kenneth Newman had introduced very similar initiatives into the Metropolitan Police before the circular was published, both ACPO and the Police Federation were often very hostile to the new emphasis on 'value for money', largely because of the potential consequences for the terms and conditions of employment.

In addition to the problem of rising crime, the other major reason that the Conservative government felt able to adopt a stringent financial policy, particularly in its second term of office, was that recorded levels of public satisfaction with the police had been declining for some years (Skogan 1990). The Thatcher administrations of the 1980s were deeply sceptical about both the effectiveness and the efficiency of public services, and placed much greater faith in the efficacy of markets and in the ability of the private sector to deliver services economically. As a consequence, this period saw increased emphasis placed on market pressures and the beginnings of a flirtation with the idea of privatisation in the policing arena. The size and significance of the private security sector were anyway on the increase (Jones and Newburn 1998), there was, as we have seen, increasing civilianisation (and use of 'specials') within the police (Jones *et al*. 1994), and plans were floated to privatise the Police National Computer and to formalise a customer–contractor relationship between police forces and the Forensic Science Service, each of which gave rise to police fears that more widespread privatisation was possible.

The impact of both financial constraint and the spectre of privatisation was to open up a debate about the future shape of policing in Britain. This debate continued into the 1990s and was given further impetus by the establishment of the Sheehy and Posen Inquiries. From the very outset the Sheehy Inquiry was controversial. It was announced to general surprise at the Police Federation conference in May 1992, and was chaired by Sir Patrick Sheehy, the chairman of BAT industries; neither he nor any of its four other members had any experience of policing. The inquiry reported in July 1993 (Home Office 1993) just two days after the publication of the white paper on police reform. Its 272 recommendations were designed to 'reward good performance and penalise bad' and included fixed-term contracts for new recruits, the introduction of a severance programme for middle-ranking and senior officers, and performance-related pay for chief constables and their assistants.

The Posen Inquiry, established at roughly the same time as Sheehy, had a very specific 'contracting out' focus. Its terms of reference were 'To examine the services provided by the police, to make recommendations about the most cost-effective way of delivering core police services and to assess the scope for relinquishing ancillary tasks' (Posen 1994). The review team suggested that 'some of the resources needed to improve performance in core areas of work supporting key and national objectives will have to be found by releasing

resources currently absorbed by peripheral non-essential tasks or by finding more cost-effective ways of delivering core tasks'. The inquiry was, in essence, a further step along the road towards potential privatisation of certain police functions. Though the final report was a damp squib, it reinforced the view that the government was increasingly concerned to ensure value for money from the police and also that it was actively considering how the private sector could play a greater role in policing.

There have been a number of more recent developments that either have had, or are likely to have, an effect on the policing division of labour. New Labour's Crime and Disorder Act 1998 raised a host of issues for policing and how it is to be delivered (for a review, see Newburn 2002). Perhaps the most important – even though it is not a simple, direct or even intended consequence of the Act – concerns the implications for the 'role' of the police in the delivery of 'policing'. Crucially, it appears that the logic of the Crime and Disorder Act is likely to lead, at least in the long term, to further pluralisation of policing. There are a number of reasons for this. First, the Act places a significantly increased emphasis on the identification of local problems and local responses to them. Secondly, it encourages local choice and is likely therefore to stimulate competition. Thirdly, it explicitly encourages partnerships between public, private and municipal providers. And, finally, Best Value requirements are likely further to reinforce this 'marketisation' of criminal justice. Perhaps crucially in this regard, Best Value requires reviews of service provision to be undertaken according to what are known as the 'four Cs': *challenge* why and how a service is being provided; invite *comparison* with others' performance across a range of relevant indicators, taking into account the views of both service users and potential suppliers; *consult* with local taxpayers, service users and the wider business community in the setting of new performance targets; and embrace fair *competition* as a means of securing efficient and effective services (see Chapter 25). Together, the Crime and Disorder Act and Best Value make explicit the impossibility of a 'police solution' to policing and are likely to stimulate increased competition and further change.

Of all the recent inquiries into policing, the most explicit recognition of the increasingly 'plural' nature of policing and security provision was contained in the proposals advanced by the Independent Commission on Policing in Northern Ireland (the Patten Inquiry) (1999) which was set up as part of the Good Friday Agreement (10 April 1998). The Patten Commission's role was to examine policing in Northern Ireland and to make proposals for future policing structures and arrangements, including means of encouraging widespread community support. It recommended a radical overhaul of accountability structures, including the introduction of a Police Ombudsman and a new Policing Board (not *Police* Board) to replace the largely discredited Police Authority. Beneath the Policing Board it recommended the establishment of District Policing Partnership Boards (DPPB) as a committee of the district council with a majority elected membership. In particular, it was envisaged that these boards would have responsibility for promoting partnership of community and police in the collective delivery of community safety. Perhaps most radically in this regard the Inquiry recommended that district councils

should have the power to contribute an amount initially up to the equivalent of a rate of three pence in the pound towards the improved policing of the district. This could enable DPPBs to purchase additional services from the police or other statutory agencies, or indeed from the private sector. Critics suggested that this would be exploited in such a way as to enable services involving, or even controlled by, paramilitaries to be purchased by DPPBs. Though by no means enacted in full in Northern Ireland (McEvoy *et al*. 2002; Mulcahy, this volume), and unlikely to be enacted on the mainland in the near future given the police reform programme that is underway, none the less the Patten Inquiry outlined an approach to policing and to police accountability that has the potential to transform policing in England and Wales in important ways, and may yet be seen as a model for reform in the future.

Finally in this regard there are the developments associated with what now appears to be referred to as the 'extended police family' and, more particularly, the increasing visibility of alternative forms of 'police patrol' (see Crawford, this volume). Of all the elements of the Police Reform Act 2002, it was the proposals for the introduction of community support officers that were most radical, though the idea was by no means a new one. Almost a decade earlier, a committee established by the Police Foundation and the Policy Studies Institute had recommended experimentation with alternative forms of police patrol (Police Foundation/PSI 1994; see also Morgan and Newburn 1997), only to be roundly criticised by ACPO and by New Labour in opposition for recommending 'policing on the cheap'. By 2002, however, the fiscal realities were such that it was difficult for any politician to avoid the conclusion that the level of policing seemingly demanded by the public could not easily be provided from within the public purse. A form of public–private partnership was proposed – not that such language was used. Using the more mellifluous idea of 'an extended police family', and underpinned by the 'broken windows' philosophy (Wilson and Kelling 1982), the White Paper included, and the Police Reform Act incorporated, proposals that agents and agencies such as neighbourhood and street wardens, security guards in shopping centres, park keepers and 'other authority figures' (Home Office 2001: para. 2.31) could be accredited by, and work alongside, the police in a formal capacity. More controversially, the government proposed a power to enable chief constables to appoint support staff to provide a visible presence (i.e. to patrol) in the community. These 'community support officers' were to be under the control of the chief constable and have limited powers to detain suspects, to stop vehicles and to issue fixed-penalty notices. The Home Office was primarily responding to the problem of limited resources in making such a proposal. While much of the police service appeared sceptical at best, and somewhat hostile in many cases, the Metropolitan Police – also subject to considerable resource pressures – was at the forefront of taking the idea of community support officers forward – the first of the new officers patrolling the capital from late 2002. By the end of 2007 there were 16,000 PCSOs in constabularies within England and Wales with government plans to extend the numbers further to at least 24,000 (Crawford, this volume). As such, this represents one of the most substantial changes to the landscape of British policing in recent years.

Directly and indirectly, through a number of its measures, New Labour has stimulated further moves in the direction of a more complex and fragmented policing division of labour. The Police Reform Act, via the creation of community support officers and the accreditation of extended police family members, is the most visible of the measures. Arguably, however, the Crime and Disorder Act, in conjunction with Best Value and the increasing emphasis placed upon consumer demand, will prove to be just as important in the process of formalising the mixed economy of policing. In outlining Bayley and Shearing's (1996) argument about profound systemic change in the nature of policing systems, I drew attention to the fact that they argued that central to this transformation has been the ending of the public police's monopoly on policing. Of course, in reality, no such monopoly ever existed (Jones and Newburn 2002). Nevertheless, in the not-too-distant past it was at least plausible to talk about the police as if they were synonymous with policing. Perhaps the best measure of the change that has taken place since the Second World War is the impossibility of making such an assumption now.

Conclusion

In attempting to bring some order to half a century of police history, and a period of rapid social change, I have suggested that four sets of issues or trends can be seen to have been dominant in this period. First, I suggested that in some respects the role of the police has expanded – or at least become more complex as the world being policed becomes more complex. At least as importantly, the image of the police has fundamentally altered and, in particular, we are now some distance from the high point of police legitimacy in the early years after the Second World War (Reiner 2000). As a consequence, the very idea of 'policing by consent' is now significantly more problematic than was the case 50 years ago. The result has been an almost continuous debate about the past decade over the 'proper' role and function of the police. The symbolic image of Dixon of Dock Green continues to reappear, serving to define a sense of what has been lost and, in the eyes of commentators such as the Commissioner and Deputy Commissioner of the Metropolitan Police and the journalist Peter Hitchens, what now needs to be regained. For the senior management of the Metropolitan Police (*Guardian*, 28 February 2003), the era of Dixon has been invoked in the hope that government and the public can be persuaded that significant increases in police officer numbers are necessary. For Hitchens (2003), Dixon represents a period of policing prior to the damaging changes brought about by 'social liberalism'. In an argument resonant of the critics of 'permissiveness' in the 1960s (Newburn 1992), Hitchens suggests that, as a result of a cultural campaign by the liberal elite, the police are now hamstrung by rules that have transformed them from an 'effective police force into [an] ineffectual police service' (2003: 291). For government, neighbourhood policing represents in modern form an attempt to recapture what is perceived to have been the positive and close relationship between police and community characteristic of the early post-war years.

Indeed, the nature of the relationships between the police and the communities they serve is the focus of the second set of concerns. This can be seen most clearly in relation to police–minority ethnic community relations. Late twentieth-century Britain witnessed a remarkable growth of cultural pluralism. Whereas for much of the post-war period the key sources of social and political identity were based around economic class divisions, we now live in a society in which these are allegedly less important. Though concerns about the policing of a diverse society are not new, the apparent gulf between the police and minority ethnic communities has been increasingly visible since at least the time of Lord Scarman's inquiry in the early 1980s, culminating in the Stephen Lawrence Inquiry's description of the Metropolitan Police as 'institutionally racist'. With the addition of 'new' social issues such as asylum and mass immigration, and international terrorism (Innes and Thiel, this volume), policing diversity is set to remain a key theme in the coming decades.

The third theme concerns police governance and has been characterised by the progressive neutering of local authorities, the emergence of a form of managerialism that involves ever-closer scrutiny of police performance, the growing authority and influence of police representative bodies and, arguably most important of all, the ever-increasing power and influence of central government in policing. The creation of new national policing bodies, the increasing visibility of a national senior police officer elite, the increasingly powerful and vocal role taken by ACPO, and the growing influence of central government in policing all suggest that a slow process of nationalisation of policing may be underway. And yet there are countervailing trends. The expressed desire of government to stimulate local responsiveness and local democratic influence, together with the continuing differences between individual forces in relation to the most basic aspects of policing, such as crime recording (HMIC 1996) and levels of patrol service (Audit Commission 1996), should at least make one pause before assuming that the creation of a national force by default is an inevitability (even if it appears increasingly likely). Indeed, alongside the centralising tendencies in contemporary policing, there have been simultaneous pressures towards localisation and fragmentation. Indeed, policing appears to be becoming increasingly pluralised. The private sector continues to expand, public–private partnership working is no longer unusual and an array of other policing bodies – ranging from parks police and neighbourhood wardens to community support officers – are now part of the security patchwork (Newburn 2001). The police service's broad mandate as an emergency service largely remains, but it is undertaken within a context in which they have to compete with providers who are functionally, geographically and legally limited and, therefore, potentially economically advantaged in the policing marketplace.

I suggested earlier that the period covered by this chapter has been one of rapid social change. As Rod Morgan and I noted a few years ago, 'were we to resuscitate PC George Dixon he would find his surroundings somewhat strange' (Morgan and Newburn 1997: 11). Yet in surveying the changing nature of British policing here I have made little reference to any of the specific areas of social and cultural change. Space precluded any particular mention, for example, of the changing distribution of income and wealth, the changing

nature of employment and of education and training. Nor have I discussed in any detail the very significant changes to the ethnic composition of the British population or to the changing nature of the family, though no doubt each, and all, of these has had an important impact on policing. I can do little more here than make note of this, with perhaps one exception. Numerous commentators (though see in particular Reiner 1992a) have noted the parallels between the changing nature of the social order being policed and the changing nature of policing itself. In this view, social order is in essence 'postmodern' and by implication so is policing (Reiner 1991; Johnston 2000). The impact of these changes can be seen in a number of ways: the fact that the police as a body with an omnibus mandate, symbolising order, seems increasingly anachronistic (Reiner 2000); that the provision of security is increasingly commodified (Johnston and Shearing 2003); and that policing bodies are simultaneously stretched globally and locally. There is one further aspect of 'late modernity', however, that is noteworthy in this regard. We live in increasingly reflexive times and this basic social fact has a potentially profound impact on all our social institutions, including the police. And it is this reflexivity which underpins and influences so much that has happened in the field of policing in the last half century. We are now more critical of policing and the police. We ask for more yet, given the greater visibility of the belly of the beast, feel we receive less. We are more demanding and less trusting, and this makes the role of the police under late modernity particularly difficult to define and to manage. It remains, however, a crucial task at the beginning of the twenty-first century. Though using different language, Sir Robert Mark recognised this over a quarter of a century ago, and perceptively noted the changes and consequences that it meant for the service he led:

> For over a century we have been an artisan service trained to uphold a social system but not to think too much about it whilst doing so . . . The very nature of our role in a society which is better equipped to think for itself, to question custom and precedent, to demand greater equality of opportunity and above all to ask those who govern it the question 'Why?' requires that we ourselves should exercise the same curiosity about our role and the motives and justification for what we do. (1977: 117–18)

Note

1 A phrase used by many politicians. See, for example, David Cameron, at: http://www.telegraph.co.uk/opinion/main.jhtml?xml=/opinion/2006/01/05/do0502.xml.

Selected further reading

Robert Reiner's *The Politics of the Police* (2000 – now in its third edition) remains the most comprehensive and finest book on British policing in the post-war period. Sociologically informed and historically detailed, it should be the starting point for

anyone interested in this period in the history of policing. Clive Emsley's *The English Police: A Political and Social History* (1996) provides a longer historical introduction. This reading is then best supported with the detailed work in Bottoms and Stevenson's (1992) chapter in *Unravelling Criminal Justice*, and 'insider accounts' of various types, including Critchley's *A History of the Police in England and Wales, 900–1966* (1967), Robert Mark's *Policing a Perplexed Society* (1977), and John Alderson's *Law and Disorder* (1984). A recent, very fine overview of changing police styles, structures and politics is to be found in Stephen Savage's *Police Reform* (2007). Other recent developments are well charted in Ben Bowling and Coretta Phillips' *Racism, Crime and Justice* (2002) and Jones and Newburn's *Private Security and Public Policing* (1998). There are a number of official reports on policing that, in their different ways, have important things to say, and which should be read in detail. Among the most important in the last decade are the Stephen Lawrence Inquiry Report (Macpherson 1999) and the Patten Report (Independent Commission on Policing in Northern Ireland 1999).

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Part II

The Context of Policing

Tim Newburn

Part II of the *Handbook* can in some respects be viewed in two parts. Whereas the first five chapters deal with the structural and organisational context of policing, the last three chapters deal with police culture, practice and representation. Together, they provide the context within which contemporary policing should be understood. Policing is increasingly international. Bodies, structures and forms of co-operation proliferate in the international arena, and Neil Walker's opening chapter describes and explores the nature of the major arrangements in this area. His focus is very explicitly upon '*trans*national' rather than the '*inter*national' dimension of policing. This, as he explains, is because the key developments are by no means confined to policing that is authorised and practised within the territorial and institutional confines of the state. Rather, his focus is at least as much upon policing which is not reducible to co-operation between actors whose main reference point is their state of origin, but instead involves relatively autonomous networks or where authority and allegiance are primarily to other non-state 'polities' or political communities such as the European Union. Indeed, Walker's primary focus is on developments within Europe, though he notes the seeming re-emergence of a classic internationalist logic in the increasing influence visibility and influence of the United States in the aftermath of 11 September.

The context of policing has been changing domestically as well as internationally, and Adam Crawford's focus is upon the pattern of policing in the UK. Recent decades have seen a massive expansion in private and quasi-public forms of policing provision and this chapter explores, and provides an overview of, the emerging new policing division of labour. Its primary focus therefore is on 'policing beyond the police': on private security and other non-constabulary forms of provision. Partly because of the absence of formal regulation until recently, understanding the nature, shape and size of the private security/policing sector has been limited. This chapter de-mythologises private policing and draws out the similarities and differences between public, private and other forms of policing provision. Considerable attention is paid to the emergence of the new, and increasingly visible, forms of patrol service that are now to be found in many major towns and cities, as well as to what this means for how we understand policing criminologically and sociologically.

Two chapters then follow which provide further detail about the history, structure and organisation of policing in the UK. In a departure from the first edition of the book we now include specific, dedicated chapters on policing in Scotland and Northern Ireland. In the first of these, Daniel Donnelly and Kenneth Scott identify three factors that have shaped – and continue to shape – Scottish policing in distinctive ways. These are, first, the particular historical and legal traditions within which policing has developed; second, the ways in which broader socioeconomic and political changes common to the UK have played out in the particular context of Scottish society, and lastly, the increasingly visible influence of devolution in Scotland. Following from this, Aogán Mulcahy explores the history of policing in Northern Ireland and, more particularly, the recent replacement of the Royal Ulster Constabulary with the Police Service of Northern Ireland and the ramifications – political and social – of such a practically and symbolically important set of changes.

The fifth chapter in this section focuses more directly on the nature of the police service itself. Much of what is written about the police assumes a knowledge of how the service is organised. In my view this is a mistake. Students in particular often have only a passing familiarity with the nature and structure of the police and tend to find that there is no obvious source they can turn to for such information. The chapter by Rob C. Mawby and Alan Wright fills this gap. It describes the structure of the British police service and, more particularly, how forces are structured internally. It includes an overview of the rank structure in police organisations, of the different way in which uniformed officers' work is structured (beat, response, etc.), and the division between general and specialist departments and roles. It looks at the location and size of police forces, provides a brief history of police representative bodies such as ACPO and the Police Federation, and examines the roles of the growing proliferation of bodies that scrutinise police performance.

Understanding the behaviour and practice of police officers is at the core of the following two chapters. Police 'culture' is often considered to be both a cause of police deviance and an obstacle to police reform. Understanding the culture of the police is therefore central to understanding the delivery of policing services. However, as Louise Westmarland explores, following other recent authors in this field, there is of course not one but several police cultures. Her chapter examines in some detail some of the key pieces of literature in this field, and what they have to tell us about the nature of police cultures, how they are produced and reproduced and, in the light of this, what lessons can be drawn for successful reform of police conduct.

The following chapter takes a close look at the use and abuse of police powers, focusing in particular on key areas of activity such as detention and arrest and, in particular, the operation of the Police and Criminal Evidence Act and its impact on the treatment of suspects by the police, including such issues as the right of silence and the right of access to legal advice. It is the very fact of the existence of extensive powers that facilitates the exercise of generalised police authority. Consequently, in order to understand this very particular authority that the police bring to the situations they confront, it is important to understand how particular powers are organised. As the authors, Andrew Sanders and Richard Young, argue, 'the importance of legal powers is not that

they are *actually* invoked particularly frequently, but that they *could* be'. In reviewing this area, Sanders and Young take a particularly critical look at police practices and are relatively pessimistic about the likelihood of enlightened change in this area, pointing, for example, to the way in which backtracking after the 2003 Criminal Justice Act returned the primary focus toward punishment and exclusion.

The style and tone of this chapter illustrate one of the important attributes of this volume. In addition to seeking to attract the leading authors in particular fields, we have deliberately sought to include differing viewpoints within the volume. These range from critical criminologists to senior police officers. The inclusion of this variety means that particular chapters have useful counterpoints and can helpfully be read in conjunction with each other. Thus, for example, Sanders and Young's chapter in this section can usefully be read in conjunction with Peter Neyroud's chapter on ethics in Part IV. Both concern the issue of police conduct and its governance, though they differ in part in both their diagnosis and prognosis. Such differences of approach and opinion, it seems to me, are illustrative of the existence of a serious and healthy debate about both the nature and the future of policing.

Whether criminologists or criminal justice professionals, all the authors in this volume have an intimate knowledge of at least some of the realities of policing. In this they differ from the majority of the public who, if they have any contact with the police, will generally do so relatively fleetingly and occasionally. As such, their impression of the police, of police function and culture, will most likely be largely derived from the media. As Robert Reiner wrote 17 years ago, 'mass media images of the police are of central importance in understanding the political significance and role of policing'. On television (from Dixon to Morse, and *Ironside* to *NYPD Blue*), in film (from *The Blue Lamp* onwards) and via the press, our mass mediated images play a vital role in framing how policing is understood and legitimated. Robert Reiner, in the chapter which closes Part II, examines the changing media representation of policing and how this is linked with changing perceptions of the threat of crime and of police legitimacy. Whilst mass mediated images of policing have changed markedly, he argues that they continue to display an entrenched police fetishism – an assumption that the police are a functional prerequisite of social order; something without which there would be chaos and uncontrolled disorder. That this should still be so after several decades of fairly intense public scrutiny and no little criticism is testament to this 'Teflon service's' stature as a continuing symbol of order and security.

Chapter 6

The pattern of transnational policing

Neil Walker

Introduction

The purpose of this chapter is to map some of the most salient developments in transnational policing, to locate and explain their causes and to identify current trends and future prospects. Before we proceed to these various stages of discussion, three preliminary issues of orientation should be addressed. The first concerns the title of the chapter. The term *trans*national is preferred to *inter*national for an important reason. If we are concerned with policing other than policing that is authorised and practised within the territorial and institutional confines of the state, then only some such policing can be properly labelled 'international'. That is to say, policing beyond the state often does take the form of 'international' or (more correctly) 'interstate' policing – police co-operation and common action between officials and bureaucracies who owe their authority and allegiance first and foremost to the discrete states in question – yet it may also take a different form. For some forms of policing beyond the state are not reducible to co-operation between actors whose main reference point is their state of origin, but may instead involve networks which are relatively autonomous of these states of origin or which owe authority and allegiance to other non-state 'polities' or political communities – of which the EU is, in the policing field as in so many others, the primary example.

This leads directly to the second introductory remark. While the general horizon of this chapter is global, constraints of space demand a more selective approach. Accordingly, much of the focus is on European developments, not just because the European domain may be of most immediate interest to the primary readership of this book but also because, due to the emergence of the EU as a post-state polity (Walker 2002b, 2007), the EU is at present the limiting case of transnational police co-operation. But of course there are other important themes and developments in transnational policing. Many of these have taken place within a more traditional international paradigm, and with the USA as a particularly important point of influence. Indeed, it is arguable that since 11 September we have seen a resurgence of this classical state-

centred internationalist logic, and this resurgence and its structural antecedents also deserve – and receive – due attention. However, 11 September, and the changes in the geo-political logic of security which the seismic events of that day set in train or reinforced, has had other effects on the global framework of transnational policing which are less state-centred, and these too are acknowledged below.

Our third and final introductory remark concerns the formulation of a general framework to bring together our discussion of origins, current trends and future prospects within a coherent framework. Such a framework is supplied by an exploration of the very conditions of possibility of transnational policing, and is to that exploration that we now turn.

The conditions of possibility of transnational policing

For many, the very idea of transnational policing may strike an incongruous note – may even be viewed as counter-intuitive. One need go no further than the table of contents of this volume to gain the impression that policing is typically and principally treated as an affair of states and their internal security concerns. What arguments, then, underscore the state/policing coupling, and how compelling and how comprehensive in import are these arguments (Walker 2000: ch. 8; Loader and Walker 2001, 2007)?

To begin with, most theories of the modern state place the maintenance of internal (and external) security at or close to the centre of their conceptual scheme. Policing and internal security are often seen as definitive functions of the state – as *necessary* characteristics of statehood. This conceptual centrality is typically elaborated in functional terms. To the extent that the modern state differs from its dynastic and imperial predecessors, it is in its claim to comprehensive and legitimate authority over a definite territory and a definite population. In turn, this seems to require a strong commitment by the state to monopolisation or control of the means of force, both as a 'stick' with which to maintain its own position and as the 'carrot' of the establishment and maintenance of general order that provides the population with a legitimate reason for accepting the authority of the state.

Yet if we bracket off the function of the self-interested, self-preservation of the state, which though it points to the undoubted sociological significance of the self-perpetuation of powerful bureaucracies and the interests with which they are associated (Marenin 1982; Loader and Walker 2007: ch. 3), tends to view the might of the state in crude, monolithic terms, and if we concentrate on a second and more general function – the maintenance of general order – even here we see that the 'stick' and the 'carrot' are closely connected within a unified logic of political action that highlights the crucial place of state coercion as both root and vehicle of a socially coherent project of collective security. So for Thomas Hobbes and the social contract theorists, the unitary force at the root of the state was a necessary means of overcoming the problems of collective action that stood in the way of collective security. If each values the peace and the minimisation of everyday threat which all require to pursue their lives effectively, but if no individual or section of the population

has the power to guarantee its own security still less the security of all others without the consent of all others, and if there is insufficient mutual trust to bring about or perpetuate such mutual consent – with some concerned that others will abuse whatever coercive power they hold or, alternatively, that even if they do not hold or seek coercive power, they will nevertheless 'free ride' on the costly efforts of more willing parties to provide collective security – then there is a case for the prior establishment of the overweening force of the state as the binding framework of the political community. That is to say, if mutual consent does not naturally occur then the political community as a whole must be persuaded or contracted to the belief that the state and its monopoly of force be secured. Yet – in an inescapable paradox of 'legitimate' coercive authority – effective persuasion is only possible if the state is *already* endowed with the power to prevail against abusers or free-riders, using its coercive threat as an ultimate or 'second order' power to secure the requisite general compliance to guarantee the stable 'first order' resources of coercive capacity necessary for the system of effective policing which the community desires but cannot provide for itself (Loader and Walker 2007: ch. 8).

If this provides a close linkage between the early modern 'nightwatchman state' (Nozick 1974) and the policing or internal security function, as the state has developed and expanded other equally important ties between the state and policing have been forged. The etymology of the term 'police' indicates its origins in the idea of the general government of a polity or political community, and this link has again become palpable as the modern state has expanded its functions. Familiar contemporary labels and themes such as community policing, multi-agency policing and problem-oriented policing testify to the fact that the tasks of modern policing are woven closely into the fabric of the welfare state. As the modern state has assumed responsibility and claimed credit for the broader well-being of its citizens, the functions of the police have come to interlock closely with those of various other services – health, social security, environmental protection, utility supply, etc. – involved in that broader welfare project. With their 24-hour availability and powers of legal coercion the police have both the presence and authority to reinforce these other services not just as reactive 'stand-ins' (Cohen 1985: 28) at the point of delivery but also as proactive players in the planning and co-ordination of both local and central administration. In this sense, policing has shaped and been shaped by the broader framework of multi-functional, co-ordinated regulatory activity we call government and the general container of government power we call the state (Loader and Walker 2007: ch. 5)

Finally, the link between policing and state is also symbolic. The deep implication of policing in the consolidation of the coercive power of the state and in its sponsorship of an increasingly broad conception of governance, both of which tasks have also been vital to the social legitimacy of the state, has not been without cultural consequences. The close and venerable instrumental links between policing and the state project have provided copious materials through which the two may also be joined at the level of popular consciousness (Walden 1982; Loader 1997; Emsley 2000; Loader and Mulcahy 2003; Loader and Walker 2007: ch. 4). If national identity is the main medium

through which the state is experienced by its citizens as a community of attachment – as common membership of the polity – then policing is of no little significance as a resource through which this 'we feeling' (Deutsch *et al*. 1957: 36) is developed and sustained or, indeed, dissipated or lost. The presence, practice, reputation and iconography of policing have been important in many nation-building exercises and in forms of collective self-understanding which sustain national feeling, just as they have in the divisions and fractures which rupture national identity (Ellison and Smyth 2000). Crucially, as with coercive power and the development of broad governance capacity, the symbolic relationship between policing and the state is a symbiotic one. The state depends on policing's familiar signifiers as one source of common identification and on its reputation before various populations as a mark of their willing and confident belonging to the political community. Yet reciprocally, and in a mutually reinforcing logic, policing also depends for its legitimacy and efficacy upon levels of trust in, and common feeling with, anonymous others associated with common citizenship of a state. For without this social and political bond the public resources for policing conceived of as a public good will not be forthcoming and the levels of consent necessary for an effectively informed and acquiesced policing strategy will be absent (Loader and Walker 2001, 2007: ch. 6).

For all these close ties to the state project, that policing beyond the state exists and is a growing phenomenon is undeniable. In examining the conditions of possibility of this phenomenon, we can distinguish between those tendencies which complement the close link between policing and the state or at least do not directly challenge it, and those tendencies that invite a more radical reappraisal of the state–police coupling.

As to the first set of factors, we can make a further distinction between political factors and professional factors conducive to policing beyond the state (Walker 2000: ch. 8). The political factors concern the need for states to encourage and allow some measure of liaison and co-operation between their police forces and related criminal justice agencies in order to respond to the dangers posed to their capacity to secure order within their own territory by the planning and perpetration of crime on an international scale. In other words, co-operation between states is encouraged on pragmatic grounds to match and to address the forms of co-operation between deviant groups that cause crime to ramify across borders. This pragmatic justification is most straightforward in the area of 'normal' crime, where the security of the state as such is not at issue and where co-operation is facilitated by the fact that the general framework of criminal law shows a striking similarity across states. Yet even with regard to crime such as terrorism which may present a direct challenge to the 'specific order' (Marenin 1982) of the state and where the state is likely to be most jealous of its policing prerogatives and least trustful of the motives of other states, the international context within which such crimes take place and the urgency of the threat they pose may overcome objections to co-operation. Finally, political pragmatism may also have a more strategic edge. The opening up of an international agenda in police co-operation may displace pressure upwards from national governments uncomfortable with insistent domestic pressures for a successful criminal justice policy and may

provide a new and less democratically scrutinised arena within which to argue for more resources and increased powers.

At the professional level, there are also strong pragmatic reasons for co-operation, and these track the motivating factors already alluded to at the political level. Yet the thrust towards professional co-operation is perhaps even more dynamic. Police officers typically have a more immediate sense of the urgency of particular avenues of co-operation than do their political masters. In addition, notwithstanding the national particularity of police institutions, police officers can find a solidarity, trust and empathy with foreign colleagues born of similar working conditions and priorities and even of a similar sense of professional isolation within their national milieus. Furthermore, police officers, partly because they work 'in regions of low visibility' (Van Maanen 1974), and partly because their definition of success is not so closely tied to public approbation, do not necessarily share the broader sensitivities of their political colleagues about the ideological fit and public acceptability of transnational initiatives within a state-dominated paradigm of policing (Marenin 2007; Sheptycki 2007). Indeed, taken together, these factors suggest a conclusion that will be borne out in our subsequent historical overview: although there is often eventual convergence of agendas, the initiative in international police co-operation has frequently been a professional one rather than a political one. More forcefully, their greater predisposition towards co-operation at certain points means that police professionals have often ventured into domains of co-operation where their political masters would not, or at least not so boldly, dare to tread. One recent analysis, indeed, takes the argument about the possible gap between the professional and political worldview a stage further. It ties the emergence of systematic forms of international police co-operation in the nineteenth and early twentieth centuries precisely to the growing institutional autonomy of national police organisations from the political centre of the state, and to the development of a common transnational organisational interest in the fight against international crime that escapes the more cautious prism of general state interests (Deflem 2002: 21–2).

What of these tendencies in transnational policing that involve a more radical reappraisal of the state–policing coupling? Here we are primarily concerned with the way in which, in a world of increasing globalisation of economic activity, communications media, cultural influences and forms of political organisation (Held *et al*. 1999), we may observe the emergence of post-state polities and other associations of interest that begin to claim authority of a type traditionally associated with state sovereignty (Walker 2002b). As noted in the introduction, the shift has been most profound, and with most significant consequences for policing, in the context of the EU. Here, as we shall see, the political logic of police co-operation is increasingly that of a distinct political community with autonomous capacity, authority and allegiance, even though this logic continues to compete in highly complex ways with a more traditional statist conception of co-operation both within the EU itself and in its relations with other polities. Before we discuss this novel complexity, however, we need to attend to the earlier history of police co-operation.

The growth of transnational policing

Origins and consolidation

The earliest attempts to institutionalise transnational policing involved a series of initiatives among European states in the second half of the nineteenth century to combat what were seen as political threats to the established state autocracies or oligarchies (Deflem 2002: ch. 1). The so-called 'year of revolution' of 1848 provided the impetus for a number of measures aimed at securing the existing political order against a wide range of destabilising political influences, influences which tended to be framed under the conveniently pathologising label 'anarchist' but which in fact covered a wide range of liberal, socialist and nationalist movements. Some of these policing initiatives were bilateral and others multilateral; some were more or less openly institutionalised and others clandestine; some were properly international and others, notably the Police Union of German States of 1851–66, tracked close patterns of political interconnection in a manner which anticipated Europe's much more intense integration project a century later.

The emergence of a similar framework of police organisation in many European states facilitated the co-ordination of these initiatives. Yet that same common bureaucratic development, together with the growth of a sense of a common foundation of professional police knowledge in matters such as criminology and investigation techniques and an increasing appreciation of the contribution of communications and transportation systems to a nascent 'world society' (Deflem 2002: 78) in which transnational criminal opportunities were expanded, also provided the context within which police-led initiatives in operational co-operation concerning ordinary crime became possible. As Fijnaut has argued, slowly but surely there developed a professional 'fraternity which felt it had a moral purpose, a mission to perform for the good of society' (1997: 111). This was no smooth progression, but an untidy accumulation of tentative beginnings and false starts against a backdrop of fragile and fluid international political allegiances and the threat of war and its massive disruption of the general framework of transnational co-operation. Indeed, it was not until after the First World War that the first permanent international agency – the International Criminal Police Commission (ICPC) – provided a general template for international police co-operation. Established in Vienna in 1923, while the ICPC would have been impossible without the prior and complementary establishment of the League of Nations as a more general institutional framework for the international political community, it was nevertheless a professional rather than a political initiative. Both the ICPC and its post-Second World War institutional successor, the French-based International Criminal Police Office (ICPO) – or Interpol as it soon became known – supplied a communications exchange for the participating national police forces as well as providing a 'policeman's club' (Anderson 1989: 43) in which senior officers could nurture professional and social contacts with international colleagues. These organisations were conspicuous in their lack of formal foundations in international law, and with the striking exception of the Nazi takeover of the ICPC in 1938, governmental involvement remained marginal and low key (Andreas and Nadelmann 2006: ch. 4).

The contemporary scenario of transnational policing has seen Interpol expand its activities significantly. Its membership, originally 19, has grown tenfold. In recent years it has begun to regularise its position in international law, it has exploited developments in information technology to increase the flow and quality of its information exchanges through its system of national central bureaux, and it has rationalised its organisational structure to provide a separate European unit. Yet in many ways it remains the paradigm case of an *inter*national police organisation and is limited by the constraints inherent in internationalism. It has never challenged the statist prerogative in police operations and lacks the legal, symbolic and material resources to be anything other than parasitic on national police authorities. Partly because of these restrictions, but also because of a more general expansion in the network of transnational policing relations, it is no longer the dominant actor on the scene.

Two developments over the last 30 years have had a particular impact in this regard. To begin with, there has been a marked internationalisation of US law enforcement activity (Nadelmann 1993). Although the USA has always been a player on the international policing stage, often it was a reluctant or peripheral presence (Andreas and Nadelmann 2006: ch. 3). Its geographical distance from the main European stage, the more general legacy of isolationism from its revolutionary beginnings and the fragmented nature of its internal law enforcement design and the attendant difficulties of identifying the most appropriate and legitimate representatives of federal policing interests, all contributed to this. However, particularly since the eruption of international traffic in narcotics in the 1960s and 1970s and President Nixon's declaration of a 'war on drugs', there has been a sharp increase in activity, much of it outside the framework of Interpol. Instead, internationalisation has tended to take the form of the increased concentration of resources on international activities dealing with drugs, internal revenue, organised crime, immigration, etc., including the widespread placement of liaison officers, training units and other support agencies in embassies and law enforcement institutions abroad. In turn, as we shall see below, the end of the Cold War has led to a more pronounced internationalisation of the internal security agenda and, indeed, a blurring of the boundaries between internal and external security. September 11 may have led to a marked consolidation and further intensification of much of this activity, but it is important to appreciate the significance of the structures and attitudes in place even before that watershed event.

The other major development of the past 30 years has been in the policing capacity of the EU, and it is to this that we now turn.

The European Union

The EU may today be hosting the most audacious and potentially far-reaching experiment in transnational policing, but the beginnings of its law enforcement capacity, too, were inauspicious (Anderson *et al*. 1995: chs 1–2; Denza 2002: ch. 3). While the Pompidou Group had earlier inaugurated policy-level collaboration in the area of drug-trafficking, the Trevi organisation did not provide the first major initiative in the policing field until 1975, a full 18 years after the Treaty of Rome established the supranational initiative that was eventually to

become the EU. From its earliest years, aided and abetted by a precociously self-assertive approach by its main judicial organ, the European Court of Justice, the European Communities (as they then were) had carved out an original constitutional niche at an intermediate point between the two traditional Westphalian poles of statehood and international organisation (Weiler 1999: ch. 2). The new supranational entity did not itself aspire to statehood, and in particular its *political* organs remained either weakly democratically legitimated (in particular the Assembly, later to become the Parliament, was originally only indirectly elected, maintained a very low public profile and had few powers of policy-making or policy intervention, while the more powerful Commission, as permanent executive, was merely an appointed body) or, as in the case of the Council, which comprised national executives with veto powers, continued to be dominated by the member states themselves. At the same time, however, through the development of constitutional doctrines of supremacy and direct effect and through an expansive interpretation of their own jurisdiction, the new European Communities – with the European Court of Justice in the vanguard – began to make *legal* claims which in many ways were reminiscent of the state.

Yet policing and criminal justice policy were for a long time not powered by the main engine of legal integration. Certainly, there was an expansion of co-operative activity in parallel with the deepening and widening of the core areas of the community law. Trevi grew from its beginnings in the area of counter-terrorism, to cover drugs, organised crime, police training and technology and a range of other matters, and its activities were given a further significant boost with the launch of the Commission's '1992' Single Market Programme after 1985 – a programme which in its explicit aspiration to remove internal border controls over persons, goods and services ushered in the possibility of a new 'security deficit'. The supposed security deficit consequent upon the liberalisation of internal controls was also the catalyst for the other major European criminal justice initiative of that time, namely the Schengen system. The original Schengen Agreement of 1985 covered a core of five member states who committed themselves to a pre-emptive initiative in abolishing border controls. Aided by a later Implementation Agreement of 1990 the Schengen idea gradually expanded to cover all the EU member states with the exception of the island-members, Britain and Ireland, who refused to dismantle their sea and air border controls, and even came to embrace two non-EU members of the Nordic Passport Union – Norway and Iceland. When, after various false dawns, it eventually became operational in 1995, the Strasbourg-based Schengen organisation incorporated a number of compensatory law enforcement measures, including the computerised Schengen Information System and police co-operation both in the exchange of information and intelligence and through a raft of more concrete operational measures –including 'hot pursuit' across borders, cross-border observation and controlled delivery of illegal substances (Den Boer 2001). But in the final analysis, both Trevi and Schengen remained strictly outside the community structure. For all the political salience of its areas of interest, Trevi was no more than a forum for policy discussion and information exchange, one that operated in the shadow of the supranational legal structure. Schengen had a more

elaborate and more entrenched institutional system and, unlike Trevi, could boast a formal legal basis, but again it was quite distinctive from the legal organisation of the European Communities.

Only with the passing of the Maastricht Treaty of 1992, establishing the EU, was police co-operation formally integrated into the supranational structure, but even then the legacy of political ambivalence and policy lag remained apparent. Police co-operation was located in a new 'Third Pillar' of Justice and Home Affairs alongside criminal justice co-operation, civil jurisdictional matters and immigration, asylum and visa policy (Peers 2006: ch. 2). In this way, it was kept quite distinct from the traditional 'First Pillar' of common market measures (which itself increasingly embraced flanking social measures such as environmental policy, cultural policy and employment policy), as indeed it also was from the new 'Second Pillar' of Common Foreign and Security Policy. Each of the pillars retained its own distinctive institutional methodology, and the single most important differentiating factor between the First Pillar on the one hand and the Second and Third on the other remained the extent to which real policy and implementation power passed from national to supranational authorities. So within the Third Pillar the member states retained important powers of initiative and control over policy-making; the measures themselves tended to be 'soft' rather than 'hard' – facilitative rather than compulsory – and did not penetrate the national legal systems sufficiently to confer direct rights and obligations on individuals; implementation was controlled by national actors operating through the Council rather than the more supranational Commission; the European Court of Justice was largely excluded from supervising the legality of policy activity and implementation; and other European institutions, such as the Parliament and the new European Ombudsman, were also largely excluded from a supervisory role vis-à-vis the new operational agencies (Walker 2003).

Nevertheless, the Maastricht Third Pillar was much more than a token initiative. Beneath the Council of Justice and Home Affairs Ministers an elaborate policy-making and policy-implementing structure of steering groups and working parties was established, including a number relating to policing. The most important initiative, however, was the creation of the legal basis for the establishment of Europol as a central organisation in a network of relationships with national units in each member state – which in the case of the UK was the recently established National Criminal Intelligence Service (see Chapter 18). The working premise of Europol was that the central organisation would supply the national units with criminal intelligence and analysis and would receive from them information on themes and issues connected with certain forms of transnational crime. This, together with the integrated policy structure and a novel facility to develop supporting legislative measures in criminal justice co-operation gave a pronounced new impetus to police co-operation.

Yet when the next wave of treaty reform beckoned at Amsterdam in 1997 one of the few matters on which there appeared a broad European consensus was that the Third Pillar initiatives, including the policing measures, had disappointed expectations (Denza 2002: ch. 5; Peers 2006: ch. 3). They were criticised, on the one hand, for their slow and inefficient progress and, on the

other, for their opaqueness and lack of accountability. In what has been a recurring theme in the justice and home affairs sphere, the national jealousies which prevented the forging of a fully fledged supranational capacity tended to lead both to a cumbersome and frustrating progression of policy initiatives – with the requirement of unanimity often blocking progress at the behest of the most reluctant member state – and to impede the kinds and degrees of empowerment of European political organs (such as the Parliament and the Court of Justice) in a policy-influencing or monitoring capacity required to match the scale and scope of the new Europe-wide legislative and executive security function.

Most pertinently, notwithstanding its high-profile conception at Maastricht, Europol itself had a difficult and protracted birth. The German government argued for its early negotiation, but in fact initial progress was tentative, leading only to the creation of a precursor organisation – the Europol Drugs Unit – in 1993. The legal Convention for Europol itself, the draft of which remained within the control of the member states in the Council with the European Parliament not consulted, was not signed until 1995, and the organisation did not become fully operational at its Hague headquarters until 1999. Many factors contributed to its delay but, tellingly, they included arguments over the range of crimes covered by its mandate – going to the question of its efficiency and viable capacity – and unease as to the adequacy of its data protection system and the extent of the jurisdiction of the European Court of Justice – going to the question of the sufficiency of its political and legal accountability.

Indeed, by the time Europol was fully operational, with a broad remit to cover all crimes with an 'organised criminal structure'; its underlying constitutional basis had already been much revised by the Amsterdam Treaty. This treaty, which – only slightly modified by the 2000 Treaty of Nice – remains the main constitutional fundamental of the EU policing capacity prior to the expected implementation of the new Treaty of Lisbon in 2009, gave voice to the dissatisfaction of its sponsors and introduced radical changes to the Maastricht framework. Visa, asylum, immigration and other policies related to the free movement of persons were transferred from the Third to the First Pillar, while even in the residual Third Pillar dealing with police and judicial co-operation there was a move towards a more supranational institutional methodology. The right of initiative is now shared by the Commission and member states, the measures to be used are more formal and better suited to the articulation of stable and authoritative legislative norms as opposed to ad hoc agreements, there is a modest increase in the consultative powers of the European Parliament, and there is clearer recognition of the adjudicatory powers of the European Court of Justice – although this is still limited and uneven and the court is specifically prohibited from ruling on the validity and proportionality of the operations of domestic police forces and other law enforcement agencies, or on the exercise by member states of their responsibilities with regard to the preservation of law and order and internal security.

More specifically, policing competence was extended to embrace operational co-operation between the competent authorities, including the police, customs and other specialised law enforcement services of the member states. Consist-

ent with this new general constitutional permission, Europol was provided with the legal basis to acquire a range of new functions, including the authority to establish joint operational teams to support national investigations, the power to ask the competent authorities of the member states to conduct and co-ordinate investigations in specific cases, the capacity to develop specific expertise which may be put at the disposal of member states to assist them in investigating organised crime, and the facility to promote liaison arrangements between prosecuting or investigating officials specialising in the fight against organised crime. And alongside these marked increases in policing competence, the Amsterdam Treaty significantly strengthened the capacity to develop common measures for harmonisation of both substantive and procedural criminal law and to facilitate co-operation between criminal justice agencies, as well as incorporating the Schengen arrangements into the new Area of Freedom, Security and Justice (see below), and distributing them across the First and Third Pillars.

The significance of Amsterdam, however, cannot be seen merely in aggregation of new increments in competence and institutional capacity. Amsterdam also marked a shift in the macro-political climate. Internal security, it seemed, was no longer to be treated as the poor cousin of European integration, never able to keep up with its rich relatives, but rather as its precocious child, one who had made remarkable progress in a very short period of time and who was ready to be treated as a mature member of the European family. Indeed, to extend the metaphor, in some regards at least, internal security could be seen to be vying for the mantle of head of the family. While the Amsterdam Treaty split the old Justice and Home Affairs sector between two pillars, it also reunited them under one single policy label, namely 'the establishment of an Area of Freedom, Security and Justice'. This label, for some at least, was seen as a key mobilising project for the union as it entered the twenty-first century. By the late 1990s, Freedom, Security and Justice was already the busiest area of policy according to indices such as Council meetings held and measures proposed (den Boer and Wallace 2000: 503). At Tampere, Finland, in October 1999, the European Council – the thrice-yearly meeting of the Heads of State of the European Union – took the unprecedented step of focusing their meeting on one single theme, and the development of the Area of Freedom, Security and Justice provided that theme. The meeting itself sought to kick start the post-Amsterdam agenda, and in the area of police co-operation it signalled various other initiatives which were to come to fruition in due course, including a European Police Chiefs Operational Task Force, a new European Police College and the launching of Eurojust (composed of prosecutors and magistrates from each member state) as a body which would complement at the level of judicial investigation the co-ordination and information-sharing activities of Europol at the operational level.

Again, as with North American law enforcement, the events of 11 September 2001 have given yet additional impetus to the new Area of Freedom, Security and Justice. Not only have there been further substantive developments within the framework of police co-operation, but that framework itself – in the form of the legal and institutional edifice of the Treaty of Amsterdam – is on the

verge of being eclipsed. But before we examine the post-11 September developments, let us look more closely at the factors which accounted for the remarkable growth of European police co-operation up to that point.

Explaining recent patterns

In examining the conditions of possibility of transnational policing above we have already sketched the main explanatory contours of present developments. Beyond the EU domain, the early mix of political and professional initiatives, the growth and consolidation of ICPC and Interpol and the late-century surge in North American international activities can all be explained within the classic parameters of the statist model. We see both the incentives and the limitations to bilateral and multilateral co-operation at the political level, particularly in those areas of 'high' or political policing where the very national interest that makes co-operation crucial also sets limits to that co-operation. We see the importance of professional, practically motivated initiatives, and they have often been in the vanguard of developments where there is an absence of political initiative or even endorsement. We see the development of a strong US capacity in international policing shadowing their more interventionist foreign policy generally in both Cold War and post-Cold War eras. In a globalising world, the USA increasingly responded to the interconnectedness of its economic and political stability with external forces in a proactive manner, and policing was necessarily part of that policy thrust.

But what of the EU? As was said above, it is not plausible to explain the nature and extent of common police activity in its regional setting purely in terms of a statist logic. Certainly, statist thinking played its parts in Trevi and in the original Maastricht settlement, and even after Amsterdam a significant part of the support for police co-operation, especially among the more Euro-sceptic states such as the UK, can be explained in these terms. Nor should we underestimate the importance of professional interests and ideologies. The fact that there is now a permanent Justice and Home Affairs bureaucracy under the aegis of the Council, as well as permanent agencies such as Europol and Eurojust, provides an institutional context that amplifies the common interests and sympathies which are at the root of professional co-operation and also creates a new set of vested interests in the consolidation and extension of the very structures and agencies created (Bigo 2000a). However, if only statist political and professional interests were in play, it would be difficult to imagine that a more powerful brake would not have been put on the expansion of policing capacity. Other factors are at work that concern the logic of the political development of the EU itself, and its acquisition of state-like tendencies. What are these factors? In general terms, we may identify three sets of forces – and three sets of arguments underpinning or rationalising these forces – which contribute to a more distinctive EU dynamic in this area, each of which draws upon one of the rationales linking policing to the state – security, governance and symbolic association (Walker 2000: ch. 8). In addition, these three sets of forces and attendant discourses are in some respects mutually reinforcing.

In the first place, there is the prevalence of a new internal security discourse, one that bears a family resemblance to the traditional security rationale linking policing to the state. The new Area of Freedom, Security and Justice is a telling indication of the maturing of a project which conceives of the EU as a self-standing 'security community' (Adler and Barnett 1998) – even if the relative underdevelopment of the Common Foreign and Security Policy and its high-profile shortcomings in crises such as Kosovo and the Iraq War demonstrate that the external dimension of this project remains seriously underdeveloped in comparison with the state archetype. But to concentrate on the internal dimension, this is premised upon the identification of a range of interests among the peoples and polities of western and central Europe which are increasingly presented as interests held in common rather than merely concurring or overlapping, and also upon the perception of a series of threats to these common interests and of the appropriate security responses to these threats.

There are significant economic and political factors underpinning this matrix of rhetoric, belief and action. The healthy economic prosperity of the EU in the post-Cold War era stands in stark contrast to the insecurity and poverty of the polities to its south and east. The present wave of central European and Mediterranean enlargement which increased the EU from 15 members at the turn of the century to 27 by 2007 might seem to have addressed some of these problems, but extending the borders does not resolve the question of the relationship to the 'outside' and, indeed, the strict conditions and delayed rewards of new membership (including, tellingly, in the area of internal security, where trust appears to be in particularly short supply – Walker 2002c) threaten to create a two-tier structure inside the union.

The use of a rhetoric of security with its connotations of urgent threat has provided western European political elites with a conveniently reductionist way of viewing the complex problems associated with these questions of economic advantage and political pedigree. The security metaphor allows core anxieties associated with the prospect of sharing the privileged European space with outsiders to connect with more specific concerns about the development of criminal organisational links across internal and external borders. In this vein, Bigo has argued that the emergence of an 'internal security ideology' around the institutional edifice of the Area of Freedom, Security and Justice has allowed a number of issues ranging from immigration and asylum and terrorism, organised crime and public order to be located along a single 'security continuum' (Bigo 1994: 164) and treated to a one-dimensional securitised response. When what is projected to be at stake is the security of the western European 'way of life' itself, the argument for the development of a coercive apparatus becomes highly persuasive. Recalling the discussion of the logic of security earlier, we may note that the EU seems to be in the process of severing the Hobbesian connection between the ultimate coercive power of the polity and the capacity of the polity to bind its citizens to a system of compulsory policing. The EU may lack the 'second order' power of the ultimate means of violence, instead still relying on the member states themselves to provide this, but is nevertheless developing a 'first order' policing power which, though historically derived from the states, increasingly

possesses an independent momentum and a self-referential authority. The internal security discourse is both a reflection and a reinforcing cause of this growing autonomous power.

A second discourse which contributes to the deepening of the EU internal security capacity, albeit in a much lower key, is that of functional spillover (Lindberg 1963). Since its inception, a key argument associated with the extension of the European project into new domains has been that the development of a programme of intervention in one sector prompts adjustments in related policy sectors, either to secure optimisation in the original sector or to prevent perverse effects in the other sectors. The development of a competence in internal security matters is no exception to this trend. Just as the development of common anti-discrimination and environmental measures are justified, at least in some measure, by the need to ensure that the common market is not distorted by unequal socially responsive side-constraints in different national sectors, so too the development of a competence in Justice and Home Affairs was justified, at least in some measure, by the need to ensure that the opening of borders did not have inordinate consequences in terms of the increase in security risks.

As we have seen, this reasoning provided a significant impetus for the growth of an internal security capacity during the '1992' programme of the pre-Maastricht phase. More generally, functionalist thinking can be seen to resonate very closely with the governance logic associated with state policing. Not only does the prevalence of functionalist thinking help to explain how the EU came to develop a security competence but it also aids our understanding of how policing and related security matters are becoming more deeply embedded within the structure of a multisectoral post-state polity just as they embedded themselves within the structure of the multisectoral state. For wherever a polity develops a broad competence to govern, there is a continuous spillover into the police sector from the range of other 'governed' social activities. To take but two examples from the recent history of the EU, the introduction of the euro currency in 2002 brought in its wake problems associated with its counterfeiting, and so the argument was successfully made that the combating of this freshly minted economic crime should be added to the functions of Europol. Similarly, the development of EU thrice-yearly councils as high-profile political occasions and, as such, attracting high-profile demonstrations by civil society groups opposed to their political and economic programmes – a trend which reached an early peak in 2001 in Copenhagen and which was part of a broader momentum of anti-globalisation protests at major political occasions, most notoriously at the G7 meeting in Genoa in the same year – provided the impetus for the new European Police Chiefs Operational Task Force initiative in developing a co-ordinated public order policing capacity at major summits (Bunyan 2003).

Inasmuch as they suggest a compelling relationship between cause and effect, action and reaction, functional arguments for the growth and consolidation of a polity are clearly flawed. Yet precisely because they present matters of political choice as natural or predetermined, such arguments are popular and persuasive within the EU. In a manner that tends to operate symbiotically with the increasing use of an uncompromising security rhetoric and logic

discussed above, functionalism appeals to a bureaucratic conception of policy and a technocratic conception of policing as tasks insulated from, and sustained and nurtured regardless of, the broader vicissitudes of political life (Balzacq 2008).

A final discourse affecting the development of a EU policing capacity, one which resonates with the general symbolic dimension linking police and state, is the macro-political discourse of European integration itself. With its citizenship provisions introduced at Maastricht, its new Charter of Fundamental Rights proclaimed in 2000, its grand Constitutional Convention chaired by Valery Giscard D'Estaing in 2002–3 and leading to a Constitutional Treaty in 2004, and with its flags, anthems and annual 'Europe day', Europe has become an explicit project in polity-building in recent years. Of course, as the referendum defeats in France and the Netherlands in 2005 and the subsequent failure of the Constitutional Treaty to obtain sufficient ratification graphically indicates, this project is challenged by Eurosceptic voices (Walker 2006). Yet we should not underestimate the extent or resilience of self-conscious polity-building, not only through these direct symbolic acts but also in the development of particular policy sectors, even in areas, such as policing, where one would expect the forces of statist resistance to supranational ambition to be strongest. For instance, it is noteworthy that the crucial foundational Third Pillar measures were planned and perpetrated at the high point of institutional self-confidence in the early 1990s, following the success of the Commission in bringing the 1992 project to fruition. In particular, German Chancellor Kohl's initial proposal for Europol in 1991 was well attuned to the political mood, an audacious statement of intent by the increasingly dominant and most explicitly integrationist member state. It was meant, and partly succeeded, as a sign of political virility, chosen and highlighted precisely *because* it challenged one of the traditional areas of state hegemony. Similarly, the priority given to the Area of Freedom, Security and Justice is not just about the pursuit of a vigorous securitisation approach within a particular policy sector, but again a massive statement of symbolic intent. If the idea of the state is about the coincidence of territory, population and authority, then the prioritisation of an explicitly territorialised conception of security conveys a powerful message about the ambitions of the EU as a 'state-*like*' entity, even if not a full-blown state.

More generally, the emphasis on the internal security area speaks eloquently not only to the authority claims of the new polity but also to its identity claims. Recall that policing in the state tradition connects to the formation of political community through the prism of national identity. In order to secure its broader legitimacy the project of polity-building at the European level must also be concerned with issues of identity, and must address the oft-voiced concern that the EU lacks the symbols and vehicles of identity formation – common language, shared sense of historical origins, etc. – which are so central to the 'imagined community' (Anderson 1983) of the state. In the absence of these features, and given the fears of political and economic instability noted earlier, the idea of a security community may acquire a particularly vital cultural dimension. A strong security element within the politics of the EU dramatises what Europeans have in common, even if it is an identity which

tends to emphasise what Europe is *not* – the 'other' beyond the borders – rather than its positive features.

Current trends and future prospects

In this final section, we examine three trends in the configuration of transnational policing and then seek to draw a few modest conclusions as to future prospects. Two of these trends, the rise of the EU as an autonomous force and the development of the USA, draw upon on the arguments and analysis set out in the course of the chapter. The other trend, and the first we consider, introduces a new theme, but links it to some of the broader trends in globalisation we have discussed above.

Transnational private policing

Over the last 15 years policing studies have at last caught up with the fact that private forms of policing are outstripping public forms in terms of numbers and resources, if not yet perhaps significance – and, indeed, have done so for some time. The reasons for this are too familiar to repeat at length; suffice to say that they are related to the fiscal crisis of the social democratic state and its general decentring as the dominant societal steering mechanism, the increased acceptance of cultural and interest pluralism which cuts across territorially defined populations, the rise of 'mass private property' (Shearing and Stenning 1983) which shares many of the same priorities – and problems – as public space, the post-Fordist move away from the large-scale top-down bureaucracy as the paradigm form of social organisation, and a consequent and reinforcing cultural normalisation of private or 'club' (Hope 2000) solutions to questions of security (Jones and Newburn 1998). It would be surprising if this shift did not also impact upon transnational policing, especially since many of the factors which underpin privatisation also underpin transnationalisation.

In particular, and running through all the discrete factors named above, the gradual decoupling of territory and population in the structure of our contemporary political forms finds its specific manifestation in policing in the growing distinction between the policing of territory and the policing of 'suspect populations' (Ericson 1994; Sheptycki 2002). Where once the paradigmatic policing sponsor was the state and the paradigmatic object of policing was the territorial citizenry in general, increasingly we see a shift either in the sponsor or object of policing – and often in both – from the territorially general to the non-territorially particular. Much of transnational policing, then, makes sense in terms of the relocation of the particular (sponsor or object, or both) beyond the confines of the state boundary. Where the state or the post-state polity is still the sponsor, this often still takes a public form, as we have seen in the concentration upon particular territorially indistinct populations (drug-traffickers, terrorists, anti-globalisation protesters, irregular migrants, etc.) in EU policing, or indeed in contemporary US policing. Yet, both in cases where a foreign state remains a prominent sponsor and where its involvement is less

significant or apparent, this new particularism often manifests itself in the transnational extension of private forms of security. This is most likely where particular interests or particular forms of expertise that are either not commonly recognised or available in general public police organisations, or are of a type with which these public police organisations or their political masters do not want to be closely associated, are engaged in specific forms of security surveillance or enforcement against limited populations. This tendency can be seen, for example, in the corporate security guards of transnational companies, in the involvement of private agents in matters of state security abroad where the interests of 'high politics' and private finance intersect (as in industrial espionage and counterespionage), and in the employment of specialised private security guards to contain irregular immigrants in secure zones while they await the processing of their cases (Johnston 2000; Sheptycki 2002: 329–34). It can also be seen to high profile effect in the activities of private organisations such as Blackwater in the multiple, quasi-military security tasks implicated in the broader occupation and regime transformation project of the United States in Iraq (Scahill 2007; Verkuil 2007). And in so far as the Iraq occupation is part of a broader trend in American foreign security policy (see below), the close interlacing of private and public transnational security interests that it indicates cannot be viewed as an isolated case. Both here and more generally across the transnational private sector, it is, of course, difficult to quantify such a diverse, fragmented and sometimes clandestine pattern of security activities. However, such evidence as does exist dovetails with our understanding of the nature of the underlying forces at work to suggest that this is very much a growing dimension of transnational policing.

The European Union

Earlier we explained how Amsterdam in 1997 and Tampere in 1999 had given a significant boost to police and criminal justice co-operation in the EU, and how a diverse array of powerful professional and political motivations underpinned these developments. Recent trends suggest that these dynamics have gained in strength. In particular, the events of 11 September instantly and significantly added to the momentum of the internal security dynamic, spawning a number of new initiatives (Bunyan 2003; Gilmore 2003). A task force was quickly created within Europol for the fight against terrorism. Independently of Europol, multinational ad hoc teams for gathering and exchanging information on terrorists were set up under the aegis of the European Police Chiefs Task Force. The EU Joint Situation Centre was established to conduct strategic analyses of the terrorist threat, while co-ordination meetings and multinational teams to combat and destabilise suspected terrorist groups were also formed under the banner of the Counter Terrorism Group – a new framework of EU security and intelligence chiefs (den Boer *et al.* 2008). Measures were passed allowing both for a common list of terrorist organisations and for the approximation of laws against terrorism in the member states; unlike many European First Pillar measures which aim at minimum or 'lowest common denominator' harmonisation, the logic of the

approximation instrument is one of maximum harmonisation, with both of the staple components of the definition of terrorism – the 'violence' used and the 'political ends' sought – defined in a very inclusive manner to include theft and property destruction under the first head and a wide range of forms of destabilisation, intimidation and compulsion or frustration of the acts of governments and international organisations under the second head. The classic internationalist instrument of extradition was all but extinguished within the EU due to the creation of a common arrest warrant which dispenses with most of the national judicial protections associated with the former instrument, most strikingly the principle of double criminality, and so greatly facilitating the transnational transfer of the accused person (Gilmore 2003). And Europol's younger sibling – Eurojust – achieved formal legal status following the Treaty of Nice in 2001 and a series of implementing instruments. Many other developments that expanded the network of EU security agencies were soon to follow, including the G5 (later G6) group of the largest EU countries combating terrorism in 2003, a common European external border agency (Frontex) in 2004, and, still in prospect, a European Public Prosecutor (Monar 2007; den Boer *et al.* 2008).

It is difficult to discern an overall pattern in this renewed acceleration of activity, but four trends may be identified which allow us to observe a qualitative shift in the kaleidoscope of new measures and agencies of European police co-operation. In the first place, patently the anti-terrorist theme has taken centre stage since 11 September, justifying not only various specific initiatives in the anti-terrorist field but also providing a pretext for the intensification of various other measures, such as the European arrest warrant which covers 32 offences – most of them unconnected with terrorism. Historically, anti-terrorism has been perhaps the most ambivalent theme in transnational police co-operation, the site at which the respective logics of a traditional international approach and a more pervasive transnational approach most directly clash. Because of the gravity of the threat posed, terrorism has often been the catalyst for co-operation, as in some of the early forms of international co-operation in the late nineteenth century and in the development of the Trevi forum. Yet the close connection of terrorism with the specific order of the state has meant that such co-operation has often remained highly contingent on particular circumstances where national interests overlap, and conditional on the retention of national prerogatives. For instance, despite its important place in the foundations of European police co-operation, terrorism was not included in the first wave of crimes falling within the settled remit of Europol, even if it was soon added. With 11 September, terrorism now seems to be at the centre of the EU's permanent internal security capacity, the urgency of the threat having largely eclipsed national sovereigntist concerns. As of March 2007, indeed, the European Commission could boast 51 adopted and 33 proposed pieces of legislation under the anti-terrorist label, together with 22 Communications and 21 Reports (European Commission 2007). This focus may, of course, shift again in due course, but unless and until it does, it provides a more powerful and relentless engine for integration than many of the more prosaic themes of transnational police co-operation (Balzacq 2008; den Boer *et al.* 2008; Edwards and Meyer 2008).

The other three recent developments are more nuanced, but perhaps of equal long-term significance. Secondly, then, although neither Europol nor any of the other transnational agencies have independent powers of legal execution (arrest, search, etc.), increasing involvement post-Amsterdam in operational matters and increasing control over operational information are shifting the power balance significantly between transnational and national operational units. The possession of direct legal powers of coercion over the individual citizen has traditionally been seen as a key preserve of sovereign statehood, a non-negotiable dimension of the state's Hobbesian compact with its population and a guarantee that any transnational police facility will remain in the service of national needs and capacities. Yet the shift in informational, strategic and operational resources upwards to the European level, particularly as advanced information technology (using increasingly interoperable systems) is peculiarly suited to the proactive styles of policing developed to combat the dispersed security threats targeted within the supranational environment, suggests that executive powers may have become a somewhat outmoded index of control, and may obscure a real transfer of authority to the supranational level under the rubric of ''intelligence-led policing'' (Balzacq 2008: 94).

Thirdly, the field of European police co-operation is increasingly implicated in a broader system of criminal justice co-operation. Earlier, we talked of the importance of functionalist thinking in European integration, but in the first phase of Third Pillar activity, the major point of reference for functionalist extension remained the First Pillar. Put crudely, the First Pillar acted and the Third Pillar reacted. While elements of this relationship remain, the advent of Eurojust and Frontex, the very recent intensification of the programme of harmonisation of substantive and procedural criminal law, and the proposals for a European Public Prosecutor – initially confined to offences against the financial interests of the EU but with the potential to cover all cross-border crimes – speak to the development of an autonomous systemic logic within the security field. Developments in one piece of the security jigsaw tend to support the case for the preparation of another piece. Police co-operation became a feasible proposition against a background of reasonable approximation of substantive and procedural criminal law, and the degree of common purpose and mutual trust this allowed. In turn, the consolidation of police co-operation has provided a favourable empirical backdrop against which the case for greater integration of capacities of judicial investigation and prosecution could be made and, subsequently, we may expect such greater co-ordination at the prosecutorial level to provide an argument for yet more police co-operation. Like all functionalist thinking, the logic of this approach may well be flawed, may present as inevitable that which is often highly contestable, but there is no denying its influence none the less.

Fourthly and finally, there is the continuing thread of macro-institutional development. The Constitutional Convention on the Future of Europe may have been aborted, but the Treaty of Lisbon promulgated in its place promises to retain the new developments it signalled in institutional capacity (Convention on the Future of Europe 2002; Walker 2003). In particular, it eradicates the 'pillar' structure which has accompanied Justice and Home Affairs throughout its career in the EU and creates in its stead a single decision-making

methodology in which the old Third Pillar – the traditional home of Justice and Home Affairs – will be assimilated to the First Pillar. As of 2009, then, provided the Treaty of Lisbon is successfully ratified legislation in police and judicial co-operation in criminal matters will involve the European Parliament as co-decision maker and will proceed on a majoritarian rather than a unanimous basis. The supranational centre is further strengthened by the creation of a new Standing Committee on Internal Security to secure and promote operational co-operation. As well as dovetailing with broader integrationist ambitions, these developments clearly respond to a securitised political climate – evident in the Convention and its aftermath – in which a concern with the adequacy of existing instruments to achieve security objectives after 11 September and the later Madrid bombings came to dominate the agenda.

The constitutional opening provided by the Convention and the later Lisbon Treaty has led many to hope that this preoccupation with capacity-strengthening would be matched with a concern for ensuring more robust forms of public participation and accountability. In this regard, however, the new Treaty is at most a partial success. There is some increase in the monitoring powers of both European and national Parliaments, and also of the Court of Justice, but this is either highly restricted or non-existent with regard to specifically operational matters or those bearing upon national security. Moreover, the capacity for national opt-outs as well as for 'opt-in' co-operation amongst more limited groups of countries – an exceptionalism always enthusiastically utilised and jealously guarded by the UK government – remains, and is indeed in some respects made easier. It appears, therefore, that a combination of residual statist ambivalence about strengthening certain central institutions and curtailing national discretion, the greater urgency in a climate of increased security fears of the need to ensure 'effectiveness' over the demands of accountability, and the genuine constitutional difficulties of supervising an unparalleled concentration of executive and operational authority in the transnational domain (alongside a similar but constitutionally more familiar increase in legislative authority) has produced a settlement in which capacity continues to outstrip control (Carrera and Geyer 2007).

The USA

One dimension of the EU internal security capacity not yet discussed has been its fast-developing external dimension, its extension to cover co-operative relations with other global regions. Until recently, the major focus of this effort was eastwards, both in preparing the enlargement countries for accession, and in managing relations with those countries situated on or beyond what one former EU ambassador to Moscow termed the 'arc of instability' (*The Economist*, 7 November 1998) from Russia, through the Ukraine, the Balkans and Turkey into the south and eastern Mediterranean – embracing those countries which will provide the new external border post-enlargement and other countries further east and south, which, as suppliers of illegal drugs and immigrants, are perceived to be important sources of Europe's security problem. By comparison, relations with the USA were slow to develop, but

received a significant stimulus after 11 September. The tone was set by an early joint statement against terrorism just nine days after the Twin Towers attack, an extraordinary European Council meeting the following day to develop a fuller response and George Bush's open letter to the EU of 16 October containing 47 separate requests for co-operation against terrorism. Many of these initiatives bore fruit in an extensive co-operation agreement between the USA and Europol signed at Copenhagen in December 2002 (Bunyan 2003). Among other matters, this provides for more intensive co-operation at the level of the exchange of personal data (despite American data protection standards being much lower than EU standards), development of the role of European liaison officers in Washington to include direct co-operation with specific US agencies such as the FBI and the Drug Enforcement Administration (DEA) on intelligence matters and investigative methods, US representation on EU Third Pillar working parties and committees, and greater controls by US officials over the entry of EU persons and goods. There has been considerable criticism of some of these developments as representing a one-sided US agenda in which EU concerns and priorities are given short shrift (Bunyan 2003). A particularly notorious recent example concerns the Passenger Name Record Data initiative which allows American law enforcement and border agencies extensive access to information on European air carrier passengers. The EU was pressurised into a hasty agreement on this in 2004 – so much so indeed that it had to be subsequently renegotiated after the European Court of Justice upheld the European Parliament's challenge to its legality in 2006 (Monar 2007; Balzacq 2008).

Yet, aggressive inter-regional collaboration is only one component of a new approach to internal security in the USA, which, as noted earlier, was already well developed before 11 September. There has been much talk by security scholars in recent years of the merging of internal and external security agendas (Anderson *et al*. 1995: ch. 6; Bigo 2000b). While in the European domain it is perhaps more accurate to talk about the transnational extension of the internal security agenda to the boundaries of the EU, with external security matters still primarily controlled by the state, in the USA, by contrast, where jurisdictions over internal and external security are both still coterminous with the sovereign state, the metaphor of merger is more apt (Andreas and Price 2001). In the post-Cold War era we have seen a significant reconfiguration of US security strategy in response to the end of bipolarity. Security threats, and security resources, can no longer be easily compartmentalised into the domestic and the global, with police and military the dominant players in their respective domains. Instead, these threats are perceived as more fluid and more various, requiring new security rationales and operational methodologies, but still drawing upon old institutions and rhetorics. So, in a pervasive militarisation of security rhetoric, organised crime has been variously named the 'new Evil Empire' (Raine and Cilluffo 1994) and 'the new communism' (Naylor 1995) and security policy in many domains, particularly Latin America and the Caribbean, is now mainly driven by drugs control, illegal immigration and other issues of law enforcement. Alongside this shift in rhetoric and in priorities we see significant technological change in the conversion of military hardware for police missions, and organisational

change in increased linkages and overlaps between police and intelligence communities. This is particularly evident in the creation by the Department of Justice of the Executive Office for National Security and the development of the Special Task Force on Law Enforcement/Intelligence Overseas, and in the increasing deployment of the military in 'military operations other than war' (MOOTW) which owe as much to policing as to traditional soldiering in their methods and objectives (Andreas and Price 2001).

To some extent, 11 September may be seen as a reversion to the tradition of the 'warfare state' (Andreas and Price 2001: 36) with the explicit remilitarisation involved in the 'war against terrorism'. But this, like the slogan itself, would be a gross simplification. Alongside the aggressive military dimension – particularly prominent in Iraq – in many other domains the merging of internal and external security logics can be seen to have accelerated. The very nature of the attack on the Twin Towers served as eloquent testimony to the redundancy of any clear distinction between the internal and the external, and much US security activity since has been aimed precisely at developing a more holistic approach. This can be seen in the new arrangements with the EU mentioned above, which are part of a broader reconsideration of all dimensions of security under the New Transatlantic Agenda. To name but one other prominent initiative, it can also be seen in the launch of the new domestic Department of Homeland Security in November 2002, which brings most of the functions of domestic security – including Immigration and Naturalisation, the Coast Guard, Customs and Federal Emergency management – under one roof, and which forges close links to police and intelligence service in providing a central clearing house for the assessment of the domestic vulnerability of the USA (Wheeler 2002). Needless to say, much of the preventative and assessment work of the various elements of this new integrated capacity faces outwards to the international environment in its efforts to 'secure' the domestic environment.

According to one influential view, a key general feature which differentiates US international policing actions from those of Europe and other regions 'are the relatively higher number of endeavours in which US officials act unilaterally and coercively' (Andreas and Nadelmann 2006: 241). In light of the above evidence this seems indisputable, but we should not neglect these forms of American unilateralism which are educational and ideological rather than coercive. Throughout the post-war years, and accelerating in the 1990s, the United States has provided a plethora of programmes for training or educating foreign police and security forces and for developing or reforming police organisations, primarily in the context of 'failed' or fragile states. These assistance initiatives tend to fly under the banner of democratisation or democratic consolidation, but, like their more coercive counterparts, they remain vulnerable to the charge of being primarily concerned with the protection and promotion of narrowly American interests (Bayley 2006; Sheptycki 2007)

Future prospects

Many of the trends set out above in the areas of privatisation of transnational policing, the intensification of EU capacity and the internationalisation of US policing appear deeply embedded, and set to continue into the foreseeable

future. Yet as the events of 11 September reminded us, a key characteristic of post-Cold War, post-Westphalian security politics is precisely the shrinking horizons of the foreseeable, and so we should not be surprised if future events significantly disrupt current tendencies. That having been said, three general conclusions as to future prospects may be drawn from current trends.

In the first place, what is striking about the emerging configuration of transnational policing is precisely its lack of any single defining pattern or template. Unlike the earlier phases of internationalism – the Westphalian system with its state monopoly over the means of violence – there is no stable background geopolitical structure to lend coherence to the new tendencies. Supranational absorption of many of the traditional capacities of the state in the EU, the powerful and to some degree unilateral reassertion of national sovereignty in a style which increasingly overrides the division between internal and external security in the case of the USA, and a more general transcendence of traditional forms of polity-based 'security sovereignty' – state or supranational – in the case both of the privatisation of transnational policing, and – as we shall see – in an emerging set of practices and attitudes concerned with policing as a global public good, exist simultaneously in a complex matrix of competition and co-operation (Andreas and Nadelmann 2006: ch. 6; Loader and Walker 2007: ch. 9).

In the second place, in this new age of diversifying and fluidly evolving forms of policing and internal security, one common concern is the resistance to adequate individual and democratic accountability of the new transnational arrangements. Many factors conspire to support this diagnosis. As we have seen in the European domain, an obdurate faith in and reliance on primarily national forms of control for increasingly supranational arrangements is one difficulty. In the US context, there is a parallel problem of mismatch between the democratic 'principal' on the one hand and the policing 'agent' on the other. That is to say, the category of those affected by US policing agencies, given their burgeoning transnational dimension, manifestly and increasingly fail to correspond to the sovereign US citizenry who, at least formally, possess the constitutional capacity to hold US policing to democratic account. And in the context of transnational private policing, the key concern is even more stark, namely that there is *no* available forum of public accountability whatsoever. Furthermore, the problems of tracking fugitive power in each of these three domains are compounded if we consider the active relations which exist between them, and the exponential increase in complexity and opaqueness such networked relations produce. If we add to this the general tendency for questions of democratic accountability and civil liberties to be marginalised in conditions where the security imperative prevails, as in the post-11 September climate, the problems become greater still. Indeed, even where a window of opportunity exists for constitutional reflection on the problem of accountability, as it did in the EU Constitutional Convention, and even where the urgent security agenda does not obscure the long-term issues at stake, the sheer novelty of the problems of designing adequate accountability arrangements on a scale where the population as a whole only has a weak general attachment to the polity in question (Cederman 2001) and limited specific sympathy with many of those who are subject to transnational policing arrangements, may frustrate the discovery of adequate solutions (den Boer 2002;

Hayes 2002; Loader 2002). *Quid custodiet ipsos custodes* has always been one of the most profound and pressing questions of statecraft. Where both the custodians and those who provide the object of their concerns come systematically to escape the confines of the state, the problems of finding adequate and legitimate governance arrangements run even deeper and demand yet more urgent consideration.

In the third place, and to close in a somewhat more optimistic spirit, we should point to the incipient development of a train of thought and practice centred on the idea of policing as a global public good (Loader and Walker 2007: ch. 9). The partial breakdown of the Westphalian system has led, as we have seen, to a complex mosaic of transnational policing templates and forms, most of which have neither the ambition nor the potential to be comprehensively global. However, certain marginal institutional and cultural developments may point in that direction. The growth of UN-sponsored civilian policing initiatives (CIVPOL) in peacekeeping in vulnerable or transitional societies, pursuant upon its post-Cold War development of a more interventionist approach to international order based upon both security and humanitarian grounds, is significant here (Bellamy *et al.* 2004; Chesterman 2004; Linden *et al.* 2007). So too is the growth, in consequence of the increasingly dense web of interconnected policing agencies institutions, of a 'transnational policy community' of policing experts who have become accustomed to sharing knowledge and best practice, and who, in one view, represent the beginnings of a global civil society in the policing sector (Marenin 2007: 194). And at the operational level of everyday transnational policework, a similar objective increase in the density of interconnected activities, together with the sense of there being a genuine structural continuity between the dynamics of security-threatening situations across a broad range of national and transnational contexts and a real appreciation of the value of a common policecraft in repairing these situations, has led to speculation about the emergence of a shared 'constabulary ethic' (Sheptycki 2007).

We should be careful neither to overestimate the intensity of these developments nor to underestimate the dangers and difficulties associated with them – in particular the dangers of a self-confirming political and professional consensus masquerading as a genuine unity of security purpose. Yet, to recall the conditions of possibility of the transnational domain, the capacity and legitimacy of transnational policing will always be limited to the extent that it is seen merely as the point of negotiation and competition between quite distinct communities with their quite distinct security interests. Unless and until at least some security interests begin to be broadly understood as part of the global commons, transnational policing initiatives are fated to continue to threaten and to foster the *in*security of some collectivities in the name of the security of others.

Selected further reading

On the general history of transnational policing, Deflem's *Policing World Society* (2002) is an excellent general source, as is Andreas and Nadelmann's *Policing the Globe* (2006),

while Anderson's *Policing the World* (1989) provides a clear and interesting account of the development of the role of Interpol. Anderson *et al*. *Policing the European Union* (1995) and den Boer and Wallace's 'Justice and home affairs' (2000) are good general sources on the origins of policing in the EU, while Nadelmann's *Cops across Borders* (1993) remains the best history of the internationalisation of US policing. For more recent European developments, den Boer's 'Police and judicial co-operation in criminal matters' (2003) is helpful, while the regular *Statewatch* bulletins and *Centre for European Policy Studies (CEPS)* briefs provide unrivalled sources of critical contemporary commentary. For more recent US development, Andreas and Price's 'From war fighting to crime fighting' (2001) is particularly useful. For general contemporary developments Goldsmith and Sheptycki's edited volume *Crafting Transnational Policing* (2007) provides a very useful conspectus, as does Chapter 9 of Loader and Walker's *Civilizing Security* (2007).

Other useful sources for some of the more specific themes covered in this chapter include Sheptycki's 'Accountability across the policing field' (2002) on the operational sociology of transnational policing; Loader's 'Governing European policing' (2002) and den Boer's 'The incorporation of Schengen into the TEU' (2001) on the accountability of transnational policing; Loader and Walker's 'Policing as a public good' (2001) on the broader normative implications of moving beyond the state as the main source of policing; Johnston's 'Transnational private policing' (2000) on the privatisation of transnational policing; Bigo's 'The European internal security field' (1994) and 'When two become one' (2000) on the politics of transnational policing; the 2008 (Vol. 46, No. 1) special issue of the *Journal of Common Market Studies* on the cumulative impact of anti-terrorist measures on European security and political culture; Peers' *EU Justice and Home Affairs Law* (2006) and Denza's *The Intergovernmental Pillars of the European Union* (2002) on the legal dimension of transnational policing in the European domain; and Gilmore's *The Twin Towers and the Three Pillars* (2003), Bunyan's 'The birth of the EU's Interior Ministry?' (2003) and Carrera and Geyer's *The Reform Treaty and Justice and Home Affairs* (2007) on European policing and security responses to 11 September.

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Chapter 7

Plural policing in the UK: policing beyond the police

Adam Crawford

Introduction

Until recently policing had become synonymous with the activities of the modern professional police. It was not always so. Until the eighteenth and early nineteenth century in Europe, 'policing' referred to a much more general schema of governance (Zedner 2006a). Crime was only a marginal element in this body of police regulation. With the birth of the modern professional police in 1829, the responsibility for policing, over time, became firmly located within the state. Its paid agents alone ultimately were to be responsible for the nature and form of policing and crime control. In many senses, the development of the professional police was coupled to the formation of the modern state. As a consequence, policing came to be seen as a product of what the police actually do. This is not to say that the private or non-state provision of policing and security services disappeared, but rather they came to assume, or were perceived to occupy, a less significant and more subordinate role. As Shearing (2006) notes, the manner in which state-centred thinking came to dominate the social sciences subsequently blinded much analysis from understanding the governing capacities of diverse forms of non-state policing and 'private government'.

In recent years, however, we have seen both a restructuring of the police and a proliferation of 'policing beyond the police', as a result of which a more complex division of labour in the fields of policing and security has emerged. A pluralised, fragmented and differentiated patchwork has replaced the idea of the police as the monopolistic guardians of public order. The police are now recognised as part of a varied assortment of organisations with policing functions and a diffuse array of policing processes. The recent official review of policing by Sir Ronnie Flanagan (2008: 7) notes that: 'Policing is not simply the preserve of the police. Modern policing is carried out in partnership with a wide range of local agencies.' In this vein, explicit reference is now made to the notion of the 'extended policing family' as a way of emphasising the nature and importance of relations between diverse policing bodies (Crawford and

Lister 2006). In the new parlance, the totality of partner contributions to the endeavours of policing amounts to more than the sum of its discrete parts. Security 'partnerships' and policing 'networks' have replaced the image of the 'omni-competent police constable'. With this, the study of policing has shifted to encompass a broader assortment of actors, agents and processes.

Consequently, this chapter explores both *a new way of looking at things* – namely, a reconceptualisation of policing – and *a new set of things to look at* – namely, the growth of policing beyond the police. In order to outline the pattern of policing, this chapter considers the activities of a variety of public and municipal, as well as commercial and voluntary, actors with policing functions beyond, and sometimes in conjunction with, the police. The intention of this chapter is not to advance a comprehensive overview of all forms of policing but rather to illustrate some of the divergent forms it takes. In addition, it explores some of the issues raised by the diverse providers of policing and their inter-relationships. The chapter begins by providing a framework within which to situate and understand policing. It then goes on to consider the broader socio-political context in which modern policing and its study are located. It provides an overview of policing beyond the police under five headings: specialist policing and regulatory authorities; municipal policing; civilian policing; embedded policing; and commercial policing. It then goes on to explore some of the economic and technological dynamics stimulating developments in commercial policing and some of the themes provoked by the marketisation of policing and security. The chapter concludes with an assessment of the unfolding relationship between the police and other forms of plural policing.

What is policing?

Policing as a set of activities and processes is something that may be performed by a variety of professional and ordinary people. This may be a group of professionals employed by the state in a dedicated organisation called 'the police' with a broad mandate of crime control and order maintenance. In addition, policing may be a task of professionals employed either by (local or central) state agencies with specialist policing functions, such as the regulation of particular types of crimes or offences committed in defined places, or by state departments with other primary functions. Furthermore, policing may be conducted by municipal agents, private security personnel or by the public in their local networks of informal social control. Increasingly, policing may also be the product of new technologies, such as bugging devices and surveillance cameras, or even embedded into the design of the built environment.

Despite the fact that the police constitute but one part of a more varied and complex totality of policing, we tend to operate with an 'intuitive notion of what the police are' (Reiner 2000: 1). Both symbolically and literally the police dominate our conceptions of policing. However, the police in England and Wales are not an undifferentiated body of people. As well as being divided into 43 separate forces, the police are internally ordered into specialist

functions and dedicated units as well as a number of national services. Furthermore, within the police organisation policing may be conducted by fully trained professionals or by civilians who cannot draw upon the same extensive powers, status, training or equipment as their professional counterparts. As well as civilian support staff, the police utilise the capacity of volunteers in the form of the Special Constabulary.

For the purpose of this chapter, 'policing' will be taken to mean something that lies between the fuzzy and rather nebulous concept of 'social control' and the narrower definition of police work. Here, Jones and Newburn's definition is a useful starting point. They include:

> those organised forms of order-maintenance, peacekeeping, rule or law enforcement, crime investigation and prevention and other forms of investigation and associated information-brokering – which may involve a conscious exercise of coercive power – undertaken by individuals or organisations, where such activities are viewed by them and/or others as a central or key defining part of their purpose. (1998: 18–19)

Building upon this, we can identify four key elements of policing: first, it entails intentional action or a purposeful condition; secondly, it involves the conscious exercise of power or authority by an individual or organisation; thirdly, it is directed towards rule or norm enforcement, the promotion of order or assurances of safety; and, fourthly, it seeks to govern in the present and/or the future.

Building upon earlier work, Jones and Newburn (1998: 202–3) advance a multidimensional understanding of policing in which they highlight five principal axes around which different forms of policing may be delineated. These are as follows:

- *Functional*: the different tasks that policing agents perform. Traditionally, policing has been divided between order maintenance, law enforcement and a variety of service functions, but also may be allied to much broader, non-policing, functions.
- *Legal*: the nature of powers enjoyed by various agents, be they derived from statute, common law or local bye-laws. Traditionally, this has juxtaposed professional police with specific legal powers against those universal rights of ordinary citizens. However, security staff operating within private property or policing employees can draw upon legal powers derived from property rights and employment contracts. Furthermore, as Stenning (2000) notes, this emphasis upon formal legal powers provides only a partial picture of the 'practical coercive and intrusive powers' used by diverse policing agents, as it tends to ignore the 'tool box' of physical, personal and symbolic resources.
- *Sectoral*: the relationship between particular policing organisations and the state or market. However, Johnston (1993) has drawn our attention to the growing sectoral complexity and hybridity of policing, which does not fit

neatly in either the 'public' or 'private' sectors. The source of funding and the status of employees are often more complex and not easily delineated in such a manner.

- *Geographical*: the point along the local–national–international continuum at which policing bodies are organised. This dimension has become increasingly complex in recent years with overlapping and contradictory processes of centralisation and decentralisation, as well as the Europeanisation and even globalisation of elements of policing (Goldsmith and Sheptycki 2007).
- *Spatial*: the forms of space in which policing bodies operate. This dimension differentiates between residential, commercial and industrial spaces, for example, with regard to their relative accessibility and openness to different people. Even here we have seen the emergence of new social spaces, such as the Internet, that confuse and confound the geographic and type of space differentiation. These spaces are not territorially bounded in any sense but take on a virtual form, constituting a type of 'cyberspace'.

In an important contribution, Johnston and Shearing (2003) advance a much broader conception of 'security governance'. They prefer this term to the narrower concept of 'policing', in part to escape what they see as its analytical, state-centred straitjacket and its conventional association with the public police: 'Within this conception of governance no set of nodes is given conceptual priority. Instead, the exact nature of governance, and the precise contribution of the various nodes to it, are matters for empirical enquiry' (Johnston and Shearing 2003: 147). The relationship between different nodes, it is assumed, will vary across time and space. The articulation between agents involved will range from different states of co-operation, from benign neglect to outright conflict. Furthermore, resources may flow across nodes in a variety of different ways. This is a highly pluralistic model of policing that refuses to give conceptual priority to the state in order to highlight the range of governmental nodes that exist and the relationship between them. In so doing, this approach 'by emphasising that the state is no longer a stable locus of government . . . defines governance as the property of networks rather than as the product of any single centre of action' (Johnston and Shearing 2003: 148). This model encourages the analysis of governance beyond the state. Yet despite their preference to decentre the state, for conceptual reasons, it often returns within their framework as occupying a dominant position largely because of its empirical position. As I hope to show, the role of the state remains pivotal in its inaction as well as its action. Furthermore, the professional police remain qualitatively different from other forms of policing, in its symbolic power (Loader and Walker 2007), generalist mission and regulatory position with regard to other forms of policing.

Throughout this chapter implicit reference will be made to the multidimensional concept of policing advanced above. First, let us consider the broad context within which contemporary policing has emerged and remains located.

The context of contemporary policing

The aim of modern criminal justice, from the nineteenth century onwards, has been primarily one of state-centred control through specialist professional institutions, whose principal concern was the prosecution and punishment of offenders. During the last 30 years or so the foundations upon which this approach was premised have been eroded. This erosion has been stimulated by a number of broad inter-related developments that warrant brief comment.

First, there has been a growing recognition of the limited capacity of the formal criminal justice system, notably police, prosecution, punishment and prisons, to effect change. Felson (2002: 3) calls this the 'cops-and-courts fallacy' at the heart of modern crime control and criminology, which has exaggerated the importance of police, courts and prisons as the key actors in crime prevention.

Second, the sovereign state's monopoly over matters of crime control and security has been increasingly exposed (Garland 2001). The idea that 'sovereign' states alone could guarantee crime control to their subjects in a monopolistic fashion always was merely a 'myth', rather than a reality, albeit a powerful myth. Cohen noted that in privileging the formal state apparatus of social control we had 'bullied ourselves (and others) into thinking that social control is synonymous with state control' (1989: 353). More recently, there has been an associated acknowledgement of the importance of informal social control. Rather than supplanting informal sources of authority in society, it has increasingly become recognised that the role of public agencies should be to act to support and enhance existing private, communal or parochial forms of control. Yet, there has been a simultaneous structural transformation in the public sphere, in ways that have undermined many informal control mechanisms and encouraged sectional or self-interests.

Third, the financial burden to the public purse of the police specifically – and the criminal justice system more generally – has meant that governments have become more cautious about the use of scarce resources, particularly in the light of the pressure on public expenditure since the fiscal crises of the 1970s. In this context, the appropriateness of the breadth of the services traditionally performed by the professional police became the subject of extensive public scrutiny.

Fourth, the most significant adaptation to the crisis of confidence and competence in the traditional state-centred approach to policing and criminal justice has been the rebirth of *crime prevention* with its emphasis upon instrumental reasoning through risk and security management. Despite the original Peelian vision of crime prevention as a central element of police work, the history of the professional police has been one in which, until recently, crime prevention became defined in increasingly narrow and specialist terms and was pushed to the margins of the police organisation. Crime prevention as a residual category became associated with the 'deterrent effect' of institutions of criminal justice – notably the 'scarecrow' function of policing through patrol. More recently, greater emphasis has been placed on the delivery of crime prevention and community safety through partnerships – linking an array of organisations and agencies beyond the police.

This connects with a fifth trend, the dispersal of responsibilities for crime control within and beyond the state (Crawford 1997). A major driver in the pluralisation of policing and the dispersal of responsibilities for crime prevention has been the impact of neoliberal-inspired reforms that have sought to rearticulate the relationship between state, market and civil society. In redrawing the appropriate functions of government, Osborne and Gaebler's thesis suggests that governments become stronger not weaker in that they 'steer' more, but 'do' less (1992: 32). One consequence of this managerialist agenda has been the quest to hive off traditional state functions.

Sixth, since the late 1970s crime and the fear of crime have come to occupy a new salience within everyday life. The public demand for security has become a dominant feature of contemporary life. This has been reflected in the politicisation of crime, policing and security. Attitude surveys suggest that, for many people, crime and the fear of it constitute the most pressing social issues. Yet objective risks and subjective anxieties are often out of kilter, as quests for security operate at both symbolic and material levels. British Crime Survey (BCS) data suggest that despite reductions in the overall level of crime since the mid-1990s the public continues to believe that crime is rising. Subsequently, public reassurance and fear reduction have become policy preoccupations in their own right (Innes 2004; Crawford 2007a). This has induced a broadening of the focus of public policing concern beyond crime, narrowly defined, to include fear of crime, disorder and antisocial behaviour, as well as 'quality of life' issues.

Finally, in broad parallel to the recent growth of commercial security provision there has been a decline in the number of what Jones and Newburn (2002) have termed 'secondary social control occupations' and of parochial social control institutions. Traditional (often informal) modes of governing, public spaces in particular, through intermediaries such as park keepers, train guards and bus conductors, have all but disappeared. This withdrawal of intermediaries was often justified in terms of neoliberal cost-efficiency arguments. This saw 'capable guardians' replaced by new technologies, if at all. In Britain, there has been 'a marked decrease in employment in a range of occupations providing ''natural surveillance'' and other low level controls as a corollary to their primary functions' (Jones and Newburn 2002: 140). The point here is that current developments may represent a 'formalisation of social control' or a transformation in its presentation, rather than a fundamental rupture in the history of policing.

In sum, the forces driving change in the nature and form of policing and community safety lie both within, and far beyond, the state. Table 7.1 outlines some of the different forms of plural policing, both within and beyond the public police. Let us consider these in more detail.

The civilianisation and fragmentation of the public police

The pluralisation of policing as a trend is evident within, as well as beyond, the police organisation. The last two decades have seen a considerable erosion of the idea of the omni-competent sworn police constable, able to perform a

Table 7.1 Different forms of plural policing in England and Wales

Home Office police forces
- 43 police forces in England and Wales; eight police forces in Scotland; Police Service of Northern Ireland.
- Central services – National Crime Squad, National Crime Intelligence Service, Serious and Organised Crime Agency.

Specialist policing bodies
- State security services – MI5 and MI6.
- Ministry of Defence Police.
- Civil Nuclear Constabulary.
- British Transport Police.
- Ports/docks Police – Dover, Liverpool, London.
- Serious Fraud Office.
- State Departments – Department for Work and Pensions, HM Revenue and Customs.

Regulatory authorities
- Health and Safety Executive.
- Environment Agency.
- Economic and safety regulation – Ofcom, Ofwat, Ofgem, Office of Rail Regulation.

Municipal policing
- Environmental health officers.
- Public auxiliaries – street and neighbourhood wardens, park keepers.
- Royal Parks Police.
- Traffic wardens and attendants.
- Anti-social behaviour teams.
- Housing officers.
- Community safety partnerships.
- Policing through housing, education and social policy.

Civilian policing
- Special constabulary.
- Neighbourhood watch.
- Citizen's patrols.
- Vigilantism.

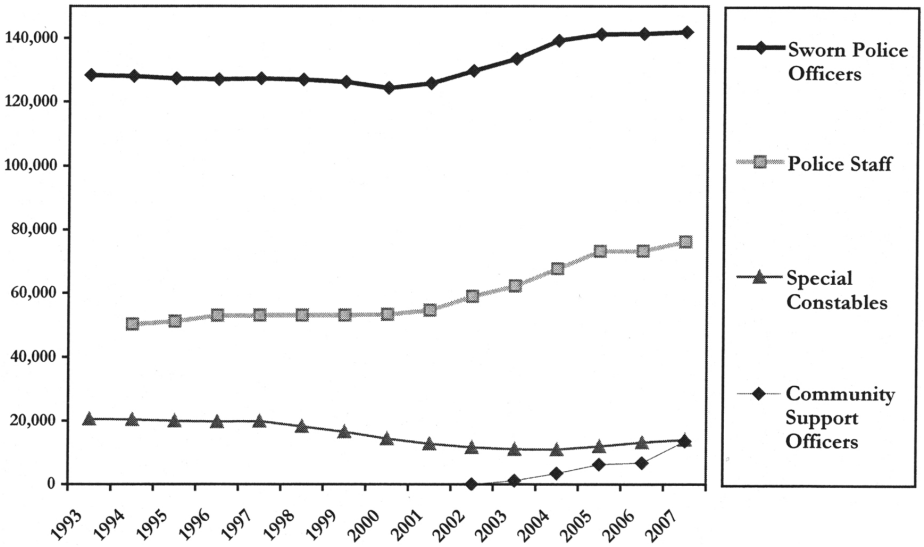
Embedded policing
- Crime prevention through environmental design.

Commercial policing
- Staffed services – security guards, door supervisors.
- Private investigation services.
- Installation and monitoring of equipment/CCTV.
- In transit security.
- Policing through (commercial) contracts and club membership.

wide variety of roles and as the sole entry-point into the profession. Increased specialisation has exposed the rigidity of the idea that the basic training and experience of a constable is the sufficient and appropriate basis for the complex array of tasks demanded of modern police. As Figure 7.1 highlights, recent

years have seen not only a growth in the number of sworn police officers, but also a significant increase in civilian staff, to the point where more than one third of police employees are not constables.

Figure 7.1 Police numbers by type 1993–2007 (31 March of each year)



Source: Home Office data (see Bullock 2008).

More pragmatically, senior police managers have argued that the current police officer numbers are 'unsustainable' and that future gains are likely only to be made by reducing the bureaucratic demands on existing police and/or by continuing to increase the number of civilian staff, who are subsequently able to relieve officers of certain burdens.[1] The Police Reform Act 2002 formalised this trend by introducing the 'designated officer'. As a result, Scenes of Crimes Officers (SOCOs) are non-sworn staff. Prompted as much by concerns over cost as appropriate skills, this transformation of the workforce – referred to as 'workforce modernisation' (HMIC 2004) – has significant implications for the plural forms that contemporary policing takes. It was widely reported that a draft of Flanagan's *Review of Policing* would assert that trained officers are 'not needed to carry out 90 per cent of all police officer duties'.[2] Whilst this figure was not directly cited in the final report, which claimed that 'further work would be required to explore the consequences of such an approach' (Flanagan 2008: 41), nevertheless Police Federation representatives were quick to note the extensive possible implications of such a claim for the erosion of the dominant place of the 'Office of Constable' within the police (Bowden and Slack 2008). In the event, Flanagan's Review asserted:

> The evidence from the workforce modernisation pilots is that only a small proportion of the tasks that are carried out by the police actually require sworn officer powers . . . furthermore the evidence suggests that when

> staff are trained specifically to carry out such a role they can do so more effectively than a police officer trained in a wider range of more general competencies. We have to ask ourselves whether it is an appropriate use of a valuable (and expensive) resource to use police officers to carry out tasks that can be better performed by others. (Flanagan 2008: 40–1)

The report suggested that the designation of tasks, such as taking statements, might be better conducted by civilians (Flanagan 2008: 40). It is likely that the future will see a continual diversification of police roles and growth in the proportion of police staff.

Community support officers

The most momentous example of civilianisation has been the introduction of 'community support officers' (CSOs) which came into being via the Police Reform Act 2002 (s. 38).[3] As outlined in the White Paper *Policing a New Century* (Home Office 2001a), CSOs constitute a new breed of patrol officer. Appointed by the Chief Constable, their aim is to provide a visible presence, combat low-level anti-social behaviour and give public reassurance. They are intended to support constables and release them from tasks that do not require their level of skills, powers and training. The powers of CSOs are largely restricted to issuing penalty notices for disorder (PNDs), to request the name and address of a person acting in an anti-social manner, to stop vehicles, direct traffic and remove vehicles. More controversially, CSOs are able to detain a person for up to 30 minutes pending the arrival of a constable or to accompany that person to a police station with the person's agreement. Significantly, CSOs have the power to use reasonable force to enforce that detention.

Where introduced as part of neighbourhood policing teams, Home Office research suggests that CSOs have impacted significantly on 'perceptions of crime and antisocial behaviour, feelings of safety and public confidence in the police' (Tuffin *et al*. 2006: ix.). Other research, however, has questioned the longer-term reassurance value of CSOs, beyond the symbolic presence of uniformed police personnel (Crawford *et al*. 2004). This raises questions about what the public can legitimately expect of CSOs. In this regard, research highlights a significant degree of public confusion over the role of CSOs and the powers available to them (Crawford *et al*. 2005). In the absence of clarity over CSOs' responsibilities and limitations the public are often left to assume that they can act like police constables. On the one hand, this may furnish CSOs with a greater reassurance premium, but on the other hand it suggests false expectations may arise among the public over precisely what CSOs can legitimately do.

The national evaluation found variable implementation of the different powers available (Cooper *et al*. 2006).[4] In practice, this means not only that across force boundaries different rules govern CSOs' powers, but also that it is possible for two CSOs working alongside each other in and around a train station to have different powers where one is employed by British Transport Police and the other employed by the local police force. In response to

concerns about this confused pattern of different powers, the government introduced a framework of standard powers by way of Statutory Instrument (SI 2007/3202) which came into force in December 2007. These powers relate largely to the use of PNDs for anti-social behaviour. Whilst this framework has ensured a certain minimum level of standardisation, there remains a considerable list of additional discretionary powers from which Chief Constables can select. Hence, the latitude for inconsistency remains (albeit somewhat circumscribed).

Initially, the government announced that some 24,000 CSOs would be in post by April 2008. This over-ambitious target was subsequently scaled back (in late 2006) to 16,000,[5] a figure that had been met by the end of 2007. Proponents claimed 'the advent of these new patrolling officers is a revolution in British policing' (Blair 2002: 23). Opponents, notably the Police Federation, see CSOs as 'policing on the cheap'. Nevertheless, CSOs have been instrumental in facilitating the institutionalisation of neighbourhood policing teams around the country. Furthermore, CSO recruitment has done much to help diversify the police workforce, attracting significant numbers of women and ethnic minority recruits. This presents a challenge for the police organisation to avoid the creation of a bifurcated service with predominantly male, white policemen supported by a body of largely female and black or minority ethnic colleagues in less well paid civilian roles. However, the fact that a significant number of recruits from under-represented groups have subsequently joined the constabulary suggests that the CSO role is potentially a useful recruitment resource for the wider police organisation. A key challenge for the future is the extent to which CSOs are drawn into new tasks to fill service gaps and/or become enforcement officers issuing fixed penalty notices rather than dedicated patrol officers that engage with local communities in problem-solving and crime prevention. There are signs that the 'mission creep' and incremental growth in powers about which some commentators warned (Crawford *et al.* 2005: 94) are becoming more evident; with possibly adverse implications for CSOs' reassurance role.

Specialist policing bodies and regulatory authorities

Just as the professional police model of specialist state-based regulation developed in relation to crime throughout the nineteenth and twentieth centuries, so specialist regulatory agencies emerged in other fields and in relation to specific crime-related spheres and activities. Today, there are public agencies engaged in tasks concerning state security, such as MI5 and MI6, as well as the Ministry of Defence Police and the Civil Nuclear Constabulary. Secondly, there is also a cluster of non-Home Office police forces with geographically or spatially defined parameters, such as the British Transport Police and the ports and parks forces. The former represents a good example of where the cost of public policing is met by commercial organisations; in this instance the privatised railway companies. Some dock forces are good examples of private companies performing 'public' functions. Thirdly, there are other specialist bodies performing designated policing roles. A number of

government departments employ officials to undertake investigative and law enforcement work, such as the Department of Work and Pensions' Benefit Fraud Inspectorate and HM Revenue and Customs.

In addition, large areas of 'regulatory law' are entrusted to central or local government agencies or inspectorates of diverse kinds. These include the Health and Safety Executive with regard to the enforcement of industrial safety regulations and the Environment Agency concerned with protecting the air, land and water.[6] In some instances, regulatory bodies are located within investigative departments of other public authorities. In other instances, they constitute 'quangos' (quasi autonomous non-governmental organisations) outside of government departments. The complex sectoral status of some of these bodies is further illustrated by the role of the National Society for the Prevention of Cruelty to Children (NSPCC) and the Royal Society for the Prevention of Cruelty to Animals (RSPCA), both charitable organisations with statutory powers and a certain 'private status' (Button 2002).

Regulation has been a central theme in the field of environmental policy and the policing of pollution (Hawkins 1984; Gunningham and Grabosky 1998). Broadly defined, regulation encompasses: a *goal component* – the rule, standard or set of values against which behaviour or action is to be compared and contrasted; a *monitoring component* – some mechanism or process of feedback for monitoring or evaluating what happens in pursuance of the goal; and a *realignment component* – some form of corrective action or response that is designed or attempts to realign the subjects of control where deviation from the goal is perceived; namely a mechanism for enforcing rules (Parker *et al*. 2004: 11). This regulatory triptych overlaps considerably with our earlier definition of policing, such that the concept of 'governance' is often used as an umbrella term to incorporate diverse forms of policing and regulation (Johnston and Shearing 2003; Jones 2007). Like policing, the traditional focus of regulation has been on the role of the state in setting goals, monitoring compliance and realigning divergences.

The scope and number of regulatory bodies have expanded considerably, particularly in the field of business and consumer regulation as the power of corporations has grown. According to some commentators, we are now said to live in an era of the 'regulatory state' (Majone 1994; Moran 2001), whereby the state is both the object and the subject of regulation (Braithwaite 2000). One decisive stimulus to this regulatory expansion has been the privatisation of public utilities, such as water, gas, telecommunications, railways, etc., notably in the 1980s and 1990s. Rather than resulting in simple deregulation, these reforms spawned new forms of regulation that frequently did not fit the traditional command and control model, often straddling the conventional public/private divide. As a consequence, novel regulatory agencies, such as Ofwat (the Water Services Regulation Authority), Ofcom (the communication industries regulator), Ofgem (the energy regulator) and the Office of Rail Regulation, have assumed both economic and safety policing functions. A parallel development referred to by Hood *et al*. (1999) as 'regulation inside government' has seen the regulation of public bodies by other parts of government. In some instances, public authorities are the subject of 'private regulation' by non-state organisations (Scott 2002).

In contrast to command and control style regulation, associated with policing, some of the new forms of regulation are said to be 'responsive' where regulators operate through forms of negotiation in ways that are sensitive to the conditions in which regulation occurs and the capacity of the regulated for self-regulation (Braithwaite 2002: 29). Experiences drawn from this diverse body of regulatory agencies highlight the manner in which these institutions have often prioritised non-punitive modes of enforcement, preferring strategies rooted in persuasion through market-based disciplines and mentalities. As Braithwaite (2003) reminds us, there is a very different history of policing to be derived from the business regulatory field as distinct from the 'police-prisons' arena. More recently, the traditional distinctions between policing and regulation – as separate activities conducted by distinct institutions – have become less apparent. We have witnessed both a cross-fertilisation of developments from one field into the other (Macrory 2006) and the development of hybrid technologies of control that straddle civil and criminal matters as well as formal and informal responses (Crawford 2008).

Municipal policing

Local authorities employ a number of specialist policing services. For example, most environmental health officers (EHOs) are employed by local authorities, along with trading standards officers, to carry out a wide range of enforcement work. EHOs are involved with enforcement of legislation on housing, environmental protection and food safety, and possess a significant range of statutory powers to enter premises and conduct investigations.

Public auxiliaries and wardens

The growing role of public auxiliaries and wardens schemes drew much inspiration from the lessons of the earlier Dutch experiences of *Stadswacht*, civic wardens. The Dutch model recruited the young and long-term unemployed as city wardens to help visitors in the city centres feel safer, provide information and intervene if people litter the streets or engage in disorderly behaviour (Hauber *et al*. 1996). The guards aimed to provide a reassuring presence and act as 'ambassadors of the city'. Following the Dutch experience, the British government adopted the idea of 'wardens' as a central element in its neighbourhood renewal agenda to improve the conditions of Britain's poorest neighbourhoods (Social Exclusion Unit 1998). The explicit intention was to recreate layers of intermediary actors within civil society capable of commanding sufficient authority to act as agents of social control. Between 2000 and 2002 a series of funding initiatives led to the implementation and spread of neighbourhood wardens, street wardens and street crime wardens (with slightly different roles). By late 2004, there were approximately 250 schemes funded through central government, employing more than 1,500 wardens. In addition, there were an estimated 250 further schemes, employing some 2,000 other wardens funded through diverse local sources. Research suggests that wardens work particularly well in communities in which there

are high levels of distrust between residents and the police and/or housing management (ODPM 2004; Crawford 2006b). Here, wardens may be better able to work with community residents to address local security problems precisely because they are not police officers. However, the competition for resources once central funding ceased has seen a decline in the number of wardens as many councils have diverted resources to part-fund the expansion of CSOs.

Local authority patrols

Some local authorities have revived an earlier tradition of parks police enforcing local bye-laws and enjoying significant legal powers. Some local authorities experimented with their own policing patrols. Unlike parks police, they do not enjoy any formal police powers. Although similar to private security, local authority patrols are directly employed within a department of the council, not a commercial company. Increasingly, under pressures to contract out services, local authorities have preferred to employ the services of commercial companies or to co-fund dedicated CSOs, rather than retaining their own patrol services in-house.

Community safety, anti-social behaviour and policing through social policy

The community safety partnerships spawned by the statutory requirements of the CDA have added an additional dimension to policing activities within local authorities. By and large, these partnerships are not service providers but co-ordinate the activities of others. Importantly, s. 17 requires local authorities to anticipate the potential crime and disorder consequences of their policies. In theory, this places 'crime and disorder considerations at the very heart of decision making' (Home Office 1997: para. 33). The combined emphasis upon partnership working and the criminalisation of anti-social behaviour has tied local authorities and other public sector agencies much more closely into policing functions, either in their own capacity or jointly with the police. For example, the introduction of 'anti-social behaviour orders' (ASBOs), 'dispersal orders' and other new powers involves local authorities working alongside or in consultation with the police (Burney 2005; Crawford and Lister 2007). Under the Police Reform Act 2002 registered social landlords and British Transport Police have been given powers to apply for ASBOs. Furthermore, councils now have anti-social behaviour co-ordinators and teams that bring together police officers and council officials to work side by side. As a policy domain 'anti-social behaviour' represents a site at which diverse areas of social policy coalesce around concerns for security and order. As such, it reflects and evokes a broader trend towards 'governing through crime' (Simon 2007). In a similar vein, there has been an increasing emphasis upon schools and education authorities working in partnership with the police in relation to the policing of truancy and alongside youth offending services regarding early intervention crime prevention projects. This trend towards *policing through education and schools* has taken a particular formalised expression through 'school liaison officers' and allied schemes where dedicated police officers and CSOs work in and patrol school grounds.

Policing through social housing

One particular area in which municipal authorities have increased their policing activities has been with regard to their own tenants. While the control of tenants' conduct has been an ever-present feature of social landlordism since the late Victorian era, recently social housing management has embraced a more central position in crime control (Flint 2006a), as expressed both through closer relations with policing providers (public and private) and in the shared technologies of control now available. It has also seen the realignment of professional interests and working assumptions among housing officers, police and council staff, with greater recourse to the use of civil and administrative powers as a means of policing social housing properties and tenants. The Housing Acts of 1996 and 2004, as well as the Anti-Social Behaviour Act 2003, provide social landlords with considerable new powers of eviction, injunction and demoted legal status (introductory tenancies and demotion orders) with which to regulate the behaviour both of tenants and (through them) of their guests.

In a context of housing residualisation, problems of disorder and crime have become simultaneously more evident and salient. Social housing, thus, constitutes spaces where poverty and technologies of control coalesce. They are places where problems of anti-social behaviour and crime tend to be highly concentrated, although not restricted to these areas. Social housing presents not only 'a legitimate political and practical space for government intervention', but also 'the concentration of problems in social housing provides intuitive rationales for increasing the role of social housing in managing ''problematic'' populations' (Flint 2006b: 172). In this context, *policing through housing* has become a dominant logic in the regulation of some of the most socially marginalised groups.

Civilian policing

As some British researchers have shown, there is a rich vein of 'policing by the public' (Shapland and Vagg 1988), albeit often ignored in policy debates. Public participation in policing, and crime control more generally, not only constitutes a fundamental basis for the legitimacy of modern policing through consent but also appeals to our highest civic values. Social ties and informal social control constitute the bedrock of local order. At one level, informal policing by the public acts as a form of 'social capital' (Putnam 2000) reflecting the ability of groups to realise common values and to regulate their members according to desired principles. This represents the policing *by* communities rather than the policing *of* communities. At another level, civilian participation may also foster synergies between formal and informal mechanisms of control such as to facilitate crime prevention and detection, notably through the flow of information. However, forms of civilian policing may also be at odds with professional police activities, with the result that the provision of information may be considered to constitute 'grassing' (Evans *et al*. 1996).

Government strategies of responsibilisation have sought to encourage 'active citizenry' and 'voluntary collective action' to assist in the provision of local

goods and services as the role of the state is redrawn. Civilian policing may take the form of individual or collective action. Individual acts may involve anything from installing personal security measures to contacting the police, giving information to the Crimestoppers phone line or joining the police as volunteers in the Special Constabulary. Traditionally, special constables are unpaid volunteers who work alongside police officers, have full police powers, police uniforms and are subject to police intelligence tasking and police discipline. In most forces, specials are allocated to divisional police teams and contribute to visible patrols. However, police forces across England and Wales have increasingly found it difficult to recruit and retain special constables (Alexander 2000). In part as a result of targeted efforts by police forces and government, the long-term decline in the numbers of special constables has halted (see Figure 7.1). One initiative saw the government introduce the Special Constables (Amendment) Regulations 2002 to allow, for the first time, the payment of fees to provide a minimum number of annual hours (Crawford and Lister 2004: 26–7). Some saw this as an affront to the idea of voluntarism, others as a necessary way to attract new recruits. Plans have been mooted to introduce 'volunteer CSO schemes' to provide more extensive opportunities for individuals to contribute to neighbourhood policing in a voluntary capacity (Flanagan 2007: 33).

Collective action may constitute low-level local surveillance through neighbourhood watch as the 'eyes and ears' of the police, street patrols and self-help groups such as the Guardian Angels. Inherently, there is a thin line separating legitimate citizen action and vigilantism. Johnston (2000: 146) draws a distinction between 'responsible' and 'autonomous' forms of citizenship. The former consists of those acts that are directed, supported and sanctioned by the state, while autonomous forms of citizenship are independent of the state. The levels of support, sanction and legitimisation may be hesitant, begrudging or ambivalent. The attitude of a group towards the police is not a necessary determinant of the police's reciprocal attitude towards the group. Hence, we need to examine both the extent to which a group sees itself as either 'adversarial' or 'supplemental' to the role of the police, as well as how the police and other relevant organisations (such as local authorities) interpret that relationship. In Britain, most of the recent developments in civilian policing have been of a supplemental variety, welcomed, or at least tolerated, by the police. Despite some commentators' assertions that organised civilian policing is now to be found 'everywhere' (Bayley and Shearing 1996: 587), the empirical evidence to support such claims is thin. Aside from occasional media fascination with sporadic events, such as the outbreaks of vigilantism, most civilian policing is low level and erratic.

Embedded policing

The role of 'architecture' in influencing the flow of events and shaping human interactions has become increasingly recognised (Lessig 1999).[7] Stimulated by 'defensible space' theory (Newman 1972), an array of design practices clustered under the heading of 'crime prevention through environmental

design' (Jeffery 1971) seeks to embed control features through the creation of a physical and social fabric that fosters informal policing and removes opportunities for deviancy. This includes 'designing out' crime and disorder features of the physical environment and capitalising upon civilian or 'natural' surveillance. As elsewhere in the field of security and crime prevention, the commercial sector has often been at the forefront of innovations. More than two decades ago, Shearing and Stenning (1987) demonstrated how certain kinds of security arrangements and control mechanisms are deliberately embedded into the governance of private leisure venues such as Disneyworld. These features of embedded security constitute core elements of the cultural experience and attraction of such facilities, encouraging a more pervasive but consensual style of policing. Consequently, designated guards may be replaced (or supplemented) by the dispersal of security arrangements into the fabric of the environment and the occupational responsibilities of all employees.

Undoubtedly greater attention is now accorded to design features that can facilitate forms of latent policing, encouraging 'natural' surveillance, territoriality and situational crime control. These have been significantly facilitated by advances in surveillance technology. Increasingly, city authorities have learnt from commercial developments (a theme we return to below) and experimented with diverse forms of embedded policing. An example of the currency of embedded policing in public spaces is found in the practice guidance published jointly by the then Office of the Deputy Prime Minister and Home Office (2004), which encourages planners and urban designers to build into the environment forms of surveillance, physical protection and security. One of the implications of policing through architecture and design is that it normalises practices such that they become taken for granted despite their evident influence upon conduct.

Commercial policing

Calculating the size of the commercial security industry is notoriously problematic due to the lack of robust official data. Van Steden (2007: 73) puts the total number of private security personnel in the UK at 150,000. Jones and Newburn (2006) use Census figures to arrive at a similar estimation and demonstrate the growth of private security guards in the latter half of the twentieth century (Table 7.2). Notably, the number of police officers also rose during this period. What is apparent is: first, a diversity of policing personnel; secondly, a more central role performed by commercial security guards; and thirdly, an overall expansion in the total number of policing agents.

The relative size of the commercial security industry in Britain is smaller than in the USA, Canada, Australia and South Africa (where the estimated number of security personnel is more than three times greater than Britain). It is estimated that the number of private security staff across the European Union (EU) has risen to over 1.25 million. Britain has an average proportion of security staff per inhabitant compared with other EU countries, where Eastern European countries lead the way, notably Poland, Hungary and Bulgaria (van Steden 2007: 73). By contrast, Scandinavian and south European

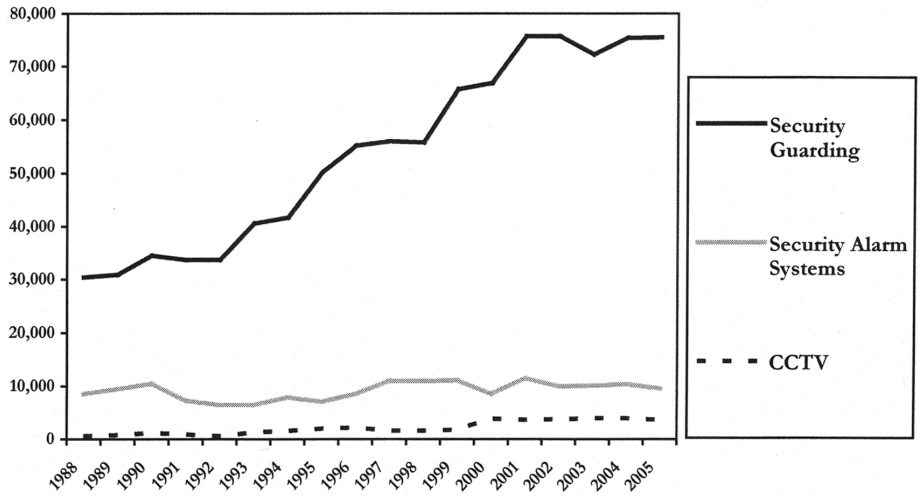
Table 7.2 Census changes in private and public police employment (1951–2001)

	1951	*1971*	*1991*	*2001*
Police officers	84,585	115,170	149,964	166,407
Security guards	66,950	129,670	159,704	161,013

Source: Jones and Newburn (2006: 42)

countries employ low numbers of security personnel. The recent growth in the private security sector in the UK is reflected in the figures available from the British Security Industry Association (BSIA) (see Figure 7.2), whose members are estimated to be responsible for more than 70 per cent of UK security products and services (by turnover).

Figure 7.2 British Security Industry Association Members Turnover 1988–2005



Source: BSIA 2006.
Note: The number of member companies supplying statistics rose from 174 in 1991 to 540 at the end of 2005, see http://www.bsia.co.uk/.

Like the police, commercial security firms provide a variety of functions. They undertake special tasks, have access to privileged information, exercise powers and on occasions use force (Wakefield 2003; Button 2007a). The activities of the commercial sector can be divided into three broad classifications: staffed services; security equipment; and investigation. Staffed services are often the most visible element of commercial policing and include uniformed guarding of both people and property. In addition to contract security guards, there is a number of in-house security guards or staff with quasi-security functions (whether uniformed or not). Despite its size, the security guarding sector suffers rapid turnover of staff and customers. Competition is largely based on price rather than quality.[8]

The security equipment sector includes the manufacture and installation of electronic and physical technology, such as CCTV, alarm systems, locks, bolts and bars.[9] The proliferation of CCTV has provided a significant stimulus to this sector. The investigation sector includes private detectives, debt collectors and bailiffs. The literature available shows the private investigation market to be a particularly shadowy element of the commercial security industry. In the UK it is estimated that there are approximately 15,000 private detectives (Button 1998). Research suggests that most private detectives in Britain are former police officers and they tend to be organised in small companies (Gill and Hart 1997). The differentiated nature of demand is reflected in the loose structure of the trade. While private detectives may be commissioned to work for either the defence or prosecution in the preparation of a case, they are more likely to become involved in investigations where prosecution is not the preferred outcome. This is evident of most forms of private policing, which are less likely than their public counterparts to produce 'cases' that end up in courts. The commercial objectives of private security are not necessarily compatible with prosecution. Any adjudication that may occur is more likely to be in the context of private or 'shadow' justice systems. This lack of legal oversight implies a potential deficit in accountability and raises concerns over malpractice. Accountability, here, is more likely to be commercial; exercised through contractual arrangements.

Regulating commercial security

While not holding the full extent of the formal legal powers of the professional police, commercial security officers are able to deploy considerable resources that enable them to generate compliance with their demands. In particular, these derive from property laws governing the private property they police, enabling them to exclude groups or individuals (Crawford 2006c). Powers may also stem from employment laws where the people policed are themselves employed by the property owner (such as workplace security). In addition, commercial police (like the public police) possess and deploy an array of personal, physical and symbolic powers. Just as public police power is regulated and checked, so there have been demands for the regulation of commercial security. Most interest has focused upon state regulation. However, as Stenning (2000) notes, this is neither the only, nor the most effective, mode of rendering private police powers accountable. In the private sector the role of industry self-regulation, criminal and civil liability, employment law, contractual liability and mechanisms of accountability through the market, all 'may be no less effective in influencing and preventing or reducing abuses' (Stenning 2000: 345).

The private security industry in Britain, unlike many other countries, until recently remained largely unregulated by the state. The Private Security Industry Act 2001 was introduced, in part, to shift the industry into the mainstream of policing services by encouraging a higher degree of professionalism and to regulate unscrupulous operators.[10] The Act introduced a compulsory licensing scheme for security officers and their managers, as well as directors and partners of contract security businesses. It also introduced a

voluntary approved companies scheme. The Act established the Security Industry Authority (SIA), the role of which is to license and regulate all 'contract' private security providers. In-house security officers are not included in the licensing regime. Consequently, security staff employed directly by a business, rather than from a security company, are exempt from the licensing requirement. Licences are granted after a criminal record check has been issued from the Criminal Records Bureau and limited training has been undertaken. The SIA oversees the licensing regime and maintains a register of licensees and 'approved companies'. It employs inspectors to enforce the regulatory regime, with powers to enter security premises to ensure that personnel carry valid licences. By the end of March 2007, the SIA (2007) had licensed some 350 approved companies with 87,000 licensable employees, compared with 90 companies and 65,000 employees in 2005/06. By April 2007 some 203,499 licences had been authorised and just under 7,000 licences had been refused. Table 7.3 presents the relative number of certain forms of policing in England and Wales in 2007.

Table 7.3 Plural policing numbers in England and Wales in 2007*

Occupational group	*No.*
Police officers	141,731
Police staff	75,989
Community Support Officers	15,391
Designated officers	1,616
British Transport Police	2,520
SIA licensed security guards	122,369
SIA licensed door supervisors	100,416
SIA licensed cash in transit guards	10,421

Note: *Police figures relate to full-time equivalent valid on 30 September 2007 (Bullock 2008). SIA data valid as of 19 November 2007, http://www.the-sia.org.uk/home/licensing/stats_2.htm.

The Act represents a relatively weak form of regulation compared with other European jurisdictions (Button 2007b; van Steden 2007). The failure of the legislation to extend to in-house security officers and the voluntary nature of the 'approved companies scheme' are particular weaknesses. In part, this reflects the legislation's preoccupation with improving the industry's image against a background of public concern over dishonest and criminal operators as well as poor standards of training and low-quality service. Zedner provides a less charitable interpretation of the regulatory regime, asserting that: 'Regarded negatively, the role of the Government appears less as regulator of the private security industry than its pimp' (2006b: 279). The lack of regulatory ambition of the SIA and the challenges presented by the security industry provide a possible explanation for the sudden resignation of its first Chair (Molly Meacher) after merely a year in office. Nevertheless, the new licensing regime will undoubtedly have an impact on the future place of private security within the extended policing family. While the prior absence of regulation has

clearly facilitated the unchecked expansion of the commercial security industry, let us examine other trends that have stimulated the security market in certain defined social spaces.

The growing market for policing

The growth of commercial policing and the marketisation of security more generally raise questions about the forces stimulating their expansion and the possible limits or boundaries to their development.

Mass private property

As Shearing and Stenning (1981) have argued, the expansion of the private security industry has been fostered and encouraged by changes in land use and property relations, notably the 'privatisation of public space' through the growth of 'mass private property'. By this they refer to facilities that are owned privately but to which the public has access and use, such as shopping malls, entertainment stadia, leisure centres and recreational grounds. The growth of 'mass private property' has seen greater amounts of 'public places' located on private property and policed by private security companies. This important societal development has provided private corporations with the legal space and economic incentive to do their own policing. According to Shearing and Stenning (1983), the advent of 'mass private property' has not only brought about a change in the 'hands of policing' but also in its style and nature: 'Policing changed as its location changed' (Shearing 1992: 423). One of their most important research findings is that the strategies of commercial security tend to differ significantly from those of the traditional police in that they are more instrumental than moral, offering a more proactive rather than reactive approach to problem-solving. They tend to be concerned with loss prevention and risk reduction rather than with law enforcement or the detection and conviction of criminals. In mass private property the regulatory force of 'membership' and 'access' is a powerful mode of control. If the law is invoked it is often likely to be contract law, rather than criminal law. The powers of removal, dismissal and exclusion – whether from a night-club or shopping mall – are potent administrative tools of policing.

The security guard and the shop owner have private, largely commercial, interests to secure that diverge from those of public prosecution. Security guards are more likely to prioritise the plugging of security breaches in the future, the exclusion of likely offenders and ensuring that security is not compromised. Symbolic and ritualistic punishments are not a commercial imperative. Rather, private security tends to inscribe incentives for conformity and orderly conduct: a 'rewards infrastructure' (Kempa *et al*. 1999: 206). It prefers to operate through consensual forms of control rather than coercive ones as traditionally associated with state regulation. Shearing (2001) thus juxtaposes a past-regarding, reactive, morally toned and punitive mentality of 'justice' against a risk-based, instrumental and future-oriented mentality of 'security'. The former is associated with traditional aspects of police crime

detection work (and the activities of state criminal justice agencies more generally). The latter is associated with commercial operatives and is exercised under plural auspices. This juxtaposition is a useful analytic device; however, it is the osmotic relationships between state and commercial developments and the cross-fertilisation of techniques, practices and mentalities which dominate the field. Furthermore, the specific nature of property relations in different countries means that the 'mass private property' thesis developed originally in relation to North America may be less applicable to the UK and other parts of Europe (Jones and Newburn 1999).

Nevertheless, Britain is witnessing the uneven growth of 'propriety communities', where security constitutes a 'club good', exclusive to those who are members. Forms of such 'collective consumption clubs' (Webster 2002) may be *commercial* in the form of shopping malls, *industrial* through science parks and trading estates or *residential*. Let us consider the latter in further detail.

Private residential estates

The growth of private residential estates and 'gated communities' represents a further example of the privatisation of public space, with significant implications for our understanding of contemporary policing. They do so both because many gated communities incorporate private forms of security, guards and access control and because they constitute 'contractual communities' in which residents sign up to forms of regulation over their private and public activities and behaviour. More generally, they have dramatically refigured the structure of community organisations, local government, land-use control and neighbour relations. The spread of gated communities has been particularly marked and has sparked considerable debate in the USA (Blakely and Snyder 1997; Low 2003). It is estimated that some four million people in the US live in gated communities and that they constitute 11 per cent of all new housing. They represent forms of 'private government' in which the public interest has been reconfigured at a parochial level. In Britain, such developments have been less dramatic. The legal framework rests in the leasehold covenant, which sets out property rights, obligations and restrictions. A national study in 2003 based on a survey of all local planning authorities found at least 1,000 gated communities distributed throughout all regions of England (Atkinson *et al*. 2003). Nevertheless, many urban planning commentators suggest that we are likely to see the growth of gated communities in future years.

Urban fortunes

As a response to the emergence of out-of-town retail and leisure outlets and in part in competition with each other for new positions of influence and wealth in the reorganised national (and international) economy, city centres have become a focus of concern. The regeneration of city centres has been an important element in the competition for inward investment, the generation of local employment and the revitalisation of urban spaces. The pressure to reorganise has been acutely felt in old industrial cities, especially where there are nearby large regional shopping centres. It has been estimated, for example,

that Sheffield city centre lost between 15 and 20 per cent of its trade after the Meadowhall shopping centre opened (cited in Jones and Newburn 1999: 234). For such city centres, regeneration and rebranding have been fundamental to their urban fortunes. In this, 'local growth coalitions' (Logan and Molotch 1987), often combining municipal authorities and commercial interests, have played an important role. A central element of this re-imagining has been the capacity to present a city as a 'safe place' to shop and do business. Security as a commodity has been important in establishing a competitive advantage over rival cities within local, national or global economies. Here, the commercial sector has, to some degree, set the agenda from which the public provision of security in urban areas has borrowed. For example, local authority town centre managers are increasingly aping modes of regulation and policing deployed in privately owned out-of-town shopping centres. The deployment of 'city guards', 'street wardens' and 'ambassadors' in city centre areas has been an instrumental part of recent strategy to make the city a more attractive and safer place. The growing role of Business Improvement Districts (BIDs) in Britain marks a further stage in the privatisation of public spaces. BIDs are town and city centre areas that are managed through the payment of a levy by local businesses. A key element of this management invariably relates to security, hence BIDs pave the way for forms of private control and policing. As such, they have been dubbed 'malls without walls' (Graham and Marvin 2001).

The expansion of the night-time economy

In line with these broader urban changes, many British cities have seen significant expansion in the night-time economy, fuelled notably by alcohol-based, leisure industries. Pubs, clubs and other night-time outlets have become important elements of post-industrial urban prosperity by attracting inward flows of capital investment and new consumers. The revitalisation of city centres in the 1990s was coupled to the expansion of the night-time economy, with the alcohol industry playing a pivotal place in this regeneration. Between 1992 and 2001 there was a 328 per cent increase in the capacity of licensed premises in the West End of London, whilst the number of premises licensed to operate beyond 1 am doubled between 1993 and 2001 (Hadfield 2006: 52). This trend has been further advanced by the Licensing Act 2003, by introducing '24 hour' drinking. A consequence has been enhanced alcohol-related crime and disorder problems, heralding new security demands.

In part, these have been met by the private security industry through 'door supervisors' or 'bouncers', whether internally employed or contracted to security firms. For the large numbers of young people who frequent these new leisure economies, bouncers are a predominant form of policing. However, given their lingering association with intimidation, violence, drugs and other forms of criminality, bouncers themselves have come to be seen as a safety issue in need of regulation. Ironically, it is the demands of the potentially violent environment bouncers are employed to police that encourage the physical nature of the job and the violent and intimidatory subculture it sustains (Hobbs *et al*. 2002). Yet it is these aspects of the policing by bouncers that are the cause of much concern. In response, municipal authorities have

sought a number of initiatives aimed at regulating and policing both 'troublesome' night-time consumers *and* commercial staff.

One strategy has been to encourage licensed premises operators to club together to purchase additional levels of public police provision. This has been facilitated by changes in legislation that have enabled the police to generate income by selling aspects of their services, including the patrolling function. As a strategy, this addresses concerns that police resources are being pulled into policing the crime and disorder consequences of commercial operations by the alcohol-based leisure industries. Such 'polluter pays' schemes have met with government approval as they encourage businesses to take 'responsibility themselves for the public order implications of their activities' (Home Office 2001b: 97). They also present potential conflicts of interests particularly as the police retain a statutory role within the court processes of granting, renewing and revoking operational alcohol licences. The concern is that the exercise of discretion in this role may be compromised by whether a potential licensee is willing to contribute to such schemes which directly benefit the local police as a source of income generation.

While it is clear that much of the policing of the night-time economy rests in private hands, it would be wrong to suggest that it has occurred regardless of, or despite, the state's (in)activity. In many senses, the expansion of the night-time economy has been made possible by the existence of a 'free' form of public policing both willing and able to respond to its criminogenic and disorderly consequences. This 'progression of a commercial frontier' has also been actively facilitated by the local state's deregulatory stance and its encouragement of 'municipal entrepreneurship' (Hobbs *et al*. 2003). A related example is found in the diverse ways in which professional police activity has encouraged markets for commercial provision of policing. The Police Act 1964 enables police forces to charge for services such as providing security at concerts and football stadia. This has been a significant stimulus to the market in stewards and security guards at such events. This is one reason why most of the policing in football stadia is conducted by stewards employed by the clubs themselves and why popular concerts and festivals are policed by a variety of commercial firms. These examples remind us of the interconnected relations between commercial developments and state (in)activity.

The policing of the internet

A further arena of social change with considerable policing implications has been the development of the internet. As an example of a shift in the nature of social organisation and communications, the challenge of the internet powerfully suggests the need to cut definitions of policing free from their traditional territorial bindings. It also illustrates the manner in which technological change connects with, and provides an engine for, the expansion of commercial policing and security services. The policing of cyberspace fundamentally alters established notions of time and space, while also reconfiguring property relations away from a physical place-based form to the policing of the more fluid form of intellectual property. In cyberspace ideas are more important than objects; image, copyright, trademarks and patentable materials take on a new salience (Wall 2007; Jewkes and Yar, this volume).

Far from being an unregulated 'free for all', the internet is actually the site of multi-level governance involving divergent actors with different regulatory purchase over the internet environment (Lessig 1999). As well as the professional police, a diversity of quasi-public and commercial organisations has emerged to regulate this new frontier. This responsibility has sometimes been assumed reluctantly. For example, internet service providers (ISPs) – often acting in a transnational manner – have increasingly sought to control some of the activities that take place on their servers. Against the background of concerns about the circulation of illegal materials, ISPs in the UK established the Internet Watch Foundation, as a quasi-public face of internet regulation. It has often been the fear of civil sanctions combined with adverse publicity that has encouraged ISPs to assume a policing role (also demanded of them by the states in which they operate). Corporate security organisations have also become increasingly involved in internet policing primarily serving to protect the interests of large commercial telecommunications and other related organisations. The policing of the internet also illustrates the manner in which ordinary citizens, as individual users and user groups, perform important (self-) policing functions, some of which resonate with forms of terrestrial 'community self-regulation' (Wall 2002).

The relationship between the police and other policing organisations

It is clear that the relationship between state, non-state and commercial developments in policing has seen the cross-fertilisation of techniques, practices and mentalities. In many senses, the public police have borrowed strategies and technologies first deployed and developed in arenas of private security. By contrast, the commercial and municipal sectors have borrowed from the professional police elements of image, symbolic power and authority. The interactive nature of developments across the public–private divide is particularly acute with regard to flows of information which have become more evident through partnership arrangements. The Patten Report (Patten 1999) on the future of policing in Northern Ireland noted a central question for the future: 'How can professional police officers best adapt to a world in which their own efforts are only a part of the overall policing of a modern society?' In a related vein, Sir Norman Bettison, current Chief Constable of West Yorkshire Police, posed a similar question: 'The market for reliable reassurance provision is infinite. We have more wealth, leisure time and opportunities these days and yet feel more and more vulnerable in our communities. Why should the police maintain the monopoly when it comes to providing reassurance?' (cited in Crawford 2007a: 151). In answer to these questions we can identify five differing approaches.

An integrationist or monopolistic model

The first approach is an *integrationist* or *monopolistic* model, whereby forms of policing are integrated within the 'immediate police family' of the professional state police in a quest to reassert police control over policing. Monopoly is by no means achieved but remains a symbolic or mythical aim. Johnston and

Shearing note that 'the common police response is a defensive and reactionary one: ''How can we re-impose state police control over policing?'' ' (2003: 11). This is the essence of the integrationist model of 'professional police hegemony' which sees the police directly employ a larger proportion of the security workforce. This is explicit in the Metropolitan Police Commissioner's (Blair 2003) vision of a 'vertical model' of policing in which the vast majority of patrolling services are provided through the public police, in contrast to what he refers to as a 'horizontal model' in which diverse agencies and organisations provide policing. He elaborates:

> I have in mind two concentric circles. The inner, much smaller circle is coloured completely blue; this is the direct employees of the police service. The second circle is much larger and consists of all the personnel involved in community safety activity. I believe it is in the interest of social cohesion and public security for as much as possible of that circle also to be blue, in effect for the inner circle to widen. (Blair 2003)

This expansionist vision of public policing has been reflected in the increased numbers of police constables and police civilian staff, and is most explicit in the expansion of CSOs. Significantly, CSOs afford the police a 'commodity' with which to enter the security marketplace and compete with private and municipal policing providers. It is clear that some warden schemes have lost out in the local competition for resources, notably where councils have been enticed to part-fund CSOs (Crawford 2006b). Furthermore, the short-term nature of initial Home Office matched funding for CSOs will necessitate that police forces and police authorities around the country increasingly look to external income generation to sustain current commitments to CSO numbers; to fill the financial hole left once central funding dries up. To this end, the Home Office has produced advice and guidance to encourage matched funding arrangements (Home Office 2006a).

Time will tell the extent to which this model is sustainable in the longer-term. In the short-term, it has important implications for relations between the police and other providers, in that it engenders a prominent element of competition. It also raises questions about the extent to which private or parochial interests inform public policing, its distribution and focus, particularly where external funding bodies may seek to influence deployment. Having entered the market-place, it becomes harder for the police to stand above the fray in a disinterested capacity as 'regulator'. More fundamentally, an integrationist approach appears to fly in the face of prevailing managerialist ideologies and neo-liberal political imperatives which suggest that contemporary states should focus less on providing services but rather seek to direct, organise and 'steer' the services provided by others.

A steering model

In line with this maxim, the steering model constitutes an attempt to link plural providers under the co-ordination of the professional police, with the latter at the apex of a pyramid structure. In this model the police are both

ideologically and legally dominant. Steering may involve forms of 'third party policing' in which state agencies seek to further public ordering objectives through mobilising non-state resources (Mazerolle and Ransley 2005). A key element in this strategy is the accreditation and licensing by the police of the policing activities of others. It seeks to harness the commitment of those already involved in policing, through the co-ordination and steering of the 'extended police family'. The 2002 Police Reform Act makes provision for community safety accreditation schemes and, in certain circumstances, the granting of limited powers to accredited members of those schemes. The powers conferred relate to issuing fixed-penalty notices for disorder and are less extensive than those available to CSOs. Accredited 'community safety officers' may be employed by local authorities, housing associations or the private sector – such as shopping centre security. Accreditation represents a form of 'arm's length' governance through which the police aim to govern 'at a distance'. It provides the police with a certain regulatory role in determining which organisations and agencies they wish to work with in the construction of local extended policing networks. Furthermore, accreditation potentially facilitates the responsibilisation of private organisations by encouraging them to take greater account of, and responsibility for, their own policing and security matters.

Compared with the expansion of CSOs since the 2002 Act, the take-up of accreditation schemes has been much slower. By January 2006, there were only just over 80 schemes in England and Wales (Home Office 2006b: 4). The vast majority of these involved the accreditation of council employees, mainly neighbourhood, street and park wardens. By contrast, there have been very few accreditation schemes entered into with the private sector. The burdens and cost associated with accreditation appears to have deterred private security providers. Were commercial security companies to take up accreditation more extensively it would give them a certain 'public' status, in that not only are accredited officers granted certain powers over and above those exercisable by ordinary citizens but also the manner in which they exercise these will be subject to public interest requirements.[11] Nonetheless, this model assumes a relationship in which policing beyond the police serves as the state police's 'junior relatives'.

A network model

A network model is one in which divergent forms of policing are loosely connected through horizontal alliances (Johnston and Shearing 2003; Wood and Shearing 2007). No particular 'node' within the network is given priority. What differentiates a networked model from a market model is that the former presupposes an element of co-ordination and cooperation, whereas the latter presupposes competition. In theory, if not in practice, the CDA, with its emphasis upon local community safety partnerships, sought to advance the local infrastructure for a networked model (Crawford 2006a). Despite the rhetoric, the local community safety partnerships to which it gave rise have largely failed to engage in any significant way with the private sector. Almost exclusively they incorporate public sector agencies and to a lesser degree the voluntary sector (Crawford 2007b).

Drawing upon Canadian research, Ericson and Haggerty (1997) have argued that more and more of the public police's time and resources are being deployed to service networks that have security rather than law enforcement as their principal concern. In this view, increasingly, the police have become 'knowledge brokers, expert advisors and security managers to the public and other institutions' (Ericson 1994: 164). The extent to which this is the case in Britain is much less clear. While 'communications policing' lies at the heart of many partnerships, information often constitutes a central battleground in inter-agency conflicts. In reality, information flows between security providers may often be hesitant, non-reciprocal and easily disrupted. Given the plurality of security providers, the central question for a networked model concerns the effective co-ordination of the diverse actors and agencies. The reality of partnership working is often one of conflicting aims and purposes. As such, the idea of networks as a descriptive term tends to imply an overly organised understanding of highly fragmented local security arrangements. Recent research in England found 'little evidence of a networked model of policing as a dominant or prevailing reality' (Crawford *et al*. 2005: 90).

A market model

A market model in which competition structures relations between providers suggests the need for an independent regulatory agency above and outside the competing parties to ensure fair competition, appropriate standards and the safeguarding of the public interest. Currently, regulation is segmented. The commercial security industry has a new regulatory body, in the shape of the SIA, but other forms of policing are regulated differently. Should the police accredit the policing activities of others while simultaneously competing with those other providers? The present position may encourage counterproductive competition between public and private providers, in which the police relationship with private providers is coloured by the nature of their competitive market relation rather than the quality of the policing provided or its capacity to serve the public good. To this end, Loader has argued for the creation of national, regional and local policing commissions whose purpose would be 'to formulate policies and co-ordinate service delivery across the policing network, and to bring to democratic account the public, municipal, commercial and voluntary agencies that comprise it' (2000: 337). Such commissions might act to move a market model closer to a networked model, and in so doing regulate the market deficiencies. For example, market provision may also produce increasingly monopolistic or large-scale providers that undermine free competition. Perversely, this may facilitate the steering and regulation of plural policing by the state or regulatory authority. It may even be in the interests of such authorities to encourage and foster monopolistic tendencies among private providers. Regardless, this may occur as a by-product of regulatory regimes that disadvantage (and hence remove) small-scale providers due to the costs associated with regulation or accreditation.

Of significant concern regarding the growing commodification of policing is the inequitable distribution of security. One of the central paradoxes of crime prevention and security provision is that there is often an inverse relationship

between activity and need. Those who can afford it may opt to purchase additional security – as commodity – or retreat behind gated walls. As policing becomes a 'club good' serving particular parochial interests, there will be implications for the independence and impartiality of the service delivered (Crawford 2006c). Policing may become increasingly segmented into different tiers depending upon the capacity to pay rather than need. This may leave a residual public sphere policed by a residual public police.

A private government model

A *private government* model is one where state policing is shut out or has relinquished routine authority, only to enter where invited or called upon to do so. Private governments, whether shopping malls, gated communities or theme parks like Disneyworld, frequently prefer to supply, organise and authorise their own policing and security. In these privately owned spaces, it is property relations that structure coercive powers. Ejection and denial of access are often the dominant dynamics (von Hirsch and Shearing 2000). Those who pose a threat or constitute a potential risk are simply excluded. In the UK, private property vests an almost unqualified common law privilege to exclude or eject strangers arbitrarily, without good reason or objective rational justification (Crawford 2006c). Here, private property remains tantamount to raw exclusive power. In the realms of private government, recourse to the public police, courts and justice system is reserved for where private forms of justice fail or where public efforts may be strategically used to advance corporate interests. The state becomes a 'back-up of last resort'.

Recent research (Crawford *et al*. 2005) found examples of all these models co-existing sometimes in more-or-less awkward relations and forming complex local mosaics. It found that plural policing relations are often poorly organised and coordinated, suffer duplication and are marked by competition and mistrust. The market commonly fosters fragmentation, rendering coordination problematic. In large part, ambiguity is reflected in central as well as local government policies and initiatives, as well as developments in the security market. Fragmentation is exacerbated by the short-term nature of security contracts and government initiatives which engender piecemeal approaches, generating turnover and flux. The mixed economy of plural policing has become highly competitive, as different providers vie to access finite public and private resources; particularly given the growing entry of the police into the security market. In the context of this complex division of labour in which public values jostle with private and parochial interests, it is less easy to differentiate between styles of policing dependent upon, or reducible to, the characteristics of those who provide or even authorise policing agents.

Conclusions

Some commentators have suggested that recent years have witnessed a 'watershed' in the evolution of policing systems, as a result of which 'future generations will look back on our era as a time when one system of policing

ended and another took its place' (Bayley and Shearing 1996: 585). Whilst the historic merits of such assertions remain the subject of debate (Jones and Newburn 2002), this chapter has demonstrated the extent to which the current policing terrain is both complex and ambiguous. Contemporary policing is simultaneously 'joined-up but fragmented' (Crawford 2001) in a manner that belies any notion of a unilinear direction of development. At one moment, the British state appears to have ceded the governance of security and policing in certain spheres to commercial and voluntary interests. The next moment, it seeks to reassert control – sometimes in a tentative fashion – through centrally funded police expansion, regimes of regulation and accreditation schemes. Diversification has been stimulated by governmental strategies of responsibilisation and marketisation, as well as fundamental changes in the urban political economy and the nature of property relations. Technological and commercial innovations have also played a key role, presenting both new opportunities for security and new threats to it. The inexorable, and potentially insatiable, demand for security is, at times, supply driven and a dominant facet of contemporary sensibilities. Hence, this quest for security through policing may be self-escalating, such that the more we have the more insecure we are and the more we want.

In today's context we need to move beyond a simple public/private or state/non-state dichotomy to conceptualise both the publicness of commercial and voluntary forms of policing and the privateness of professional policing. In so doing, we need to hold on to, rather than discard, the distinctiveness of state action. It is the interface between state regulation (or its absence) and activity, including that of the police, on the one hand, and commercial and voluntary activity on the other, that helps to explain the complex nature of plural policing developments. Nonetheless, the future shape of policing will depend upon the way in which the professional police adapt to a context in which they are no longer perceived as a monopolistic provider. Despite innovations, such as CSOs, the police are unlikely to amass all policing efforts 'within the police tent' (Blair 2002). This suggests a 'police solution' to the problem of policing. The current challenge requires government to get to grips with the governance and equity challenges that plural policing engenders. However, it is not clear that the political will to do this exists. Far too much of the political debate has focused on increasing police numbers rather than more fundamental questions about the purpose of the police and the relations between forms of policing.

The pluralisation and hybridisation of policing raise important questions about the linkages between legitimacy, authority and state power. The changing public face of the police – in the form of the CSO – is likely to impact upon the manner in which the public symbolically invest in the British bobby. Furthermore, as the police become entwined in networks of security with non-state providers, entering the market for security services, the interface between public and private interests and values becomes more muddled. This is likely to be more so, as the police lend legitimacy to non-police providers through accreditation schemes and partnership arrangements. Simultaneously, the transfer of limited 'public' powers beyond those of the ordinary citizen to non-police actors raises central issues about the legitimate basis of authority

and the distinctiveness of the police 'brand'. What marks the professional police as distinctive in the new division of labour is the generalist nature of their work and their symbolic role. The state's capacity to be the police of last resort remains a fundamental rationale of government. The pressing questions for the future concern the effective co-ordination of diverse policing efforts, the equitable distribution of security and the manner in which plural policing arrangements and networks can be rendered accountable and harnessed to the 'public good'.

Notes

1 This view was articulated by Sir Ronnie Flanagan prior to the publication of his police review (cited in Travis 2008).
2 As reported by the BBC online 7 February 2008: http://news.bbc.co.uk/1/hi/uk/7232340.stm (last accessed 15 March 2008).
3 It should be noted that CSOs are not available in Scotland. CSOs are often referred to as 'Police Community Support Officers' (PCSOs) to emphasise their connections with the police.
4 It noted: 'Most forces had delegated between 14 and 28 powers from over 40 that were available. A quarter of forces had designated 30 or more powers, a quarter 28 to 19, a quarter between 18 and 15 and a quarter between 14 and nine. One force had not granted any powers to their CSOs' (Cooper *et al*. 2006: 19).
5 In a written statement to the House of Commons the Minister for Policing, Security and Community Safety declared that: 'The Home Secretary and I accept the argument put forward by the police service itself that the delivery of neighbourhood policing does not necessarily need 24,000 PCSOs. This settlement therefore provides continuing support towards 16,000 PCSOs in 2007–08 and we will not expect forces to increase the number of PCSOs beyond that number' (*Official Report*, 27 November 2006; Vol. 453, c. 83WS).
6 Scotland has its own Environment Protection Agency.
7 It is, however, hardly new, as medieval town planning and Bentham's infamous Panopticon testify.
8 It is estimated that some 60 per cent of contracts are won on the basis of price alone (Crawford *et al*. 2005: 20).
9 It is estimated that there are over 4.25 million CCTV cameras installed in the UK (BSIA 2006).
10 Initially the regulatory framework introduced by the Security Industry Act 2001 only covered England and Wales. It was subsequently extended to Scotland via the Serious Organised Crime and Police Act 2005. Northern Ireland had earlier introduced a regulatory framework through the Northern Ireland (Emergency Provisions) Act 1987.
11 Despite the Act not specifying that accredited people are caught by the Human Rights Act 1998, nevertheless it seems clear that private employers and their accredited employees will be treated as 'public authorities' for the purpose of human rights legislation.

Selected further reading

The subject of policing as defined in this chapter is wide ranging and this is reflected in the burgeoning literature that informs current developments and debates. The

historical shifts in forms of public and private policing in the UK are well covered by South in *Policing for Profit* (1988) and Johnston in *The Rebirth of Private Policing* (1992). The best general discussions are to be found in *Policing Britain* by Johnston (2000) and *Governing Security* by Johnston and Shearing (2003). Jones and Newburn's collection of accounts on *Plural Policing* (2006) from different countries provides valuable comparative insights. There has been a growth in empirically informed research studies including Jones and Newburn's *Private Security and Public Policing* (1998) and Crawford *et al.*'s *Plural Policing* (2005). Button (2007) provides an interesting account of the culture, powers and practices of security officers in *Security Officers and Policing*, and Wakefield (2003) offers a glimpse into the private policing of public spaces. Hobbs and colleagues' recent study of *Bouncers* (2003) is an informative analysis of an under-researched but important aspect of policing. Rigakos' *The New Parapolice* (2002) provides an interesting and detailed ethnographic account of an innovative private security company in Canada, and Wood and Shearing's *Imagining Security* (2007) provides some empirical support for ideas of networked governance.

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Chapter 8

Policing in Scotland

Daniel Donnelly and Kenneth Scott

In the policing systems of the United Kingdom Scottish policing has always had a problem with its own identity. Is it part of a 'British' model of policing? Is it a regional variation of that model? Does it possess sufficient characteristics of its own to define it as a distinctive approach to policing? The relatively small number of commentators on policing in Scotland have varied in the answers given to these questions. Some, whilst recognising a distinctive legal framework, have argued that policing in Scotland 'consists of a distinctive but broadly familiar set of social practices informed by a distinctive but broadly familiar pattern of historical development' (Walker 1999: 94). Some would say that, particularly in the context of Scottish devolution, policing in Scotland has gained a degree of distinctiveness which was not apparent before the coming of a Scottish Parliament and Executive/Government[1] (Donnelly and Scott 2005). Others would point to the tendency for policing policies to be 'tartanised', that is for a Scottish version to be created of ideas coming from the larger neighbour down south (see Donnelly and Wilkie 2002). In some instances, studies analysing 'British' policing have ignored or sidestepped the existence of parts of the UK other than England and Wales. Yet the first serious academic study of policing in Britain was conducted in Edinburgh by Michael Banton (1964), who then used his ethnographic material on *The Policeman in the Community* from that Scottish context to make comparisons with policing in the United States. One of the criticisms of Banton's work, however, was that a study of the *Scottish* police could not be taken as representative of *British* policing in general (Skolnick 1966).

This chapter therefore seeks to achieve a number of purposes in describing and discussing policing in Scotland. It will consider some of the aspects of the historical, legal and social context which have shaped the way in which Scottish policing has developed into the twenty-first century. In considering those aspects which are fundamental to policing anywhere, such as governance and accountability, strategies and approaches, and the nature of police work and its relationship to citizens, attention will be drawn particularly to those ways in which Scottish policing differs from that found in England and Wales. Finally, there will be reference to a number of current and emerging debates about how policing in Scotland should move forward into the future and how these relate to the debates on policing in Britain as a whole.

The contexts of Scottish policing

Understanding policing in Scotland requires some knowledge of those broader historical, cultural and political aspects of Scotland which have contributed to the nation's distinctiveness. Some of these aspects arise from the past, from the historical evolution of Scottish society and its institutions, particularly legal ones; others are more modern, but nonetheless definitive, such as the creation of a devolved constitutional system.

Historical context

It has been argued that the development of a formal system of policing in Scotland was driven by significantly different factors from those operating in England (Dinsmor and Goldsmith 2005). Whereas south of the border the introduction of the 'new' police was an attempt to move away from the need to call out the military to maintain public order and to deal with crime and disorder in another way (see chapters by Emsley and Rawlings, this volume), in Scotland the intention was the much broader one of acting for the public good and in the public interest, even if in the nineteenth century the term 'public' still referred to only a small percentage of the population. 'Policing in Scotland was seen as a proactive deterrent to criminal activity rather than a reaction to problems of order after the event' (Dinsmor and Goldsmith 2005: 42). This 'public service' approach was to become a significant feature of the historical development of the police in Scotland and was reflected in the manner in which 'new' police organisations were created.

The first major police force created in Scotland was in Glasgow under the Glasgow Police Act 1800, almost 30 years earlier than the establishment of the Metropolitan Police. As well as providing for a police force of three sergeants, nine day-officers and 68 watchmen under the command of a master of police, the Act contained a number of other significant features:

- The force was paid for out of a local government rate levied on all citizens specifically for that purpose, as Fisher (1994: 92) expressed it: 'it brought into being the Glasgow rate-payer'.
- The force was under the direction of commissioners, comprising the Lord Provost and three baillies from the city council plus nine others, directly elected annually from the city's traders and merchants.
- The officers of the force were given a range of duties including street patrol, the detection of crime, dealing with environmental nuisance and 'suppressing riots, squabbles, begging and singing songs' (Glasgow City Archives 1788: 142).
- The Act also included provision for the police commissioners to have responsibility for arranging the paving, cleansing and lighting of the streets, aligning police functions with more general social improvements.

Glasgow's example in setting up a police force was followed, first, by other cities and burghs throughout Scotland and regularised by a General Police Act

of 1833, and then by the rural counties under the Police (Scotland) Act 1839. Moreover, the general principles and infrastructure which in Glasgow made for what Devine (1994: 188) described as 'an autonomous police system with unprecedented power' were also available and copied elsewhere. The similarities in the structures of Scottish local government facilitated these transitions. The system of police boards recognised the importance of the involvement of active citizens from local communities in supporting the police and the financial underpinning from local rates gave the electorate a strong vested interest in making policing work. Policing itself was rooted in a public perception that it was more than simply about tackling crime and maintaining public order, but also embraced a wider responsibility for the welfare of local communities.

Consequently, while policing in Scotland shared in the general line of development with the history of policing elsewhere in the UK, there were some particular, if often subtle, differences. These included a greater openness by police forces to cultivating relationships with the local community, relationships which were based largely on the concept of the 'common good'. In the larger cities in particular, policing was seen as a response by local councils to the social and public order problems created by industrialisation rather than as an imposition from distant central government, and in Victorian Scotland local Police Committees played a wider preventative role in key areas of social improvement than their title suggested.

As police work became more organised the status of the police constable rose considerably and by the start of the twentieth century a real sense of positive co-operation with the Scottish public had been established. Major contributions to policing on a broader front came in the 1930s with a major reorganisation of the City of Glasgow Police. Under a dynamic new chief constable, Sir Percy Sillitoe, significant innovations were introduced, including: a major restructuring of the senior command; the introduction of new technologies, such as the wireless; improvements in force training; the introduction of new specialist units, such as traffic; and the expansion of the police box system to combat crime. Sillitoe's reforms became a model for the rest of Scotland and beyond (Goldsmith 2002).

The origins of Scottish policing, as Dinsmor and Goldsmith (2005: 47) have stated 'were founded basically on altruistic and parochial principles'. It is perhaps unsurprising, therefore, that Scottish Crime Surveys have shown over time a good level of satisfaction with the police in Scotland (Hale and Uglow 2000; MVA 2002; Campbell *et al.* 2004; Brown and Bolling 2007); that part of the continuing tradition of the Scottish police service is 'that the task of policing the community is undertaken in ways that have the consent of the community' (Scottish Home and Health Department 1983); and that partnerships between the police, local government services and community organisations have been relatively commonplace for a considerable time (HM Inspectorate of Constabulary for Scotland 2004).

Legal context

The existence of Scots law, with its own institutions, traditions and procedures, is widely recognised within the UK. The detailed context that this provides for

policing north of the border is much less understood. The laws of Scotland play a determining role in defining the crimes and offences which the police have to enforce and in defining the powers and duties which the police exercise in that role. Scottish criminal procedure defines the involvement of the police in criminal justice processes and the police have to operate alongside various institutions and agencies created by the Scottish criminal justice system. In all of these spheres there can be significant variations from policing in the rest of the UK (see Sanders and Young, this volume).

The Police (Scotland) Act 1967 remains the chief cornerstone of Scottish policing's legal status, with its iconic description of the duty of the constables of a police force as 'to guard, patrol and watch' in order to prevent the commission of offences, preserve order, and protect life and property (Police (Scotland Act) 1967, s. 17). However, historically the investigation of crime in Scotland was the preserve of the sheriff and the procurator fiscal. As Scottish policing developed, this role became increasingly one which police forces took on. It is now normally the police who gather evidence and undertake enquiries on behalf of the procurator fiscal. The Lord Advocate, as head of the Crown Office and Procurator Fiscal Service (COPFS), can issue instructions to chief constables to report on alleged offences and it is their duty to secure compliance. Indeed it is possible, as a matter of law, for investigation as well as prosecution decisions to be undertaken by the Crown with minimal or even no involvement on the part of the police, as HM Inspectorate of Constabulary has pointed out (HMICS 2000). However, because of the comfortable working relationship between police and prosecutors that has developed over time, this seldom happens.

Like Scots law itself, police powers in Scotland arise largely from the common law with some additions from statute. These powers tend to be limited and are often less than clear. It is widely accepted, as elsewhere in Britain, that individual officers have considerable scope for discretion within the framework that the law provides. The main powers relate to arrest, detention and search.

- The power of *arrest* may be effected either with a warrant granted by a justice of the peace or a judge, or without a warrant. The latter depends very much on the particular circumstances of each case, but can be justified upon suspicion of commission of an offence, upon failure to produce required documentation, where necessary 'in the interests of justice', or where the name and address of a suspect cannot be ascertained.
- Powers of *detention* can apply to individuals without their being under arrest and a personal search may be carried out where reasonable grounds exist for believing that s/he is in illegal possession of, for example, controlled drugs, firearms or offensive weapons. Where there are reasonable grounds for suspecting that a person has committed an offence punishable by imprisonment, that person may be fingerprinted and detained for a period of up to six hours, but the person detained is under no obligation to answer any questions other than to give their name and address.
- Powers of *search* tend to follow on from arrest, but there is also a common law power, based on possession of information, to enter private property for

> the purpose of ascertaining whether or not an offence is being committed or of stopping the commission of the offence, as well as through application of a search warrant.

The very general nature of these powers continues to raise a number of issues. One issue which has been less contentious than in England and Wales is that of police powers to 'stop and search'.[2] This is because in Scotland the basic police power under Common Law is that of searching a person who has been arrested. It does not include an entitlement to search persons to discover evidence to determine whether or not to apprehend them. However, there are situations in which a senior officer may give authorisation for search powers to be exercised within a specified area for a specified time. The problem in some parts of Scotland with knife crime has led to legislation in relation to the carrying of knives and other offensive weapons which allows this to happen (Criminal Justice and Public Order Act 1994; Knives Act 1997). This power has been relatively uncontentious with the Scottish public, except for the criticism that it has not been completely successful in deterring young people from knife-carrying.

The powers relating to arrest also permit the taking of prints and impressions, such as fingerprints, and samples of blood, body fluid and body tissue (Criminal Procedure (Scotland) Act 1995). The importance of these has increased in recent times with the widespread use of DNA techniques. However, there has arisen some controversy around the rules governing the destruction and retention of DNA samples. At present such materials must be destroyed unless a conviction is obtained, although in prosecutions for sexual and violent offences they may be retained for three years. Some police sources have argued strongly for the investigative value of retaining all samples irrespective of whether or not criminal proceedings ensue because it might assist the speedier identification of offenders in subsequent cases. This has become part of a wider debate about the uses, and potential abuses, of DNA evidence and about the desirability or otherwise of a national DNA database for the entire population.

Another matter of great debate has been the impact of the Human Rights Act 1998 on Scottish policing. The European Convention on Human Rights (ECHR) was incorporated into Scots law slightly earlier than in the rest of the UK and there was much speculation about the challenges this would pose to the policing system. In 2005 a study by Pennycook concluded, however, that,

> the signs so far are that neither the early fears of the pessimists, who predicted the creation of a compensation culture and a collapse of the criminal justice and legal systems, nor the optimistic hopes of those who foresaw a 'new culture of rights' with a plethora of revolutionary cases being upheld, appear to have been fulfilled. (Pennycook 2005: 245)

The Scottish Executive/Government's approach has been to use legislation to clarify compliance with the ECHR. The Police, Public Order and Criminal Justice (Scotland) Act 2006 is a good example of this. Among other things, the Act deals with police powers in relation to a number of rising issues.

a. It provides *new powers* in relation to the carrying of offensive weapons or articles with a blade or point in a public place.

b. It provides a basis in *criminal law* for the power to seize fireworks.

c. It *extends* police powers to ask suspects not only for their name and address, but also their date and place of birth and nationality.

d. It *clarifies* the power to take fingerprints and other samples to confirm identity.

e. It introduces a *mandatory power* of drug testing and assessment in certain instances.

To date it would appear that this approach has allowed the Scottish police to adapt reasonably satisfactorily to the new legal framework involving the ECHR.

Constitutional context

It could be argued that the single most important change in Scotland in recent times has been the Scotland Act 1998, the legislation which brought about constitutional devolution. The creation of a Scottish Parliament with legislative powers has produced a completely new constitutional and political context north of the border, one which now focuses on nearby Holyrood instead of distant Westminster (see Hassan and Warhurst 2001; McFadden and Lazarowicz 2002). As a part of Scotland's domestic affairs, policing indisputably lies within the remit of a devolved parliament and Scottish Executive/Government.

The impact of Scottish devolution on policing has created what Donnelly and Scott (2003) have called 'a moving landscape'. The main features of this impact include the following.

- The existence of a Scottish Parliament in Edinburgh with 129 MSPs, some directly elected from constituencies and some elected by proportional representation from eight regional divisions ('List' MSPs), with oversight of policing in Scotland.
- A Scottish government which includes in the Cabinet a Justice Minister/Secretary[3] who has responsibility for policing in Scotland.
- The Scottish Parliament works through a system of committees which not only scrutinise legislation, but can carry out investigations into any topic within their remit. For much of the period since 1999 there were two committees covering justice, including policing, because of the significant amount of criminal justice business to be dealt with. Since 2007 this has been reduced to one.
- The Justice Committees often invite the three police associations – the Association of Chief Police Officers in Scotland (ACPOS), the Association of Scottish Police Superintendents (ASPS) and the Scottish Police Federation –

to give evidence at their hearings and the attendance of police representatives at Holyrood is now quite common.

- In the spirit of transparency, of which the devolved settlement has made great play, the Scottish Executive/Government engages in many consultation exercises about a variety of topics which may be the subject of new legislation. Not only do many of these exercises deal with matters relevant to the police, but police organisations actively respond to many of them.
- The amount of legislation emanating from the Scottish Parliament which impinges upon policing has increased significantly, ranging from regulation of investigatory powers to vulnerable witnesses and from anti-social behaviour to a ban on fox-hunting with dogs.
- With law and order issues high on the list of concerns of voters at Scottish elections and of constituents in between times, matters relating to policing are of great concern to both constituency and list MSPs – not to mention MPs, MEPs and local councillors – who are not slow to raise such issues with their local forces.
- Similarly, the Executive/Government is anxious to be seen to tackle matters relating to crime and disorder which are of public interest and has taken a very 'hands-on' approach to policing matters, even although this may not involve legislation. For example, on several occasions First Ministers have called in chief constables to discuss law and order concerns and some have voiced open criticism of the police, for instance, in not making sufficient use of dispersal orders under the anti-social behaviour laws.

Two major events from the Scottish Parliament illustrate the impact which the devolution settlement has made. One is a piece of legislation, the Police, Public Order and Criminal Justice (Scotland) Act 2006. This is arguably the first parliamentary Act since 1967 to deal in a fundamental way with various aspects of the Scottish police. Its main provisions relate to the setting up of a new central service agency, the Scottish Police Services Authority. The SPSA was created to take under its wing various common support services, such as those providing training, criminal record information and IT development strategy. In addition the Act placed on a statutory basis the Scottish Crime and Drug Enforcement Agency (SCDEA) as a replacement for the former Scottish Drug Enforcement Agency (SDEA) and described its relationships to both the SPSA and Scottish Ministers. Some police powers were extended and others were clarified and a new football banning order was introduced for use against those engaging in violence or disorder in relation to a football match. The Act also created a new office of Police Complaints Commissioner for Scotland to act as an independent reviewer of complaints made by the public against the police, including those involving quality of service. In addition, the Act for the first time recognised the ACPOS as having a stated role within Scottish policing.

The second example comes from the committee rooms of Holyrood. Against a background of the 2007 Scottish Parliament elections of promises by the various parties to increase police numbers, the Justice Committee commenced an inquiry into police resources. While this inquiry took as its starting point

the political debate about how many more 'bobbies on the beat' the SNP Government was going to recruit, it very soon broadened out into a wider range of policing issues. The committee's final report (Justice Committee 2008) included recommendations on the role and responsibilities of the police, local police boards, surveys of the public conducted by the police, and the use of civilian staff and others in releasing sworn officers for frontline duties. It is probably the nearest that Scottish policing has come so far to a repeat of the 1960–62 Royal Commission, though on a much smaller scale. It is not entirely surprising that the Justice Committee recommended that the Scottish Government should set up an independent commission to review policing for the new century (Justice Committee 2008).

Devolution has led to a much closer set of linkages between policing and the politicians and reaction to this has been divided. Many strongly oppose any implication that policing plans and priorities should be subject to political scrutiny or interference. On the other hand, MSPs have shown a willingness to engage with some of the more difficult social problems in Scotland, such as prostitution, the effects of alcohol abuse and sectarianism, and have provided the political encouragement to the police to develop strategies for dealing with those kinds of problems.

Organisation and structure

There are eight police forces in Scotland based on the geographical areas covered by the former local government regions established in 1975 (see Mawby and Wright, this volume, Figure 10.1, p. 228). There are around 16,000 police officers in Scotland and a growing number of civilian police staff. The governance of the eight forces is carried out by six separate joint police boards, in which a group of local councils come together and two unitary ones, each covering a single local authority area.

The Scottish forces and the local government areas covered are shown in Table 8.1.

Civilianisation is now an important aspect of police organisation in Scotland. Approximately one-third of all police board employees are not police officers, but police staff. The expansion of such jobs has partly come by transferring tasks that do not have to be done by sworn police officers to support staff, partly reflecting the need for professional roles such as are to be found in any business or public service, but also, and more controversially, by the growth of key support roles in connection with operational policing and the need for non-traditional skills in crime prevention and reduction. Whereas in England and Wales this requirement has been met by the introduction of Police Community Support Officers, the Scottish Executive/Government has turned its face firmly against going down the same road, preferring instead to pursue policies of increasing the number of police officers and promoting further civilianisation, including the use of retired police officers in new roles (Justice Committee 2008).

The increasing role of local government in community safety in Scotland is epitomised in the creation of Community Wardens. Wardens were introduced

Table 8.1 Scottish police forces

Force	*Council areas*	*Headquarters*	*Number of police officers (approx.)*
Central Scotland Police	Clackmannanshire Falkirk Stirling	Stirling	850
Dumfries & Galloway Constabulary	Dumfries and Galloway	Dumfries	500
Fife Constabulary	Fife	Glenrothes	1,020
Grampian Police	Aberdeen City Aberdeenshire Moray	Aberdeen	1,370
Lothian & Borders Police	City of Edinburgh East Lothian Midlothian Scottish Borders West Lothian	Edinburgh	2,820
Northern Constabulary	Highland Orkney Shetland Western Isles	Inverness	700
Strathclyde Police	Argyll & Bute City of Glasgow East Ayrshire East Dunbartonshire East Renfrewshire Inverclyde North Ayrshire North Lanarkshire Renfrewshire South Ayrshire South Lanarkshire West Dunbartonshire	Glasgow	7,770
Tayside Police	Angus Dundee City Perth & Kinross	Dundee	1,160

in 2003 and can now be found in all 32 local authority areas. Wardens do not possess police powers, but they do share common objectives and work closely together. Following tradition in Scotland, the effectiveness of Wardens comes from their regular interface with communities, local partnership groups and public agencies rather than having police powers. Unlike Police Community Support Officers (PCSOs) in England and Wales they are not part of a national

policing strategy of Neighbourhood Policing and their funding is not now 'ring-fenced', so there is no guarantee as to their future funding. However, recent research has shown that Wardens are a success in their communities; that additional powers for Wardens remain controversial; that police, public and councils are supportive of Wardens; and that Wardens are a key link between communities and partner agencies (Donnelly 2007; Scottish Executive 2007). Community Wardens are a response to the constant need for more visible patrolling and enforcement to tackle anti-social behaviour, dog fouling, litter, environmental and noise issues. In the past the police were rarely in a position to address such community problems due to other pressures, 'but as a result of the presence of Community Wardens there is now a proactive group with a specific remit to tackle these issues' (Donnelly 2008).

Central police services

On 1 April 2007 the Scottish Executive/Government launched the Scottish Police Services Authority (SPSA) which provides technical, scientific and training support services to the country's territorial police forces. This brings together three previously separate common police services: the Scottish Criminal Record Office, the Scottish Police Information Strategy and the Scottish Police College at Tulliallan. The three forensic science laboratories in Scotland have also been brought together to form a single Scottish Forensic Service, which is also part of SPSA. Under the Police, Public Order and Criminal Justice (Scotland) Act 2006, SPSA 'provides' these services and also 'maintains' the Scottish Crime and Drug Enforcement Agency (SCDEA). Formed in 2001 as the Scottish Drug Enforcement Agency to deal primarily with drug crime, SCDEA now has a remit which focuses on serious and organised crime, high-tech crime and money laundering, and is a major point of contact between Scottish and European policing (Scott 2008). The SPSA is governed by a Board appointed by Scottish Ministers which mirrors the tripartite system. It is chaired by an independent convener with members drawn from police board conveners, chief constables and independent appointees while operational management is in the hands of a chief executive.

With around 1,300 employees and a budget of £83 million in 2007/2008, the SPSA is a potentially powerful new presence in Scottish policing, especially as the founding legislation allows for other services to be added to the Authority in future. Her Majesty's Chief Inspector of Constabulary for Scotland's annual report for 2006/7 argued that, while most policing in Scotland should be locally based and accountable, there was a small number of police responsibilities for which a 'strong and competent national level of capability is required, so that people in every part of Scotland receive the same level of professional service' (HMCICS 2007). These could include counter-terrorism, specialist firearms support, motorway policing and air support, and the proposal was that the SPSA could be the co-ordinating body for such tasks. However, such a move has been interpreted in some quarters as a 'back door' approach to the merging of police forces and as further fuelling the debate about a single national police service for Scotland.

The debate on structures

The 1967 Act laid out clearly the tripartite structure of police governance in terms of central government in the form of the Secretary of State for Scotland and the Scottish Office, local government (i.e. police authorities composed of elected councillors from local authorities within force areas) and chief constables responsible for the day-to-day operational decisions.

The re-organisation of local government in Scotland brought about by the Local Government (Scotland) Act 1972 dispensed with the old system of town and county councils and replaced it with a two-tier system of regions and districts. In this re-organisation policing became a function of the eight regional councils, creating a small number of larger forces out of the many smaller ones. However, the clear relationship between forces and local authorities remained, with two exceptions – Northern and Lothian & Borders – where joint police boards had to be set up.

In the Conservative Government's police reforms of the 1990s, Scotland emerged relatively unscathed. Although the remit of the Sheehy Inquiry covered Scotland and Northern Ireland as well as England and Wales, the legislation which emerged from it – the 1994 Police and Magistrates' Courts Act (see Newburn, this volume) – applied only in small part to Scotland. This was largely because of the strong defence of the existing constitutional arrangements mounted by the police staff associations, especially ACPOS. There was no direct change in the Scottish tripartite arrangements, although changes elsewhere often did have indirect effects on Scottish policing.

A further re-organisation of Scottish local government took place in 1996 and this had greater effects on policing. The existing regions and districts were replaced by a unitary system of 32 councils, some of which are quite small in size, population and financial base. It was decided, however, to leave the existing police force structure intact. Nonetheless, the fit between the police structures and the local government structures became fragmented, with all the police boards operating on a joint basis, except Dumfries & Galloway and Fife.

This structural arrangement has had a number of consequences for the working of the tripartite system, including attempts to align internal police structures to local council areas, more complex relationships between chief constables and their police boards, some uncertainties over local police budgets and, arguably, a more fragmented approach to local accountability for policing. With a Scottish Parliament and Scottish Ministers in Edinburgh now in place, the role of local government itself has been put in question. The traditional view of Scottish policing as a local service, locally delivered and locally accountable has been increasingly challenged by arguments that go beyond force mergers and look to a single force for the whole country (Donnelly and Scott 2006). These arguments are based to some extent on creating greater efficiencies and consistency of service, and on recognising the expanding policing agenda to which all eight forces have to respond, but there is also already much common infrastructure which Scottish forces share, ranging from mutual aid arrangements through access to other forces' specialist resources to national policies and strategies. Inevitably, the existence of the SPSA is going to push structures even more in a unified national direction.

Approaches to policing in Scotland

Strategies employed by the police in Scotland have reflected both changes in society and changes that have occurred in society's views about policing. Many of the approaches have come from outside Scotland and have been adopted on both sides of the border. However, that has not prevented particular nuances and perspectives from being developed by Scottish police forces in their implementation.

Community policing

In view of the historical links between police and public in Scotland, the heart of Scottish policing has always been community policing. Evidence of formalised community policing in operation emerged as far back as 1957 in Greenock, where chief constable David Gray posted police officers to an area with the remit of supporting residents and statutory agencies in a wide range of structural, environmental and social improvements. Gray's philosophy was that the maintenance of order and the prevention of crime could not be dealt with in isolation, or by one agency, but rather within the wider spectrum of social issues which affected a community and its people. There is no doubt this was the embryo of what is now known as 'community policing' in Scotland (Schaffer 1980).

Later, as HM Chief Inspector of Constabulary for Scotland (HMCICS), Gray continued to propound this philosophy and to warn against over-reliance on modern communications and science: 'More and more one finds the Police officer on the beat being trained to see himself not just as a law enforcement officer, but as an individual who can exercise a great deal of influence for the general good of the community' (HMCICS 1970: 3). Gray's view that the 'policeman' (*sic*) was a member of the community, appointed by the community to share the common task of preserving peace and good order, is impressive, not least because it was developed some time before John Alderson's experiment in Devon and Cornwall and, more specifically, 25 years prior to the recommendations of the Scarman Report in 1981.

Scottish community policing has continued to focus on developing links between the police and local communities, especially in urban areas where relationships can be tenuous and where the ability of the police to fulfil its functions effectively are more difficult, particularly where economic and social deprivation is prevalent. In the 1970s Strathclyde Police set up 'police project areas', with police officers called 'project officers'. These project officers were seen in a leadership role, generating community spirit and servicing self-help groups within communities. They were also responsible for stimulating inter-agency working and for paying particular attention to the needs of young people (Strathclyde Police 1975).

In the early 1980s 'project officers' were replaced by 'community police officers' and a study by Shanks (1980) described the projects as 'situational policing' in selected urban areas, with high crime levels and above average incidence of police problems and anti-social behaviour. He believed that whenever the police made a special effort in such an area it did seem to make

a difference. It also acted as a catalyst in encouraging other agencies to get involved and gave some hope to communities that progress was possible.

By the 1990s community policing was well established across Scotland, fully supported by all the police forces who deployed significant numbers of officers to it – 700 in Strathclyde alone by 1996 – in both urban and rural areas. The concept underpinned many of the subsequent strategies for policing introduced into Scotland, including the development of corporate and co-ordinated approaches by police, local authorities and voluntary agencies to the policing of problem neighbourhoods, for example as expressed in contemporary community planning partnerships.

The key individual in this style of policing has been, and still remains, the foot patrol officer with his/her regular interface with the community. Nonetheless, for Scottish forces the maintenance of traditional community policing poses considerable difficulties, torn between the claims on police resources from the ever-widening policing agenda and the apparently insatiable public demand for high visibility police presence. As a result there is a high rate of abstraction of patrol officers to other duties and there has been a growing critical edge to public views on policing in Scotland, especially in the media. The rise in England and Wales of 'reassurance policing' (Crawford 2007 and this volume) as an approach to dealing with a rising fear of crime and increasing anti-social behaviour has been slower to develop in Scotland. It is only in 2008 that ACPOS published its eight-stage public reassurance strategy as an operational focus for visibility, partnership working and tackling community problems (ACPOS 2008a).

Strategic approaches to policing communities

In the 1980s the Conservative Government's emphasis on 'value for money' and the need for effective and efficient use of resources was not lost on policing in Scotland. It was also the starting-point for a more strategic view of policing and police management which has led to 'significant improvements in strategic thinking and planning in the Scottish police service' (Vine 2005: 95). This kind of thinking has found expression in a number of methodologies already well established in business and in a number of new applications to policing.

- *Policing by Objectives*. The idea of setting objectives that had to be evaluated in terms of resource costs and likely public benefit was quite new to Scottish police forces, although already a well-established technique in other organisations. The use of Management By Objectives, with its emphases on setting goals and priorities, the planning and delivery of activities and the measurement of performance, firmly placed on the agenda the idea of 'managing' policing as opposed to the traditional 'command' approach held by most senior police officers.
- *New Public Sector Management*. Policing by objectives fitted very closely with the market-oriented model of public service reform promoted by the Thatcher government and lay at the heart of the introduction of 'New Public Sector Management' (NPSM) into policing. From the perspective of the

Scottish public, it probably emphasised that the police had to be more selective in what they attended to and signalled a further step in the move away from universal, reactive policing.

- *National Intelligence Model*. The National Intelligence Model (NIM) was launched in 2000 as a key component of the Government's police reform agenda in England and Wales (see Maguire, this volume). As a model for conducting the business of policing, it builds upon a number of earlier approaches to policing, especially problem-solving policing and multi-agency approaches. It lies at the heart of intelligence-led policing by seeking to provide the basis for strategic direction, tactical resourcing decisions and the management of risk. Although not mandatory, NIM has been adopted by all forces in Scotland to a greater or lesser extent and a Scottish strategic tasking and co-ordination group has produced a national analysis of crime and disorder priorities at various levels to which forces are expected to adhere (ACPOS 2008b).

While the tendency in England and Wales has been to promote police reform through legislation, in Scotland the trend since devolution has been for developments originating elsewhere to be integrated into Scottish policing through voluntary initiative and encouragement. There has probably been only one major initiative in recent times which has actually originated within Scotland.

- *The* Spotlight *Initiative*. Strathclyde Police's *Spotlight* Initiative was launched in 1996. Although specifically *not* describing itself as an example of 'zero tolerance' policing as employed by the New York Police Department under William Bratton, it did share some of the characteristics of that model, focusing on violent crime, minor crimes and maximum presence of officers on the beat. *Spotlight* built on a previous approach of high profile operations targeted at specific crime problems, such as Operation Blade (against knife carrying), Operation Turnkey (against housebreaking) and Operation Eagle (against drug dealers). Despite the success of these in reducing crime rates, fear of crime continued to rise. The chief constable who introduced *Spotlight* explained the thinking thus: 'The time was right for Strathclyde Police to embark on a longer-term strategy which would embrace the principles of partnership with the community ... and involve every single officer and member of support staff' (Orr 1997: 112).

  Based on major public opinion surveys, consultation exercises with local authorities, and backed by an unprecedented television and press public information campaign, *Spotlight* became an umbrella term for a large number of specific campaigns throughout Strathclyde's 15 divisions focused on a variety of concerns. These included carrying of weapons, underage drinking, street robberies, truancy, vandalism, and litter and public nuisance. Many of these were 'broken windows' activities rather than breaches of the criminal law. One of the areas to feature highly in the latter stages of the *Spotlight* Initiative was domestic violence, which had hardly featured on the radar of policing until then. Similarly, the Child Safety Initiative, or

'curfew', piloted in Hamilton, South Lanarkshire, was not, strictly speaking, about crimes by young people, but was about the prevention of anti-social activities and police support for parents in exercising their responsibilities. This trend was to continue with anti-social behaviour becoming a significant issue in Scotland and the subject of legislation by the Scottish Parliament in 2004.

The public impact of *Spotlight* was considerable. Every force in Scotland, and beyond, began to replicate such campaigns against specific problems in their own force areas, as well as acting jointly to deal with issues on a national basis. Contrary to its initial philosophy, however, it did not become a long-term solution to policing problems. Intensive in its demands on officer resources and continually raising public expectations to ever higher levels, it became almost impossible to sustain the *Spotlight* Initiative as time passed. The Hamilton 'curfew', for instance, was never repeated beyond its pilot period, despite public and political demands for it to be copied in other areas, huge media interest, and its incorporation into English legislation.

Governance and accountability

Scotland shares with the rest of Britain a tripartite structure of police governance and accountability, although the precise detail of how the tripartite system operates is different in important respects (for England and Wales see Jones, this volume). Under the Police (Scotland) Act 1967 responsibility for the police service is shared by the tripartite partnership of the chief constable of each force, Scottish Ministers and the police authority in the form of the local police board.

Scottish Ministers are responsible for policing policy and have a variety of powers to enable them to discharge their responsibilities for the Scottish police service. Ministers determine funding levels for the police authorities; approve appointments of chief officers; can amalgamate police forces; request reports from chief constables; and agree force establishments and police numbers. While legislation in England and Wales provides the Home Secretary with considerable opportunities to be proactive in promoting efficiency and effectiveness, Justice Ministers/Secretaries – and civil servants – in Scotland have preferred to use political influence and policy interventions to promote changes in policing, for instance in setting national policing targets.

The statutory responsibility for inspecting the eight Scottish forces and other police services falls to HM Chief Inspector of Constabulary for Scotland (HMCICS). Of increasing significance is HMCICS's role as chief professional adviser to Scottish Ministers, which includes advice on chief constable appointments. Thematic inspections have become an important vehicle for looking at topics across forces and often these are concerned with issues which are defined by their importance to the Executive/Government as much as for policing, in areas such as race relations and workforce modernisation. The current HMCICS has emphasised the importance of scrutinising the areas of policing which may need to be delivered differently in the future and seeking to identify good practice and potential weaknesses much earlier than in the past (Tomkins 2007).

Police boards, unlike England and Wales, have memberships made up solely of elected councillors. A key function of these boards is the selection and appointment of senior police officers – the chief constable, deputy chief constable and assistant chief constable(s). They also have the power, in the interests of efficiency and with the approval of Scottish Ministers, to require a chief police officer to resign or retire, or to dismiss him/her – though this has hardly been used in recent times. The police board controls the force budget and is responsible for providing the chief constable with the resources necessary to police the area. Under the Local Government in Scotland Act 2003 police boards have a duty to secure Best Value in terms of the maintenance of an efficient and effective police force and to work with the chief constable in pursuing continuous improvement in service performance. The legislation also requires local authorities to maintain a process of Community Planning involving key service providers, including the police, to ensure people and communities are involved in decisions made on the public services which affect them most.

Police boards have an important part to play in securing local accountability of police forces, but criticisms have been raised about their capacity to effectively carry out these responsibilities (Donnelly and Scott 2002). Joint boards, in particular, are formed by nominees from the constituent councils who may or may not have an interest in policing. Certainly councillors will not have been elected with a view to their representing their area on the police board, but because of a whole range of issues across the spectrum of local government. There are doubts over the extent to which police boards actually have any real influence over local policing, given that their powers are largely advisory in relation to the authority of the chief constable. Nor do police boards have the resources to properly carry out their tasks and are over-dependent on information from police sources because they do not have sufficient staff to monitor their forces independently.

Constitutionally, a chief constable has responsibility for the 'direction' of a police force (Police (Scotland) Act 1967) and full operational discretion for the delivery of policing in the force area. The requirement for accountability to the public is a core principle of democratic theory and public sector management, especially in requiring the police to justify their operational decisions after they have been taken. The distinctive aspect of police accountability, however, is that the chief constable's discretion is enshrined in law in the doctrine of 'constabulary independence'. Traditionally, chief constables in Scotland have been regarded as being in a very powerful, almost unchallengeable, position.

There are signs that this situation may be shifting. The introduction of fixed-term appointments (Police and Magistrates' Courts Act 1994) at least raises the possibility of a chief's operational independence being compromised. Such fixed-terms are usually for five or seven years and there can be a temptation to pursue policies that are popular rather than effective in order to ensure re-appointment. The increased role of ACPOS in corporate policy-making may be at the expense of individual chief constable's independence of action as there is pressure for the eight forces to co-operate in common activities and common campaigns. The increasing co-operation with other, non-police, agencies may constrain the police role and certainly extends the

accountability of the police to their other partners. The 1994 Act also gave chief constables 'direction and control' over civilian employees. This placed them in charge of a wider range of employees and confirmed their role as 'chief executives' of large work organisations with the consequent broadening of management perspective beyond that required of senior police officers alone.

Although the duties and powers of the three tripartite elements are separately quite clear, the key to the working of police accountability in Scotland comes at the points where these elements interact with each other. It is here that the lines of accountability become less transparent and the extent to which consent has been granted and by whom becomes a grey area. For example, the appointments system for chief officers is not wholly transparent on the roles of unelected persons such as civil servants and HMCICS, although in principle the parts played by local police boards and central government Ministers appears clear enough (Scott and Wilkie 2001).

The 'new' accountabilities

The arrival of the twenty-first century has seen the rise of newer forms of accountability in Scottish policing which transcend the boundaries of the traditional tripartite system and which are based much more on quantitative approaches.

The first of these is review and audit. There are three main players in the world of police force and police authority audit in Scotland. First, the Auditor General secures the audit of the Scottish Executive/Government and most other public bodies, except local authorities, with the main role of ensuring value for money from public spending bodies. Secondly, the Accounts Commission for Scotland investigates whether local authorities spend public money appropriately and efficiently, including police boards. Thirdly, Audit Scotland carries out audits, *inter alia*, on the police service on behalf of the Accounts Commission. Audit Scotland publishes the annual performance indicators (PIs) for each force, including crimes cleared up, racially motivated incidents, drug offences and road traffic casualties. Since 1999 the benchmark for the use of PIs has been Best Value, a clear standard for both cost and quality of service. On the one hand, these auditing bodies have voiced concerns over the lack of robust accountabilities of the partners in the existing tripartite system. This was supported by the Scottish Parliament's Justice Committee inquiry which recommended a strengthening of the existing tripartite arrangements (Justice Committee 2008). On the other, they have introduced a new network of monitoring, auditing and scrutiny into the Scottish police service which has become a routine part of police management, emphasising the police role as a major public service financed primarily from the public purse.

Secondly, the management of performance has become a major theme for the Scottish police service. In 2001 the Justice Department began setting national targets for police forces in areas such as housebreaking, drugs, vehicle crime and serious violent crime and these were reported on by HM Inspectorate (HMCICS 2004). The relatively low-key approach to target-setting could not hide the move, spearheaded by HMICS, towards the development

of performance management in Scottish policing. By 2007 this had blossomed into a Scottish Policing Performance Framework, followed a year later by a more fully developed version (ACPOS/Scottish Government 2008).

The Framework seeks to encapsulate the comprehensive nature of police activities through four areas: service response; public reassurance and community safety; criminal justice and tackling crime; and sound governance and efficiency. Each area identifies high level objectives, a set of performance indicators, and some contextual information. The performance model is a significant achievement as it brings together, for the first time in Scotland, a collection of comprehensive performance indicators for policing – 45 in all – which will allow consistent comparison across time and forces to be made. Of course, the Framework raises issues as well as provides for them: for instance, the link between funding and a force's ability to achieve outcomes; the contribution of the expanding private and public sectors to community safety as separate from the police input; and the clear identification of what makes good practice to be replicated and poor practice to be avoided.

While the Framework is intended to facilitate the measurement and management of police performance in Scotland and to provide a robust basis for performance improvement, great emphasis is laid on the opportunities it provides for improved police accountability at local and national levels. The intention is that by providing consistent and transparent information about performance, which will be available on the Internet, both police boards and the general public will be able to better understand the quality of service provided by the police.

Police complaints

In Scotland chief constables deal with complaints against the police in their own areas, procurator fiscals oversee the investigation of complaints of a criminal nature, and police boards have a statutory duty to keep themselves informed of how chief constables deal with complaints. A recent addition to the 'police complaints framework' is the Police Complaints Commissioner for Scotland (PCCS) established in 2007 (Police, Public Order and Criminal Justice (Scotland) Act 2006) with the primary role of considering and reviewing the way police authorities, police forces and policing agencies handle non-criminal complaints from the public. Pressure for such a post came partly from continuing criticism about the police investigating complaints against themselves, partly because of the growth of independent bodies to investigate police complaints in other parts of the UK.

The PCCS is appointed by the Scottish Ministers and is restricted to reviewing how complaints have been handled by police forces and to ensuring correct procedures are in place. The PCCS can also direct the police to reconsider a complaint. However, debate at the time when the PCCS was created centred on the fact that the proposals would retain the existing system with little change. Police forces remain responsible for investigating complaints from the public against individual officers and fiscals will continue to invite officers from outside forces to undertake criminal investigations. What the PCCS is concerned with is primarily taking over the oversight of

non-criminal complaints, previously the domain of HMICS, and adding a stronger element of focus on quality of service delivery. Whilst it is too early to come to any judgement on the new PCCS system, as it stands Scotland is one of the few developed countries that does not appear to have a fully independent police complaints system.

Conclusions

The motto of the Scottish police service is *Semper Vigilo*, implying a constant vigilance for the safety of Scottish society and the people of Scotland. The significant changes that have taken place in that society, especially in the past half-century, have provided a constant challenge to Scottish policing. That challenge has been met by developing an approach to policing which has been strongly influenced by several strands.

The first strand is that, whilst sharing with other parts of the UK certain fundamental principles and structures, such as policing by consent and the tripartite system, policing in Scotland draws on certain legal and historical traditions which differentiate it significantly. The distinctiveness of Scots law and legal procedure is obvious. The historical tradition of community policing is less so. Probably this was because it was not consciously formulated as a police strategy, but rather emerged from a common understanding of policing as a public good. As community policing became more systematically organised, the Scottish example tended to be overshadowed by the more conspicuous advocacy of the idea in bigger nations. Nonetheless, that closeness to the community can be identified as a defining feature of Scottish policing, even in an age when the concept perhaps requires re-definition.

Second, there are many instances where policing in Scotland has developed along much the same lines as policing in Britain, though usually at one step removed. This is not unexpected in that Scotland has experienced many of the same social and economic changes and problems as England and has been exposed to many of the same ideas about how policing should react to those changes and problems. For example, much of the police reform legislation for England and Wales has not applied to Scotland, but the content of such legislation has often been found in Scottish policing at a later date. Similarly, the move towards more strategic forms of policing developed in various places has been picked up on and eventually developed in Scotland as well.

The third strand in shaping modern policing in Scotland is undoubtedly Scottish devolution. The geographical and political proximity of the Scottish Parliament and Scottish Executive/Government in Edinburgh has had a considerable impact on policing since 1999. The devolved institutions have been instrumental in bringing about many changes. Some of these emanate from the Parliament, through legislation, debates and reports, some have been directed by the Executive/Government in the form of policies and joint working groups. However, some have come from police organisations themselves in response simply to the interest and expectations generated by Holyrood. Policing is no longer a political backwater as it was before devolution. In the 'new' politics of Scotland it is a core issue for voters, and

hence politicians and police leaders are expected to demonstrate their commitment by responding to the demands made of them.

Policing in Scotland has developed along basically eclectic lines to deal with the changes it has faced. That process of change is continuing and how exactly these distinctive strands will contribute in the future remains uncertain. What is certain is that if Scottish policing is going to operate successfully in the twenty-first century it must maintain that constant vigilance which has served it well in the past.

Notes

1 The Scotland Act 1998 uses the collective term 'Scottish Ministers' to refer to those holding office in Scottish government. The title 'Scottish Executive' was used by the Labour/Liberal Democrat coalition administrations until 2007 when the new Scottish National Party administration changed the name to 'Scottish Government'.
2 Scottish Ministers are considering creating a separate Scottish Transport Police as opposed to the present British Transport Police (BTP) in Scotland. This is in the wake of what is considered to be the BTP's over-zealous use of stop and search powers under section 44 of the UK's Terrorism Act 2000, which is felt to be damaging to police–public relations.
3 In line with the change from Scottish Executive to Scottish Government, the SNP administration has adopted the title of Cabinet Secretary for Justice in place of Justice Minister.

Selected further reading

Policing in Scotland does not have an extensive academic literature associated with it, although that is beginning to change as more research is carried out, for instance through the new Scottish Institute for Policing Research (see www.sipr.ac.uk). The most recent and up-to-date text is Donnelly and Scott's *Policing Scotland* (2005) which includes chapters on key areas such as history, organisation, community policing, police management and accountability and takes full account of the impact of Scottish devolution on policing. For a pre-devolution analysis, Walker's *Policing in a Changing Constitutional Order* (2000) includes a chapter (ch. 5) on Scotland. A sound historical perspective on Scottish policing is now provided by Barrie (2008) in *Police in the Age of Improvement: the Origins and Development of Policing in Scotland*. The contemporary position on the policing of Scotland's communities is provided in Donnelly's *Municipal Policing in Scotland* (2008). Accountability issues are scrutinised in Donnelly and Scott's articles in *The Police Journal* (2002) and changes in the police complaints system by Donnelly (2006) at www.cjscotland.org.uk/pdfs/policecomplaints.pdf. A collection of articles on a variety of aspects of policing in Scotland are to be found in the Scottish Centre for Police Studies' occasional paper *Contemporary Issues in Scottish Policing* (2005).

Much useful information about the police in Scotland can be gleaned from official and statutory publications, such as the *Annual Reports* from individual forces or Scottish Executive/Government documents. Amongst the most interesting recent publications of this type is the Justice Committee's report on *Effective Use of Police Resources* (2008) and the written submissions of evidence to that investigation

(www.scottish.Parliament.uk/S3/committees/justice/inquiries/policeRes.pdf), the thematic reports carried out by HM Inspectorate of Constabulary for Scotland and Midwinter's report for the Scottish Police Federation on *Police Funding: A Review of Trends in the Post-Devolution Period* (2007).

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Chapter 9

The police service of Northern Ireland

Aogán Mulcahy

Introduction

Northern Ireland currently occupies a hugely prominent position globally in respect of police reform debates. Although the historical 'lessons' from Northern Ireland were invariably negative (Mulcahy 2005), the ambitious police reform programme outlined in the 1999 Patten Report, and which formed a key pillar of the peace process, has moved Northern Ireland centre-stage as a 'model' for debates about police reform generally. This chapter outlines historical and contemporary developments in relation to policing in Northern Ireland. First, I consider the historical context of policing during the Troubles, particularly in terms of the role of the Royal Ulster Constabulary (RUC) and its relationship with the public. I then examine the issue of police reform during the peace process, discussing in detail the recommendations of the 1999 Patten Report. The third section assesses the implementation of the reform programme, the emergence of the Police Service of Northern Ireland (PSNI), and the impact of this on police oversight and operational policing. The chapter concludes by considering the implications of these developments for wider debates on policing and police reform.

Historical context of policing in Northern Ireland

The history of policing in Northern Ireland is immutably tied to issues of state, and to the competing territorial claims and allegiances of unionists/loyalists and nationalist/republicans. Created following the partition of Ireland in 1921, the state of Northern Ireland was designed from the outset to reflect the political interests of unionists who wished to remain part of the United Kingdom, and who comprised approximately two-thirds of the population. The state was, from the beginning, riven with insecurity due to the significant nationalist minority within its borders, whose allegiance was to a united Ireland, as well as strained political relations with the Irish Free State (later the

Irish Republic). Issues of security dominated the consciousness of the unionist establishment, and ultimately this was pursued through strategies of domination rather than accommodation. The Royal Ulster Constabulary (RUC) played an overt role in state security, and it was supported in this by a controversial militia force, the Ulster Special Constabulary (also known as the 'B' Specials), and by an extensive range of legislative powers (most notably, the Civil Authorities (Special Powers) Act 1923).

Fifty years of one-party rule followed, but by the late 1960s a vocal civil rights campaign developed in protest at the discrimination that characterised the state's treatment of the Catholic nationalist community, particularly in relation to the gerrymandering of local government boundaries and discriminatory housing allocation. Civil rights marches were met with loyalist counter-protests, often resulting in violence, and serious disturbances spread across Northern Ireland resulting in the deployment of the British Army in August 1969. The RUC was heavily criticised for the heavy-handed and partial manner in which its officers policed the civil rights movement (Cameron Committee 1969: 72–4), including indiscriminate machine gun fire resulting in civilian deaths, the 'failure to prevent Protestant mobs from burning down Catholic houses' and 'the failure to take any effective action to restrain or disperse mobs, or to protect lives and property' (Scarman Tribunal 1972: 15–16). Cumulatively, the police response to the civil rights movement generated what the Scarman Tribunal described as 'the fateful split between the Catholic community and the police' (1972: 15).

Against this backdrop, a reform agenda was outlined in the 1969 Hunt Committee Report. It proposed abolishing the Ulster Special Constabulary, and establishing a civic ethos within the police by removing responsibility for state security from the RUC and disarming its officers, as well as many other measures such as the establishment of a Community Relations branch. Its implementation, however, was overtaken by events as levels of violence escalated dramatically, particularly following the introduction of internment without trial in 1971 and the shooting dead of 13 members of the public (a 14th victim later died from his injuries) on 'Bloody Sunday' in January 1972. The Northern Ireland parliament in Stormont, Belfast, was suspended, and direct rule from Westminster was established.

As levels of paramilitary[1] activity increased greatly, the army was directly involved in providing day-to-day security throughout Northern Ireland. However, the military techniques being practised had evolved from colonial campaigns and were not well suited to a peace-keeping function; army actions often proved controversial, counterproductive and damaging to public support for the security forces. Moreover, the use of emergency measures such as internment without trial, and the granting of 'special category status' (akin to prisoner-of-war status) to paramilitary prisoners, was viewed within the British political and military establishment as unsustainable in the long term. With high levels of paramilitary activity, and no hope of an imminent political breakthrough, the British government undertook a major review of security issues and gradually moved away from a conflict management strategy predicated on emergency measures to one instead based on normalisation.

Normalisation involved a range of overlapping measures that characterised the conflict as a 'law and order' problem rather than a crisis of state legitimacy. Henceforth, the army, which previously had taken the lead role in maintaining security and order, would instead play a supporting role. In its place, the police would now assume primary responsibility for security in Northern Ireland. Although there were some areas, especially along the border, where the police could not maintain a routine presence due to the security risks involved (a situation that persisted up until the late 1990s), police primacy nevertheless was based on the premise that an expanded and better trained and equipped police force could successfully counter paramilitary violence. This involved increasing police capacity dramatically: expanding police numbers, providing better training in public order policing (see Waddington, this volume), increasing the level of weaponry available to officers, and other measures such as the creation of specialist squads and a far greater emphasis on intelligence gathering. In addition to increased police capacity, police primacy also involved enhancing police professionalism generally, in an effort to assert the RUC's role as an impartial police service and thereby secure increasing levels of support among the Catholic community.

From the late 1970s onwards, the RUC became increasingly preoccupied with demonstrating its professionalism and impartiality. The manner in which it policed unionist protests against the 1985 Anglo-Irish Agreement in particular – which brought the police into direct conflict with mainstream unionism – seemed clear evidence of this shift (Hermon 1997). But police primacy also ensured that the police were now at the forefront of the government's conflict management strategy, and this expanded range of activities and responsibility also embroiled the police in a series of damaging scandals. In the late 1970s allegations surfaced routinely that suspects were beaten during interrogations. In the early 1980s, allegations of a shoot-to-kill policy emerged following the killing of six members of the public by the security forces over a three-week period in Armagh. From the mid-1980s in particular, far-reaching allegations of collusion between members of the security forces (including RUC Special Branch) and loyalist paramilitaries further undermined the RUC's claims of professionalism.

In addition to controversies related to security policing, the issue of police effectiveness against 'ordinary' crime also affected levels of public support for the RUC. Although Northern Ireland, even at the height of the Troubles, enjoyed relatively low levels of 'ordinary' crime when compared with other European societies, the difficulties of maintaining a routine police presence in some areas ensured that a 'policing vacuum' developed, with hugely negative consequences for community safety there (see generally, Brewer *et al*. 1997). In republican and, to a much lesser extent, loyalist areas, hostility towards the police ensured that residents in those areas were often reluctant to engage with the police over any issue. Even if some residents did want to do so, fear of intimidation from their neighbours often inhibited them from doing so. In addition, the risks that officers faced in responding to calls for service ensured that the RUC's civic policing activities – such as crime prevention and detection activities – were enormously curtailed.

Against this backdrop, paramilitary organisations operated a system of 'alternative justice' as a response to criminal behaviour in those areas.

Although in terms of media coverage it was most closely associated with physical punishments – especially beatings and kneecappings (Feenan 2002) – this system also functioned as an alternative to the policing provided by the RUC (notwithstanding the massive controversy and criticism it generated; see Kennedy 1995). Although the nature and scale of paramilitary punishments shifted in response to the wider political context, this system of alternative justice remained in place throughout the conflict and into the peace process, providing a vivid demonstration of the real difficulties and controversies that surrounded the issue of police legitimacy (Ellison and Shirlow 2008).

These issues cumulatively had a profound impact on levels of public support for, and confidence in, the police. Survey data revealed the starkly different attitudes held by Catholics and Protestants on different aspects of policing and security policy. Table 9.1 demonstrates that approximately half or more Catholic respondents believed that the RUC treated Protestants better than Catholics, while a significant minority of Protestants also held this view. Table 9.2 demonstrates a similar gulf in the attitudes of Catholic and Protestant respondents towards various security issues.

Table 9.1 Public perceptions of police impartiality, 1986–94

	1986	*1989*	*1990*	*1991*	*1992/3*	*1993*	*1993/4*
% of Protestants who think the RUC treat Protestants better than Catholics	11	13	12	18	22	17	19
% of Catholics who think the RUC treat Protestants better than Catholics	56	52	54	48	55	48	50

Source: Mulcahy (2006: 68).

Table 9.2 Public attitudes towards security issues

	Catholics agreeing (%)	*Protestants agreeing (%)*
House searches are used too little	3	26
House searches are used too much	35	3
Random searches of pedestrians are used too little	6	32
Random searches of pedestrians are used too much	41	3
Vehicle checkpoints are used too little	9	34
Vehicle checkpoints are used too much	40	8
Approve of 'shoot-to-kill' actions against terrorist suspects	7	61
Approve of increased use of undercover surveillance operations	25	90
Approve of use of plastic bullets during riot situations	9	86

Source: Mulcahy (2006: 70), adapted from Weitzer (1995: 137) using data from 1978–1990.

The relationship between unionists and the RUC had begun to change in significant ways from the 1980s onwards as the force embarked on a sustained

process of professionalisation to enhance its claims of impartiality. Nevertheless, in terms of its function, composition, ethos and symbolism, to many nationalists it remained an institution that protected unionist political interests and reflected a unionist identity. Increased professionalism on the part of the RUC did make inroads into nationalist opinion, but any gains made in levels of public support tended to disappear once security policing was examined. As Whyte (1990: 88) famously noted, Protestants and Catholics disagreed more on what he termed the 'unhealed sore' of security policy than they did on constitutional questions.

The republican and loyalist paramilitary ceasefires announced in 1994 appeared to signal an end to the conflict, but the ensuing peace process was characterised by mutual suspicion, uncertainty and setbacks. Political progress was hostage to this uncertainty, and the newly-established Northern Ireland Assembly was suspended on several occasions. The IRA also ended its ceasefire in 1996 by bombing Canary Wharf in London, returning to a ceasefire status in July 1997. As the peace process staggered towards a resolution, it was apparent that the controversy and emotion that attached to debates on policing during the Troubles had not abated. The issue of police reform instead formed the most controversial aspect of the peace process.

The Patten Report and police reform

Political negotiations during the peace process culminated in the 1998 Belfast Agreement (also known as the Good Friday Agreement). Although the negotiators had been able to reach agreement even on the release of paramilitary prisoners, the issue of policing was instead deferred for consideration by an Independent Commission on Policing (ICP), with the broad remit of bringing forward 'proposals for future policing structures and arrangements, including means of encouraging widespread community support for those arrangements' (Northern Ireland Office 1998: 27–8). Chaired by Chris Patten, the Commission drew together considerable local and international expertise in policing and organisational change. It embarked on an extensive consultation process, including a series of highly emotionally charged public meetings, as well a review of policing structures in other jurisdictions. The Report acknowledged the contentiousness of policing, and its centrality to the dynamics of the conflict:

> Policing has been contentious, victim and participant in past tragedies, precisely because the polity itself has been contentious. The consent required right across the community in any liberal democracy for effective policing has been absent. In contested space, the role of those charged with keeping the peace has itself been contested. The roots of the problem go back to the very foundation of the state. Since 1922 and the establishment of the Royal Ulster Constabulary (in part drawn from the ranks of the old Royal Irish Constabulary), the composition of the police has been disproportionately Protestant and Unionist. This has become much more pronounced during the last 30 violent years for reasons that

> we shall examine later. Both in the past, when the police were subject to political control by the Unionist government at Stormont, and more recently in the period of direct rule from Westminster, they have been identified by one section of the population not primarily as upholders of the law but as defenders of the state, and the nature of the state itself has remained the central issue of political argument. This identification of police and state is contrary to policing practice in the rest of the United Kingdom. It has left the police in an unenviable position, lamented by many police officers. In one political language they are the custodians of nationhood. In its rhetorical opposite they are the symbols of oppression. Policing therefore goes right to the heart of the sense of security and identity of both communities and, because of the differences between them, this seriously hampers the effectiveness of the police service in Northern Ireland. (ICP 1999: 2)

Against this backdrop, and in the context of an uncertain political climate, the Commission argued that its recommendations for future policing arrangements 'make sense regardless of the broader political context. They touch on the efficiency, acceptability and accountability of the police service in Northern Ireland in any imaginable circumstances' (ICP 1999: 2). As such, the Commission noted that its recommendations were framed by a series of 'tests' that each proposal had to satisfy (1999: 6):

1. Does this proposal promote effective and efficient policing?
2. Will it deliver fair and impartial policing, free from partisan control?
3. Does it provide for accountability, both to the law and to the community?
4. Will it make the police more representative of the society they serve?
5. Does it protect and vindicate the human rights and human dignity of all?

Overall, the Report made 175 recommendations covering the gamut of policing activity. Underpinning these, however, were two key concerns: human rights, and the relationship between the police and the public.

In relation to human rights, the Report noted that policing was fundamentally concerned with the 'protection and vindication of the human rights of all' (ICP 1999: 18), and recommended 'a comprehensive programme of action to focus policing in Northern Ireland on a human rights-based approach'. Human rights, the Commissioners claimed, 'should inspire everything a police service does. It should be seen as the core of this report' (ICP 1999: 20). In terms of specific proposals, the Report recommended a new oath of office with human rights at its core, and a new code of ethics that integrated the European Convention on Human Rights 'into police practice'. It called for all police service employees to receive full and ongoing training in human rights, and for 'the human rights dimension [to] be integrated into every module of police training'. The Commissioners noted that even in 1999, of the 700 training sessions recruits received, only two were devoted to human rights, compared

with 40 on drill and 63 on firearms training. The Report also proposed that awareness of, and respect, for human rights should form part of the appraisal of police officers, and that a lawyer with human rights expertise should be appointed to the staff of the police service.

In terms of relations between the police and the public, the Report highlighted the fact that effective and accountable policing involves 'a real partnership between the police and the community' (ICP 1999: 8). It noted that: 'it is not so much that the police need support and consent, but rather that policing is a matter for the whole community, not something that the community leaves to the police to do. Policing should be a collective community responsibility: a partnership for community safety' (ICP 1999: 8). Accordingly it argued that 'policing with the community should be the core function of the police service and the core function of every police station' (ICP 1999: 43).

The Report recognised that a peaceful environment would bring a significant reduction in the overall size of the force, and proposed significant changes in terms of the recruitment and composition of the PSNI. In an effort to bring Northern Ireland's policing ratio of 1:140 population closer to the Home Office recommended level for England and Wales of 1:390 population (Ellison 2007: 252), it sought a reduction in police numbers from approximately 13,000 to 7,500 officers and recommended a large-scale severance programme to facilitate this. It also recommended that for a 10-year-period – and with a view to increasing the proportion of Catholics within the police to 30 per cent by that time – recruitment should be on the basis of equal numbers of Catholics and non-Catholics drawn from a pool of qualified candidates. The Commission also recommended significant changes to the symbols of policing. It noted that: 'while we have not accepted the argument that the Royal Ulster Constabulary should be disbanded, it should henceforth be named the Northern Ireland Police Service' (although the British Government instead chose the name 'PSNI'). It called for all police symbolism to be free from association with either the British or Irish states.

The Report also proposed various 'normalisation' measures, including shedding the militaristic trappings that had characterised the RUC during the conflict. Significantly, the Report called for the Special Branch (which it noted was widely viewed as a 'force within a force') to be amalgamated with the Crime Branch, and for the appointment of a 'commissioner for covert law enforcement' to monitor policing activity in that sphere.

While many of the Report's recommendations addressed matters that focused directly on issues related to the police institution, particularly with a view to promoting best practice within the PSNI, it also made significant recommendations in respect of the regulation of policing generally. Specifically, the Report recognised the state's limited capacity to provide comprehensive solutions to issues of crime and security, and sought to outline various means to maximise local involvement and capacity in the authorisation, delivery and governance of security generally (see Shearing 2000, 2001; Kempa and Shearing 2002; Mulcahy 2008).

The Report's 'policing' recommendations were most evident in the new institutional framework it proposed for the governance of policing (see Jones, this volume). In addition to recommending that the doctrine of 'operational

independence' be replaced by one of 'operational responsibility' (whereby the Chief Constable could be required to justify operational policing decisions), the Report called for the creation of new agencies of oversight to ensure accountability to the public and to the law. It proposed that the ineffective Police Authority of Northern Ireland be replaced by a new Policing (rather than 'police') Board to whom the police would be accountable, and that the Board be given powers to initiate inquiries, and to require the Chief Constable to report on any issue. The Commission envisaged the Board's remit as 'going beyond supervision of the police service itself, extending to the wider issues of policing and the contributions that people and organisations other than the police can make towards public safety' (ICP 1999: 29). It proposed that District Policing Partnership Boards (DPPBs) be established in each local authority area to provide a local consultative forum. Significantly, it recommended that DPPBs should have the power to impose a local tax of up to three per cent to purchase additional policing services, whether from the police or other agencies. Drawing largely on the recommendations made in a 1997 report by Commission member Maurice Hayes, the ICP Commission also proposed the establishment of a fully independent agency – the Office of the Police Ombudsman of Northern Ireland (OPONI) – to monitor and investigate complaints against the police.

The Patten Report was published in September 1999 to a combination of acclaim and outrage. For unionists, initially at least, the proposed changes to the RUC's symbolism were seen as an enormous slight, and prominent campaigns to 'save the RUC' were launched. The Report had studiously avoided any detailed analysis of past policing practices and instead focused on future arrangements. However, by failing to outline in detail the case for reform, the ICP may have inadvertently contributed to unionist perceptions that there was no significant case for reform in the first place. RUC officers also criticised the Report, both for the wholesale changes it recommended and for the perception that it failed to give due recognition to the casualties sustained by officers during the conflict, including 302 officers killed and many thousands seriously injured. In other quarters, though, the Report received a much warmer reception for the sustained and imaginative manner in which it sought to outline the basis of 'a new beginning for policing in Northern Ireland'. Although the British Government accepted the Patten recommendations 'in principle', the implementation process was tortuous in the face of sustained criticism (from ICP members and others) that government proposals were departing in significant ways from the Patten recommendations. Two pieces of legislation (the Police (Northern Ireland) Acts of 2000 and 2003) and two implementation plans were required to enact the Patten recommendations and for the nationalist Social and Democratic Labour Party (SDLP) to participate in the new institutions, although Sinn Fein refused to do so until 2007.

The new landscape of policing in Northern Ireland

The new structures and institutions established as part of the Patten reform programme quickly came to be viewed and promoted as a model of best

practice within the specific context of Northern Ireland, as well as further afield. The Oversight Commissioner noted that: 'The recommendations of the Patten Commission and the success of the Police Service of Northern Ireland in implementing them are now being seen as models for many police forces around the world' (Office of the Oversight Commissioner 2003: 1; see also Ellison 2007; Ellison and O'Reilly 2008; Mulcahy 2008).

The final report of the Oversight Commissioner noted that the majority of the Patten recommendations (140 out of 175) had been fully implemented, and that substantial progress had been made in respect of many others (Office of the Oversight Commissioner 2007: Appendix a). The recommendations relating to human rights issues have been 'largely accomplished' (2007: 8), and the lawyers tasked with monitoring policing compliance with human rights stated that: 'the PSNI continues to set the standard that other police services in the UK should aspire to' (Starmer and Gordon 2006: i). Furthermore, the composition of the police service has changed dramatically under the 50:50 recruitment policy. Approximately 2,790 officers left under the severance programme, and recruitment campaigns increased the proportion of Catholic officers within the service from 8 per cent in 1998, to nearly 24 per cent by February 2008. In charting the implementation process in previous reports, however, the Oversight Commissioner repeatedly criticised the PSNI for appearing to 'cherry pick' (2003: 15) among recommendations, and he specifically criticised the pace of change in relation to a number of issues, including the establishment of a new police training college, the civilianisation programme, the effective incorporation of human rights issues within the training programme, and the merging of Special Branch with the Crime Branch. In his final report, the Oversight Commissioner also offered a note of caution, stating that some of the ICP recommendations 'remain unfulfilled and there are significant future challenges that place recommendations at risk' (2007: 2–3).

Oversight and the institutional environment of policing

The new institutional environment of policing oversight in Northern Ireland comprised the Policing Board, District Policing Partnerships and the Police Ombudsman. The Policing Board soon established itself as a more robust accountability mechanism than its ineffective predecessor, the Police Authority. It created a new code of ethics for the PSNI and a framework for monitoring human rights, and developed substantial policing plans. It also held its meetings in public, although few decisions were taken at them. Nevertheless, wider political conflicts also impacted on the work of the Board. The main political parties were allocated seats on the Board under the d'Hondt system, and approached policing issues from diametrically opposed positions. The Democratic Unionist Party (now the largest Unionist party in Northern Ireland) 2003 election manifesto noted:

> The DUP has worked tirelessly to block those Patten proposals which were not based on the principle of good policing, but on political judgements. The DUP took up its seats on the Police [*sic*] Board and the

> work of Ian Paisley Jnr, Sammy Wilson and William Hay has prevented many of the Patten recommendations from being realised. (DUP 2003: 24)

Sinn Fein did not take up its seats on the Policing Board until 2007 following a party convention at which party delegates overwhelmingly voted to support policing arrangements in Northern Ireland. However, this greater engagement also highlighted many of the underlying tensions surrounding policing. For instance, following Sinn Fein's criticism of the police response to two murders in West Belfast, the Chief Constable, Hugh Orde, during a televised meeting of the Policing Board, described Sinn Fein's stance as at best 'manipulative', and at worst, 'anti-police'. In other important respects also, the effectiveness of the Policing Board was called into question. For instance, Hugh Orde stated in April 2008 that he received more strategic questions from police recruits than from members of the Policing Board.

Nevertheless, assessments of the Policing Board were generally very positive. The House of Commons Northern Ireland Affairs Committee observed that the Board had made 'solid progress in establishing its role and had developed sound mechanisms for holding the police service to account' (NIAC 2005a: 23), and the Oversight Commissioner described it as a 'great success' (Office of the Oversight Commissioner 2007: 8).

Soon after District Policing Partnerships (the term 'Boards' was dropped in the enacting legislation) were established in March 2003 they were widely acclaimed as a major success. The then vice-chairman of the Policing Board stated that DPPs had 'helped to transform the culture of policing in Northern Ireland' and that 'the reintegration of police . . . into the normal community is actually being led by district policing partnerships' (NIAC 2005a: Ev. 27). The Deputy Chief Constable endorsed that view, describing them as 'one of the biggest steps forward in policing in a long time' (NIAC 2005a: Ev. 39).

Despite this official acclaim, the reality surrounding DPPs was rather more nuanced. The Oversight Commissioner reported that DPPs exhibited a 'wide variation in practice' across Northern Ireland (Office of the Oversight Commissioner 2007: 17). Surveys in 2004 and 2006, respectively, found that only 17 and 15 per cent of respondents thought their local DPP was doing a good job (NIPB 2006). Even within DPPs, members expressed concern that they were not provided sufficient training by the Policing Board, and that the formality of DPP meetings inhibited genuine community consultation (CAJ 2005). In particular, the establishment of Community Safety Partnerships – a recommendation made in the Criminal Justice Review (2000: 273) – under the auspices of the Northern Ireland Office, added further complications to the role and activities of DPPs. Commentators described the existence of a two-tier overlapping system for police-public consultation on community safety and crime prevention as 'wasteful', 'burdensome', 'expensive', and 'bad on the ground level' (NIAC 2005a: Ev. 29), and as generating significant 'role confusion' that directly undermined 'optimisation of community effort' (Office of the Oversight Commissioner 2007: 15, 17). Moreover, the suspicion persisted that the creation of these parallel structures was an effort to undermine the Patten Commission's vision for strong local involvement in policing. The creation of CSPs, one Commission member speculated, was 'to ensure that the

DPPs wither on the vine' (Mulcahy 2006: 175). Ultimately, the granting of tax-raising powers to District Policing Partnerships was the only major Patten recommendation to be rejected by the British government. However, the Northern Ireland Office provided a funding scheme for crime prevention measures to which CSPs could apply. Certainly, to provide CSPs with the capacity to secure government funding for local community safety initiatives, while limiting DPPs largely to a consultative role, privileged the state above local communities, in spite of the strong community role envisaged by the Patten Commission.

The wider political context also impacted on the activities of DPPs. Following the publication of the 'Updated Implementation Plan' in August 2001, the SDLP began formally participating in DPPs when they were established in 2003. It was not until after Sinn Fein formally declared its support for the PSNI in January 2007 that its representatives began participating in DPPs. A further issue that will impact significantly on DPPs involves the restructuring of police command structures and of local government boundaries. Police reorganisation in April 2007 reduced the number of District Command Units from 29 to eight, and following the Review of Public Administration, proposals are underway to reduce the number of local authority areas from 26 to perhaps seven (scheduled to occur in 2009). The Oversight Commissioner described the uncertainty over 'whether DPPs will exist' after this restructuring as a significant concern, as it would put at risk the 'important principle of local community engagement' underpinning the Patten Report (Office of the Oversight Commissioner 2007: 213).

The establishment of the Police Ombudsman was a further accountability mechanism proposed by the Patten Report. Nuala O'Loan, a legal academic, was appointed to the post of Ombudsman. Soon after the Office of the Ombudsman became fully operational in 2001, it investigated a complaint that RUC Special Branch officers had been aware of a possible bomb attack in Omagh[2] but that this information had not been acted on to protect the identity of an informant. The Ombudsman's report was highly critical of how intelligence information was processed within the police service, and it also criticised the leadership of senior officers. The investigation brought the Ombudsman into direct and public confrontation with the Chief Constable, and was a significant departure from past practices in which criticism of the police by official agencies tended to be delivered in muted tones. The police response to the report can be gleaned from the Chief Constable's statement that he would resign and 'publicly commit suicide' if the allegations were proven. Even though subsequently the Ombudsman's recommendations were largely accepted, her apparent willingness to investigate complaints even at the cost of such a public confrontation with the police gave rise to unionist complaints that she was acting partially. It also damaged relations with the PSNI severely. The Chairman of the Policing Board noted in 2005 that the Omagh case 'has left a residue of mistrust that we continue to deal with' (NIACb 2005b: Ev. 52). Notwithstanding the political fallout from such events, the independence displayed in the Ombudsman's investigations provided a public marker that criticism of the police would not be avoided if it was deemed necessary.

The PSNI and operational policing

The Police Service of Northern Ireland was established on 4 November 2001 under the provisions of the Police (Northern Ireland) Act 2000 as the successor to the RUC. Despite continuing political debate about the nature and scale of the police reform programme, public concerns soon surfaced about the impact these measures were having on operational policing. By the turn of the century, levels of recorded crime began to rise markedly, from 109,053 offences in 1998/99 to 142,496 offences in 2002/03, while clearance levels began to drop, reaching a low of 20.1 per cent in 2001/02 (see Table 9.3). Personnel shortages were widely blamed for a decline in the number of routine patrols and crime prevention activities, and it seems undeniable that the rise in crime and drop in clearance rates reflected, partly at least, the loss of substantial numbers of experienced officers through the severance programme recommended by the Patten Report.

Concerns about crime levels were also related to the issue of public expectations of the police. The very momentum which had yielded the peace process and the Belfast Agreement, and the prominence and scale of the police

Table 9.3 Crime levels in Northern Ireland

	Number of offences	*Clearance rate (%)*
1998/99	109,053	29.0
1999/00	119,111	30.2
2000/01	119,912	27.1
2001/02	139,786	20.1
2002/03	142,496	23.0
2003/04	127,953	27.4
2004/05	118,124	28.2
2005/06	123,194	30.6
2006/07	121,144	23.6
2007/08	108,468	20.5

reform programme within it, readily lent themselves to the view that problems surrounding policing had been resolved and that a new and uproblematic era of 'normal policing' would develop organically (Mulcahy 2006: ch. 6). Moreover, the increased levels of engagement between the police and the public (involving formal contact with over 600 groups) itself generated increased expectations of the PSNI. Against this background, in 2001/02 Her Majesty's Inspector of Constabulary found that 'the Service, as a whole, was largely failing to deliver the community policing service articulated within the Patten Report and expected by the public' (2002: 1). Moreover, the Inspector further noted that public expectations of the PSNI were 'very high, and in many cases, wholly unrealistic', and that failure to meet these demands often led to 'robust' criticism of the police (2002: 19, 2). Although crime levels have dropped significantly since then (by 24 per cent),[3] the Oversight Commissioner, in his final report, nevertheless noted that the goal of meeting 'the

expectations of the communities and residents of Northern Ireland . . . has not yet been reached' (2007: 3), and highlighted the difficulties associated with unrealistically high levels of expectation:

> The reality of capacity issues such as resource restraints, call and response management, crime and clearance rates, coupled with the time it takes to build trust relationships, all point to an 'expectation gap'. Normalised policing is quite simply a complex, difficult and expensive business that can never fully satisfy client demand. (Office of the Oversight Commissioner 2007: 212)

Table 9.4 Public assessments of police performance

	2006 (April)		*2006 (October)*		*2007 (April)*		*2007 (October)*	
	C	*P*	*C*	*P*	*C*	*P*	*C*	*P*
Performance of *local* police								
Very/fairly good	51	56	49	54	56	65	54	67
Neither good nor poor	25	21	24	21	20	17	21	16
Very/fairly poor	22	20	25	24	22	17	23	16
Don't know/refusal	2	3	1	1	2	1	1	0
Performance of police in Northern Ireland as a whole								
Very/fairly good	56	61	51	65	61	69	62	71
Neither good nor poor	23	20	26	15	22	19	20	16
Very/fairly poor	18	17	21	18	13	13	15	13
Don't know/refusal	3	2	3	1	4	0	2	1

Source: Northern Ireland Policing Board (2007: Tables 1 and 2).

In terms of public assessments of local police performance (see Table 9.4), it is worth noting that generally an overall majority of Catholic and Protestant respondents rate the police as performing a very or fairly good job. Within this though, Protestants are more likely than Catholics to describe police performance as 'good' (by an average eight per cent margin across these four surveys), and less likely to describe it as 'poor'. Public assessments of police performance across Northern Ireland as a whole are higher than for the local police, but a similar pattern is evident in terms of the differences in attitudes held by Catholic and Protestant respondents. Protestants consistently perceived the police to be performing better than Catholics did (by an average margin of nine percentage points).

When we examine public perceptions of how the police treat the public (see Table 9.5), again, there are clear differences in the views expressed by Catholic and Protestant respondents. The survey results demonstrate that while an overall majority both of Catholics and Protestants view the police as treating members of the public across Northern Ireland fairly and equally, Protestants

Table 9.5 Public perceptions of police treatment of the public

	2006 (April)		*2006 (October)*		*2007 (April)*		*2007 (October)*	
	C	P	C	P	C	P	C	P
Satisfaction that the police treat members of the public *fairly* in Northern Ireland as a whole								
Very/fairly satisfied	55	74	55	71	61	72	62	73
Neither satisfied nor dissatisfied	26	15	27	17	20	17	21	16
Very/fairly dissatisfied	18	9	16	11	16	9	15	10
Don't know/refusal	1	2	2	2	3	1	2	1
Satisfaction that the police treat members of the public *equally* in Northern Ireland as a whole								
Very/fairly satisfied	51	70	54	68	60	71	58	72
Neither satisfied nor dissatisfied	25	15	24	17	19	17	22	18
Very/fairly dissatisfied	22	13	18	12	19	12	18	9
Don't know/refusal	2	2	3	3	2	1	2	1

Source: NIPB (2007: Tables 3 and 4).

are more likely than Catholics to view the police positively in respect of these issues. When we consider the extent to which respondents are satisfied that the police treat the public fairly or very fairly, levels of Protestant satisfaction are higher than that for Catholics by an average of 14 percentage points. In terms of perceptions of equality, levels of Protestant satisfaction with the police are again higher than that expressed by Catholics, by an average of 14.5 percentage points.

These differences in opinion between Catholic and Protestant respondents – and especially the fact that these are greater in relation to perceptions of police fairness/equality than to assessments of police performance – demonstrate that the historical patterns of public attitudes towards the RUC continue to be mirrored for the PSNI. This was recognised by the Oversight Commissioner who noted that:

> It will take a determined effort over several years, on the part of the Policing Board and Police Service, to improve policing efficiency and effectiveness to the extent that it will be able to cope with demand, and an equal amount of time to build trust relationships with all of the diverse groups, both in and arriving in Northern Ireland. (Office of the Oversight Commissioner 2007: 212)

Difficulties in building trust relationships were evident in the development of 'community restorative justice' schemes in republican and loyalist areas. Although these had emerged as a means of providing an alternative to paramilitary punishment beatings, suspicion of the police ensured that the

schemes in republican areas refused to co-operate with the PSNI, although they did co-operate with other statutory agencies (see McEvoy and Eriksson 2008).

Here one issue that continued to exert an impact on public confidence in the police was the nature of past policing practices and controversies. Despite the future-oriented vision of policing articulated in the Patten Report, the peace process was littered with the debris of the conflict: competing claims of personal and communal victimhood dominated the public sphere (see generally, McEvoy 2008). In terms of policing, the legacy of the conflict was profound. Not only was the full implementation of the Patten Report recommendations continually inhibited and undermined by the slow pace of political progress in establishing the new Assembly and in reaching a full and stable agreement on issues of state, but past police activities also came under intense scrutiny.

Throughout the conflict, the police had been embroiled in a number of high-profile controversies – including allegations of the unlawful killing of paramilitary suspects, as well as the smouldering issue of security force collusion with loyalist paramilitaries – and investigations into past events were a recurring feature of the peace process. In 2003 Sir John Stevens published his third report on collusion, concluding that it had occurred in a number of murders in Northern Ireland. He also noted that his first investigation on this issue had been impeded to the extent that the building in which the investigation was housed was burnt down in 'a deliberate act of arson' (Stevens 2003: 13). The Police Ombudsman also investigated allegations of collusion, and reached equally disturbing conclusions. She found that collusion had occurred, including the protection of serial murderers and the destruction of evidence, and that 'some informants were able to continue to engage in terrorist activities including murders without the Criminal Investigation Department having the ability to deal with them for some of those offences' (OPONI 2007: 143). She further noted that a 'culture of subservience to Special Branch had developed with the RUC' and that Special Branch had 'acquired domination over the rest of the organisation' (2007: 144). The fact that these findings were made in relation to events that occurred during the late 1990s when the peace process was underway only added to their significance.

While collusion was perhaps the most controversial issue facing the police, the legacy of the conflict posed massive challenges for the police in other ways also. A Historical Enquiries Team (HET) comprising police and civilians from Northern Ireland and other jurisdictions was established in 2005 to investigate the vast numbers of unsolved murders during the years 1968–98. Although this initiative was taken to provide resolution to the families involved as well as to the wider community, it was criticised for appearing to be largely limited to providing 'closure' of sorts to families, rather than offering any realistic possibility of securing convictions in those cases. It was also criticised for expending resources on this vast and retrospective catalogue of cases, rather than directing them towards current operational policing needs. In addition to the HET, a number of major public inquiries were underway into key events during the conflict, including the lengthy Saville Inquiry into 'Bloody Sunday' in 1972, or were being considered for specific high-profile instances in which

collusion was alleged. The Police Ombudsman also had powers to investigate historical cases, and its reports contributed to this scrutiny of past policing practices. Nevertheless, the Oversight Commissioner described the Historical Enquiries Team and the Police Ombudsman as 'blunt instruments' in seeking to deal with the past, and instead urged a societal response to the legacies of the conflict, given that 'issues of the past have established a barrier in the road toward re-establishing the trust necessary for fully achieving' the goals of the Patten reform programme (Office of the Oversight Commissioner 2007: 216).

Conclusion

Police reform formed a key component of the Northern Ireland peace process. From the start of the Troubles, disputes over policing and the administration of justice had been central to the dynamics of conflict, and it was inevitable that resolution of these issues would be central to any meaningful political transition. Uncertainty remained a feature of the political process, albeit at a much lower level than in previous years. Although the threat from republican groups opposed to the peace process lessened, PSNI officers continued to be targeted. In 2007 two police officers were shot and injured in two separate incidents, in May 2008 an officer was seriously injured when a bomb placed under his car exploded, and in June 2008 two officers escaped injury when they were lured to an ambush but the bomb failed to detonate. Furthermore, although the Northern Ireland Assembly was on a firm footing, agreement on the devolution of policing and criminal justice to the Assembly still had not been reached by June 2008. Inevitably, the peace process would be littered with such incidents. However, one of the most striking features of this was the manner in which senior Sinn Féin figures strongly criticised such attacks, and called on members of the public to provide any information they had to the police. It appeared that the momentum of the peace process would not be derailed.

The Patten Report and police reform programme implemented in Northern Ireland soon achieved a mythic status for the manner in which the practice and oversight of policing had been transformed. As the Policing Board chairperson noted: 'Each year police officers, diplomats and public representatives come to Northern Ireland to be briefed on developments in policing and, in their words, to see first hand what an accountable, modern 21st Century police service looks like' (DPP Newsletter, December 2006: 3). As Ellison and O'Reilly (2008) have documented, the 'Northern Ireland Policing Model' now attracts global interest, and PSNI expertise has been sought in a myriad of contexts, including the development of community policing in Mongolia. Nevertheless, while one element of this involved attentiveness to the oversight mechanisms proposed in the Patten Report, a significant element of the global transfer of the Northern Ireland Policing Model involved the counter-insurgency and security policing expertise for which the RUC and, to a much lesser extent, the PSNI, had been renowned, but which within the context of Northern Ireland had proved so costly in terms of public support for the police.

Even in relation to the oversight mechanisms developed as part of the reform programme, significant qualifications must be raised. Dupont, for instance, has described the Patten Report as 'probably the closest attempt to date to design . . . a regulatory framework' consistent with the principles of a nodal framework (2006: 107). Nevertheless, the implementation of the Report focused more on issues of police efficiency and organisational best practice than on the recommendations concerning policing more generally. Despite the wide mandate envisaged for the Policing Board, it has remained steadfastly focused on the police, rather than on the provision and regulation of security more generally. Similarly, the recommendation that DPPs should be granted tax-raising powers was rejected by government. In that sense, the implications of the Patten Report for the 'nodal governance' approach are unclear.

While the peace process facilitated innovative responses to a range of issues, including power-sharing, police reform, and so on, it also raised the prospect of banal governance. As far as policing and criminal justice was concerned, the advent of peace was an opportunity for government to downscale the enormous and costly security infrastructure that had been in place throughout the conflict (Ellison and Mulcahy 2008). It also provided an opportunity for a managerial overhaul of structures and practices across the criminal justice system as a whole, and in many ways this was one of the clearest features of the Patten Report (Mulcahy 2006: 163–5). While in the short term it involved a large reduction in police numbers, the long-term reality was starkly noted by the Oversight Commissioner, that 'the current level of resources is not sustainable and will not be available at levels that currently exist' (2007: 215). In a manner familiar from earlier developments in Britain (McLaughlin 2006), the Oversight Commissioner stated that the police service 'must educate the public on the realities of policing and the realities of what is possible' (2007: 213). It is also clear that the PSNI faces a number of new challenges that themselves reflect the reconfiguration of Northern Irish society in light of the peace process, including responding to racist/hate crime and organised crime (Northern Ireland Affairs Committee 2005c, 2006; Northern Ireland Council for Ethnic Minorities 2005).

Policing in Northern Ireland, therefore, stands between the mythic and the mundane. The future of policing there looks immeasurably brighter than its past, and that in large part is due to the principled and imaginative programme of reform outlined in the Patten Report, and to the commitment of those charged with its implementation. It is also important, though, to realise that while the reform programme is largely complete in terms of the implementation of the Patten recommendations, any proper assessment of these changes will require an appropriate timeframe – and a longer one than is available here – for the full impact of these measures to unfold. For those very reasons, developments in Northern Ireland will continue to attract the attention of those interested in the role of policing in political transitions, as well as in operational policing generally.

Notes

1 The main republican paramilitary organisations involved in the conflict were the Irish Republican Army and the Irish National Liberation Army. The main loyalist organisations were the Ulster Defence Association and the Ulster Volunteer Force.
2 On 15 August 1998, 29 people were killed when the Real IRA (a republican paramilitary organisation opposed to the peace process) exploded a car bomb in Omagh town centre. It remains the largest loss of life associated with a single incident in Northern Ireland during the conflict.
3 By 2005/06 the clearance rate had risen to 30.6 per cent, but it fell to 23.6 per cent in 2006/07 and to 20.5 per cent in 2007/08 largely due to changes in the processing of cases in which no prosecutions resulted (see Ellison and Mulcahy 2008).

Selected further reading

A New Beginning, the 1999 report of the Independent Commission on Policing, should be the starting point for all researchers exploring contemporary policing arrangements in Northern Ireland. The reports of the various oversight bodies also provide valuable information on the implementation of the reform programme, public attitudes towards the police, and other issues:

- Oversight Commissioner (www.oversightcommissioner.org)
- Northern Ireland Policing Board (www.policingboard.org.uk)
- Office of the Police Ombudsman of Northern Ireland (www.policeombudsman.org)

The Conflict Archive on the Internet website contains a wealth of data on the Northern Ireland conflict (www.cain.ulst.ac.uk), and the Committee on the Administration of Justice (www.caj.org) is a further important source of commentary on policing and human rights generally.

For academic accounts of the history of the RUC and of policing during the conflict, see Ellison and Smyth's *The Crowned Harp* (2000), Mulcahy's *Policing Northern Ireland* (2006) and Weitzer's *Policing Under Fire* (1995), while Brewer's (1991) *Inside the RUC* examines the nature of 'normal' policing during the conflict. McGarry and O'Leary (1999), Mulcahy (2006) and O'Rawe (2003) provide detailed discussions of the police reform debate, while Ellison (2007), Ellison and O'Reilly (2008), Mulcahy (2008) and O'Rawe (2007) provide recent assessments of the implementation of the Patten Report recommendations, particularly in terms of its wider contribution to international debates about policing and police reform.

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Chapter 10

The police organisation

Rob C. Mawby and Alan Wright

Introduction

In recent years, it has become almost compulsory to preface any discussion of policing in England in Wales by commenting that the police service is experiencing a period of unprecedented change; this chapter is no different. Since the first edition of the *Handbook*, the police reform agenda has proceeded with pace, taking in reviews and consultations, white papers and legislation, new policing strategies and the establishment of new policing bodies. In this context, it is our purpose to set the scene regarding the police organisation. This chapter provides the introductory context to more detailed arguments elsewhere in this volume. It is deliberately descriptive rather than critical. It sets out a factual profile of the public police to enable newcomers to the subject and non-specialists to locate the important substantive debates of the other chapters in their organisational context. The chapter is set out as follows.

First, we set out a basic description of the 43 so-called 'Home Office' forces in England and Wales. Second, we consider the structure of forces, examining the building blocks of the police organisation. This includes headquarters, basic command units and local policing arrangements. Third, we consider the hierarchical rank system and also recruitment, training and promotion. Fourth, we comment on workforce modernisation. Fifth, we examine the role and responsibilities of the police and the tasks they routinely perform. Sixth, we describe the management, control and oversight of the public police and highlight the role of influential stakeholders. Seventh, we outline the development of policing agencies at the national level in the fields of both operations and support. To conclude, although this chapter only seeks to provide the introductory context to more detailed arguments elsewhere in the volume, we highlight a number of issues that the police organisation faces.

The police of England and Wales

For readers new to this subject, there is a danger of talking about 'the police' of England and Wales as if they were one organisational entity. From the

outset, it is necessary to be clear about what it is to which we are referring. The police in England and Wales are not a unitary body similar to the national police forces that exist in many parts of Europe, such as in France or Hungary. So far, policing in England and Wales has not developed into a single, national police of this kind. Although on some occasions we might refer to 'the police service' as if it were a single entity, it continues to consist of a number of police 'forces', each of which has its own organisational structure.

Indeed the term police 'force' itself may be now somewhat less appropriate than it was hitherto. Readers should be aware of the apparent dichotomy between care and control in policing debated in this volume (see also Stephens and Becker 1994). Many individual police organisations present themselves as providing a 'service' to the public, rather than exercising force. The Metropolitan Police, for example, renamed itself the Metropolitan Police Service in 1988, following a study by corporate identity consultants (Wolff Olins 1988). Here, however, we will adopt the convention of referring to individual police organisations that have responsibility for the policing of a specific geographical area as 'police forces'. We will use the term the 'police service' to refer to the police forces of England and Wales as a whole.

With the exception of the City of London Police, all the police forces currently existing in England and Wales (the so-called 'Home Office' forces) have been subject to amalgamations and boundary change. Several amalgamations took place during the 1939–45 war and more followed the Police Acts of 1946 and 1964. The Local Government Act 1972 did away with the remaining county borough police forces. In April 1974, the Home Office consolidated the then existing forces into 41 county or area forces. These, with the addition of the City of London Police and the Metropolitan Police, make up the 43 forces that now carry out the territorial policing of England and Wales (see Figure 10.1 and Table 10.1). As we discuss later, in recent years some politicians and policing stakeholders have questioned whether this structure of 43 forces remains 'fit for purpose'.

In addition to the police forces of England and Wales, there are eight regional police forces in Scotland. These are Central Scotland Police, Dumfries and Galloway Constabulary, Fife Constabulary, Grampian Police, Lothian and Borders Police, Northern Constabulary, Strathclyde Police and Tayside Police. As was the case in England and Wales, police forces in Scotland were also subject to amalgamations after the passing of the Local Government (Scotland) Act 1973. We will not discuss these forces in detail because Scottish policing works under a different legal tradition and accountability structure from that in England and Wales. Lack of space here precludes the extended discussion of Scottish policing that it deserves (but see Chapter 8 by Donnelly and Scott, this volume).

Similarly, we do not discuss the policing of Northern Ireland. The Police Service of Northern Ireland came into being in 2001 following the recommendations of the Patten Commission on policing in the province (1999). It replaced the Royal Ulster Constabulary, which itself had been in operation since the disbandment of the Royal Irish Constabulary in 1922. Again, this subject deserves a more extensive discussion than we have space for here (but see Ellison and Smyth 2000; Mulcahy 2006; and Mulcahy, this volume).

Figure 10.1 Police forces in England and Wales and Scotland



In this chapter, we confine our discussion to the 43 'Home Office' forces in England and Wales. Readers should also be aware of the 'non-Home Office' police forces that have a specialised remit and exercise their jurisdiction throughout the UK (Button 2002: 63–75, see Crawford, this volume). These include the British Transport police (BTP); the Ministry of Defence Police (MDP); and the Civil Nuclear Constabulary. The Jersey, Guernsey and Isle of Man Police are separate organisations that carry out policing in those islands.

Policing has been a major policy issue in recent years. As part of the government's drive against crime, and in an attempt to satisfy public concerns, police officer numbers in England and Wales reached record levels in 2007, totalling 141,896 officers (full-time equivalents) by 31 March, before dropping back to 141,284 by 30 September 2007 (Bullock 2008). Although the numbers of police officers decreased over this last six months for which figures are available, the numbers of Police Community Safety Officers (PCSOs) have continued to increase; 15,391 were in place across England and Wales by 30 September 2007. (The numbers of PCSOs increased by 6,874, in the 12 months from 30 September 2006 to 30 September 2007 – a rate of increase of 81 per cent). The numbers of Designated Officers also increased by 18.5 per cent since September 2006, reaching a total of 1,616 at 30 September 2007. The Police Reform Act 2002 introduced Designated Officers; they are not police officers but exercise specified powers as Investigation Officers, Detention Officers or Escort Officers. Police staff numbers also increased, to 75,989 by 30 September 2007, an increase of 1.8 per cent compared with September 2006. Once these different members of the police organisation are added together, the total number of FTE staff working across the 43 forces at 30 September was 234,926, compared with 232,948 at 31 March 2007. As Table 10.2 shows, police officers represent approximately 60 per cent of the police workforce, reflecting the policy drive towards an extended police family and workforce modernisation.

In 1999, following the Macpherson Inquiry into Stephen Lawrence's murder, the government introduced race equality targets for the public services (see Bowling and Phillips *et al.*, this volume). Each police force was tasked with achieving a proportion of employees that reflected the ethnic mix of its policing area by 2009. By the eighth year of this 10 year target period, the representation of minority ethnic police personnel stood at 5.3 per cent against a target of 7 per cent for officers, police staff and special constables. Breaking down this overall figure reveals that while good progress has been made in recruiting minority ethnic special constables (8 per cent) and police staff (7.2 per cent, including PCSOs), the rate of progress for police officers has been slower, with representation reaching 3.9 per cent against the 7 per cent target by 31 March 2007 (Home Office 2007a). Although the percentage of 3.9 per cent remains low, it represents progress from 2 per cent in 1998.

Similarly, the government has encouraged the police service to increase the proportion of female officers and their number has increased over recent years, from 30,162 in 2005 to 33,177 by 31 March 2007, representing 23 per cent of total officers, compared with 22 per cent in March 2006. Although numbers are increasing, the proportion of senior women officers remains low, only 11 per cent of officers at the rank of chief inspector and above are female. Elsewhere in the police organisation, the proportions are higher; 58 per cent of all police

Table 10.1 Police forces in England and Wales: Numbers and staffing profiles, March 2007

Police force	*Total officers*	*Total officers per 100,000 population*	*Male officers*	*Female officers*	*Minority ethnic officers*	*Police staff*	*PCSOs*	*Traffic wardens*	*Designated officers*	*Special constables*
Avon & Somerset	3,430	224	2,656	774	52	2,208	302	0	0	404
Bedfordshire	1,204	207	898	306	65	744	83	0	49	166
Cambridgeshire	1,402	187	1,073	330	33	922	184	0	24	202
Cheshire	2,235		1,712	523	21	1,262	176	0	8	291
Cleveland	1,739	315	1,383	356	26	711	114	0	0	179
Cumbria	1,273	255	917	356	13	743	85	0	32	166
Derbyshire	2,049	209	1,608	440	72	1,204	181	12	47	506
Devon & Cornwall	3,523	216	2,708	815	25	2,046	317	47	0	549
Dorset	1,526	217	1,193	333	18	973	122	0	53	295
Durham	1,705	285	1,306	399	26	762	142	0	0	117
Essex	3,341	203	2,480	860	62	1,918	388	9	68	451
Gloucestershire	1,319	229	992	327	23	718	169	9	35	133
Greater Manchester	7,992	314	6,077	1,915	314	3,369	763	32	132	403
Hampshire	3,887	215	2,881	1,006	85	2,354	296	6	94	439
Hertfordshire	2,202	210	1,589	613	57	1,501	223	0	74	268
Humberside	2,235	251	1,706	529	23	1,213	194	20	23	344
Kent	3,720	229	2,797	922	73	2,285	203	0	165	293
Lancashire	3,628	252	2,776	852	104	1,802	374	0	0	379
Leicestershire	2,255	237	1,748	507	131	1,141	216	1	42	178
Lincolnshire	1,243	183	979	264	18	720	147	10	4	171
London, City of	861		686	175	44	319	36	0	0	74
Merseyside	4,441	325	3,489	952	126	2,173	332	38	0	392
Metropolitan Police	31,128	426	24,620	6,507	2,446	14,016	3,694	317	176	1,741
Norfolk	1,577	191	1,239	338	18	1,059	176	22	45	271
Northamptonshire	1,301	200	977	324	50	1,009	129	1	0	214
Northumbria	3,981	283	3,129	852	54	1,711	248	32	132	191

North Yorkshire	1,671	217	1,265	405	19	1,128	147	3	0	184
Nottinghamshire	2,445	235	1,948	497	78	1,370	217	1	94	382
South Yorkshire	3,289	256	2,476	812	94	1,978	302	0	0	298
Staffordshire	2,315	219	1,779	536	42	1,287	203	0	0	380
Suffolk	1,358	196	1,003	326	26	847	123	0	28	305
Surrey	1,963	183	1,406	557	62	1,680	203	0	104	275
Sussex	3,113	205	2,340	774	44	1,994	352	48	23	204
Thames Valley	4,260	199	3,164	1,096	159	2,756	213	8	0	286
Warwickshire	1,061	199	811	250	45	624	127	3	0	200
West Mercia	2,428	205	1,837	592	33	1,618	217	6	0	274
West Midlands	8,245	318	6,027	2,218	586	3,348	644	24	0	937
West Yorkshire	5,713	270	4,267	1,446	237	3,077	690	12	0	494
Wiltshire	1,208	192	901	307	17	859	121	0	0	185
Dyfed Powys	1,190	236	925	266	9	606	77	10	24	190
Gwent	1,493	268	1,114	350	22	805	105	23	0	145
North Wales	1,608	238	1,244	364	7	759	145	1	37	164
South Wales	3,336	273	2,589	747	61	1,559	314	72	107	301
Total	141,892	266	108,755	33,117	5,519	75,178	13,497	764	1,617	14,021

Source: Extracted from Bullock and Gunning (2007). The table shows full-time equivalent (FTE) numbers at 31 March 2007 (except Special Constabulary which shows headcount).

Table 10.2 Police service worker types by numbers and percentages

Worker type	*Numbers (FTE at 30/9/07)*	*% of workforce*
Police officers	141,284	60.1
Police staff	75,989	32.3
PCSOs	15,391	6.4
Designated officers	1,616	0.7
Traffic wardens	646	0.3
Total	234,926	

Source: Extracted from Bullock 2008. Numbers at 30 September 2007.

staff and 42 per cent of all full-time PCSOs were female at 31 March 2007 (Bullock and Gunning 2007; Heidensohn, this volume).

It is evident from examination of the basic information presented in Table 10.1 that the 43 'Home Office' police forces differ considerably in size. They also differ in some aspects of their organisation. The fact that the eight 'metropolitan' forces (Greater Manchester, City of London, Merseyside, the Metropolitan Police, Northumbria, South Yorkshire, West Midlands and West Yorkshire) account for 46 per cent of the total police strength in England and Wales has an inevitable effect on their organisation. Larger forces necessarily have larger administrations and central investigation functions, although the structure of local policing through Basic Command Units (BCUs) is similar (see below). The question of the optimum size for a police force runs through the recurring debate over whether there should be further force amalgamations.

The most recent debate was triggered in September 2005 by a report, *Closing the Gap*, prepared by Her Majesty's Inspectorate of Constabulary (HMIC 2005). This argued that the structure of 43 forces was no longer suitable to deal with, on the one hand, volume crime such as vehicle and property crimes and, on the other hand, to provide seven key 'protective services'. These related to: counter-terrorism and extremism; serious organised and cross border crime; civil contingencies and emergency planning; critical incident management; major crime (homicide); public order; and strategic roads policing. Citing the context of a policing environment characterised by widespread organised crime, proliferating international terrorism and a risk conscious public combined with an intrusive media, the *Closing the Gap* report concluded that the 'current 43 force structure is no longer fit for purpose' (HMIC 2005: 76). The report argued that size mattered, forces needed a critical mass of 4,000 officers (or 6,000 officers and staff) to provide the necessary level of protective services (cf. Loveday 2006a). Only seven forces met this criterion. Consequently, HMIC recommended mergers to form strategic police forces capable of safeguarding local policing and providing resilience and capacity for protective services. The then Home Secretary, Charles Clarke, requested police authorities and police forces prepare amalgamation plans, but following a heated debate and the considerable expense of preparing for amalgamations, they were shelved in July 2006 by Clarke's successor, John Reid. For the moment, it would seem that amalgamations are off the police reform agenda.

The structure of police organisations

International comparison shows that states structure their police forces in varying ways, but patterns of centralised and decentralised policing, and indeed mixed models, do emerge (see Mawby 1990; Benke *et al*. 1997; Loveday and Reid 2003; R.I. Mawby, this volume). In England and Wales, as described in the section above, policing has retained a decentralised, local character, although there are instances of regional collaboration – for example, the Central Motorway Patrol Group in the West Midlands originated in 1990 and, more recently, the Bedfordshire and Hertfordshire Major Crime Units merged in 2007. In addition, forces will work together on specific operations, for example, Humberside, West Yorkshire, North Yorkshire and South Yorkshire forces have combined to mount a regional community safety campaign, Operation Maximum Impact. Instances of such co-ordination have increased since the amalgamation negotiations of 2006. Some standardisation is also apparent in the development of the national operational communications system, Airwave, and the national Impact Programme which has the ultimate aim of establishing a national police database, enabling data searches across all forces' operational information systems.

Forces have developed in ways that depend upon historical and geographical differences. However, the development of the structures of individual forces suggests that there are cyclical patterns of restructuring. These have often involved the reorganisation of forces into smaller or larger sub-units, which become hubs of operational policing. Despite the differences between forces, a recognisable structural model exists for their organisation. Typically, a force comprises a headquarters, which houses the strategic managers and support departments, and a number of BCUs, which deliver policing services within a geographical area. The Audit Commission (2001) described the activities of the force headquarters as:

- setting and co-ordinating force-wide strategy, policy and standards
- scrutinising and monitoring the performance of BCUs and HQ departments
- allocating resources, in line with the overall budget set by the police authority
- providing business support, e.g. finance and human resources (HR)
- providing specialist operational functions and/or support to BCUs, e.g. major crime investigation and armed response.

The headquarters' purpose is, therefore, to set strategy and to both support and monitor the force's BCUs. The headquarters typically comprises two types of departments – 'Operational Support' and 'Organisational Support and Development'. The former includes Crime Support, Criminal Justice Administration, the Communications Centre, the Operations Division, the Professional Standards and the Legal Departments. The latter serves the internal requirements of the force – Human Resources, Support Services, Technology Services,

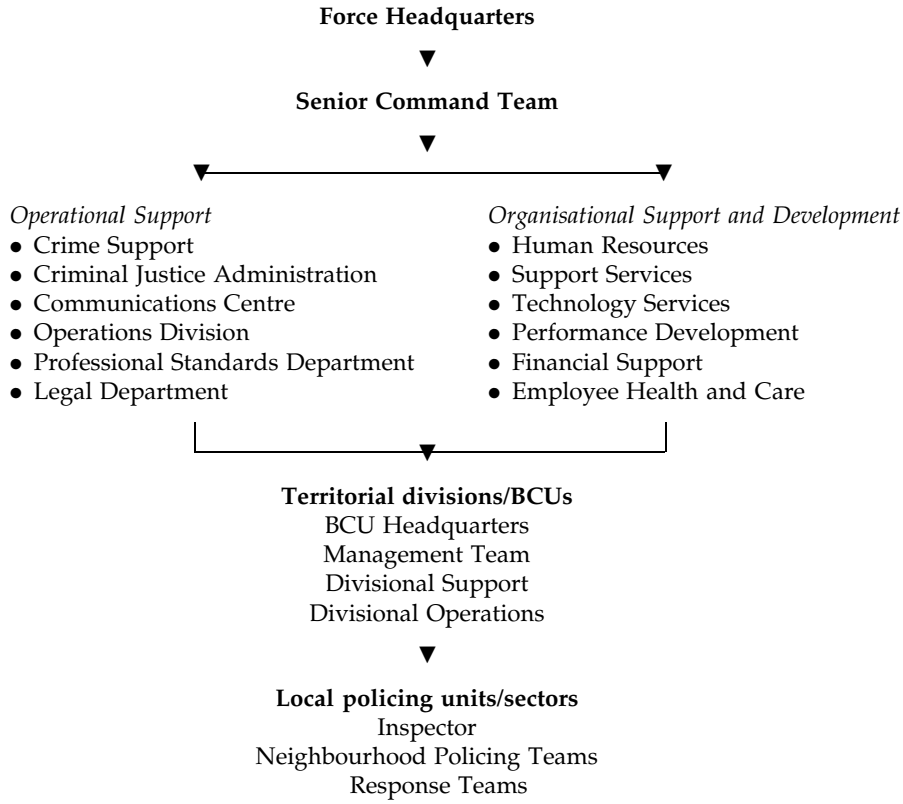
Performance Development, Financial Support and Employee Health and Care. The senior command team direct and manage the force from headquarters.

Although forces call their territorial policing units by various names, including areas, districts, divisions, operational command units and boroughs, generically they are all BCUs. The core role of the BCU is to provide basic policing services within a fixed geographical area. These policing services include 'patrol, 24-hour response and investigation of ''volume'' crime such as burglary, robbery and theft – and to work with local partners to reduce crime and disorder' (Audit Commission 2001). Each BCU has its own headquarters. This is the base for the divisional command team and the divisional support and operations units – for example, the Criminal Investigation Department (CID). It is from here that the divisional commander (a chief superintendent) oversees the delivery of policing in the local policing units. These are smaller geographical areas in which teams, based in police stations located throughout the BCU, deliver policing at the local level, led by an inspector. At this level, police officers provide frontline policing services. This includes teams of officers who provide a 24-hour incident response service, while other officers will be part of Neighbourhood Policing or Safer Neighbourhood Teams, working with PCSOs, Special Constables, local authority wardens and community partners to provide accessible, visible and consultative intelligence-led policing (Home Office 2005). At this 'lowest' level of geographical policing, uniformed officers may each have personal responsibility for a small area known as a 'beat'. These are typically aligned to ward boundaries and, in some forces, are subdivided to create 'micro-beats'.

Although there are variations in the names of units and departments and their precise roles and locations, the model we have outlined is typical of many provincial and metropolitan forces (see Figure 10.2). However, although there is a degree of structural isomorphism between police forces, size matters. We have already alluded to the larger central investigative, specialist and administrative structures of the metropolitan forces. The Metropolitan Police Service, for example, has large investigative units, based at New Scotland Yard, dealing with forensic services, intelligence, serious crime and counter-terrorism.

Basic Command Units have grown in significance as government efforts to measure performance and improve standards of policing have focused on them as the unit of analysis. The 2001 white paper, *Policing a New Century* (Home Office 2001), put the BCU at the heart of its vision to modernise the service by devolving more power down to the then 318 BCUs across England and Wales. In recommending force amalgamations in 2005, HMIC argued that stability would be maintained through the BCU structure. However, other commentators have questioned this stability. Loveday (2006a: 25), for example, points out that BCUs have in recent years been subjected to 'constant change and disruption as their boundaries have been regularly and significantly altered by senior police management'. These boundary changes are partly due to attempts to achieve coterminousity with borough/district/unitary-level local authorities. This has the aim of facilitating partnership working, a statutory requirement of police work since the Crime and Disorder Act 1998 that established formal Crime and Disorder Reduction Partnerships (CDRPs)

Figure 10.2 The structure of a typical provincial force



in England and Community Safety Partnerships in Wales (Newburn 2002). Clearly, for administrative and operational reasons, partnerships can develop and operate more easily when their borders are coterminous. However, the changes also represent a debate over the optimum BCU size. The Audit Commission suggested in 2001 that BCUs should comprise 150–200 police officers, but they have tended to grow in size, reducing the total numbers of BCUs from 318 in 2001 to approximately 244 in 2007 (Herbert *et al*. 2007: 102). These differ in size considerably; from approximately 100 officers to over 1,000. The Bristol BCU, for example, with 1,020 officers is comparable in size to Warwickshire Police Force (1,061 officers).

Ranks, recruitment and career development

Policing in England and Wales historically has made considerable play on the claim that police officers are simply 'civilians in uniform' (emphasised by the 1929 Royal Commission on the Police). This has not always sat easily with an organisation that possesses the state mandate for the delivery of coercive force and which appears to be organised on a quasi-military basis. This mixture of the civilian and the military has its origins in the establishment of the modern

police. In the 1820s, opposition existed to the creation of a police force akin to the continental model of policing, which cast the police as overt and covert agents of the state (Chapman 1970). The English were also suspicious of large standing armies and any new police force would need to disassociate itself from both the continental model and the military. The architect of the new police, Peel, and the first Metropolitan Police Commissioners, Rowan (a military colonel) and Mayne (a lawyer), took these factors into account. The police were uniformed, to communicate that they were not spies and the uniform was deliberately a different colour (blue) from military uniforms (black) (Reith 1943: 36; Ascoli 1979: 90). Secondly, again to distinguish them from the military, the police were armed only with truncheons, positioned discreetly out of view in the tunic (Reith 1952: 152; Waddington 2000: 170). Thirdly, the low pay discouraged 'gentlemen and commissioned officers' from joining, thus avoiding again the 'taint of militarism' (Emsley 1992: 116).

In 1829, the Metropolitan Police was established with, beneath the two commissioners, a hierarchical rank structure of superintendents, inspectors, sergeants and constables. Only the title of sergeant was taken from the military. The superintendent and inspector titles came from the old parochial and public office systems (Ascoli 1979: 85), while the office of constable was long established (see Emsley 1996: 8–14; Rawlings, this volume). This model has essentially remained intact across police forces, though with the addition of intermediate ranks, such that, at the time of writing, the hierarchy in forces is as shown in Table 10.3.

Table 10.3 The police service rank structure

	Provincial and Metropolitan forces	*The Metropolitan Police Service*	*City of London Police*
The federated ranks			
Practitioners	Constable	Constable	Constable
Supervisors	Sergeant	Sergeant	Sergeant
Managers	Inspector	Inspector	Inspector
	Chief inspector	Chief inspector	Chief inspector
The superintending ranks			
Middle managers	Superintendent	Superintendent	Superintendent
	Chief superintendent	Chief superintendent	Chief superintendent
The ACPO ranks			
Strategic managers	Assistant chief constable	Commander	Commander
	Deputy chief constable	Deputy assistant commissioner	Assistant commissioner
	Chief constable	Assistant commissioner	Commissioner
		Deputy commissioner	
		Commissioner	

This organisational structure faced increasing criticism during the 1990s. In May 1993 the then Home Secretary, Kenneth Clarke, announced an inquiry to examine the rank structure, remuneration framework and the terms and conditions of service of police officers. Sir Patrick Sheehy's 'Inquiry into Police Responsibilities and Rewards' tackled perceived internal management deficiencies, and recommended a flatter rank structure, fixed-term appointments, performance-related pay and the abolition of allowances and perks (Sheehy 1993).

Sheehy recommended flattening the rank structure by dispensing with the ranks of chief inspector, chief superintendent and deputy chief constable. There followed a period when the ranks of chief superintendent and deputy chief constable were no longer used, but both have since been resurrected. In recent years, criticisms of the quality of police supervision and leadership have remained persistent (see Golding and Savage, this volume). These have run hand-in-hand with the development of a performance culture that has become an increasingly prominent aspect of policing (McLaughlin and Murji 2001; Martin 2003; Fletcher 2005; McLaughlin 2007). This has implications for the recruitment, training and promotion of police officers. All officers currently enter the police service at the lowest rank of constable. While forces previously had variable selection criteria, for example concerning height and eyesight, national recruitment standards were introduced in April 2003. No minimum or maximum height requirements exist and the minimum age is 18, but there is no upper limit. An applicant must be a British citizen, an EU/EEA national or Commonwealth citizen or a foreign national with no restrictions applicable on their length of stay in the UK. Regarding educational attainments, there are no formal requirements, but applicants must pass written literacy and numeracy tests. Suitable applicants can apply to any force that has vacancies and is recruiting.

Successful applicants spend two years as probationer officers, completing their foundation training. Following a review of the content and delivery of probationer training (HMIC 2002b), the Initial Police Learning and Development Programme (IPLDP) was piloted in five police forces as a precursor to national implementation from April 2006. Under the IPLDP, regional residential probationer training centres have given way to more flexible force level training. This comprises a combination of classroom-based academic work (often delivered in local colleges or universities) and on-the-job training which includes direct engagement with the community through probationer officers spending time working with local community groups. The third strand of the IPLDP comprises achieving specified competencies, evidenced through the compilation of a portfolio. During the two-year period, probationer officers are coached and assessed for competence in the areas of: resilience; effective communication; community and customer focus; respect for diversity; team working; personal responsibility; and problem solving. In order to attain a consistent level of competency across forces, officers are trained and assessed against a set of 22 National Occupational Standards that were developed by Skills for Justice (Rogers and Lewis 2007). These standards cover both purely practical skills, e.g., 'Administer first aid' and also more complex demands, e.g., 'Foster people's equality, diversity and rights'. During the training period,

forces' Professional Development Units and individual 'tutor constables' oversee the progress of the probationers. Following satisfactory completion of the IPLDP, officers have the opportunity to develop their careers pursuing specialist roles, which include detective work, traffic duties, firearms deployment, etc. Training courses are available to equip them for specialist duties.

While all police officers begin as constables, there has been a recurring debate concerning direct entry to the higher ranks and, to a lesser extent, accelerated promotion schemes to recruit fast-tracking high-achievers (for example, the Police High Potential Development Scheme which at the time of writing is under review). On the one hand it is argued that it is necessary for prospective chief constables to walk the beat for two years and to have practised policing in order that they can understand and lead a police force. On the other hand, it is argued that the multi-tiered rank system discourages ambitious, able graduates and that a chief constable post is more suited to an experienced professional person with a knowledge of business and finance, strategy and management than a practising police officer. The content of government and opposition party consultation papers seems to suggest that it is only a matter of time before direct entry above the level of constable is introduced (Home Office 2004; Herbert *et al*. 2007).

In order for officers to progress through the ranks, they must pass the sergeants' and inspectors' examinations (OSPRE or, in full, the Objective Structured Performance Related Police Promotion Exam) and then be successful in interview. Promotion to senior posts above the rank of inspector depends on successful assessment. To achieve the ACPO ranks (assistant chief constable and above), superintendents and chief superintendents must first successfully complete the Police National Assessment Centre (PNAC) process and then apply for the six week long Strategic Command Course (SCC). This course has undergone transformations in recent years and, at the time of writing, is under review, having struggled to establish its credibility as being the most effective vehicle for producing the strategic leaders required by police forces. Officers who have passed the SCC are able to apply for assistant chief constable posts advertised by local police authorities, which devise their own interview and assessment policies. The Police Reform Act 2002 delegated ministerial approval of candidates to Her Majesty's Chief Inspector of Constabulary (HMCIC), who chairs a panel to consider candidates' suitability (HMCIC 2002: 30–1; HMCIC 2008: 47). It has become commonplace at ACPO level for police authorities to offer fixed-term contracts of between four and seven years.

Workforce modernisation

We have focused in the above section on the recruitment, training and promotion of police officers but, as we noted earlier, there have always been references to officers being 'civilians in uniform'. However, while the service's senior officer, the Metropolitan Police Commissioner, is in fact a civilian, in the development of the police organisation, civilian support staff have historically been treated as second-class citizens lacking career development structures

(Loveday 1993; Berry *et al*. 1998; HMIC 2004). In recent years, however, the slightly disparaging 'civilian' label has been dropped in favour of calling this category of police worker 'non-sworn', 'non-warranted' or, perhaps most commonly, 'police staff'. There have also been increased opportunities for police staff to develop careers at different levels and in specialist roles. Since the 1980s, the Home Office has encouraged the police service to recruit civilian staff in specialist functions and it is now possible for professional people to join forces as corporate communications managers, crime analysts, forensic analysts and financial and performance specialists. At a strategic level, since the mid-1990s, forces have recruited civilian staff to join the ACPO-level command team to provide specialist financial or other strategic input. At yet another level, the skills gaps in certain areas, for example, crime investigation, has opened the doors for forces to recruit retired detectives to assist with investigative work. This is, of course, in addition to the pattern of civilianised policing which has emerged through the employment of PCSOs and civilian custody officers, made possible by the Police Reform Act 2002.

This expansion of civilianised forms of policing is significant to the development of the police organisation, as non-sworn staff represent almost 40 per cent of the police service workforce (see Tables 10.1 and 10.2). In 2004 the Inspectorate's thematic report *Modernising the Police Workforce* made comprehensive recommendations to establish a framework in which best use could be made of police staff, whose prevalent 'second class status' would be addressed by such means as clear career pathways for all staff and the possibility to move between warranted and non-warranted police posts (HMIC 2004; Loveday 2006b: 116; Savage 2007: 123–6). In the same year the government's white paper, *Building Communities, Beating Crime* dedicated a chapter to 'Building a new workforce' (Home Office 2004: 76–99) in which it laid out a number of aims, including: increasing the use of police staff to release officers to frontline duties; professionalising the roles of police officers and police staff; opening the service to new talent through such means as direct entry above the rank of constable; and by making faster progress on diversity. The white paper confirmed the government's intention to maximise the opportunities for police staff to contribute in functions traditionally the preserve of police officers. In sum, it projected a vision of teams of responsive police officers supported by PCSOs, volunteers (including, but not solely, special constables) and police staff (deployed as investigators, scenes of crime officers, detention suite officers, etc.). This championed the model of an extended police family in which each of the different family branches was supported by training, development and career progression. To facilitate this, the government funded 10 pilot projects that explored how best use could be made of police staff, allowing police officers to return to the frontline. The successful evaluation of these projects led to the national launch of the workforce modernisation programme in July 2007. In 11 demonstration sites, working practices are being remodelled in such areas as crime detection, intelligence development and emergency response. According to the Home Office, the remodelling 'will result in the creation of mixed teams consisting of police officers and police staff and tasks will be assigned according to people's skill, expertise and specialist powers' (Home Office 2007b: 2).

The most visible form of changing the police workforce are the PCSOs, introduced in September 2002 as a 'second tier' of policing, with the intention of having 4,000 in place by 2005. This target was subsequently increased to 24,000, then reduced to 16,000 for funding reasons; by 30 September 2007 there were 15,391 in place (see Table 10.1). Possessing limited powers, PCSOs complement the work of police officers and form part of the Neighbourhood Policing Teams that contribute to a visible policing presence. Initially derided as 'plastic policemen', there are indications that PCSOs have since earned a measure of credibility (Cooper *et al*. 2006).

It was feared that the introduction of paid PCSOs might have an impact on the volunteer membership of the Special Constabulary, but numbers have risen from 11,598 in 2002 to 14,021 in 2007. The Police Act 1964 established the Special Constabulary in its modern form. Each police force has its own Special Constabulary (see Table 10.1 for details of numbers in March 2007). These comprise volunteers who commit at least four hours per week to working with and supporting regular police officers. They wear similar uniforms to, and have the same powers as, regular officers. The eligibility criteria for recruitment are also similar to those for regular officers and training is provided by the local force and through a national training package. Specials are subject to the same rules of conduct and disciplinary procedures as regular officers. While specials have been lampooned as 'hobby bobbies' and in the past have experienced problems of integration and communication with regulars (Berry *et al*. 1998: 241), they are representatives of their local community and as such remain an important component in local policing.

In addition to special constables, there are other types of civilian volunteers. At least 14 forces operate voluntary police cadet schemes for 14–18-year-olds (the age range varies between forces). The cadets assist their local force in such activities as crime prevention initiatives, community-based projects and the stewarding of events. Another form of volunteer is that of voluntary support staff. These roles are specific to the needs of individual forces, but generally involve assisting regular support staff with administrative work.

While the modernisation of the police workforce has consistently encountered opposition, principally from policing stakeholders, but also from other sources, on the grounds of 'policing on the cheap', effectiveness, competency and accountability, it is, nevertheless, an integral part of the future of the police organisation. (See Crawford, this volume, for a detailed assessment of the civilianisation of policing, and Wright (2002) for the implications of a wider interpretation of the term 'policing' to include civilian and non public-police agencies.)

Mapping policing tasks

So, how does the organisational structure relate to the tasks of policing? To pursue this, we must consider the role of the public police and what they actually do. This is not quite the simple task that it ostensibly sounds; policing is a multifaceted activity in an increasingly complex and fragmented world. In September 1829, the first commissioners of the new police issued their *General*

Instructions to the new recruits. These established the prevention of crime as the principal responsibility of the police, together with the protection of life and property, and the preservation of public tranquillity (Reith 1956: 135–6; Ascoli 1979: 87). The *Police Service Statement of Common Purpose and Values*, introduced in 1990, in part echoed these original instructions, namely, it stated that the purpose of the police service was:

> to uphold the law fairly and firmly; to prevent crime; to pursue and bring to justice those who break the law; to keep the Queen's Peace; to protect, help and reassure the community; and to be seen to do this with integrity, common sense and sound judgement. (ACPO 1990: 1)

In March 2007, the then Home Secretary, John Reid, felt it necessary to re-state the mission, values and goals of policing due to what he described as the rapidly changing operating context. He summarised the police mission as 'to protect and reassure the public, to prevent and reduce crime, to maintain order and to bring criminals to justice' (Reid 2007).

More concretely, the tasks of the police are shaped formally at both local and national levels. Under the Police and Justice Act 2006, each local police authority in consultation with its force must, from 2008, develop and publish annually a three-year rolling policing plan. At a national level, the Police Reform Act 2002 introduced a rolling three-year National Policing Plan for England and Wales, in which the Home Secretary's policing priorities were stated. Issued as a stand alone document in 2003–6, 2004–7 and 2005–8, the 2006–9 Plan was incorporated within the National Community Safety Plan 2006–9. In the National Community Safety Plan 2008–11, the Home Secretary's six key strategic policing priorities (SPPs) for 2008–9 are:

- Reduce crime, focusing on more serious violence, serious acquisitive crime, alcohol-related crime and disorder, and anti-social behaviour
- Increase public confidence in and satisfaction with the police
- Work in partnership to deliver a more effective, transparent and responsive criminal justice system
- Work jointly to tackle serious and organised crime and to provide other protective services
- Work with and through local communities to disrupt, deter and respond to terrorism and violent extremism
- Make the best use of resources to achieve efficiency and productivity improvements (HM Government 2007: 35).

These SPPs were aligned with a new set of public service agreements (PSAs) issued in October 2007, which set out the government's high level objectives. The SPPs are measured through the performance measurement framework known as APACS (Assessments of Policing and Community Safety) implemented in April 2008.

Despite this apparent clarity of purpose, the public police operate as a multi-functional 24-hour emergency service performing a myriad tasks. Research suggests that traffic and foot patrol and CID consume approximately 75 per cent of police resources (Audit Commission 1996; Bowling and Foster 2002): a pattern found in police forces around the world (Bayley 1994: 16–30; 1996). Uniformed patrol and response officers deal with a multiplicity of incidents during the course of their shifts, including attending reported crimes, investigating reports of nuisance and disorder, and attending the scenes of accidents and incidents (Manning 1988; Waddington 1993; Chatterton and Bingham 2006). While CID officers pursue the investigation of crime and the targeting of criminals. Specialist police officers are engaged in police work that runs the gamut of firearms, traffic, mounted and dogs sections, child protection, domestic violence, public order, schools liaison, drugs liaison, partnership co-ordination, *ad infinitum*. The chapters in this volume illustrate that variety is the spice of police work and, as R.I. Mawby (2000: 107) has noted, there exists 'a widespread feeling that British policing does – and should – have a broad mandate'.

The police service, therefore, performs a broad range of tasks including public reassurance, crime reduction, crime investigation, emergency service, peacekeeping, order maintenance and state security (see Johnston 2000: 36–43; Newburn and Reiner 2007). Policing has moved away from the original Peelian ideal of providing crime prevention and public tranquillity to a more fragmented model of a range of tasks, which has proved problematical to define in terms of 'core functions' (Wright 2002: 26–31). This difficulty was evidenced by the *Home Office Review of Police Core and Ancillary Tasks* (Posen 1995) which intended to identify and prioritise core policing tasks and also ancillary tasks that could be dropped or hived off. It concluded that 'there was little scope for the police service, broadly defined, to withdraw completely from large areas of current police work' (Posen 1995: 5).

These issues are reflected in debates over whether the police are primarily a police 'force' or a police 'service' delivering care or control (Punch 1979; Stephens and Becker 1994; Waddington 1999: 4–20; Reiner 2000: 108–15; Fletcher 2005). During the early years of the modern police, the service role was emphasised for the purposes of securing policing by consent (Reiner 2000: ch. 2). The service or force dilemma faced Peel as it faced later policing policy-makers and Reiner (1994: 153) notes that Peel, Mayne and latterly Lord Scarman (when reporting on the Brixton riots of 1981) reinforced the 'preservation of public tranquillity' as the fundamental goal, above law enforcement. Equally Skolnick (1966), Bittner (1980, 1990) and Ericson (1982) have shown that the police play a key role in order maintenance, preserving the status quo, and the key element of this is their power to use legal force. The debate recurs, but is simplistic in that providing service to one sector of the community often involves executing force against another sector of the community. Some police functions, for example, public order policing, include force as part of the service. The police combine both roles and it is the balance between the two that at times comes into conflict.

The controversy over the role of the public police has moved beyond the force/service dichotomy in recent years. Factors influencing the role of the

police include the 'pluralisation' debate (Button 2002; Crawford *et al*. 2005; Jones and Newburn 2006; Johnston 2007; see Crawford, this volume); transnational pressures (Sheptycki 2000, 2007; see Walker, this volume); developments in media and information technologies (R.C. Mawby 2002; Wessels 2007); and theorising around the risk society (Ericson and Haggerty 1997; Johnston 2000). What is clear, however, is that the role of the police and the range of public policing remain complex and dynamic. Different and evolving approaches to core tasks, such as patrol work and crime investigation, involve new approaches to policing styles. For example, the focus on intelligence-led policing since the mid-1990s (Audit Commission 1993; see Tilley, this volume) and the implementation of the National Intelligence Model (NIM) across all forces (since April 2004) have wide-ranging implications for the practice and administration of policing. For, as Maguire observes, the NIM is not only a 'whole new ''business model'' for the organisation of police responses to crime and, indeed, of disorder and anti-social behaviour' (Maguire, Chapter 17 this volume). It has also been designed to operate at three interlinking levels of business, namely: local, cross-border and 'serious and organised crime', which is national and international (NCIS 2000: 8).

Management, control and oversight

Understanding the police organisation is not just a matter of unravelling the complexities of the local organisation of policing structures, the nature of the hierarchy and surveying the broad range of tasks that the police perform. It also requires consideration of the management, control and oversight of the police organisation and of some of the stakeholders who influence the direction of policing both at the local and national levels.

The current system of holding the 43 forces of England and Wales accountable has been characterised as 'the tripartite structure of police accountability'. Established under the Police Act 1964, following the deliberations of the 1962 Royal Commission on the Police, this remains the basis of police governance. The tripartite system distributes responsibilities between the Home Office, the local police authority and the chief constable of the force. Legislation since the Police Act 1964, including the Police and Magistrates' Courts Act 1994, the Police Act 1996, the Police Reform Act 2002, and the Police and Justice Act 2006 has endorsed the tripartite arrangements, though not always uncontroversially.

One intention of the Police and Magistrates' Courts Act 1994 was to strengthen the role of local police authorities by giving them additional powers, including involvement in developing local policing plans. However, the Police Reform Act 2002 moved greater power towards the centre – for example, through the introduction of the National Policing Plan. Similarly the Police and Justice Act 2006 amended the Home Secretary's existing powers, allowing him/her to intervene in underperforming police forces without HMIC first preparing a report for the local police authority. Table 10.4 shows the current balance of powers and the respective responsibilities of the tripartite structure (see Jones, this volume for a detailed exposition of the governance and accountability of British policing).

Table 10.4 The tripartite structure under the Police and Justice Act 2006

Home Secretary/ Home Office	*Local police authority*	*Chief constable*
• Determines strategic policing priorities (in National Community Safety Plan) • Power to 'give directions to police authority or chief officer' • Can order amalgamations and intervene in forces • Issues codes of practice (to local police authorities and chief constables) • Can require the local police authority to call for the chief constable to resign • Approves appointment of chief constables • Determines cash grants to authorities	• Responsible for maintaining an effective force • Determines local policing objectives • From 2008 produces, annually, a three-year rolling policing plan that reflects local needs *and* national policing priorities • Determines public consultation arrangements • Appoints (and dismisses) chief constable • Can hold the chief constable accountable for the exercise of his/her functions • Membership of 17 (usually): comprising local councillors, independent members and at least one magistrate	• Responsible for direction and control • Responsible for operational control • Drafts policing plan (with the authority) • Responsible for achieving local and national policing priorities • Responsible for resource allocation • On fixed term contract

Within each force there are structures for internal decision-making. Typically a force will have a senior management or 'command' team or, in the case of the Metropolitan Police Service, a 'management board'. These teams comprise the senior members of staff, namely, the chief constable, the deputy and assistant chief constables and senior police staff members as appropriate. The command team provides the strategic direction for the organisation. Below this top-level structure, in some but by no means in all forces, a policy forum brings together the superintendents and senior police staff. This group will, ideally, both provide advice upwards and take policy away for implementation.

At BCU level this model is replicated, with the BCU commander having his or her own command team. Below them there is a level of local police commanders who both feed information to the command team and who are responsible for policing at the local station level. Her Majesty's Inspectorate of Constabulary (HMIC 2002a: 4, para. 12) identified the effective leadership of BCUs as *the* critical success factor that differentiates 'BCUs operating in similar contexts but with varying results' (see Golding and Savage, this volume). The inspectorate emphasised also the importance of preparing police officers for BCU management, through training, and of building a BCU management team

with complementary skills. This emphasis on leadership and management echoed the view of the Audit Commission (2001).

While the vertical, hierarchical model of management still dominates the police service, at the same time there are horizontal elements that contribute to organisational development – e.g. 'user groups'. These became more commonplace during the 1990s as successive governments placed pressure on police forces, and other public sector organisations, to apply business methods and theory to their structures and practices (McLaughlin and Murji 2001). The business-like approach (embodied in the aforementioned workforce modernisation programme) has seen a tendency towards delayering, the thinning out of officers in the middle management ranks and the encouragement of greater team working. Police forces have found these developments somewhat challenging, having operated so long as extended hierarchies.

Policing stakeholders

One notable feature of contemporary policing is the prominence of a number of police 'voices' and stakeholders that seek to influence the direction and character of policing. These include representatives of street cops and management cops (Reuss-Ianni 1983) such as ACPO, the Police Superintendents' Association of England and Wales (PSAEW), the Police Federation and the more recently formed Gay Police Association (GPA), the British Association for Women in Policing (BAWP), the National Black Police Association (NBPA) and the National Association of Muslim Police. Stakeholders outside the organisation include the Association of Police Authorities (APA), the Audit Commission and HMIC. Space precludes an in-depth examination of all these groupings, but we will briefly consider several of the prominent stakeholders.

The Association of Chief Police Officers

Officers of the rank of assistant chief constable and above are known as the ACPO ranks. The collective influence of these officers has grown (Savage *et al*. 2000; Loader and Mulcahy 2001) and the policy-making and lobbying role of ACPO was recognised by the decision in April 1996 to divide into two bodies. There now exists ACPO, which promotes the professional interests of the service, and the Chief Police Officers' Staff Association (CPOSA), which is purely a staff association. Membership of ACPO is open to senior police staff, in addition to sworn officers.

This collection of senior officers and senior police staff has increasingly projected 'a single police voice' (Wall 1998: 316), and the increased cohesiveness and unity of ACPO as a body exerts a greater influence on police policy-making. Research by Savage and colleagues attributes this trajectory to the political context of the 1980s and 1990s that both encouraged a common view from the police leadership and galvanised the previously fragmented chief officers to unite in the face of threatening police reform. It also reflects the increasingly complex policing environment that heightened the need for specialist ACPO committees to provide advice (Savage *et al*. 2000: 69–80). ACPO, through its structure of thematic 'business areas', is able to provide this

advice and pursue proactively its own agenda. This was further strengthened in 2003 with the appointment of its first full-time president.

The Police Superintendents' Association of England and Wales

The Police Act 1964 established the Police Superintendents' Association as a staff association, but it now goes beyond that role, providing another police voice and acting as a policing pressure group, representing forces' middle managers. Some years ago Brogden (1982: 162) suggested that the association was powerless as the superintendent was neither the master nor servant in the police hierarchy. However, during the mid-1990s, led by chief superintendent (subsequently, Lord) Brian Mackenzie, the PSAEW made something of a breakthrough, reinventing itself to become an influential authority that successfully lobbied politicians and regularly gave evidence to parliamentary committees. The PSAEW actively works with the Home Office and other policing stakeholders to achieve its aim of influencing policing policy and practice. Like ACPO, in order to focus its work, the PSAEW has developed a number of business areas, chaired by members of its National Executive Committee.

The Police Federation

The Police Act 1919 established the Police Federation to represent the views of the federated ranks, namely, officers up to the rank of chief inspector. It came to particular prominence as a police 'voice' during the 1970s when it campaigned 'to influence politicians to support the ''rule of law'' and to reverse the liberalising trend in penal and social policy' (Reiner 2000: 72). However, this was not a sudden incursion. McLaughlin and Murji (1998: 376) have traced the Federation's transition from 'humble professional association' to 'media opinion leader' (Reiner 2000: 71). The prominence of the Federation voice has not always met the approval of senior officers. Nevertheless, the Federation is an influential pressure group and an organised lobbyist. Although the emergence of the National Black Police Association and the Gay Police Association has brought into question the capacity of the Federation to speak for *all* rank-and-file police officers, it nevertheless retains a significant presence, presenting a police worldview on law and order issues.

Her Majesty's Inspectorate of Constabulary

The first inspectors of constabulary were appointed under the provisions of the County and Borough Police Act 1856. More recently, s. 38 of the Police Act 1964 specified the inspectors' role and gave them the power to inspect and report to the Home Secretary on the efficiency and effectiveness of police forces. The role of HMIC has since been laid out in the Police Act 1996 and amended by the Police Reform Act 2002 and the Police and Justice Act 2006. The inspectorate's mission, according to its *Business Plan 2007/08*, is:

> To promote efficiency and effectiveness through assessment and inspection of organisations and functions for which we have responsibility, to ensure that:
> - Performance is improved;

- Good practice is spread; and
- Standards are agreed, achieved and maintained (HMIC 2007).

HMIC's inspection remit is not limited to police forces, it also includes HM Revenue and Customs and the Serious Organised Crime Agency. In addition to its inspection function, HMIC provides advice and support to the tripartite partners. The Chief Inspector of Constabulary is the Home Secretary's 'principal professional police adviser' and counsels the Home Secretary on senior appointments within the police service, through chairing the Home Office's Senior Appointments Panel (HMCIC 2008: 66).

There are five Inspectors and three Assistant Inspectors, who conduct their work assisted by staff officers and support staff. The Chief Inspector of Constabulary (HMCIC) co-ordinates their work, supported by seconded police officers and Home Office civil servants. The constitutional position of HMIC is interesting in that Inspectors have independent status. They are servants of the Crown and not Home Office employees. This has not reduced criticism that in practice HMIC has sometimes operated within limits defined by the Home Secretary or Home Office officials. This criticism needs to be balanced by the observation that until the appointment of lay inspectors in 1993, Inspectors were recruited from the ranks of senior ACPO officers and continue to wear a uniform that is virtually indistinguishable from the uniform of a chief constable.

In terms of the inspections themselves, HMIC conducted annual 'Baseline Assessments' until 31 March 2006, monitoring the performance of each force against a baseline and against comparative forces. Concurrently, over a five-year period from 2001, BCU inspections were undertaken focusing on performance and leadership at a local level. Since April 2006 the inspection approach has been modified to a 'Programmed Inspection' method which focuses on specific areas, for example, neighbourhood policing, serious organised crime, and customer service and accessibility (HMCIC 2008). In addition, HMIC conducts thematic inspections, sometimes in conjunction with one or more of the other criminal justice system inspectorates. Yet another responsibility is to undertake ministerially commissioned reviews. For example, in 2007 the Home Secretary requested the Chief Inspector, Sir Ronnie Flanagan, to conduct an independent review of policing. The final report was published in February 2008, making recommendations on: the reduction of bureaucracy; the embedding of neighbourhood policing; enhancing local accountability; and making the most effective use of resources (Flanagan 2008).

The development of national policing structures

As we have described, policing in England and Wales remains rooted in territorial police forces that the tripartite system holds accountable. Successive legislation and government policies have increased central control. Although force amalgamations are currently off the police reform agenda, policy-makers have recognised that local policing is ill-suited to policing some aspects of modern Britain, both in terms of operations against crime and the co-ordination of support functions that are relevant to all police forces.

Crime does not take account of local, national or international borders. The growth of organised crime, drug trafficking and terrorism has placed a high demand on the police to develop an organisational structure that can operate across geographical borders and is capable of co-operating with other law enforcement bodies, both nationally and internationally. In recognition of such factors, the Serious Organised Crime and Police Act 2005 established SOCA – the Serious Organised Crime Agency – from 1 April 2006, with the primary function of preventing and detecting serious organised crime. To do this, SOCA has five priorities, namely:

- To build knowledge and understanding of serious organised crime, the harm it causes, and of the effectiveness in tackling it
- To increase the amount of criminal assets recovered
- To increase the risk to serious organised criminals operating in the UK
- To collaborate with partners in the UK and internationally
- To build capacity and capability (SOCA 2007).

Operationally, SOCA's efforts are apportioned as follows: 40 per cent against drugs trafficking; 25 per cent against organised immigration crime; 10 per cent against individual and private sector fraud; and 15 per cent against other organised crime. The remaining 10 per cent is allocated to supporting law enforcement partners in achieving their objectives (SOCA 2007).

Although a new agency, SOCA represents the amalgamation of several agencies, primarily the National Crime Squad (NCS) and the National Criminal Intelligence Service (NCIS), but also sections of HM Immigration Service, HM Customs and Excise and MI5. Prior to SOCA, these agencies had various responsibilities for addressing serious organised crime, but each agency had its own performance indicators, which, combined with inter-agency rivalries, militated against a seamless response to the problems of serious organised crime. Consequently the creation of this single agency with a staff of over 4,000 was an attempt to provide a more cohesive approach. As King and Sharp (2006: 386) have noted, SOCA with its national and international remit, represents 'a significant move away from traditional police agencies'.

Under the Serious Organised Crime and Police Act 2005, the Director General of SOCA may designate a member of staff as one or more of: (a) a person having the powers of a constable; (b) a person having the powers of an officer of Revenue and Customs; (c) a person having the powers of an immigration officer. Some commentators (see, for example, Bowling and Ross 2006; Harfield 2006; Wright 2006) have alluded to issues surrounding accountability, control and transparency when agencies wielding a wide range of powers are created, and, in this respect, SOCA is an 'Executive Non-Departmental Public Body', led by a Board dominated with Home Office appointees. There is no subtle separation of power, as exists, however imperfectly, for police forces under the tripartite structure. There are also difficulties in demonstrating the effectiveness of such an agency in terms of

evidencing that serious crime has reduced and that its harm has been mitigated (Bowling and Ross 2006). These criticisms, rightly raised for what is a significant new policing organisation, will require careful monitoring as SOCA establishes itself in the coming years.

In addition to SOCA, many police support functions require a high degree of national co-ordination. This is particularly true of training and information technology. As a consequence, over the years, a number of national organisations have been set up to provide a range of services in these fields in support of the delivery of 'frontline' operational policing. These included the Central Police Training and Development Authority (Centrex); the National Centre for Policing Excellence (NCPE); the Police Skills and Standards Organisation (PSSO); and the Police Information Technology Organisation (PITO). A degree of overlap between these organisations was inevitable and to introduce a more rational and co-ordinated framework, the Police and Justice Act 2006 created the National Policing Improvement Agency (NPIA), a non-departmental body, funded by the Home Office, but formally independent of it. The NPIA subsumed the work of, and replaced, Centrex (including the NCPE) and PITO, and assumed some functions of other bodies (Neyroud 2006, 2008; Savage 2007). The NPIA's objectives are to:

- Develop good practice in policing
- Provide expert support to the police service
- Carry out a national threat assessment for police forces
- Share international understanding of policing issues
- Provide national information and communications technology, procurement and training support (Neyroud 2008).

The creation of the NPIA is significant for two reasons. First it represents another national policing organisation and, secondly, it is not solely a support organisation, but a player in police policymaking; it has taken from the Home Office policy responsibility for some areas of policing and is, therefore, a police-led organisation headed by a former chief constable that will necessarily maintain close relations with ministers (Neyroud 2008). As Savage (2007: 118) has noted, the potential exists for 'territorial overlap' with the work of ACPO, which to date has been the most influential police voice in the policymaking realm.

In parallel with these developments, the government and the police service have made concerted efforts to consolidate nationally the framework of competencies which police officers are expected to reach, whatever their rank, role or force. In June 2001, the PSSO took over as the recognised standards-setting body for the police service, before being subsumed into the broader 'Skills for Justice' agency in 2004. There now exist National Occupational Standards (NOS) for law enforcement, another reinforcement of the national dimension of policing.

There can be little doubt of the need for national and local co-operation or collaboration in policing, especially where major or serious organised crime is

involved. However, the case for further rationalisation of policing services by means of increased central control continues to raise difficult questions, particularly where policing is concerned with problems which are highly localised. Although some nationalising initiatives have gone ahead in recent years (for example SOCA and the NPIA), the amalgamation of forces proposed in 2005–6 met considerable local resistance and did not proceed. Only time will tell whether the centralising influence on policing policies and operations represented by many recent departures will bring the desired results.

Conclusion

This chapter only seeks to provide the introductory context to the more detailed arguments elsewhere in the volume. We have provided the organisational background to the policing themes and controversies that other chapters investigate and critically appraise. At the same time, however, we have highlighted a number of issues, perennial and emerging, that challenge the police organisation. These include: the trends towards centralisation and civilianisation; the shaping of policing by legislation; the debate over core policing tasks as the public police increasingly work among other forms of policing; the questioning of police effectiveness and leadership in a performance-driven context; and the challenge of establishing necessary and appropriate forms of oversight and control. We have suggested that public policing is not simply a matter of performing a number of core legislated tasks, rather it is complex and dynamic, and this requires the police organisation to evolve constantly.

Selected further reading

No one text comprehensively discusses the development and structure of the modern police organisation. Rogers and Lewis' *Introduction to Police Work* (2007) is a good basic introduction to the police service and Newburn and Neyroud's *Dictionary of Policing* (2008) provides a wealth of information on policing agencies and concepts. Waddington's *Policing Citizens* (1999), Reiner's *The Politics of the Police* (2000), McLaughlin's *The New Policing* (2007), Savage's *Police Reform (2007)* and Newburn and Reiner's 'Policing and the police' (2007) provide incisive analyses of the police in late modern society. This is a fast-moving area in which texts can quickly date. It is recommended, therefore, that readers make use of electronic resources to remain updated. In particular, we would suggest visiting the Home Office's 'Police Reform' website (http://www.police.homeoffice.gov.uk/police-reform). This contains recent reports and legislation, together with links to other useful sites – for example, to a variety of policing associations and agencies.

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Chapter 11

Police cultures

Louise Westmarland

Introduction

Police culture, or cultures, as many authors have commented, is difficult to define. Despite this difficulty, police culture, cultures or what is sometimes termed 'cop' or 'canteen culture' is one of the few 'academic' terms from police studies that has entered common parlance. Another problem is that in recent times 'police' and 'policing' have become much more diverse with the 'police family' being extended to a wide variety of uniformed officers and other auxiliaries without full legal powers (Crawford, this volume) and the recognition that police functions are carried out by people other than 'blue coated, public police officers'. These 'policing' cultures, although relevant for their many parallels with public policing, are beyond the remit of this chapter, which will concentrate on the history, debates and voluminous research on 'police' cultures.

Another problem this chapter will explore is that, as Skolnick has explained, although the 'police have a discernable *culture* flowing from the nature of the job, police *behaviour* is strongly influenced by the underlying values – and politics – of the community that finances the police department' (Skolnick 2008: 39, original emphasis) and as Van Maanen argues, they represent a 'hodgepodge of cliques, cabals, and conspiracies' (1978: 322, note 12). These distinctions help to unravel some of the complex questions surrounding the enduring yet changing nature of police culture, as well as the differences evident in certain localities. As Skolnick highlights, although police culture varies from place to place and has changed over time, it has certain 'universal, stable and lasting features' (2008: 35). It is also an aspect of police studies which is referred to in the discussion of brutality, corruption, sexist and racist behaviour and attitudes to which many other commentators allude and yet do not explain or explore in depth. It is as if culture exists in the background of most discussions of policing and yet only comes to the fore when some misdemeanour or difficulty arises as a cover-all explanation or excuse.

Despite this supposed ubiquity, until recently police 'culture' was usually described in the singular, as if 'one size fits all' despite the growing realisation of the influences of officers' gender, race and ethnicity upon workplace

practices and attitudes, and that different ways of working create occupational 'cultures'. Coupled with the recognition that most of the early classic studies of police culture focused on male, patrol or frontline policing, it has more recently come to be recognised as a much more diverse, fluid and changeable phenomenon. One of the more recent effects of this recognition is that differing types of police activity are now researched and analysed more fully, such as detective work (Hobbs 1989; Innes 2003), specialist departments (Westmarland 2001a), managerial ranks (Reiner 1991; Young 1993) and the wider 'police family'. In addition, due to the way globalisation and the study of cross-border crime has encouraged theorists to see beyond national boundaries and to question the workings of international police organisations, this also raises questions about whether one singular, monolithic police culture exists across international borders.

Why police cultures?

In devoting a chapter in this volume to police culture or, more accurately, police cultures, it is pertinent to question why such importance is afforded to this aspect of policing. Previous approaches range from general perspectives which view culture as a way of life or 'world view' (Hobbs 1991), to those that begin from a more individual level, where observational, ethnographic studies have described the minutiae of officers' daily shift work and lives. The debates these studies raise, which will be explored in depth throughout this chapter, are important aspects of any analysis of the police because they question, analyse and elaborate upon other key issues, especially police power, legitimacy, discretion and accountability. Furthermore, studies of police culture have a distinguished history within the academy with its links to the Chicago School, and other traditions of sociological endeavour, such as Goffman's participant observation studies (1961). Observation studies which borrow ideas from anthropology to uncover hitherto undiscovered aspects of 'cultures' have been used to focus on police behaviour and organisation in order to explore policing as an activity and the police more generally as an institution. This has included researchers concentrating on aspects such as insider-outsider identities, attitudes towards gender, ethnicity and class, violence and corruption, amongst others.

Problems of definition

Various writers at particular points in time have used different terms for what is discussed here. There has been a recent move away from talking about a single police culture to discussing multiple 'cultures'. Moreover, the literature is replete with discussions of police 'subculture' and other terms such as 'street culture', 'patrol culture', 'canteen culture', 'headquarters culture' and the 'cardigan squad' (Heidensohn 2003: 569), the latter describing the supposedly 'soft and fluffy' culture of child protection departments. Predictably, the existence and significance of police cultures has been contentious.

In the organisation studies literature occupational culture is often discussed in terms of how to foster 'good' and bad aspects of the phenomenon or to control unwanted behaviours (Coffey and Atkinson 1994) and this is also true of the 'police reform' approach to police culture (see Chan 1996; Chan and Dixon 2007). In studies of businesses such as banking it is occupational culture that is studied to discover the way the world of commercial enterprise operates, but little is known about the specifics of the daily workings of business culture because, unlike policing, not many studies have concentrated on 'frontline' workers, as criminologists have done with police officers on patrol. As a result, Johnston (1992) has alleged that we know a great deal about very little in policing because of the range of police culture studies, particularly in the Anglo-American tradition.

One of the reasons for the concentration on police cultures is because it is 'where the action is', and also because of the importance of discretion in the police role. As many authors have argued convincingly, full implementation of the law is impossible, not only due to resources but because much of the daily routine of police work is not about law enforcement but service provision and order maintenance (Dixon 1997: 3–6). As a result of this partial law enforcement compromise, police officers have the responsibility to decide who is arrested, stopped, questioned and so on. It has been argued, therefore, that if police culture controls or influences behaviour, it can lead to *Justice without Trial* as Skolnick's classic book title suggests (1966), because when questioned without any threat of punishment most of the population admits to committing some sort of minor crime or rule infraction regularly (Tarling 1993: 31). Those whom the police choose to target will become 'the criminals' and those who are left alone are the 'innocent'. In other words, anything that might be inclined to influence behaviour by frontline officers, such as deference to class or beliefs about certain ethnic groups being involved in crime, can create, construct and influence important and fundamental questions about how crime is defined and counted, and who is criminalised.

The role of discretion is central to policing because the law in theory and the law in practice differ. Since at least the 1960s when in-depth studies began to appear (Banton 1964; Skolnick 1966; and later, Van Maanen 1978), criminologists have argued that police culture is central to understanding or interpreting the use of police discretion. The original theorists were able to analyse police culture, amongst other aspects of policing, because they drew upon a sociological tradition of symbolic interactionism, sometimes using techniques developed by Goffman with his 'front' and 'backstage' discussions of behaviour and institutions (1961), and by the ethnographic methods made famous by the Chicago School in the 1940s. They believed that to view and interpret the reasoning behind the rhetoric of police discretion and interpretation of the law, it was necessary to live the life and feel the pain and fear of those they were observing. Police patrol work was therefore an ideal vehicle for those who wished to understand policing as a quasi participant, and to see a relatively unfiltered version of police behaviour, organisational issues and the vast and untapped world of the 'police in action'. It was also alleged to give a suitable outlet to university researchers who wanted to see some action, who came in later decades

to be termed the 'wannabe cops' or the 'outside outsiders' (Brown 1996: 184).

A third reason for studying police culture concerns the way discretion in police work is unusual in its power differential, tending, as James Q. Wilson (1968: 7) famously observed, to increase as one moves down the police hierarchy. This observation is often illustrated with a case in which a young officer is faced with having to decide whether to arrest a perpetrator of domestic violence. This may involve confronting a couple who are old enough to be his or her parents or even grandparents, persuading them to sort out a dispute, or threatening arrest (see also Banton 1964). These are difficulties that observers of police behaviour have commented upon for at least 40 years but still occur regularly today and illustrate the varied and often perverse world of police work, for which it is impossible to have a comprehensive 'rule book'. We might accept that in such cases the choices the officer has to make will be freely and chosen without bias. What is problematic, however, is when police culture, or existing ideas the officer has brought with him or her to the job, intervene, and patriarchal societal notions of what is 'right' enter the officer's decision-making process. Similarly, when officers are racist, and have not had this aspect of their attitudinal make-up successfully confronted in life before joining the police, or subsequently in training school, and the choice is made to arrest or target certain groups, police discretion affords the power to, for instance, stop and charge an Asian motorist, whilst allowing a white female motorist to proceed with a warning (see McLaughlin 2007 for a fuller discussion of the *Secret Policeman* television documentary).

It is for these reasons that this chapter will pay special attention to police cultures and gender, race and corrupt behaviour, this latter issue being closely related to the existence of discretion that is closely bound to police work. This is because police culture has another strong and pervasive aspect, and that is the mission/hero/winning the war aspects, whereby, as Van Maanen (1978) suggests, people are categorised into groups, not simply good and bad, but more subtle categories, such as the 'asshole', the troublemaker or challenger. There are various forms this assessment of character takes, but the essence is that the police believe themselves to be good judges of moral character, and able to spot who is guilty (see Innes 2003 for a fuller discussion). This leads the police to various mistakes, both potentially minor and correctible, in terms of following the wrong leads, but also in some cases major mistakes, such as the famous miscarriages of justice in the UK throughout the 1970s such as those involving the Birmingham Six and the Guildford Four, and to the handling of the investigation of the murder of Stephen Lawrence (Bowling *et al.*, this volume).

In summary, therefore, there are at least four reasons for an interest in police culture – many of which relate to the allure of police 'myths' and coded meanings. These meanings are often explored in fiction and dramatisations of police behaviour, and an often subtle yet common thread is that the police officer's cultural beliefs and behaviour are the 'answer' to solving the mystery or problem which is the focus of the drama. The most common example of this being the 'successful yet rule bending cop' who oversteps the line, is

suspended or told to go on holiday, yet returns without permission (due to a sense of mission/rebellion/devil-may-care) to solve the case (ultimately gaining grudging praise from those who doubted him/her). These types of dramatisations illustrate some well-worn aspects of police cultural studies, including:

1. Part of the myth of policing is that there are organisational 'secrets' that the police know to which the general public do not have access.
2. Police officers have incredibly wide ranging powers – to arrest, detain, and generally make life difficult for some 'ordinary' citizens. Conversely they have the power to help and make life much easier for certain people in some circumstances (by not reporting minor offences/infringements). The use and abuse of police discretion in this way is a key aspect of the debate.
3. Linked to point 2 are the regular opportunities for police officers to engage in behaviour that could be described as 'corrupt', including everything from accepting a free cup of coffee to a bribe to cover up or suppress evidence or to not report potentially criminal acts.
4. As might be expected, dramas often portray everyday police work as exciting, with the regular occurrence of physical danger, macho prowess, competitive 'games' and the intrigue of 'solving' crimes.

As the studies discussed below illustrate, these dramatisations reflect reality to a lesser or greater extent, and are aspects of police life that are 'leaked' to outsiders. Police culture is a regular aspect of police dramas because it makes the characters more believable, with human failings and prejudices. 'Real' police work, however, as the ethnographies have shown, is rather less exciting and varied in terms of action and excitement, although the personalities, behaviours and meanings ring true in some ways, partly because the process reinforces itself in that officers may model themselves on film and television characters, some being avid consumers of police drama.

History of police cultural studies

In the discussion below I focus on some of the classic studies in police culture. In doing so, four broad themes are covered. First, 'what police really do' as opposed to what they say, or we think they do, which includes a significant number of studies conducted using observational methods. In recent times these have tended to be the more critical works, such as those attempting to uncover sexist or racist behaviour. Second, the 'reform' literature that could be roughly summarised as 'the police would be really effective if they were not controlled by pernicious police culture'. Third, all police have basic similarities, because of recruitment/training and inculcation processes, therefore the same characteristics can be seen in every force/country jurisdiction. Fourth, police culture is inevitable or a necessary evil given the needs of the

organisation and the job, such as making decisions using discretion for example, and varies according to such needs and as such it might be different in different departments or jurisdictions.

The following discussion covers a selection of the early studies of police culture, which are now regarded by many as classics because of their role in the 'discovery' of everyday police work as an area of academic interest. Although the four writers who dominate the following brief history describe the minutiae of police life, beliefs and attitudes, they would not have labelled their studies as specifically about police culture. At this stage – the early 1960s – police research was just beginning (Reiner 1996: xiii). Reiner also argues that it was a combination of labelling theory (Becker 1963) and civil rights and public disorder which led to the more widespread interest in the police as an object of academic concern. In the beginning there was a concentration on the understanding of the attitudes or occupational world of the police officer, primarily 'on the beat', presumably because this was considered the most interesting, the most accessible and also the most revealing place to observe. This is partly because of the discretion issue, discussed above, whereby the most power is afforded to the lowest ranks of the organisation and so this is the best place to observe its effects.

The 1950s and 1960s was an era when observation studies were developing as a more recognised and legitimate type of research – it seems to have been a time when sociologists could have 'anthropological' style adventures, and formal research ethics policies were less in evidence. Some of these studies were about power and interactions with 'authority', and this undoubtedly made the police an attractive focus, because as Loader and Mulcahy suggest (2003) in the aftermath of the Second World War there was a loosening of traditional ties of authority and fixed locale and the introduction of new challenges to authority, both within and outside the police which made this period of police history especially interesting as 'processes of detraditionalisation have come to have effects, not only upon the social world that the police are tasked with regulating, but also *within* the police organisation itself' (2003: 182, original emphasis). In addition, as Reiner observes, 'because policing is about the exercise of authority, and the regulation of conflict, it is inherently controversial and inevitably contested' (Reiner 1996: xiii).

Policing was therefore a natural place to look for changes in authority in society, as well as to observe 'the contradictory realities of ''round the clock'' policework (McLaughlin 2007: 50). It offered a 'closed institution' in that police organisational secrecy (particularly in Britain) would present a challenge of access, and as it was a time prior to the mass coverage of television police dramas, with a few notable exceptions in the UK such as *Dixon of Dock Green*, and later *Z-Cars*, there was an element of challenging power and authority, with the loosening of traditional social ties. It was also a sociologically unexplored region (although as Cain (1973) notes, Westley had researched but not published a doctoral thesis on the police in 1951), and it was an example of 'tribal' cultural behaviour (Young 1991) in that there were many varieties to be studied, all over the world, in differing situations, including cities and rural areas, and differing types of population and social classes. This is illustrated by the four 'classic' studies which are outlined in some depth below and which

concentrated on a wide variety of aspects of police life at the time. Some do not mention police culture, although their recognition that 'cultures' exist is clear as they attempt to show that they recognise that comparisons are possible. As the discussion will show, even at this early stage there was an awareness of differences that they expected to find between and amongst the officers they observed and interviewed.

Michael Banton

McLaughlin (2007: 28) suggests that Michael Banton's work, *The Policeman in the Community*, first published in 1964, led generations of sociologists to be interested in the police in order to discover:

- what police officers actually do when they are on duty
- how patrol officers make sense of their work
- the formal and informal sources of the police officer's authority
- how, why and with what effect officers use their discretionary powers
- how officer/citizen interactions produce and shape policework
- the defining features of the working personality of the police officer
- the characteristics and function of the rank and file occupational culture.

Although it is the last of these points which explicitly mentions occupational culture, from what has been argued so far in this chapter it is clear that the others also relate closely to its study and analysis. Banton was ahead of his time in many respects, not least the way we now regard police culture as a non-monolithic phenomenon. He began by comparing city and rural areas (terming the latter a 'police paradise') in Scotland with similarly diverse situations in the US. Hence his reach in terms of comparison, or what Reiner has termed as the impossible achievement of a 'comparative ethnography', (1992) was diverse and capable of answering questions about the essence of police cultural norms. Another of Banton's greatest legacies to the study of police culture was that it raised questions about prejudice and discrimination, within the framework of power and discretion in the police role. He also considered how the attitudes which led to decisions, influenced by these issues, were reliant upon not only the officer's cultural milieu but also in terms of what Bourdieu referred to as 'field' and 'habitus' which is described later in this chapter. Banton thought it important to consider the way the UK and the US officers felt they were regarded by their local communities and society in general in different ways, such as being able to work comfortably in the community they lived, and telling people they were police officers. Banton's focus has had a long-lasting influence on police studies and it would be interesting to see his work replicated 40 years later, where community, prejudice and culture remain critical issues.

Jerome Skolnick

In a similar way to Banton, Skolnick was interested in police behaviour and attitudes towards different categories, types, classes and ethnicities, as well as to the 'deviant' groups of citizens they encountered. His work was conducted in the US, and his most famous work, *Justice without Trial*, was published in 1966. This was a study of the behaviour of a police department and he focused on a number of offence types, such as prostitution, and followed them through to the outcomes in court, asking individual officers, lawyers and judges, in addition to his observations, what they thought and why they acted as they did in relation to their beliefs about their role in justice processes. In the case of prostitution, for instance, he discusses the quasi-illicit nature of selling sex, as opposed to simply viewing it as a 'harmful' crime, and how the officers had to satisfy the local population that wants the streets 'cleaned up'. In the process he reveals that the officers do not necessarily have a problem with the women themselves, but see them as players in the game, in which they are on opposing sides.

This aspect of police culture, where the officers are portrayed as craft workers, illustrating all the problems they encounter with the system, rather than the glamourised media version of smooth police-court-punishment process, reveals the frustrations of being a street cop, as well as the successes, and so begins to unpick why they might act as they do in some circumstances. By illustrating the 'policeman's working personality' Skolnick tries to give examples of what police officers would do in certain situations. He uses this concept of a working personality, not to argue all police are alike but to say that 'there are distinctive cognitive tendencies in police as an occupational grouping' which combines an exposure to danger, similarly experienced by soldiers, with problems of authority that he likens to teachers, and those of efficiency to industrial workers (Skolnick 1966: 42).

The idea of a working personality is developed throughout the book as Skolnick uses examples from his observations, claiming that danger and authority and the need to be efficient lead to a development of a 'suspiciousness' and in turn social isolation from 'normal' people, 'conventional citizenry' and the officer's friends. These people are viewed as potential assailants (sometimes symbolically), and acquaintances may be implicated in crime, whilst Skolnick argues that in the 'community' the 'policeman' may not be welcomed as a friend. One of the strengths of this work is that he aims to understand how police officers fit into society, the wider criminal justice system, and like Banton, shows that police culture does not exist in a vacuum away from general society, but is reflected and reinforced in each encounter every day. Further, there is evidence of 'cultures' in that Skolnick offers a sophisticated explanation of how officers vary in their outlook. Without categorising them exactly into 'types' he reveals that some officers are keen to prosecute the prostitutes, for example, offering to work overtime without pay to see them in court, whilst others say it is a perfectly legitimate transaction, to sell sex to a willing customer.

Maureen Cain

At around the same time but not published until 1973, and in several ways using a contrasting approach, Maureen Cain was conducting a study using in-depth observational methods in the UK. As the first woman researcher to do this type of research in Britain, Cain described the lives and work of the 'policeman's role' from the point of view of the police and the influences of local communities. Although the term 'cultures' for police attitudes, beliefs and behaviour was yet to enter general police discourse, Cain was responsible for keeping the tradition of 'how and what the police ''really'' do' at the forefront because her observations were conducted in city beat areas and rural 'county' areas, as well as the CID, specialist squads and 'mobile patrols' which would be the origination of the traffic department in modern forces. In comparing the differences between these 'cultures' she emphasises the influence of locale, claiming that much of the 'easing' behaviour in the city force and groups' solidarity was based on an interdependence to cover for each other. There was mutual support for infringements, such as rule bending, due to the possibility of physical attack, to meet 'organisational goals' and avoid the censure of supervisory officers (1973: 191–5). Furthermore, Cain argues that, particularly for the city force, solidarity was also shown in closeness of social lives, in consideration for each others' families and their 'mates' at work.

Other 'classic' aspects of police culture Cain notes in the city force include there being qualities which lead to an officer gaining peer admiration, including being a 'good practical policeman', willing to have a go, handling supervisors, who would in turn rely on their judgement, and finally 'he would bring in prisoners' (1973: 196–7). She also argues for the importance of certain aspects of group socialisation for new recruits as they are reliant on immediate, intermediary and senior officers if they are to succeed, and the 'teaching of the entire informal code' (1973: 198). Not only is Cain's work enduring, with police cultural ideas about occupational competence and socialisation drawn upon in later studies (Fielding 1988; Westmarland 2001a) but she also makes good use of the comparative data in the differences she observes between cultures in the force she studied. She argues, for example, that in the county area of the force there was less interdependence between officers, less easing and fewer threats of violent encounters, although the differences were 'matters of degree rather than kind' (1973: 202). She also says that in the rural areas the conflict between the CID and uniformed officers was less obvious. In her descriptions of the CID and their attitudes towards 'their' work, the 'cultures' of policing are evident in that there are important distinctions drawn between such groups.

John Van Maanen

Turning to Van Maanen and his famous opening line describing the 'asshole' and other derogatory terms police officers use to describe the people they encounter and which are a 'part of every policeman's world' it is clear that a slight change of pace took place around this time. In Van Maanen's work,

published in 1978, there is a subtle yet important shift in the way police–researcher encounters are described and analysed. Perhaps looking for a new 'angle' in the increasingly rebellious and less reverential society that encouraged the populace to be less subservient and respectful towards the police (if they ever were) or, as Banton explains, from the authority afforded to British officers being on better terms with the public they police due to being viewed as a 'father figure, a symbol of authority with their tall helmets and slow walk' (Banton 1964: 69), Van Maanen represents a move towards a 'warts and all' approach to police description and analysis. It is a trend which continues, particularly in American police ethnographies of culture, and later in observation studies more generally, with some authors asking what would be the point of studying the police at close quarters other than to discover their misdemeanours, and seeing police culture as being a significant source of the deviancy.

In addition to taking a less benign, more critical, approach, Van Maanen is one of the first of a tradition of police observers who are willing to show the police abusing their powers without acting as an apologist. Consequently, he explains why he thinks police label the people they encounter – the outsiders, non-police, placing them in three broad categories as 'suspicious persons', 'assholes' and 'know nothings' – but does not use the frustrations of patrol as an excuse, and the justifications for the labels tend to be much less sympathetic than those of earlier writers. Van Maanen says that because police officers realise so little of their time involves search, chase and capture – or 'real police work' – they have to manufacture a false distance between 'us and them' to justify their place in the moral order, whilst being charged with 'enforcing ambiguous generalised statutes' (Van Maanen 1978, quoted in Newburn 2005: 284).

The officers Van Maanen observed had 'fixed' or permanent 'asshole groupings' which included 'the young, the black, the militant, the homosexual,' and other 'outsiders', including 'blacks, students, Mexicans, reporters, lawyers, welfare workers, researchers, prostitutes and gang members'. These groups of people who comprise the 'shit list' are not to be trusted as they are 'out to get the police' because they decide that if 'you're not with us, you're against us' in the case of such groups, rather than necessarily on the basis of any individual personal encounter. The culture that Van Maanen described saw 'appropriate' behaviour by the police as the response to the violation of extra-legal moral codes (such as annoying the police), leading to degradation ceremonies to 'teach them a lesson' and as an outlet for 'many small frustrations' – ''slamming' around an asshole may seem esoteric if not loathsome to the outsider, to the patrolman who makes his living on the city streets they are not' [sic]' (Van Maanen 1978, quoted in Newburn 2005: 293).

Here Van Maanen is explicit about the violation of legal codes the police are supposed to uphold in favour of the unwritten police code of conduct with which they manage the streets. The style of description is to explain, without censure or critical tone, the behaviour and beliefs of the officers. This is a turning point for observation studies, because it is an explicit view of police culture, or at least patrol culture in this era. There are many other famous police studies of this period, but as these four early authors illustrate, the 1960s and 1970s was the period of the 'discovery' of police cultures, despite the lack

of explicit reference to the existence of 'one' global form, shape or size or to multiple forms. As a description of 'cultures' however, authors such as Cain attempted to compare differences due to locale and specialist departments such as the CID, and others recognised that national boundaries might make a difference (such as Anglo-American studies), whilst all recognised the influence of the 'community' or more broadly 'society' on how police officers behave, believe and regard their 'publics'.

Across the departmental 'cultures'

Although these early studies were revealing about what is now termed police cultures, and encouraged further studies of the police, the term had still not entered general academic or practitioner discourse. There was some recognition that there would be varying attitudes and beliefs according to the type of area policed and that officers are individuals with their own attitudes, life experiences and prejudices. In addition to these early studies which were using various aspects of police life to show that culture is not 'monolithic' but varies from place to place depending partly on the environment and types of population they are policing, they also illustrated that certain 'shifts' have an 'identity'. This is true across areas within forces and across division and command areas, where 'promotion' police stations have busy, high arrest rates, and 'clannish' within-shift cultures, with nicknames such as the 'Wildebeest' (all rushing together to a job), and in some cases between individual officers, and pairs of officers – with derogatory terms such as the 'fluff squad' for two women working together in the 'pink fluffmobile' (Westmarland 2001a). In addition to differences between uniformed street police officers and other specialisms such as the CID, in the 1980s some groundbreaking studies began to appear which concentrated on these departments specifically. Some were sceptical about monolithic police cultures. One study which highlights this approach was Dick Hobbs' *Doing the Business* (1989) which looked at the work, rest and play of detectives in an East London CID. He situated the analysis firmly within its cultural and historical milieu because, he argues, they are intrinsically bound together, and in the 'historically determined enabling mechanisms of both East End and detective culture . . . for the style of the latter has parallels with the former' (1989: 2). In regarding the CID culture as drawn from the surrounding locale, with officers from that environment being a part of the CID and its occupational culture, he expresses what Banton and Skolnick would have recognised as the 'community and societal demands' on the police.

Such cultural differences were also explored by two 'insiders' in the 1980s, Simon Holdaway (1983) and Malcolm Young (1991, 1993), both of whom conducted police ethnographies focusing on police culture whilst serving as police officers. What was interesting about these studies in terms of 'cultures' was that as serving officers their analysis was clearly 'tainted' since as 'insiders' they could not step out of their own cultural world at will, yet they were facilitated by the insights and unrestricted access that they had by right. As 'part of the scenery' they could study, observe and record examples of

police culture in all its dark and deviant glory. Holdaway was able to record and publish his colleagues' racist attitudes and actions, whilst Young explores, amongst other interesting cultural aspects, the fear and loathing of the 'old coppers' towards the young, 'feminine' women who entered the CID in the 1980s (Young 1991: 241).

More recently Martin Innes (2003) has explored the cultural aspects of the work of detectives as they investigate homicide. His study revealed a 'moral' dimension to their approach to solving and clearing up murders in a south of England squad. He reveals that what he calls the moral roles and careers of victims and suspects are influenced by police occupational culture, as well as outside influences such as intense media attention, and inside organisational pressure to clear certain 'politically important' murders. This is discussed in more depth later in the chapter where 'specialist cultures' are considered.

In asking why any of this matters, and whether police cultures exist and in what form, local variations and continuities over time, issues of power, discretion, prejudice and police attitudes towards the populace and theirs towards the police are factors that analysts have concentrated upon. Having said this, some commentators have argued that this does not matter – it is what the police do, and not what they think that counts, and studies such as Smith and Gray (1985) have been used to show that it may not matter in operational terms. The talk is just in the canteen, action is different. If it is true that 'what we say and what we do' is different (Deutscher 1973), then the importance, influence and so on of police culture is minimal, officers might believe certain things about, for example, the role of women or the certain supposed criminal tendencies of certain ethnic minorities, but as long as they act impartially and fairly it should not matter.

Even if police culture does exist in these multiple forms in various departments it could still be transmitted via shared 'values, norms, perspectives, and craft rules' which lead to the perpetuations and survival of group identities because of a 'psychological fit with the demands of the rank-and-file cop condition' (Reiner 2000: 87). One of the arguments is, for example, that officers claim police culture 'has a macho element because the job is macho. It has to be that way to perform' (Wilson *et al*. 2001: 146), despite claims of moving police from a 'force to service' based organisation where 'consumers' and citizens can have more say in the way their area is policed (Clarke *et al*. 2007). Reiner's (2000) summary of the main characteristics of police culture has by now become a standard means of understanding the term. He identifies the following seven major characteristics:

- a sense of mission
- suspicion
- isolation/solidarity
- conservatism
- machismo
- pragmatism

- racial prejudice.

He argues that despite the majority of police work being conducted alone, or sometimes in pairs, often with a valued and trusted colleague, there must be some group 'acceptance of the rank-and-file definition' of the way patrol work is carried out. Just as, though lecturers in universities usually work in isolation from colleagues, there is some acceptance of what a lecture or seminar is, and how it is conducted, its purpose and so on, so policing has to have some norms or commonly accepted ways of working. This is not to say that every officer works in the same way, deals with cases in an identical fashion, and this is perhaps why some officers choose to work with particular partners or colleagues, and jealously guard the right to do so, because the 'style' of one officer as a enthusiastic enforcer with an overdeveloped sense of mission, teamed with a more laid back 'cuffer' or pragmatist, might cause conflict. As Reiner argues, and is evident throughout this chapter, although cop culture is not 'monolithic', all powerful or singular, 'it reflects and perpetuates the power differences within the social structure it polices' and is generally based upon danger, authority, including the potential for force, and the need to produce results (2000: 88–9).

In adopting the notion of a non-singular yet community-reflective stance, Reiner is acknowledging the difficulties that this chapter has outlined so far; that the phenomenon called police culture has general aspects of sexist behaviours and beliefs, such as a 'masculine ethos' which combines with 'old fashioned machismo' (2000: 97). These amongst other factors are associated with danger and authority, as 'interdependent elements in the police world' and 'to cope with those pressures cop culture develops a set of adaptive rules, recipes, rhetoric, and rites' (2000: 88).

One of the problems with these adaptive rules in daily policing is the phenomenon Walklate has referred to as the gap between 'law in theory' and law in practice (2008) and Rowe has also highlighted in talking about discretion in cases of domestic violence (2008) and which is seen in cultural beliefs about 'real' police work as opposed to what police describe as 'rubbish calls' (Westmarland 2001a: 25). Walklate argues that legislation can be changed to protect women from violence, for instance, yet there are fewer and fewer arrests and convictions and Rowe discusses the inability of senior officers to 'curtail the discretion exercised by police officers which was seen to hinder an effective victim orientated service' (2008: 283). As the following sections on racist and sexist cultures illustrate, when these adaptive rules are interpreted in certain ways, influenced by certain aspects of police culture built up over years of a white, male organisation, injustices may result.

Racist cultures

As Van Maanen illustrated in the 1970s police officers have been shown to develop attitudes towards certain groups, rather than individuals, and this might not be as a result of particular encounters. Often one of the ways 'police

cultures' are shown to exist is by way of attitudes, behaviour or outcomes. Perhaps the most serious 'outcomes' of racist police behaviour are high profile cases such as the investigation of the murder of Stephen Lawrence or the beating of Rodney King in the US. In each case the lack of attention given to the initial actions and enquiries, follow-up and the eventual unsatisfactory results, are traced back to organisational failures to outlaw racism. At a more everyday level, racist police cultures are evidenced by the number of stop and searches recorded against black and ethnic minorities (Fitzgerald 2000), the likelihood of being imprisoned for black, particularly African Caribbean, defendants and the small percentage of ethnic minority officers in police forces (Bullock and Gunning 2007). These outcomes, however, are also viewed as 'causal' in a similar way that the scant number of ethnic minority officers recruited or promoted leads to the white, male culture being perpetuated.

The history of police racism, as illustrated in Anglo-American police research, is evidenced by a series of high profile disasters and scandals which show how the norms and values of occupational cultures may influence individual officers' behaviours and attitudes. These include, in Britain, the miscarriages of justice in the 1970s and 1980s mentioned earlier, in which the 'Irish' suspects were defined as 'guilty' (Gregory and Lees 1999: 3–4) and the officers went about proving it; the Brixton riot in 1981 in which officers were said to have put law enforcement over order maintenance in an overly heavy-handed, racist manner without consideration for the community; and, most recently, the investigation of the murder of Stephen Lawrence and the 'cultural meltdown and identity crisis unleashed within the police by the ''institutional racism'' finding of the [Macpherson] inquiry' (McLaughlin 2007: 143).

In Britain the Scarman report into the 1981 riots in Brixton was influential in that it raised the importance of police–public relations and the impact of stop and search on young black men who felt they had been unfairly targeted due to their colour. Rowe argues that whilst not all the findings were about the 'militaristic style of policing, with poor public engagement . . . it established recommendations relating to policing, for example on training, the role of community policing, lay visitors at police stations, discipline and stop and search' which were influential. He argues: 'That some of the problems [Scarman] identified were reiterated almost twenty years later in the Lawrence Inquiry suggests both that the reforms Scarman advocated were crucial and that they had not been effectively implemented' (Rowe 2007: 155).

As Rowe goes on to say, nearly 20 years later, in 1999, Macpherson was more forthright, using the term 'institutional racism' that Scarman had shied away from two decades earlier. The Stephen Lawrence Inquiry found the Metropolitan Police to have mishandled the murder investigation due to a 'combination of professional incompetence, institutional racism and a failure of leadership by senior officers' (Macpherson 1999: para 46.1). In terms of police culture, institutional racism was said to incorporate 'racist stereotyping of black people as potential criminals or troublemakers' (Macpherson 1999: para 6.34). McLaughlin argues that this 'racist officer is an incompetent officer', finding a lack of understanding of cultural diversity illustrated the existence of a 'cultural crisis' in the Metropolitan Police. Prior to the publication of the

report, the organisation mounted a 'charm offensive' as well as investing in community and race relations training programmes for all staff (McLaughlin 2007: 149–53). There were also initiatives and resources aimed at recruiting more minority officers but Holdaway and O'Neill argue that cultural differences and diversity will not address institutional racism because 'defining cultures as distinct and requiring special police services risks the creation of a belief that the people who embrace them are essentially different. Racialized distinctions may then be unintentionally strengthened and lead to unwitting discrimination' (2006: 362).

The debates which followed Macpherson were about the definition of institutional racism – and whether 'unwitting' or thoughtless behaviour or language should be included and if individual forces in England and Wales (as opposed to just the Metropolitan Police) were also 'institutionally racist'. In a study of Black Police Associations (BPA) following the Macpherson Report, Holdaway and O'Neill said that of the respondents to their survey and their interviewees, very few would claim their organisations were not institutionally racist, although the authors point out that this could in some cases be the 'memory' of racism, due to the fact that 'many past incidents of racism have gone unchecked; so many intentions to reform have failed, or found to be informed by cynicism' (2006: 365).

Sexist cultures

As these discussions of ineffectual reforms following high profile inquiries show, the rhetoric and reality of police behaviour at all levels is still central to debates about discretion, culture, racism and sexism. If there is such a thing as a 'sexist culture' in the police, or to adapt Macpherson's term, 'institutional sexism' it might be transmitted via Reiner's argument about shared 'values, norms, perspectives, and craft rules' which lead to the perpetuations and survival of group identities because of the 'psychological fit with the demands of the rank-and-file cop condition' (2000: 87). As discussed above, however, this is not universally agreed, or always viewed as a useful means to analyse police beliefs and behaviour (see Chan 1996 and Waddington's 1999 discussions below). One of the ways theorists have attempted to account for the differences which exist between, for example, traffic cops and serious crime squads, is to argue that are several variants of police culture. This is the case according to Fielding, who says that despite these variations, police cultures are generally dominated by masculine values as he notes there is 'very little evidence of a female occupational culture among British police' (Fielding 1994: 52).

Several other studies (see Brown and Heidensohn 2000) have supported this finding in most countries with organised police forces. The 'masculine ethos' and 'old-fashioned machismo' mentioned by Reiner (2000: 97) was documented in a study in 1985 for the Policy Studies Institute by Smith and Gray (1985), which also reiterated the concept of a set of 'unwritten' rules, authority and masculinities. In their study of police attitudes and behaviour they discuss the minimal effect of police organisational policies, force

regulations or disciplinary measures. Dependence upon the shared norms and objectives of the rank and file is transmitted and reinforced by police culture, and they concur with Reiner that the 'central meaning for most police officers is the exercise of authority and *force* is the main symbol of authority and power' (1985: 87, original emphasis). A central, perhaps enduring, theme of all police cultures from early studies (Van Maanen 1978) to more recent ones (Westmarland 2001b) is that there is an attitude of 'on the streets we can't lose or we're finished'. This belief in the police 'ownership' of the streets in a competitive sense (Herbert 1997), the fight between good and evil 'with one set of men against another' and the concentration on cars, guns and horses to win that fight (Westmarland 2001a) are traits normally associated with macho cop culture.

Similar references to this type of attitude are described throughout the study by Smith and Gray (1985), an extensive piece of ethnographic work covering a large number of aspects of policing and police officers' behaviour. They used the term 'cult of masculinity' in their description of the police as akin to a rugby club, with its thuggish masculine behaviour and the importance afforded to physicality and drinking prowess (Gregory and Lees 1999: 28). Although Waddington complains that this may be unfair to rugby clubs (1999), 'the cult of masculinity' was a term often taken up to criticise the police, in an 'exposé' of male organisational structures for instance, such as when Alison Halford sued her Chief Constable and police force claiming sexual discrimination and constructive dismissal (Halford 1993; Gregory and Lees 1999: 32; Heidensohn, this volume). Gregory and Lees also outline a litany of cases taken by women police officers under the Sex Discrimination legislation (1999: 24–48) and describe the cultural aspects of the working environment as a 'danger zone for women' (1999: 49).

In Bittner's explanation of police identity being about danger, authority and the pressure to produce results, suspicion and the capacity to use force, women are not 'naturally equipped to succeed in policing' (1990). In his discussion of police culture based on aggressive and competitive physical action, Fielding (1994: 47) also argues that misogynist attitudes and in-group out-group distinctions disadvantage women officers. He says that the pecking order for a 'good arrest' is a 'good crime arrest' such as a domestic burglary, whilst arresting a drunk will not normally lead to 'promotion' to the CID. Numerous studies of women police have found evidence of the negative effects of police culture on women colleagues and police work. Heidensohn argues that rather than being 'in control' (1992) women officers are denigrated, abused and marginalised by male colleagues. In a more recent summary of her wide-ranging analyses over the past 15 years, Heidensohn (this volume) concurs with Brown (2000) and Silvestri (2003, 2007) that the enduring 'macho culture' shows itself in many ways across all ranks of modern US and British policing. Heidensohn quotes the British Association of Women Police on their findings of 'the impact and consequences of the predominant and dominating culture on minority groups' (BAWP n.d.: 3), which they describe later as a 'dominating male culture' (BAWP n.d.: 16). In another study by Brown and Heidensohn (2000) a wider international comparison was conducted, from which they concluded that sexist discrimination could be lessened by a

number of factors, including increasing the percentage of women working on patrol together and in the specialist departments. On the other hand their rather 'discouraging' conclusion was that 'the impacts of occupational culture are hugely potent and can override an individual's efforts' (Brown and Heidensohn 2000: 125 quoted in Heidensohn 2003: 567)

Although very disturbing, these sexist practices, structures and cultures not only have a negative impact upon workers inside the organisation, but also have the potential to inhibit the delivery of justice in a democratic society. As the preceding discussion has illustrated, one of the principal drivers of discretionary decision-making is linked to attitudes and behaviour aimed outward, in contact with victims of crime and suspects. Like racism and police culture, there is a significant history, with important cases as evidence of police cultural sexism, dating back to at least the 1980s in Britain. One of the *causes célèbres* were the Thames Valley Police CID practices, revealed by a BBC documentary film in which a woman complainant who had reported she had been raped was 'interrogated' by male detectives in a way which amounted to 'unmitigated toughness' and 'low level brutality' (Scott and Dickens 1989). Another example is the policing of domestic violence, where attacks on women were viewed, prior to legislation and force circulars, in police parlance as 'rubbish work' or 'best kept in the family' requiring 'feminine' skills to resolve (Westmarland 2001a: 57). Similarly, high rates of attrition in rape cases, where a very small percentage result in a guilty conviction, are often attributed to the 'laddish' culture of the CID, where, according to women co-workers (see Gregory and Lees 1999) pornography, boasting about extra marital sexual affairs and other 'manly' exploits, were part of the 'perks' of the job. The percentage of reported rapes which resulted in a conviction in 2005 stood at 5.6 per cent (Kelly *et al*. 2005, quoted in Walklate 2008: 45).

Cultures, corruption and change

For various reasons police culturalists are keen to describe and analyse the 'unwritten' or 'blue code' which is said to exist among and between groups of police officers (Westmarland 2004). Furthermore, the supposed 'code' which can support and perpetuate corruption and police brutality and prevents its detection is said to be a worldwide phenomenon (Klockars *et al*. 2004). One of the reasons it is fostered is that officers on the ground, patrol officers in particular, have to 'look out' for each other, both in terms of the threat from outside dangers, but also the enemy within (managers and supervisory officers) and officers have to 'cover' for each other. Various commentators have suggested that it is not only the common experiences of recruitment and training but also the in-group/out-group threats from members of Van Maanen's 'shit list' that form bonds, which in turn encourage and perpetuate group identities. Although police work is often conducted alone, away from the prying eyes of supervisors or colleagues, other than perhaps a well trusted and mutually dependent partner, it is argued that any member of an occupational group who has to carry out a function such as policing, with its

acceptance of rules, both internal force orders and external legislation, has to have some sort of 'acceptance of the rank and file definition' (Holdaway 1996: 158) of how it is carried out. In essence, despite extensive classroom training prior to patrol work, much of the everyday policing is said to be learnt from one another, from more experienced 'tutor' officers or simply through watching or hearing how others are disciplined or humiliated for 'getting it wrong'.

Aside from the issues of sexism and racism which have been discussed at length above, there is much discussion in the police culture literature on how to control officers and their behaviour. The discussion of Macpherson's recommendations above highlights this issue in terms of the police being 'unwittingly' racist. Similarly, work on ethics and integrity in policing has challenged the idea that all officers must be 'converted' wholeheartedly to certain beliefs, or whether they can simply agree to abide by an 'ethical code' (Westmarland 2000). As a result there is a significant section of police cultures debates which focuses on 'changing police culture' (Chan 1996), the reform agenda (Chan and Dixon 2007) and why it fails (Skogan 2008). In the first of these, Chan reports on a 'scandal' in the Australian police where a television programme exposed its officers to be racist, sexist, ignorant, insensitive and hypocritical even though they were on 'their best behaviour for the cameras' (Chan 1996: 109). As a critical moment, like those which prompted the Scarman and Macpherson reports discussed above, there were concerted calls for change, although the force had been 'undergoing major organisational and cultural changes for some years'.

Challenges to police cultural conceptions

Despite this long and distinguished history some authors have criticised the use of police cultures as a conceptual tool to analyse the police. As one of these voices, Waddington (1999) argues that although police subculture exists as a means of defending their in-group out-group existence and as a strategy in the 'them and us' war, it does not speak to the reasons for sexist or racist attitudes or motives behind police behaviour. Waddington agues that this is because canteen culture is just that, it is part of an oral tradition, an act, which stays in the 'backstage' areas of the canteen or personnel carrier, away from public view, and functions as a rhetorical device to pass on knowledge and help to bond officers who have to co-operate in difficult situations. 'Talking a good fight' or the ability to 'act tough' (Uildriks and van Mastright 1991), according to Waddington, is part of the role, and he argues it is necessary to develop an 'empathetic understanding of even the most disagreeable features of the police subculture' (1999: 302) because the

> 'cult of masculinity' is the celebration of the core aspect of the role – the willingness and ability to use force; the sense of a crime fighting mission provides ideological justification for the authority that is exercised against fellow citizens; the abusive, and often racist, denigration of 'police property' is the means through which moral dilemmas are routinely

> neutralised; and the defensive solidarity of the lower ranks is the frank recognition of the precariousness of their position. (1999: 302)

So rather than being 'deviant', for Waddington these features are mainstream, functional elements of police life and should not be regarded as 'negative' or in need of reform. He also points out that civil libertarian, reformist researchers (1999: 294) are often surprised when they observe the difference between talk and action, such as male officers being happy to denigrate women whilst they were together as a group, flirting with young women whilst on night duty in the van, and discussing their bodies and sexual desires amongst themselves, yet willing to take a leading role in offering help and support to female victims of domestic violence, and arresting men to 'teach them a lesson for picking on women' (Westmarland 2001a).

In a similar vein, Chan also argues there has been too much concentration on canteen culture as a method of understanding police misdemeanours and racist or sexist attitudes. She also argues that as a concept it has been 'poorly defined and is of little analytic value' (1996). Although police culture is regarded as a major obstacle to reform, in a later work she says there are four major criticisms of it. First, that it is claimed to be 'non monolithic', and yet it often describes a single 'street cop culture'. Second, that it implies that officers are impassive learners in the socialisation process. Third, she criticises police culture's 'apparent insularity from the social, political, legal and organisational context of policing' (1997: 67) and, finally, that 'an all powerful, homogeneous and deterministic conception of the police culture insulated from the external environment leaves little scope for cultural change' (1997: 67).

One of her suggestions for reconceptualising culture was to use Bourdieu's theory of cultural dispositions and, in particular, his terms 'habitus' (and structural positions) and 'field' (to situate practice in the wider social and political context). Chan argues this can lead to an active role for police actors, as working within structural conditions (the field), officers use cultural knowledge (habitus) to change, reinforce or transform police culture and practice. Waddington describes this as a welcome reminder that no culture is free standing, and culture does not exist in a vacuum (1999: 295). Whether it leads to reform, however, which was one of Chan's claims for her reconceptualisation in 1996, is reviewed in her more recent work with Dixon (Chan and Dixon 2007). In a study reflecting on 10 years of reform following the Royal Commission into the New South Wales Police they conclude that resilience and change are evident (Chan and Dixon 2007: 444). In 1997 the Commission had reported a list of misdemeanours which amounted to 'a state of systemic and entrenched corruption' (Wood 1997, quoted in Chan and Dixon 2007). A series of audits and reports into the subsequent reform process, however, revealed no evidence of attempts at cultural change, the focus being instead on crime statistics as a measure of increased effectiveness, 'continuous business improvement' (Chan and Dixon: 450). Their 'key informants' revealed that the 'Police Integrity Commission' (PIC) charged with investigating misconduct and corruption was too focused on punishment, was bogged down with too many cases and agenda, and it was the changing demographics

of a cohort of new recruits, enticed by a new professional, university-level training programme, that was leading to 'generational' and then 'cultural' change (Chan and Dixon 1997: 456–7).

Skogan argues that reform isn't possible because it is 'risky and hard, and efforts to innovate in policing often fall short of expectations' (Skogan 2008: 23). In particular, the 'reforms of choice today' – problem solving and community policing – depend on the exercise of police discretion and professionalism but as the 'top brass' know little of what the rank-and-file do, they struggle to keep control of their 'field forces' (2008: 24). They assume that a lack of control will result in fewer convictions and higher crime rates, putting their jobs at risk and are therefore not only faced with resistance by ordinary officers, but also frontline supervisors who are out of their cultural comfort zones. Furthermore, 'elite' groups such as detectives resist change by using threats of their inability to 'take heads' or 'kick ass', seizing drugs and guns if they have to desist from their aggressive policing style to avoid unwanted involvement in changes such as community policing, requiring them to share information and intelligence with uniformed colleagues (Skogan 2008: 27).

Status cultures

Skogan's description of the various resistances to change illustrates the continuities and differences between ranks and 'specialist' posts such as detectives. So far this chapter has concentrated almost exclusively on what critics have said is the small area we know the most about – that is, patrol work, conducted in uniform, generally at lower levels in the organisation at the start of an officer's career. In their defence, many of the writers quoted so far have acknowledged that their work is not meant to describe everything about all police work or even patrol work in all places and variants. As Reiner observes, although the early British studies, except for Banton (1964), did not attempt international comparisons, most compared forces within one country (Reiner 1992: 441). Most of the studies described above have either attempted to provide some comparisons (between rural and city cultures, US and UK, hard towns and middle-class areas, etc.) or have acknowledged that their analysis pertains just to the situation they are describing, such as the CID for instance, or in Young's case 'headquarters' culture (1993, see below).

Given the number of these roles, specialists amount to a significant number of officers as an overall percentage. These vary from the 'helping', feminine side of policing, the pink, soft and fluffy community policing (Miller 1999), which is difficult to quantify in terms of 'results' and involves chatting and drinking tea, according to 'hard-chargers' (Herbert 1997: 87). Similarly, posts such as Schools Liaison Officers are seen as 'female', whilst the dog handlers, firearms, marine section (including underwater search teams), mounted branch and motorbike squad, are 'male'. Aside from gender, each of these specialities have different objectives, and are variously 'crime', 'service' or 'order maintenance' roles.

Despite the view that 'cars, guns and horses' are male and 'child and family protection' are female, statistically the CID has a comparatively substantial

number of women officers in most forces throughout England and Wales, although this is because the figures include child and family protection units. Detective work, joining the CID or 'moving into clothes' (Hobbs 1991) is one of the clearest indications of the multiple cultures in police work, as Hobbs says it would be extremely naive to imagine that one culture could explain the many functions upon which the cultures are based (1991: 606). One of the reasons for this is that some officers may choose to go in a particular direction, believing they have the type of approach that 'fits' a particular department – traffic work and the CID often being cited as opposites, one supplying instant excitement and the gratification of a 'booking', the other requiring a more considered, careful analysis and 'solving' crimes. Furthermore, like other specialist posts, the CID has its own socialisation process, usually consisting of an initial period of acclimatisation, followed by a lengthy residential course, where traditionally the rites and rituals involved living a single lifestyle (whether or not the officer was to return at weekends to partner and children), of late night drinking and socialising, as well as anxiety about 'making the grade' in final exams which was part of the mythology attached to achieving full 'detective' status.

As Young has explained, structurally and symbolically, the work of the CID is much more valued than the uniformed police activity, which can be attributed to the largely unquantifiable nature of beat patrol work (1991: 281), as by comparison detective work is more easily quantifiable. Furthermore, 'driving matters' (traffic) are said to be dealt with by officers who have had their 'brains removed' and are held in an inferior light compared with dealing with the 'crimes' of theft and burglary (Young 1991: 278). In effect there is a distinction made between 'offences' and 'crimes' according to Young, and those in the CID are much more likely to have arrest and crime data and high status, surrounded by a metaphorical language which supports and reinforces this ascendancy (Young 1991: 281).

Hobbs also points out that it is clearing up crime that matters to the bosses, which new recruits to the CID must learn quickly, which is difficult because:

> The rookie detective exists in a form of cultural vacuum . . . and has yet to absorb the culture of the CID which is derived from a set of very different working practices from those practised by his former colleagues . . . The quicker new recruits to the CID can purge themselves of what is perceived as the plodding, mechanistic, reactive operational style of the uniform branch, the quicker total immersion in detective culture can be achieved. (Hobbs 1991: 599)

In this analysis Hobbs is describing a distinct detective culture, which involves ridiculing their former colleagues and a part of the police organisation of which they themselves were a part until recently. Young says that one of the ways this is achieved is through the adoption of Van Gennep's theories of 'rights of separation' (1960, quoted in Young 1991: 78) and that this is partly because 'the chase for numerical detections in which detectives everywhere are immersed moves them across another conceptual boundary and takes them into a statistical world away from their previous world as ''real polises'' '

(Young 1991: 80–1) who are just concerned with reactive low level arrests, in feeling collars and public order. He describes former colleagues as the new detectives to have 'crossed a divide',

> while the detectives know they have joined a closed and somewhat elite family group, whose strengths include the inside support of other members of that society. In many cases becoming a detective relies on a quiet system of patronage; of being invited in by those already inside with power ... Once inside, the new detective will quickly meld into the department's style, pursuing its rituals to form a new link in the tradition of the CID. (Young 1991: 81)

More than 10 years later Innes was to analyse not only the traditions and distinctive detective culture Hobbs and Young describe, but also the detectives' need for competence and detective status to be verified by results and solved cases, due to the need to 'deliver the goods' for personal advancement, and from the point of view of culturally transmitted role models of what it is to be a good detective in an elite corps (Collinson 1995: 26). As Collinson says 'Detectives are supposed to detect' (1995: 27). As Innes (2003) was observing homicide detectives rather than the more general 'thief taking' that the two previous authors describe, in the teams he analyses, even the 'caring' role of the Family Liaison Officer is seen as instrumental to the investigation because they might help with details of the murder victim's life and help identify suspects (Innes 2003: 103). In terms of detective culture, Innes acknowledges that they are under different sorts of pressures from uniform colleagues, regarding clear-up rates for example, and that a key concern of his study was to investigate the effectiveness of the police in solving homicides (2003: 33). He says that when the detectives set about solving the crime they use methods which ascribe moral identities to those having a role in the murder, with the victim as 'innocent', 'good' or 'worthy' depending on their circumstances and previous life, although some are 'morally tainted' (2003: 167–8). This 'moral career' approach is also used to assess the murder suspect, which may lead to more coercive powers and stigmatising labels to be attached, perhaps using previous involvement in deviant and criminal behaviours (2003: 170). It is developed and assessed using 'talk' or discussion among the detectives, where rather than 'war stories' to pass on their knowledge and ways of working, they would discuss the various motives for murder and the different 'types' (domestic, flash of temper, jealousy, burglary gone wrong) to develop a case narrative, the experience of which can provide knowledge upon which future cases and detectives can draw. In his early description of detective work, Klockars describes the story that solves a murder as a 'morality play', putting right some moral wrong. He points out, however, that 'Practically, by which I mean only what the evidence shows that real police detectives actually achieve in practice, the classical detective's promise – that even the most difficult of cases can be solved through the application of morally exemplary means – is a myth' (Klockars 1985: 86).

Management cultures

In some places in the section above, the CID seems to be regarded as an elite or exclusive club. Many of the officers whose 'detective culture' is analysed within those studies will hold ranks of constable or sergeant, and are not promoted to the management of others. One of the ways in which authors have tried to sort out these complicated combinations of individual and institutional/societal statuses is by constructing typologies which attempt to classify behaviours and attitudes. As Reiner explains though, there are individual characteristics, such as failed middle-class promotion seekers who become cynical street cops, or uniform carriers, and so in essence these differences are being driven by the needs of 'getting the job done' or pragmatism over pressure from the organisation or colleagues. In some other places the literature on police cultures seems to imply at least two, and in some cases more, 'classes' of police – the workers and the managers, often in direct conflict regarding control, reform and enactment of 'street police culture'. During an interview with a senior police officer about political pressure to move to a more 'consumer', service type approach, the officer pointed out that the 'more senior people in the organisation would appreciate' the concept (Clarke *et al*. 2007: 88), whereas patrol officers, on the frontline, might use the term 'customer' in a more derogatory sense. Another officer who was interviewed noted that leadership pressures were about performance, and that, 'it works in the simplest of ways, by very senior officers from this force very often having to go to London to find out what the brief is, what is expected of us'. These messages from 'breakfasts with Blair' (the then British Prime Minister) would then be passed down to frontline staff who would 'use the word customer . . . but almost in a sarcastic way . . . most of them' (Clarke *et al.* 2007: 126)

Such cultural distance between managers and frontline staff has been conceptualised in various ways, such as the division between 'command, middle management and lower participants' (Manning 1993, quoted in Chan 1996: 111). Early theorists such as Reuss-Ianni and Ianni claimed that the debate about management cultures versus street cultures is one of peer group pressure versus wider organisational controls (1983). They argued that despite management consultant makeovers, and many conferences, senior officers 'just can't understand why their power and authority gets lost or dissipated' (1983 quoted in Newburn 2005: 297). Part of the problem, according to Young, is that in a similar way to street cop culture, management culture is passed on from one to another, and is similarly resistant to change in the face of the reforms he was attempting to implement, as,

> many of those holding senior rank had been formed and groomed in this cultural style, and were unable easily to take on or even consider alternative forms. Furthermore, the new ideologies held little or no credence with the troops on the ground . . . new high-flying senior officers and their new management styles were used simply to support the belief that top management can never really care for the problems of the 'troops in the field', for they are merely ships that pass in the night on their journeys to even more glorious ports of call. (Young 1993: 84)

Conversely, the hands of the street cop are 'tied' by headquarters' management culture because 'the street cop culture sees local response and flexibility as more important than preplanned and ''packaged'' solutions to problems that may or may not ever come up in the day to day work of policing' (Reuss-Ianni and Ianni 1983, quoted in Newburn 2005: 302). They summarise this by making a distinction between the 'rule makers' and the 'rule breakers', having contradictory goals, as the 'two cultures no longer share a common vocabulary and increasingly have different objectives' (Reuss-Ianni and Ianni 1983, quoted in Newburn 2005: 306).

In her analysis of the 'new managerial style' of senior women officers, Silvestri argues that despite the normal rules that street cop equals masculine and 'inside' cop equals feminine, 'management' has always been male (2003: 41). Heidensohn says that although there are many disputes about the types and sources of police culture, most are agreed it has something to do with gender (1992: 78). In the new managerial culture, however, which is performance driven, it is a different sort of 'muscle' that the officers have to display to join the 'club' that is senior management, including 'fitting in' with the prevailing cultures and power structures, by integrating themselves and not looking for 'visibility as women' (Heidensohn 1992: 117).

These 'invisible' women Silvestri (2003) describes are similar to those in the 'classic' studies outlined briefly above, and show that, in the period between the 1950s and the mid-1980s most studies were about police-as-men and men-as-police; few references were made to female officers, with the exception of historical texts. The early ethnographies were about 'male' police culture in that women were generally absent. This highlights one of the problems with studies of police management culture, which is that they tend to homogenise – just as studies of masculinities used to classify 'men' without differentiating sexualities, class, age and how they fit into the model of a white, male culture. In 1991 Reiner published a study based on extensive interviews with chief constables, who were at the time all male. The first women subsequently to occupy these ranks have had to use very different techniques to achieve promotion and to simply 'stay the course' required to manage in the police (Westmarland 1999). Halford talks about her route being blocked because she was diverted into 'community relations' from 'crime' management. Other women have mentioned the importance of being involved in crime, 'preferably murder' (investigations) (Westmarland 1999) and, just like Silvestri's interviewees, talked of using co-operation and consultation rather than domination and threats in their dealings with other senior officers, whereas Sir John Stevens, in an interview about his view for 'policing London' talked at length about his 'direction' and leadership, in that he wanted clear and decisive measures to cut crime, put more officers into community beats and fight corruption, as the 'copper's copper' (Westmarland 2002)

Conclusions

Commentators have asked, for more than 40 years, how police culture can be understood and possibly reformed, but in deciding what has been learnt from

all these descriptions it is more difficult to answer these questions than ever. Whether the police 'cultures' thesis is an attempt to create false distinctions, or even as Waddington argues, to create something that does not exist at all except in 'talk' (1999) is also open to question. The debate about whether there is simply one culture, recognisable right across the world, now seems untenable, despite the enduring and recognisable elements of most police departments, and remarkable similarities where studies of behaviour or attitudes to corruption are evident (Klockars *et al*. 2004).

What might appear to be a fairly straightforward set of recognisable elements of police culture in fact turns out to have many complicated facets, even from the reading of very early texts such as Skolnick and Cain. Even then it was recognised that in specialist departments, such as the CID, there would be differences in attitudes towards a number of key elements of police work in different departments, forces and countries, and individual officers would also have quite differing takes on important elements such as 'easing' and covering for each other. The topic of police cultures, from these early studies through to the most recent, show that this is not resolved. Skolnick (2008) reflects on his work over 40 years and concludes that 'hiring and promoting minorities and women has been a widespread reform . . . it has brought necessary changes to police departments. However, the issues of race and gender in policing are delicate, complex, and can be the third rail of police reform' (2008: 36). He says that deciding what is to be done about police culture is actually a much more slippery and contested issue than he argued previously.

Studies of policing from the middle period such Hobbs 1989, Young 1991, Reuss-Ianni and Ianni 1983, illustrate that writers were beginning to distinguish more explicitly between types of police culture within organisations. Much has been learned in the intervening period and yet, as Skolnick (2008: 42) rightly observes, more ethnographic research is undoubtedly required. The era of classic ethnographic studies is now long gone, and researchers, in the main, now shy away from the long-term and often difficult investment required of such research. Improving our understanding of police culture almost certainly requires a return to such styles of working.

Selected further reading

Given the fairly wide remit of this chapter in terms of time and place, there are a number of recent and classic texts that could be recommended for further reading, such as *Justice Without Trial* by Skolnick (1966) and Banton's *The Policeman in the Community* (1964). For the middle period of the historical sweep of this chapter Hobbs' *Doing the Business* (1989) is an in-depth and absorbing study which adds context to the world of detectives, as does Malcolm Young's work *An Inside Job* of around the same period (1991). Similarly, for a broad examination of the historical context in policing since 1945, Loader and Mulcahy's (2003) study of *Policing and the Condition of England* situates the issues raised in this chapter into a framework that explains where the structural and cultural attitudes have arisen in work such as Hobbs (1989) and Young (1991) mentioned above. A very good overview of the literature on police cultures is provided by David Dixon in *Law and Policing* (1997) and an essential text to the understanding of much of what is written about police cultural studies is Reiner's *Politics of the Police*

(2000). There is also a literature on more specific aspects of police culture such as change and corruption, in *Changing Police Culture* by Janet Chan (1997), interactions of gender and culture in Brown and Heidensohn's *Gender and Policing* (2000) and some studies which look at racist cultures such as Holdaway's *Racialisation of British Policing* (1996), and in amongst other important issues, Eugene McLaughlin's *The New Policing*, and Michael Rowe's *Introduction to Policing* (2008), and those of divided societies such as Brewer and Magee's *Inside the RUC* (1991). On a more generally critical note, Waddington's *Policing Citizens* (1998) unpicks assumptions about the negativity of some authors' approaches to police culture, and Uildriks and van Mastrigt provide a useful analysis on the significance of police violence and toughness within the police in *Policing Police Violence* (1991) as does Herbert, with a focus on the US in *Policing Space* (1997). Finally, if the earlier work by Skolnick inspires further reading it could be useful to read his later work on where police culture has been and is heading in his article about the 'Enduring issues of police culture and demographics' in *Policing and Society* (2008).

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Chapter 12

Police powers

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Introduction

The title of this chapter needs little explanation. We are all familiar with the idea of the police arresting people, carrying out street searches and detaining suspects so they can be questioned. We will look at these powers, and many more besides. However, it would be easy to create the false impression that policing is primarily a matter of the exercise of powers – of the exercise of coercion. In reality, much policing is by consent, much policing is done with the community, or sections of it, and much criminal activity is condoned, ignored or dealt with in non-coercive ways.

When no specific power is invoked power in a more general sense may nonetheless be brought into play. Power is exercised in many different places in society and has many different sources. But the power of law enforcement agencies is special. Much of it derives from specific powers given in legislation, and extended by judicial decisions, to those agencies. For example, many people consent to be searched by police officers because they believe (usually correctly) that if they do not consent the police will be able to invoke a power that allows them to insist anyway. In other words, the existence of extensive police powers facilitates the exercise of generalised police power, and so to understand the latter we need to understand the former. The importance of legal powers is not so much that they are *actually* invoked frequently, but that they *could* be.

Another way of saying that the police need not exercise their powers in any particular situation is to say that they exercise discretion. Whether potentially suspect communities are actually policed is thus largely a matter for the police. While it is true that the police are open to external influences (such as the Home Office, local police authorities and local communities), police discretionary choices at the level of both force policy and street-level decision-making are usually the key determinant of the use of police power. Further, while police powers are always limited by the legislation or judicial decisions that created them, we shall see that a power that is limited in law is not necessarily limited in action. We will therefore look later at controls on those powers and the redress available when they are breached.

This chapter focuses on problems created by police power in England and Wales. No doubt much of the time police power is used within the limits of the law and in ways that a majority of people considers uncontroversial. But those in that majority rarely encounter the police in an adversarial setting. This chapter looks at the issues from the perspective of the minority who suffer abuses, and questionable uses, of police power. Although we rely on research evidence in support of our arguments, the empirical record on some issues is thin. The police compare well with many other institutions in their willingness to engage with researchers, but much discretionary police work is of low visibility, making rigorous evidence difficult to obtain. Some of our arguments are therefore contestable. This is a particular problem at present as government-funded research has become increasingly geared to narrow evaluations of new policy initiatives that give little scope for asking searching questions about the police (or, indeed, any other criminal justice agency). Consequently, much of this chapter is based on findings from the 1990s, even though – as we shall see – the powers themselves have been subject to great change over the last few years. For a government that, when it was elected in 1997, proclaimed a commitment to 'evidence-led policy' this unwillingness to fund research of the type that used to be normal is deplorable.

Before discussing the most important police powers we will examine the applicability of 'models' of criminal justice to the police. This is so that we can rise above the detail of each particular power in order to identify patterns of development, whether they be aimed at greater protection of victims or of civil liberties, more convictions, or greater efficiency.

'Modelling' police powers

Packer (1968) famously characterised criminal justice systems as comprising two ideal types: due process and crime control. 'Due process' values prioritise civil liberties in order to secure the maximal acquittal of the innocent, risking acquittal of many guilty people. 'Crime control' values prioritise the conviction of the guilty, risking the conviction of some (fewer) innocents and infringement of the liberties of some citizens to achieve the system's goals. Due process-based systems tightly control the actions and effects of crime control agencies such as the police. Crime control-based systems do not. No system in a liberal democracy is likely to correspond exactly with either model. They are best understood as situated at either end of a spectrum, with existing systems located somewhere in between.

If the police wish to interview people they suspect of committing a crime, due process protections, such as the caution against self-incrimination, are triggered. On arrest the suspect is generally taken to a police station. This triggers further due process protections, such as a right of access to lawyers, as civil liberties are further eroded by lengthy detention, interrogation, search of the suspect's home, fingerprinting and so forth. In order to charge, further evidence is required and further protections are provided: the Crown Prosecution Service (CPS) to vet the case and Legal Aid to prepare a defence. In order to convict there must be yet more evidence. So, due process

requirements become more stringent at each stage, in parallel with the increased coerciveness of suspicion, accusation and trial. Suspects may be believed to be guilty by the police, and may indeed be guilty 'in truth'. But in the absence of sufficient evidence, due process requires that they be released.

This does not mean that police powers in England and Wales are necessarily located at the due process end of the spectrum. We shall see that little evidence is needed to stop and search or arrest someone; every year hundreds of thousands of people, against whom it is likely that there was little or no evidence of crime, are arrested, detained and released without formal action being taken, and the protection given to suspects who face questioning in the police station pales into insignificance when compared with the experience of that intimidating environment. Doubts about police efficiency and propriety on the part of advocates of due process lead them to argue for more stringent limitations on police powers, while advocates of crime control argue that even the legal protections that we do have obstruct discovery of the truth.

Despite the clarification provided by Packer's models, their value is limited. Take the purpose of police powers. Under the crime control model, their purpose is to identify as many criminals as possible with a view to their conviction. But what about the due process model? The aim of police powers can hardly be to protect suspects, for if that were the goal the solution would be simple – we would simply not give the police any powers at all. It seems then that it is hard to get away from the idea that crime control is the goal under both models, and that the key difference between the two is how far pursuit of that goal is tempered by a concern to protect the liberties of suspects. There are thus few, if any, due process protections for suspects that cannot be eroded if a sufficiently strong utilitarian (crime control) argument can be made for doing so. In Packer's models, in other words, protections are always being 'balanced' against police powers. Where that balance is struck largely determines where in the spectrum a system is located.

Ashworth and Redmayne (2005) attempt to provide a structure for this balancing act by developing a framework of ethical principles derived from the European Convention on Human Rights (ECHR). This is valuable, particularly now that the Human Rights Act 1998 makes the ECHR applicable to all areas of UK law, but it leaves many conflicts unresolved, as Ashworth and Redmayne's principles are reformulations of key due process principles. Moreover, many of them are vague, such as 'to be treated fairly and without discrimination' and 'reasonable grounds for arrest and detention'. Those that are precise, such as the 'right of innocent persons not to be convicted', are not absolute but may be undercut by the kinds of considerations one finds in the crime control model. Gearty (2006), another leading advocate of human rights, acknowledges these problems. He argues that although human rights principles should underpin law and political discourse we should not attempt to derive specific laws from those principles (in the way that Ashworth and Redmayne attempt to do).

An attempt to use the insights both of Packer and of human rights approaches is our 'freedom model' (Sanders and Young 2007). It starts from the recognition that police powers (and the limits to which they are subject) are intended to further conflicting values, aims and interests in the criminal

process, such as: convicting the guilty; protecting the innocent from wrongful conviction; protecting human rights by guarding against arbitrary or oppressive treatment; protecting victims; maintaining order; securing public confidence in, and co-operation with, policing and prosecution; and achieving these goals without disproportionate cost and consequent harm to other public services. Politicians like to pretend that these goals are all equally achievable but, in reality, choices have to be made over which are to have priority. The choices that are made give expression to particular philosophical standpoints. The standpoint we prefer establishes the promotion of freedom as the over-riding purpose of the criminal justice system in general, and police powers in particular. All the various interests and goals identified earlier are connected to this underlying goal. For example, arrest is not a valuable activity in itself. Arrests are made in the hope that, where the arrestees are offenders, what follows will reduce their (and everyone else's) propensity to commit crime. This should enhance the freedom of past and potential future victims. Similarly we expect the police to respect the rights of suspects on the street not because limiting police power is in itself a good idea but rather because no more freedom should be taken away from members of the public by state officials than has been constitutionally allowed by Parliament and the courts.

This model allows that different interests come into conflict and prompts us to search for compromises that are likely to maximise overall freedom. This is not a crude form of utilitarianism for it does not oppose a 'human rights' approach to criminal justice. Instead – as Gearty (2006) acknowledges is necessary – it supplements human rights. Moreover, using the language of 'freedom' can strengthen respect for rights. We might, for example, more effectively convince the police to respect defendants' rights if we highlight how those rights do not constrain but rather facilitate the achievement of the ultimate criminal justice goal of promoting freedom. This model has obvious links with Faulkner's (1996) account of an inclusionary form of criminal justice in which, because the end of law is to enlarge freedom, authority has to be accountable, solutions to crime must be sought by working with, and within, the community, and young people must be given opportunities rather than be treated as an enemy to be humbled through discipline and social exclusion. This model requires considerable elaboration as to the precise meaning of 'freedom', so here we use the model simply as a sensitising device, as a way of signalling that the use of police power in the pursuit of crime control may be counterproductive.

In addition to classifying the rules regulating police powers in crime control and due process (or human rights) terms, we can also classify them according to how far they influence police behaviour. Table 12.1 identifies four types of rule. First there are rules that express crime control values – which, in other words, give powers to the police. These may be 'enabling rules' that allow the police to do things that they could not do before, such as the rules on stop and search; or they may be 'legitimising rules' that allow the police to do things that they used to do anyway, such as the rules authorising precharge detention (largely doing away with the concept of suspects 'helping the police with their inquiries'). Then there are rules that express due process values. 'Inhibitory' rules, such as those that stop the police from assaulting suspects during a

Table 12.1 Types of legal rule and their effect on police behaviour

	Rule expresses crime control values	*Rule expresses due process values*
Influence police	Enabling effect	Inhibitory effect
Do not influence police	Legitimising effect	Presentational effect

formal interrogation, actually constrain the police, while 'presentational' rules have little or no effect except at the level of appearances. This classification alerts us to the need to go beyond simple comparisons of the 'law in books' with the 'law in action' by analysing the relationship between rules and police behaviour.

Police decisions 'on the street'

In the first decades after the establishment of the police in their present form, sufficient evidence to prosecute was needed before street powers could be exercised. Arrested persons were taken directly before the magistrates, who decided whether to prosecute. In theory, then, police investigation had to take place before arrest (a due process approach), although in reality many people were forced to 'help the police with their inquiries' in custody. Arrests are now often made to facilitate investigation, bringing the formal rules nearer to a crime control reality. The current legal position is somewhere between the crime control and due process models, but it is steadily moving away from 'due process'. For example, arrest without judicial warrant was extended to most 'normal' crimes (including theft, burglary, serious assaults, sexual offences, drugs offences, public order offences and possession of offensive weapons) by the Police and Criminal Evidence Act 1984 (PACE), and arrest powers were then extended to *all* offences by the Serious Organised Crime and Police Act (SOCPA) 2005. Rather than needing sufficient evidence to prosecute, all the police generally need to stop, search and arrest is 'reasonable suspicion'. Increasingly, even 'reasonable suspicion' is no longer needed in relation, for instance, to offensive weapons (Criminal Justice and Public Order Act 1994 s. 60, and extended yet further by the Knives Act 1997, s. 8), and terrorism (Terrorism Act 2000, s. 44). See, generally, Sanders and Young 2007: chs 2–3.

'Reasonable suspicion' and discretion

Guidance on the meaning of 'reasonable suspicion' (where this is still needed) is given in the codes of practice on stop and search and on arrest issued by the Home Office under the authority of PACE. The latest edition of the relevant Codes (C and G) came out in 2008. Code C states that 'there must be an objective basis' for suspicion which 'can never be supported on the basis of personal factors alone' (para. 2.2). However,

> Reasonable suspicion can sometimes exist without specific information or intelligence . . . For example, if an officer encounters someone on the street at night who is obviously trying to hide something, the officer may (depending on the other surrounding circumstances) base such suspicion on the fact that this kind of behaviour is often linked to stolen or prohibited articles being carried. (para 2.3)

It would be hard to find a better example of an 'enabling' rule.

Clearly, police officers have to exercise discretion in deciding whether to stop and search and arrest, for all sorts of behaviour could be interpreted as suspicious in these terms. Some people look less 'suspicious' than others, and multitudes of actual or likely offences have to be prioritised. Minor offenders (prostitutes, unlicensed street traders and so forth) are often simply ignored (Smith and Gray 1983). Arrest is used less frequently than informal action even for relatively serious violence (Clarkson *et al*. 1994; Hoyle 1998). Similarly, when officers are able to be proactive (as opposed to their usual reactive mode) they have to use discretion about the offences or offenders in which to invest their time. Discretion is also created as a consequence of the way offences are defined. How carelessly does someone have to drive before the police decide to intervene, for example? So, stop and search and arrest decisions are constrained only loosely by law: the powers themselves, based (at best) on reasonable suspicion, are ill-defined and subjective; many of the offences for which the powers are exercised are similarly ill-defined; and the police largely set their own priorities. Equally important influences on the exercise of discretion are general policing goals, specific police force policies (e.g. Miller *et al*. 2000) and 'cop culture' (see Chan 1996).

Patterns of bias and police working rules

Research prior to PACE found that the weak constraints imposed on discretion by law allow considerable scope for bias in policing (e.g. Stevens and Willis 1979; Smith and Gray 1983). Stops were often based on classic stereotypes leading to patterns of bias on lines of age, class, gender and race. PACE was intended to make some difference, for, although it gave more, not less, power to the police, it also incorporated more controls than there were before. These include requirements to tell suspects why they are being arrested or stop-searched and to make records of the incident.

Stop and search and arrest decisions are of intrinsically low visibility (Goldstein 1960). Thus written records can be constructed after the event (McConville *et al*. 1991: ch. 5). Accounts of incidents can correspond as much with legal expectations as with the reality of the incidents (Ericson 1981). Thus officers are aware that the precise way in which forms are completed may either help or hinder a member of the public subsequently making a formal complaint about their actions (Bland *et al*. 2000: 73). It is hardly realistic to expect an officer to record on their stop and search form that their reason for exercising a power was 'because he's a fucking paki' (*The Secret Policeman*, BBC 2003), yet we know that such reasoning does take place (see below). On the other hand, at least the requirement to record has the potential to focus

officers' minds on the limits of their legal powers, and some officers do claim this has an influence on them (Bland *et al*. 2000: 71–2). However, when scrutiny of forms reveals the reasons for searches to be sometimes recorded in such vague terms as 'drugs search', 'info received' and 'acting furtively' (Bland *et al*. 2000: 44), the extent to which there has been a genuine shift in police reasoning is open to question. Supervising officers should now scrutinise these forms to ensure that each stop was lawful and to see that there is no pattern of discrimination. This is all welcome, but difficult to carry out, and requires a culture change on the part of supervisors who have not hitherto regarded this as important. Moreover, many stops used not to be recorded at all, and although the recording requirements have been tightened up, it is almost impossible for a supervisor to ensure that a record is made of an incident (or take action when it is not) if no one makes them aware of that incident (see generally Sanders and Young 2007: ch. 2). Research has not found the control and accountability mechanisms in PACE to have achieved their intended effects, particularly with regard to ethnic minorities (see generally Bowling *et al*., this volume). Police records show that in 2004/05 black people were 6 times, and Asians 1.8 times, more likely to be stop-searched under PACE than white people. Black and Asian people were similarly over-represented in stops under s. 44 and s. 60 (Home Office 2006). Asian people feel particularly targeted in the wake of the '9/11' and '7/7' terrorist attacks on New York and Washington and on London in 2001 and 2005 respectively. Indeed, Hazel Blears, the minister responsible for counter-terrorism in 2005, told a parliamentary committee that Muslims will have to accept as a 'reality' that they will be stopped and searched by the police more often than the rest of the public.: 'there was no getting away from it', because the terrorist threat came from people 'falsely hiding behind Islam' (Dodd and Travis 2005). Some researchers argue that when statistics on recorded stops and searches are compared with the population 'available' to be stopped and searched (i.e. those who use public places when and where stops take place) no general pattern of bias against those from ethnic minorities is evident (MVA and Miller *et al*. 2000; Waddington *et al*. 2004). However, this does not take account of the under-recording mentioned earlier, which might be expected to be most prevalent where the grounds for stop-searches are weakest.

Moreover, the number of stops is only one problem of which many black and Asian people complain. Another problem is the justifiability of stops. According to the Home Office (2005: 38) itself, 'In a number of forces stop and search was used as a tool for public reassurance and to prevent people from gathering in certain places, although there was no reasonable suspicion of a crime'. Yet another problem is the way stops are carried out: 'It's not what they say, it's how they say it' (Bland *et al*. 2000: 87). Offensive and racist language is particularly resented. One young Pakistani adult described his interaction to Bland *et al*. as follows: 'their exact words were, yeah (and I've got witnesses because I was with two other people, yeah) was: ''Don't fuck me about right, and I won't fuck you about, where have you got your drugs?'' ' (2000: 83). Black people were found to be far less likely than Asian or white people to report any positive experiences of respectful treatment by the police, and the

overrepresentation of black people is continued at the arrest stage (Hillyard and Gordon 1999).

The 'working rules' that McConville *et al*. (1991) argued nearly 20 years ago structure police decision-making are still alive and well. For example, the 'rule' that many stops are based on general 'suspiciousness' was found by McAra and McVie (2005) to lead to a focus on the 'usual suspects'. The 'rule' that threats to police authority or public order should be squashed, by arrest if necessary, was found to operate by Warburton *et al*. (2005) even when the offence – such as cannabis possession – is trivial. Given these working rules, it is not surprising to find that stop and search is a crude instrument of crime control. Although more stops lead to more arrests, the proportion of stops that lead to arrest decreases as the number of stops rises. This consequence of the crime control approach can be observed in most years since PACE was implemented; the number of recorded stops has increased tenfold since 1986 yet the proportion leading to arrest declined from 17 per cent in 1984 to 10 per cent in 2004–05 (Home Office 2006; Sanders and Young 2007: ch. 2). Only about 7 per cent of arrests are a product of stop-search, and in most of these cases the police could have arrested anyway if the stop was legal, as the grounds for stops and arrests are identical in most cases. Thus, use of the stop and search power results, at best, in only a marginal impact on crime. Overall, it has been estimated that the various types of searches conducted by the police in 1997 reduced the number of crimes susceptible to this tactic by just 0.2 per cent (Miller *et al*. 2000: 28).

We have shown that attempts to control discretion through use of formal rules and laws have not been very successful. But this is not to say that, under certain conditions, changes in formal rules are completely ineffective. Several studies of domestic violence have assessed the impact of Home Office circulars that encourage arrest wherever there is evidence of an offence. Arrests rose significantly as a result, although not to the extent that full adherence would have produced (Hoyle 1998; HMIC and HM CPSI 2004; Paradine and Wilkinson 2004). It seems that the police perception of domestic assaults as 'not worth their time' can be partially overcome, albeit not entirely. As Chan (1996) argues, police culture is not independent of societal pressures and legal rules. Whether, and how, practices and rules correspond are always empirical matters. So, Hoyle (1998) found that, in the enthusiasm of police officers to implement this new policy, many arrests took place on inadequate evidence: an example of legal rules being overridden by non-legal concerns.

Police powers on the street: inclusionary or exclusionary?

It might seem from the above that we are ignoring the role of the public in policing. Arrests for serious offences often follow information from, and complaints by, victims or witnesses, and this remains true notwithstanding the late 1990s revival of proactive policing (see chapters by Tilley and Maguire, this volume). But for summary offences (such as public order, prostitution, drunkenness, etc.) police initiative has always been more pronounced. Even when the police do not have a proactive role, the initiator of police action may be influenced by similar forms of stereotyping. Store detectives, security

personnel in shopping malls, and civilian CCTV operators all stereotype (Wakefield 2003; Smith 2004), and doubtless 'ordinary' members of the public do too. Citizen initiation usually involves the transmission of rather sketchy and sometimes downright unreliable information to the police (see, for example, Quinton *et al*. 2000: 31–3). Moreover, that information still has to be sifted, evaluated and acted upon (or not) by the police and stereotyping plays an important part in these processes (e.g. Grady 2002). The police are not simply the agents of the public. Thus, the British Crime Survey has repeatedly shown that the police record, at most, three-quarters of the crime reported to them (Nicholas *et al*. 2005).

In other words, police discretion and the exercise of judgement are still operative even when arrests are citizen initiated. The same is true when information is obtained from informants, on whom the police increasingly depend (Field and Pelser 1998; Billingsley *et al*. 2001: 5). Information from the public is one resource among many upon which the police draw in exercising discretion on the street according to their own priorities. It is only when a community is well organised and vociferous in its demands for changes in policing practices that the police are likely to modify their working rules in favour of working with that community in a genuinely inclusionary way (Miller 2001).

The increased formal powers of stop and search and arrest given to the police since the mid-1980s, combined with the ability of the police to stop and search and arrest largely on the basis of broad intangible suspicion, led to the increased use of this activity throughout the late 1980s and 1990s (Sanders and Young 2007: chs 2 and 3). Other new laws, such as s. 5 of the Public Order Act 1986, provide arrest powers for trivial offences which are used extensively by the police to enforce their authority (Brown and Ellis 1994). The increasing use in recent years of ASBOs and fixed penalties, and sub-legal measures such as 'acceptable behaviour contracts', has added to this (Squires and Stephen 2005; Young 2008). Young males, especially from poor and minority sections of the community, bear the brunt of this power (Meehan 1993; Brown 1997: chs 2 and 4). They feel – with some justification – discriminated against, and the consequent social unrest creates a vicious spiral of yet more policing and more unrest (Keith 1993; Macpherson 1999). The police sometimes use arrest powers to stamp their authority on challengers, often without any intention of prosecuting (Choongh 1997; Warburton *et al*. 2005). The poor and underprivileged, it is claimed, are often treated dismissively as part of, and in order to emphasise, their exclusion from normal standards of protection (Young 1991).

From a freedom model perspective, police powers on the street are clearly drawn too wide and used too indiscriminately. While we have concentrated in considering how police power impacts on suspects and their communities, the situation is similarly problematic when viewed from the perspective of victims or, indeed, of the police themselves. For every arrest which fails to prevent or solve a crime creates a twofold loss of freedom: the arrestee loses some liberty and privacy; and the time, money and resources wasted in the arrest will not have been used to protect potential victims (e.g. through street patrols of high-crime areas) or to provide non-law enforcement public services.

Detention and questioning

PACE required, for the first time, that on arrest, all suspects, except in exceptional cases, should be taken directly to a police station. It was then for the custody officer (the old station sergeant) to decide whether or not the suspect should be detained. The idea was to protect suspects from arresting officers who might harass or intimidate them. The Criminal Justice Act (CJA) 2003 changed this by allowing arresting officers to bail suspects immediately, obliging them to report to a police station at a particular time days or weeks later. While this does not completely return us to the pre-PACE situation, 'street bail may be used where there is little or no evidence, as an instrument of police authority and control or simply as a way of keeping tabs on known offenders' (Hucklesby 2004: 808). These risks have to be set against the good reasons for this provision: enabling enquiries to be made that may lead to bailed suspects never being detained at all, and easing pressure on custody officers and police facilities at busy times (such as Saturday nights).

Grounds for detention, time limits and police bail

Whether one is taken to the station by an arresting officer, or reports to the station following bail, what happens next is up to the custody officer. There are only two grounds for detention: in order to charge or caution (warn) the suspect; or, where there is insufficient evidence to charge or caution, in order to secure that extra evidence. But this is allowed only where detention is necessary for that purpose, and only for as long as it is necessary. Senior officers are obliged periodically to review detention to ascertain this. Detention is normally limited to 36 hours (a recent increase from 24 hours which, in itself, was longer than was normal pre-PACE) but can extend to 96 hours with the leave of the magistrates' courts. Suspected terrorists can be held even longer under the Terrorism Act 2006, s. 23 – for 28 days – and at the time of writing this looks likely to be extended further. In 2004, under less draconian legislation (allowing detention for 14 days), there were 162 arrests for terrorist offences; of these one-quarter were charged, though only half of these were in fact for terrorist offences (Sanders and Young 2007: 183) However, some are made subject to 'control orders' under the Prevention of Terrorism Act 2005, which create a form of house arrest that can last indefinitely (on policing terrorism, see Innes and Thiel, this volume).

These time limits are intended to ensure that suspects are not intimidated by the prospect of indefinite detention. However, the prospect of up to 36 hours – or, for terrorist suspects, up to 28 days – in the cells will be intimidating in itself. Decisions concerning the necessity of detention are consequently of great importance. In recognition of this, the custody officers have to complete custody sheets that record everything that happens to, and is decided about, detained suspects. However, this evidence is written by the members of the agency against whom it is supposed to be a protection – rather like records of stop and search. Thus, despite the outward appearance of everything being done 'by the book', detention is hardly ever refused (in one month picked at random recently there were just 45 refusals out of 8,000

detentions – a refusal rate of around 0.05 per cent; Sanders 2008). Reviews of detention can be perfunctory (senior officers can conduct the review over the phone), and the suspect might remain in custody for as long as investigating officers wish, subject to the time limits stated in PACE (McConville *et al*. 1991; Phillips and Brown 1998).

When the police do decide to release the suspect, they have to decide what else to do, if anything. Suspects released without charge may be given bail by the police while further inquiries are carried out. When custody officers decide to charge suspects with offences they have to decide whether to release on bail or to hold the suspect in custody pending the next magistrates' court hearing (usually the next morning). Detention is allowed only if the suspect's real name and address cannot be verified, if they are unlikely to appear in court to answer the charge, if they are likely to interfere with witnesses or police investigations or if they are likely to commit a significant crime. Around 80 per cent of charged suspects are granted bail by the police, this percentage having risen in recent years after the police were granted powers to set conditions, such as not making contact with the victim (see, generally, Bucke and Brown 1997; Raine and Willson 1997). Just because most suspects are granted bail does not mean that the police have refrained from exercising power over this group. The bail decision gives the police a bargaining tool in interrogation, which can be used to extract information about current and previous offending, other offenders and so on (for an example, see McConville 1992). The fact that the police can make this decision on a largely discretionary basis gives them generalised power that goes far beyond the specific bail powers written into the law.

Access to legal advice

PACE requires free legal advice to be provided to all suspects who request it. Advice may be delayed in exceptional cases but not denied outright. Information about this unambiguous right has to be provided by the custody officer to the suspect. Custody records state whether or not suspects were informed of their rights, whether or not suspects requested advice and what (if anything) happened then. Request rates have now risen to around 40 per cent and actual advice rates to around 34 per cent (Bucke and Brown 1997). This is a massive increase over the pre-PACE situation, when less than one in 10 suspects requested advice (Sanders and Young 2007: 195) but, even today, two out of every three people do not make use of an entirely free service that is designed to help them. This requires explanation.

Some suspects have negative attitudes towards solicitors, which is not surprising. Advice is frequently provided by telephone, rather than in person, and, in many cases, no one attends interrogations. When Legal Aid lawyers (who are often para-legals) do attend, they are often passive; they have a generally non-adversarial stance and take their lead from the police. The behaviour of the police themselves is often an additional factor in suspects' decision-making. The research (summarised by Brown 1997: ch. 6; Sanders and Young 2007: 199–214) shows, first, some suspects do not request advice because they are not informed (wholly or partly) of their rights; some suspects'

requests are denied, ignored, or simply not acted upon (custody records recording only some of these instances); and the police often attempt to dissuade suspects from seeking advice and to persuade them to cancel their requests. Such events were noted in 331 cases (40 per cent of all cases observed) in the study conducted by Sanders *et al*. (1989) and included such things as the disquieting information: 'You'll have to wait in the cells until the solicitor gets here'.

The net result is that the potential for, and likely effect of, getting help from a solicitor are among many factors that suspects must weigh up when detained. Police station legal advice and assistance is now regulated more rigorously in an effort to make it more effective (Cape 2006), but the effect of this is undermined by changes to the right of silence (discussed below). Moreover, recent changes to the Code of Practice restrict legal aid payment, in minor cases, to advice over the phone.

Police interrogation

Interrogation has assumed ever greater importance in police investigation over the years. Around three-fifths of detained suspects are interrogated (Bucke and Brown 1997: 31). The PACE *Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers* (Code C) sets out basic standards for interrogation (the provision of proper heating, ventilation, breaks, access to solicitors and others, and so forth), but also states that a police officer is 'entitled to question any person from whom he thinks useful information can be obtained . . . A person's declaration that he is unwilling to reply does not alter this entitlement' (Note 1K). So, police officers may attempt to persuade suspects to change their minds about not speaking, and to hold them, subject to the time limits, for as long as that takes.

Many suspects against whom there is plenty of evidence anyway will talk to the police under almost any conditions. Others have to be persuaded. Some are susceptible to 'deals': confessions in exchange for favours such as bail or reduced charges. Then there are those who are intimidated by being held against their will in 'police territory' where the environment is deliberately denuded of psychological supports, by being in fear of spending the night in the cells or by the employment of any number of 'tactics' against them. Examples of such tactics are offering inducements, claiming that there is overwhelming evidence against the suspect and using custodial conditions such as return to the cells. The latter can be particularly effective, given the importance attached by most suspects to the shortest detention possible. To understand the coercive nature of detention, it is necessary to appreciate how it is experienced by suspects: in these conditions, 'time passed exceedingly slowly' (Newburn and Hayman 2002: 97). If a tactic does not work in the initial interrogation, 24 hours (or more) thus allows ample time for the suspect to be psychologically 'softened up' for further interrogation. Evans (1992: 49) found a strong statistical association between the use of tactics and confessions.

Extreme tactics are now unacceptable in formal interrogations since such interactions must be tape recorded. That this is required gives rise to another way of securing confessions: through informal interrogation. This may occur

on the way to the police station, before and after formal interrogations, or in the cells under the guise of a 'welfare visit'. Custody officers are supposed to record the precise times at which interviews begin and end, but this does not prevent officers having an 'informal chat before I switch on the tape' (Evans and Ferguson 1991; McConville 1992). Many appeals turn on confessions allegedly made 'informally' but not repeated 'formally'. As one officer told Maguire and Norris (1992: 46–7), there would be nothing to prevent him from distorting the contents of informal conversations 'if I was dishonest'. While it appears that 'tactics' are now used less frequently in formal interrogations than they were before PACE, it is possible that they have simply been displaced to 'lower visibility' settings. The scope for this is reduced in police stations with CCTV cameras (Newburn and Hayman 2002), but at present few have installed them, and the problem of what goes on outside the station will remain. Because of the absence of recent research we do not know whether informal interviews are better controlled than before. But we do know that evasion of controls appears to be a normal feature of policing. In New South Wales (Australia) for example, recent research found that huge numbers of formal, recorded interviews are preceded by informal interviews, particularly where the formal interviews were videoed. Sixty-three per cent of police officers interviewed said they had done this in the case about which they were being interviewed (Dixon 2006, 2007).

Coercion occurs in both informal and formal interrogations. This is inevitable under English law, for the job of the police interrogator is to elicit answers even from suspects who have declared a refusal to provide answers: in other words, to persuade them to change their minds. Tactics are designed to do this, and not all are of the 'carrot' variety: 'Sometimes it's necessary to shout at people . . . you have to keep up the pressure' (detective cited by McConville *et al*. 1991: 4). Even interrogation practices which would be innocuous to most people are coercive to vulnerable people (Gudjonsson and MacKeith 1982; Littlechild 1995). Procedures for identifying, and making allowances for, vulnerable people in police custody have proved to be inadequate (Bucke and Brown 1997; Phillips and Brown 1998; Young 2002; Medford *et al*. 2003). Vulnerable suspects should be interrogated in the presence of an appropriate adult, but they are often not. Though appropriate adults are frequently over-passive, it does seem that the police are less coercive when they are present, and legal advisors (when they are present) are more interventionist when this is appropriate (Medford *et al*. 2003). Without appropriate adults (where applicable) and legal advisors, suspects seem to be more likely to be trapped into saying or accepting things that they did not necessarily mean (though this has been challenged in the Northern Ireland context, where it is suggested that appropriate adults are not sufficiently attuned to the legal rights of suspects: Quinn and Jackson 2007). All of this can lead to false confessions. 'Falsity' can be a matter of interpretation and degree. McConville *et al*. (1991) argue that interrogation is a process of construction whereby facts are made and not discovered. An example is given by Maguire and Norris (1992: 4), who report a CID sergeant saying that he had been taught to induce people found carrying knives to say that they were for their own protection. This, unknown to the suspect, constitutes admission of the crime

of carrying an 'offensive weapon'. This type of confession, with elements of falsity arising from the process of case construction, is probably more common than what is commonly thought of as constituting a 'false confession', and yet may similarly lead to wrongful convictions.

McConville *et al*. (1991) argue that false confessions are an inevitable result of crime control values dominating the criminal justice system. This view contrasts with that of Moston (1992), who argues that police failure to verify confessions and avoid leading questions is simply a matter of technical competence and a failure of training. Less confrontational 'investigative interviewing' or 'ethical interviewing' is advocated by him and others instead. A massive programme to train police officers in investigative interviewing was instituted in the 1990s and, by the end of that decade, over two-thirds of police officers had received this training. Clarke and Milne (2001) conducted a major evaluation of the effectiveness of this training after a number of smaller-scale studies had indicated that investigative interviewing was not having the impact in the workplace that some had anticipated. Their evaluation involved skilled police officers reviewing and rating the tape recordings of interviews with suspects without knowing whether the interviewing officer had been trained in investigative interviewing or not. The authors claim that, compared with earlier studies, the research indicates a decline in the use of leading questions and the more frequent provision of information required by law, such as the right to legal advice. It is doubtful whether these changes can be attributed to the training, however, since trained and untrained officers were found to interview in much the same way as each other. Moreover, standards of interviewing indicated that the training had failed to bring about a radical change in police behaviour. For example, listening skills were rated as poor, interviews were found to be dominated by the use of closed questions and 10 per cent of the interviews were considered to involve possible breaches of PACE. Interviews with victims and witnesses raised even more concern, and 'damning' evidence was found of interviewers apparently looking to interviewees to confirm police suspicions rather than provide their own accounts (Clarke and Milne 2001: 110). The research also found that there was little effective supervision of interviewing and that scant interest had been shown by police leaders in ensuring that their officers actually used the skills taught in training. In our view, miscarriages of justice arising from coercion and false confessions would be more effectively reduced by preventing confession evidence forming the sole basis of convictions, and by providing the defence with the same resources as are provided to the prosecution, than by trying to change interrogation practices.

Over half of all suspects who are interrogated either confess or make incriminating statements to the police (see, for the most recent research, Bucke *et al*. 2000). Only two to four per cent of suspects exercise absolute silence although a further five per cent or so simply make flat denials, while 8–15 per cent answer some questions and not others, and some suspects are silent at the start but then answer questions later (or vice versa) (Leng 1992). Despite this low rate of silence, and the few 'ambush defences' that take advantage of it (Leng 1992), in 1994 the law was changed so that when suspects rely in court on a fact which they could have been reasonably expected to mention when questioned by the police, the court can draw an adverse inference from this

silence. Similarly, courts can draw adverse inferences from failures to answer questions in court. Exactly what inferences a court should draw from silence is a matter of debate. The law is still being developed by the English and European courts and is likely to remain a matter of great difficulty for lawyers, police officers and judges for some time to come. Consequently these changes have been castigated on pragmatic (for example, Birch 1999) as well as principled grounds (for example, Sanders and Young 2007: 223–35). Despite Article 6 of the European Court of Human Rights (ECHR) proclaiming that 'Everyone . . . shall be presumed innocent until proved guilty by law', the ECHR has accepted the lawfulness of these provisions, although it has sought to reduce their potential impact by declaring that silence cannot be the sole or main basis for a conviction (see, generally, Cape 1997, 2006; Birch 1999). As might be expected, the effect of the new provisions is to lower the use of the right of silence, probably because lawyers, who were becoming more adversarial in the early–mid 1990s, became more circumspect again about advising silence. Thus Bucke *et al*. (2000) estimated silence in the late 1990s to be back down to the rates found in the 1980s.

How well regulated are police powers of detention and questioning?

We have seen that the legal regulation of detention does not prevent it from being lengthy and intimidating, that access to lawyers can be obstructed and is often of little value and that the police apply different forms of pressure. Thus McConville *et al*. (1991) argue that while police powers have changed in an apparently due process direction, generalised police power remains undiminished. This is controversial (see Duff 1998) and Dixon (1992) observes that 'sea change theorists' (mostly practitioners) argue that, if anything, the protections for suspects we have discussed here significantly obstruct crime control aspirations. Although few academic commentators accept this view, it is attractive to those politicians who seek electoral advantage through the dismantling of protections for suspects. Indeed, the need to 'rebalance' the system is the underlying message of countless government policy documents over the last decade (e.g. discussion of the 'justice gap' in the white paper *Justice for All*, Home Office 2002), used as an excuse for yet more crime control-based police powers in, for example, the Criminal Justice Act (CJA) 2003 (for detailed analysis of post-PACE 'rebalancing' see Cape 2008).

It seems to us that crime control-oriented police practices have shifted rather than been eradicated or even reduced. Thus there is little violence now, but there is more use of other tactics and pressures. The new rules and constraints to which 'sea change' theorists point are access to lawyers, tape recording of interrogation, custody records and the general supervisory role of the custody officer. As we have seen, these developments hardly represent a 'sea change'. Moreover, there appears to be a 'balance' between due process and crime control only because we now unquestioningly accept the right of the police to use coercive powers. But why do suspects not want to wait for a lawyer, for instance, to come to the station? Why do suspects 'voluntarily' answer police questions? Only because they are in the police station against their will in the first place. So, for example, most suspects do want lawyers, but the desire to

get out of the station quickly is stronger (Brown *et al*. 1992). And why is police station legal work often of poor quality? Perhaps, largely because the police have the power to create the forces that so shape it. Solicitors send unqualified staff, give telephone advice or miss interrogations in part because of all the time they would otherwise spend at relatively low rates of pay (Cape 2006). But it is the police who control the time-frame (Sanders 1996a). The legal 'trading' which undermines adversarialism is forced on to lawyers – who usually need little persuading. And in providing the right to detain in such broad circumstances, the law cedes most practical power to the police.

Why have politicians, lawyers and others allowed this to occur? Is it because they do not bear the brunt of these powers? Research has shown that most people who are stopped, searched, arrested, detained and interrogated are young working-class men, with an over-representation from ethnic minorities. The treatment they are given is frequently humiliating – and often deliberately so (Young 1991; Choongh 1997). Opinion-formers, lawyers and legislators, on the other hand (older, middle-class, white people in the main), are very rarely subjected to such exclusionary processes. In the one sphere of criminality where large numbers of middle-class people come into adversarial contact with the police (motoring offences), extensive use is made of informal warnings, 'tickets' and postal guilty pleas in preference to the more stigmatising processes of arrest, detention, prosecution and formal court appearances. There is evidence that pre-trial processes, including the way in which police power is exercised, are as important to a citizen's sense of the legitimacy of state action as the formal outcome (Tyler 1990). Of course, some middle-class people are roughly treated and some poor people are not, but the contrast between the integrated and the excluded is as striking in the field of criminal justice as in other fields of social policy.

How might a freedom model perspective help us in considering reform in this area? First, it again alerts us to the argument that the frequency and lack of discrimination with which the police resort to detention are counterproductive: all detentions infringe freedom and the majority do not result in any significant net gain in liberty. Secondly, it makes the case for treating detained suspects fairly, and in accordance with legal standards, seem much more compelling. If the freedom of suspects is respected to this extent, it is much more likely that they will co-operate with the police in future (whether as a victim, a witness or a suspect). In our ideal world, the police would internalise the values of human rights and the freedom model, and the need for oversight and other regulatory mechanisms would diminish. Under present conditions, however, it is naive to expect the police to safeguard suspects' rights when so many of them believe that those rights hinder effective policing. It follows that the rights of suspects should not be dependent on the integrity of custody officers and investigating officers but should be either automatic or guaranteed by a genuine third party. Independent lawyers working in the police station might be a solution, although they would need to attend all interrogations and possess an adversarial ethos. Their position could be buttressed by changes in the rule of evidence to render confessions inadmissible unless made in their presence or, where this is impracticable, unless tape recorded. We offer further concrete suggestions in the final section of the chapter.

Other evidence-gathering powers

The police have many evidence-gathering powers in addition to detention and questioning. All we can do here is to give an indication of their nature and extent (for a detailed discussion see Sanders and Young 2007: ch. 6). One of the oldest is the power to enter premises. This can be to search for and arrest a suspect, or to search the premises for evidence or proceeds of crime upon or after an arrest. If such evidence is found, it can be seized and may form the basis for an arrest that could not have been otherwise made. Like arrest, these powers were once exercisable only rarely without a judicial warrant. Warrants would, in principle, have been issued only if the police provided evidence of reasonable suspicion to justify the action. Search warrants, like arrest warrants, are now seldom sought (Brown 1997: 31). Over the last 20 years or so the police have been given increasingly extensive powers of entry, search and seizure, consistent with the growing crime control orientation of the system. PACE, in particular, led to more police-authorised searches being carried out (Brown 1997: 34), and further powers were given to the police by SOCPA 2005, which amended the sections of PACE referred to below. And another classic crime control (enabling and legitimising) rule is that, if evidence of a crime is found, it can be seized even if it has nothing to do with the crime for which the police began the search in the first place (PACE *Code of Practice* B: 7.1; and see, generally, Sharpe 2000).

Under s. 32 of PACE, arresting officers may, without warrant, enter and search premises in which the arrested person had been around the time of the arrest or, under s. 17 of PACE, in order to make an arrest (on warrant or on reasonable grounds). Under common law powers preserved by s. 17(6) of PACE, they may also enter without warrant to deal with, or prevent, a breach of the peace, or to protect someone from serious injury, which can be important in domestic violence incidents. The bulk of recorded searches of premises, however, take place under s. 18 of PACE (Brown 1997: 34), which allows searches without warrant of premises occupied or controlled by a person under arrest for an arrestable offence. The police need a magistrates' warrant in most other circumstances, such as if they believe that a search will reveal evidence relating to a serious crime (see s. 8 of PACE). Magistrates should only issue a warrant when there is a reasonable basis for the claims of the police, but they usually have no way of assessing these claims, as 'suspicion' is often based on unverifiable intelligence, such as information from informers (see Brown 1997: 32–3). Sharpe (2000: ch. 3) observes that magistrates seldom look far below the surface of police claims, and empirical evidence supports the view that magistrates tend to 'rubber stamp' requests for warrants (Brown 1997: 33).

Arrested persons, whether or not originally stop-searched, may be searched for limited purposes by the arresting officer on arrest (s. 32 of PACE). Once in the police station, a thorough search under s. 54 of PACE (including a strip-search if the custody officer so decides) is usual. An 'intimate' body search for Class A drugs or weapons, governed by s. 55 of PACE, may only be carried out if a senior officer authorises this, and it has to be performed by a nurse or doctor unless this is not practical (in which case the search is carried

out by a constable). There are generally fewer than 200 intimate searches a year, of which less than 20 per cent find drugs or weapons, but rather more strip-searches (Sanders and Young 2007: 189). While the taking of 'intimate' samples (blood, semen) is confined to specific circumstances, 'non-intimate' samples can – as a result of the CJA 2003, s. 10 (amending PACE ss 62 and 63) – be taken from almost anyone searched in the station. But if you were forced to allow someone to put their gloved hand into your mouth to scrape out some saliva, for example, would you regard this as a 'non-intimate' procedure?

PACE Code of Practice B, which governs searches of people and premises, stipulates that they should be carried out at a reasonable time, using only reasonable force, with due consideration for the privacy and property of the occupier and so forth. There is little research to indicate how these provisions are generally interpreted and how far they are complied with. However, research by Hillyard (1993) and Choongh (1997) suggests, albeit on the basis of limited data, that these powers are sometimes used in order to discipline suspect populations rather than primarily to gather evidence for prosecution purposes. This may explain Newburn and Hayman's finding that Afro-Caribbean detainees were twice as likely as any other ethnic group to be strip-searched on arrival at Kilburn police station in north London (2002: 50–2).

Search and seizure may be carried out with the consent of the person concerned, thereby evading many of the PACE safeguards such as the requirement of reasonable grounds for believing that relevant material will be found. We do not know precisely how often this occurs, but research has shown it to be frequent (Brown 1997: 36–7). Many people think (often correctly – see Brown 1997: 37–8) that if they refuse, the police have the power to go ahead anyway, and that to refuse would be regarded as suspicious in itself. In other instances, the police seek consent because no power to search exists, although suspects might not be told this. Instead, the police play on suspects' ignorance, as when 'consent' is obtained from persons in custody (Brown 1997: 37). Again, we can see that specific police powers (of arrest, detention and search) give the police far more generalised power than is evident simply from the letter of the law in the statute book and judicial decisions.

Reasonable suspicion on which to base an arrest or search sometimes emerges from undercover policing, and surveillance methods such as telephone taps, mail interception, 'bugging' of buildings and CCTV. Often these methods are combined with the use of informants, an essential source of police knowledge (Innes 2000). In so far as much policing is based on information from ordinary members of the public, this is reasonable. Many people, usually criminals, are, however, used by police as informers. In 1998, some 50,000 informers were officially registered with the police (*Guardian* 12 October 1998), but following the Regulation of Investigatory Powers Act (RIPA) 2000, which was supposed to regulate the use of informers more tightly, in any one year there have only been between 3,500 and 5,000 (see e.g. Chief Surveillance Commissioner 2007: ch. 6). Our worry that this apparent 900 per cent drop reflects evasion of legal regulation is shared, albeit expressed in more sober terms, by the Chief Surveillance Commissioner (2007: para 2.3).

Undercover policing in general, and the running of informers in particular, amounts to allowing criminal conspiracies to develop until arrests can be

made. Since this involves observing and encouraging, or even participating in, crime, and running the constant risks of corruption of officers and double-dealing by informers, regulation is vital but inevitably very difficult (Clark 2001). Undercover policing powers, which might best be regarded as legitimising rules, have hugely increased in the last 20 years, particularly as a result of RIPA 2000. Most of the powers legitimised by this legislation can be exercised on the authority of senior police officers. Although the fact that some require judicial authorisation makes it appear that due process norms are upheld, authorisation is only applicable because these new powers were created in the first place – yet another distinctly 'crime control' development. It appears that human rights and other legal norms currently provide scant regulation of 'sneaky' forms of policing that might do more harm than good (see generally Sanders and Young 2007: ch. 6).

Other evidence-gathering powers appear at first sight to be more solid and less open to misuse than those discussed so far, but appearances can be misleading. Take identification evidence. It might come from victims or other witnesses (including police officers), or from DNA or fingerprint samples. Sample-gathering can be abused, and so can identification parades (regulated under PACE code of practice D), for all forms of evidence are susceptible to 'construction'. Thus, police officers unconsciously 'lead' witnesses if they know who the suspect is because they cannot always help the way they look at them (Phillips *et al*. 1999). This, together with the notoriously inflated opinion that witnesses have of their own accuracy (Tinsley 2001), renders it unsurprising that a survey in the USA revealed that mistaken identification evidence was the most common cause of miscarriages of justice (Jackson 2001). Video identification is better, but not always possible and still not entirely reliable (Roberts 2004).

Similarly, 'scientific' evidence is not as solid and value-free as many people believe. This is partly because criminals are often not kind enough to leave clean and complete prints and samples behind. Samples thus often give rise to possibilities and probabilities. Moreover, scientists have to be told by the police what to look for and are frequently asked to give opinions; in this process they sometimes become partisan. The result is several miscarriages of justice in the last few years, including the infamous 'shaken baby syndrome' cases in which several convictions were reversed (Redmayne 2001; Wells 2004). Even DNA evidence can be problematic, and the police sometimes arrest in order to get particular people onto their DNA database. In other words, exaggerated belief in the value of such evidence leads to the police being given greater powers than might be warranted even if those powers were used properly, but are particularly worrying when they are not (McCartney 2006).

The powers discussed in this section – all discussed in more detail in Sanders and Young (2007: ch. 6) – are increasingly relied on by the police. This is because of an increased emphasis on 'proactive' policing (in which specific crimes and specific suspects are targeted by the police) at the expense of 'reactive' policing. Thus the problems of inadequate legal regulation, along with the problem that stereotyping and working rules underlie the targeting process (Gill 2000), are likely to increase (see chapters by Maguire and Tilley, this volume).

Prosecution

Soon after the police were first established they gradually began to take over responsibility for prosecution, despite the lack of any specific or exclusive prosecution powers. As arrest turned into a tool for (rather than the culmination of) investigation, pre-charge detention arose and the police developed various non-prosecutorial dispositions including the 'police caution'. Although the police are no longer responsible for continuing prosecutions, nor (consequent on the CJA 2003 amending PACE s. 37) the initial decision to prosecute, they remain the gatekeepers and they have retained the power to caution. There are now well over a million prosecutions initiated by the police per year but, even so, around one in four suspects are released from pre-charge detention with no further action (NFA), and many more suspects are given a formal caution or informal warning. Police officers decide whether to arrest and whether to release, caution or ask the CPS to prosecute using a mixture of their own criteria and Home Office criteria, and on the basis of evidence collected and evaluated by themselves. Thus, arrest does not necessarily lead to prosecution, and prosecution need not be the normal response to suspected crime (see, generally, Sanders 1996b).

We do not generally think of prosecution as a 'police power'. But prosecution powers are closely connected with the powers we have examined so far. Although police powers are provided to enable the police to gather evidence to support a prosecution, it has been claimed they enable the police to wield more generalised power in order to subjugate marginal communities (Choongh 1997; Hillyard and Gordon 1999). The police power over prosecution can also be used to justify earlier action that might be in breach of legal rules (McConville *et al*. 1991). Even warnings can be used as policing tools, for example as part of a 'deal' to secure information and keep informers 'on-side'. The low visibility of these decisions allows the discretion operating here (as in relation to stops and arrests) to be structured more by working rules than legal rules. Thus it has been found that the police often prosecute cases that are weak, that these cases often fail (McConville *et al*. 1991; HM CPSI 2003) and that defendants are disproportionately drawn from ethnic minorities, this being 'consistent with discriminatory treatment' (Feilzer and Hood 2004).

This makes no sense in terms of Home Office guidelines, but is perfectly rational in terms of police working rules. Very rarely do custody officers caution or NFA when the arresting officer wants a prosecution, or vice versa, for custody officers are in a weak position in inquiring into evidential strength. If they try to evaluate arresting officers' evidence they have only one source of information on which to draw (apart from the suspect): that same arresting officer. In the mid-1980s the CPS was created to operate as a check on these decisions and in an attempt to reduce the number of weak prosecutions. But the police role in constructing the evidence that forms prosecutions, and the charging power that follows, prevented the CPS from exercising much influence, except in more obvious cases, such as those where there was clear racial bias (Mhlanga 2000). Only time will tell whether the transfer of power to decide prosecutions to the CPS will prove to be inhibitory or merely presentational. Since the need for speedy decisions from the CPS (in the

interests, as much as anyone else, of suspects who might otherwise spend even longer in the cells) has led to some prosecutors being stationed in police stations there is the danger that they will become even more police-oriented than before.

Low visibility sometimes leads traditional police cautioning to be used in a far from 'welfarist' way. Lee (1995) describes many cautioning processes as 'degradation ceremonies', her accounts of which sound similar to the accounts of the humiliation of 'toe rags' in the custody room provided by Choongh (1997) and the non-prosecution processes of the DSS (Cook 1989). We do not know how typical are Lee's findings or those of Choongh because there has been little research on the treatment of suspects and defendants. The early findings on 'restorative cautioning' indicate significant and welcome shifts in police practice but also raise concerns that a traditional police agenda may dominate restorative encounters, leaving offenders and victims in some cases almost as marginalised as before (Young 2001; see Hoyle, this volume). Thus prosecution processes and many diversionary processes remain exclusionary. It is not the case that prosecutorial discretion must necessarily result in exclusionary practices. Whereas the police charge more often than they NFA or divert from prosecution, most non-police agencies behave in the opposite way and seek to work *with* suspects and offenders in order to promote voluntary compliance with the law. From the point of view of crime prevention and recidivism there seems to be no justification for these different patterns (Braithwaite 2001).

From the freedom perspective, there is a justification for changing these patterns. In particular, it can be argued that the freedom of those with economic, social or political power (high-status suspects often committing high-value or grave crimes) should not be afforded greater respect than the freedom of the poor, the vulnerable and the marginal (usually committing low-value property offences). As a first step, it might be helpful if prosecution policy and power were concentrated in one body with unified channels of accountability to Parliament, the courts and the democratic representatives of local communities. In that way the great disparities of practice between the various forms of prosecuting agencies might become a matter of public debate, and the advantages of principled diversion from prosecution more widely accepted.

The misuse of police powers

The extent of police misuse of their powers is not known as it is impossible to research such a hidden issue adequately, but the research reviewed above shows that there is considerable misuse. Sometimes misuse stems from corruption (Newburn 1999; Clark 2001) but more often the police act in excess of their powers in pursuit of evidence of guilt or to control or intimidate suspect populations.

The fact that trials are conducted in relatively independent unbiased courts, and that defendants are represented by relatively independent lawyers regardless of their financial means, undoubtedly deters much potential abuse

of power, provides a way of bringing instances of misuses of power to light and protects against some wrongful convictions. The deterrent and protective effects of prosecutions, however, are bound to be partial. First, as we have seen, many suspects are stopped and/or arrested with no prosecution in mind, and many are released with no charge. When police power is used as a disciplinary mechanism, the letter of the law regulating powers is largely irrelevant. Secondly, the overwhelming majority of defendants plead guilty without a trial. In these cases there is no opportunity to bring misuses of power to light. Thirdly, even if evidence was obtained, for example, following an unlawful search or illegal questioning, it would not necessarily be excluded from the trial. While *oppressively* obtained confessions cannot be used, unfairly obtained confessions (or other evidence obtained in breach of the powers we have discussed) can be (Ormerod and Birch 2004). Fourthly, suspects or defendants will not raise the question of misuse of power if they are unaware that it has occurred. Few people know precisely what the police are, and are not, allowed to do. Apart from the inevitably complicated nature of much of the law, much covert policing – the kind of proactive policing that is encouraged by government – relies on deception. These practices include 'stings' (such as posing as a drugs buyer or dealer), and implying to suspects that the evidence against them is stronger than it really is (Ashworth 1998; Sanders and Young 2007: 289–97). Even if a practice is unlawful, and even if the person at the receiving end knows this (or is told this afterwards by a lawyer), there is the difficulty of proving this. And, quite naturally, the police tend to close ranks when they come under investigation (for an example following the shooting of Harry Stanley, who was carrying a table leg that was mistaken for a gun, see IPCC 2006).

The main way of bringing misuse of powers to light is through the complaints and discipline procedure. The introduction in 1985 of an independent oversight body, the Police Complaints Authority (PCA), led to very few complaints being substantiated: 903 in 2000–01, which represented nine per cent of the complaints which were investigated, but only three per cent of the 31,034 complaints initially made (Povey and Cotton 2001). This, along with the acceptance that there was a significant element of institutionalised racism in the police service which affected, among other things, the complaints system (Macpherson 1999) led to the PCA being replaced in 2004 (as a result of the Police Reform Act 2002) by a new Independent Police Complaints Commission (IPCC). This enhanced the civilian element of the system, enabling IPCC staff to investigate the most serious cases (previously done by the police). Though welcome, the experience of other countries shows that this is no panacea (Goldsmith and Lewis 2000) – particularly as most investigations are still done by the police themselves. Certainly the figures so far do little to inspire confidence. Of the 28,998 complaints in 2006–07, 1389 (4.7 per cent) were substantiated (Gleeson and Grace 2007). The other 95.3 per cent per cent of complaints were either dealt with informally (47 per cent), adjudged by the PCA to be not practicable to investigate and so 'dispensed with' (10 per cent), investigated but not substantiated (approx. 26 per cent) or withdrawn (12 per cent) – something that often happens because of police pressure (Maguire and Corbett 1991). There are three main possible explanations for the low level of

substantiation: that most complaints are unjustified; that most police complaint investigations (and IPCC scrutiny) are biased; and that evidence of malpractice cannot be obtained in most cases.

All three explanations are doubtless partially true. Regarding bias, the processes of discrediting and discouraging complainants discussed by Box and Russell (1975) and Young *et al*. (2005) in relation to the pre-IPCC system is unlikely to have been affected by changes in the structure of supervision, for nearly all complaints are still investigated by the police themselves. The IPCC is in the same position as is the CPS vis-à-vis investigating police officers. Rather than reinvestigate, the IPCC peruses a carefully constructed document. Despite this, around one-third of all appeals against police determinations are upheld by the IPCC (Gleeson and Grace 2007). This shows that the IPCC is an improvement on the previous PCA system. Nonetheless, even in the few cases that the IPCC investigates itself, the police often collude to prevent sufficient evidence of malpractice or crime being proven, as the IPCC itself indicated in its *Harry Stanley* report (IPCC 2006). Of greater significance in the long run than the body allegedly 'in charge' may be a shift towards a more inclusionary, restorative, way of handling police complaints that some police leaders advocate (Young *et al*. 2005; see Hoyle, this volume).

The complaints system, therefore, in most instances still fails all due process tests (openness, not allowing officials to be judges in their own cause, giving all parties a fair hearing and so forth) and only weakly deters the police from crime control practices in general and law-breaking in particular. This should be surprising only if we see incidents that give rise to complaints as the products of pathological 'bad apples'. If they are on the contrary regarded as normal reflections of policing practice (Goldsmith 1991), both the behaviour complained of and the closing of ranks to prevent substantiation are to be expected (Irving and Dunnighan 1993). Maguire (1992) notes that police investigators probably do not consciously try to exonerate officers who 'overstep the mark', but 'the mark' is not a clear or unchanging line. It depends on the circumstances at the time, the police working rules being pursued and the characteristics of the complainant.

It is not surprising to find that many people are deterred from complaining, and instead are advised to prosecute or sue the police. Only recently the Police Action Lawyers Group, who represent complainants, resigned from the IPCC's advisory board, alleging it was biased in favour of the police (see *Guardian* 25 February 2008 and, for the IPCC reply, 27 February). Prosecutions are rare – there are around 20–30 per year – for obvious reasons, not least because few types of police malpractice are actually criminal. Prosecutions are initiated by the DPP following invocation of the complaints procedure. Increasingly, aggrieved complainants or relatives of people who die in police custody are challenging DPP decisions to not prosecute police and prison officers, or to prosecute only on relatively trivial charges, especially following inquest verdicts of 'unlawful killing'. For example, the Metropolitan Police were prosecuted for health and safety offences for the fatal shooting of Jean Charles de Menezes, who was wrongly thought to be involved in terrorism (*Guardian* 1 November 2007), and there were no prosecutions at all (or disciplinary charges) in the Harry Stanley case. The fact that some of these challenges

succeed suggests that the DPP is over-cautious in deciding not to prosecute (though many of these prosecutions fail in court), in contrast to cases where the police are the complainants and the socially marginalised are the accused. A horrific example is a British Muslim arrested in a terrorism raid in 2003 who suffered 50 injuries while detained for six days without charge. Yet the DPP decided not to prosecute anyone (*Guardian* 11 September 2004). Frequently, officers found to have committed crimes such as assault and perjury are allowed to resign instead of facing prosecution or discipline charges (Quinton 2003; Sanders and Young 2007: 600–4).

All other things being equal, a civil action is more likely to succeed than a prosecution because it involves a lower standard of proof, though they remain expensive, lengthy and difficult to win. Punitive damages can be awarded in civil actions, and juries are becoming increasingly alarmed at police behaviour. In a notable case in 1996 (some four years after being punched, kicked, racially abused and illegally detained for 90 minutes), Kenneth Hsu was awarded £220,000 in punitive damages. The officers remain unpunished and undisciplined, and in 1997 the Court of Appeal stated that the maximum sum that could be awarded for abuse of police power was £50,000. Hsu's damages were reduced to £35,000 (Dixon and Smith 1998). In another attempt to reduce civil actions, legal aid is now generally unavailable unless the complaints system is used first. Despite all this, they have increased, indicating the inadequacy of the other available remedies. The Metropolitan Police, for example, paid £1.3m compensation in 2006/07 in 138 cases (usually out-of-court settlements) (Metropolitan Police Authority and Metropolitan Police Service 2007). Though this is a drop since the late 1990s it is still more than the annual average in the early 1990s. The civil law has not kept pace with the growth in police powers, however. While wrongful arrest and false imprisonment are traditional actions in tort, PACE itself created no new torts or crimes. Thus the 'right' to a lawyer is not a real right, for there is no court action available to enforce it or to seek compensation for its denial. The same is true of most unlawful interrogation. It seems that it is more important to protect property, reputation and tranquillity than it is to protect the civil liberties of 'police property'. Unlike the complaints system, court-based remedies are open and complainant driven, as distinct from being police driven, but their disadvantages render them almost equally ineffective (see generally Sanders and Young 2007: 604–12). If freedom is to be maintained, there must be a sense in society that those infringing the rights of others will be held to account in an effective manner. That, after all, is the essential justification for police powers. The current inadequacy of the remedies for abuse of these powers, however, leaves some sections of society with the distinct impression that the police are a law unto themselves.

Conclusion

Police powers matter. Without at least some of them the police would be less effective in enforcing the law, and crime would rise. But whether the police need all the powers outlined in this chapter is another matter. And we have

seen that there are major costs to freedom: innocent as well as guilty people are increasingly subject to being stopped, questioned, searched, arrested, locked up in police stations, made to suffer isolation and deprivation, and put through the mill of prosecution, Some suspects are even killed, both in the streets and in police custody. Much of this is lawful, and so if we gave the police fewer powers there would be less abuse, less death, and less resentment of the police in socially marginal groups. Perhaps people would co-operate more with the police, who might find their crime-fighting ability no weaker than before.

Some of the time the police abuse their powers, and are rarely called to account for that. The law appears to exert less moral force on the police than is often believed, for there is a gap between many legal rules and the working rules of the police. This means that much of the law is presentational in nature, providing a misleading appearance of a system subject to numerous inhibitory due process safeguards. In reality, law-breaking by the police and lesser failures of due process are tolerated. How can this be? We have seen that the police are rarely punished, and victims of malpractice are rarely compensated, but what about the authorisation and recording processes that we have discussed? The reason these are weak is because they are forms of self-regulation. This form of regulation is only effective if it is in the interests of the regulators to enforce it, or if the penalties for not doing so are high. In the case of the police neither applies. Moreover, unlike most self-regulation, where there is a pyramidal structure that enables those high up the pyramid to regulate those further down, most police regulation is (supposedly) done by investigating officers themselves (e.g., completion of stop-search forms) and custody officers (usually sergeants who have nothing to go on except what the arresting officer tells them). When senior officers are involved they usually have little basis on which to agree to requests from below other than what they are told by those officers making the requests (such as reviews of detention carried out over the phone). Hardly any actual stop-searches, for example – as distinct from one-sided records of stop-searches – are ever scrutinised by another officer. It need not be like this, and used not to be. It was precisely because the police were not trusted that detention without charge was illegal (now it is allowed for ever longer periods) and there used to be a system of judicial warrants for arrest, search, etc. This has now almost disappeared. Whether judicial oversight should be strengthened or whether there should be other forms of regulation cannot be debated here. But the literature on regulation makes it clear that self-regulation of the kind that operates on the police is necessarily ineffective, and needs to be replaced or supplemented by other forms of regulation (Sanders 2008).

It is argued by some that changes to legal rules can change police practices radically rather than marginally (e.g. Brown 1997; Dixon 1997). These commentators point to the apparent effects of PACE on interrogations: 'ethical interviewing', less informal interviewing, fewer confessions and a drop in convictions. However, these benefits have been offset by the government's emasculation of the right to silence, thus returning to the police their eroded interrogation power, by other crime control-oriented changes such as contained in the CJA 2003 and SOCPA 2005, and by the displacement of crime

control activity to other parts of the system. In particular, proactive policing – including the use of informants, surveillance and bugging – is an increasingly important, and less controllable, part of the police armoury. At the time of writing a Home Office review of PACE is due to report. Despite all the problems catalogued here we fully expect the introduction of more crime control-oriented police powers and even less accountability for their use.

Prospects for progressive change depend in part on one's view of the reasons why police powers are used in the way that they are. Bureaucratic explanations, which focus on the values of particular institutions, produce more optimistic scenarios than do societal ones. Our view is that, for so long as the state remains obsessed with 'crime reduction' or 'law and order' as the ultimate goal of the criminal justice system, the freedoms of the marginal, the unpopular and the vulnerable will continue to be eroded. It might be different if more was known about the impact of changes to criminal justice processes. But, as we have seen, there has been little objective criminal justice research in the last 10 years, and hardly any 'bottom up' research, asking what it feels like for suspects and defendants. Research should pay more attention to the experiences of suspects, to the lessons to be drawn from Northern Ireland and to the linking of theoretical, policy and empirical questions (Hudson 1993), for when it has done (notable examples are those of Hillyard 1993; Carlen 1996; Loader 1996; Choongh 1997; Mulcahy 2006) the results are illuminating.

How much power the police need depends on how their job is conceptualised. A short-term emphasis on crime control should be replaced with a long-term focus on maintaining and enlarging the sense of a free society. As we have seen, there is a case for a much more discriminating use of police powers on the street. In their overview of the mounting research evidence, Bowling and Foster (2002: 997) conclude that 'the proper management and targeting of police resources is better than unfocused patrol and ''fire fighting'' ' when it comes to tackling crime. As the government-commissioned report by former Chief Constable Ronnie Flanagan pointed out, referring particularly to the effect of performance targets, 'officers are encouraged to criminalise people for behaviour which may have caused offence but the underlying behaviour would be better dealt with in a different way' (Flanagan 2008: para 5.39).

Only rarely is the fundamental question 'why prosecute?' asked in relation to the kinds of case handled by the police. Prosecution often does both too much (stigmatising offenders and driving a wedge between them and their victims) and too little (failing to protect victims from reoffending). For most victims as well as most defendants, a reintegrative approach would be more effective and less alienating than the punitive dichotomous approach embodied in prosecution (see Hoyle, this volume, for a discussion of reintegrative restorative justice). The introduction of conditional cautions (under which any conditions imposed had to be oriented towards rehabilitation or reparation) by the CJA 2003 offered some potential here, but, depressingly, the Government quickly amended the scheme to allow the conditions to be oriented towards punishment (Jackson 2008). Again, exclusionary processes are adopted for the socially marginal, while inclusive processes are adopted for the relatively wealthy subject to enforcement by non-police agencies.

It is easy when highlighting the many deficiencies in the regulation of police powers in England and Wales to overlook the point that the police are afforded much greater latitude in many other jurisdictions. Indeed, the PACE regime may seem attractive when compared with the lack of regulation or codification of police powers found elsewhere. But it does not follow from the fact that torture is not a common policing tactic in this country that our aspirations for greater control of police power should be reined in. This is still one of the wealthiest countries in the world and one that claims to adhere to liberal democratic values, including human rights norms. We can afford to be aspirational in our thinking. And if the price of freedom is eternal vigilance, then it is appropriate to focus on the gap between the ideals of justice and the reality of police power.

Selected further reading

Several texts on criminal justice examine police powers, among other things. Most take either a 'legal' or a 'social policy' approach. Three books which integrate legal and sociological material are Dixon's *Law in Policing* (1997), Ashworth and Redmayne's *The Criminal Process* (2005) and Sanders and Young's *Criminal Justice* (2007). For a detailed legal treatment, see Clark, *Bevan and Lidstone's The Investigation of Crime* (2004). The focus of Vogt and Wadham, *Deaths in Police Custody: Redress and Remedies* (2003) is obvious. Bowling and Phillips' *Racism, Crime and Justice* (2002) and Foster *et al*.'s *Assessing the Impact of the Stephen Lawrence Inquiry* (Home Office Research Study 294) (2005) are also well worth reading. The implications of growing powers and technologies of surveillance and data collection, and the concomitant increasing co-operation between the police and other institutions, are explored in Ericson and Haggerty's *Policing the Risk Society* (1997) and Coleman's *Reclaiming the Streets* (2004). E. Cape and R. Young's (eds) *Regulating Policing: the Police and Criminial Evidence Act 1984, Past, Present and Future* (2008) presents novel perspectives from police officers, defence solicitors and academic researchers on the regulation of police powers.

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Chapter 13

Policing and the media

Robert Reiner

Introduction: the Odd Couple – the media and policing

> Lots of people in this country are actually undertaking a permanent NVQ on policing – it's called *The Bill* – and the British have loved detective stories since Sherlock Holmes. And newspapers and news programmes would be empty without us – but informed commentary on policing is piecemeal.

So said the Commissioner of the Metropolitan Police, Sir Ian Blair, in his Dimbleby lecture on BBC television on 15 November 2005. As Sir Ian said in the lecture, his invitation to deliver it was a significant indication of the prominence of policing issues in media and political debate, though it was only the second time a police officer had given this illustrious lecture. When Sir Ian's distinguished predecessor as Metropolitan Commissioner, Sir Robert Mark, had delivered his Dimbleby lecture in 1973 it had constituted a major milestone in the politicisation of law and order and the emergence of the police onto the political stage (Reiner 2000: 71; Loader and Mulcahy 2003: 228).

Sir Ian Blair has had a particularly fraught relationship with the media, in large part because of the on-going fall-out from the tragic shooting of the Brazilian electrician Jean Charles de Menezes at Stockwell tube station in July 2005, when officers mistook him for a terrorist in the wake of the 7/7 bombings. Blair was in the spotlight not only for the catastrophic shooting itself, but also because of allegations that he had sought deliberately to mislead the media about what happened. But from his appointment as Commissioner in February 2005 Sir Ian had been subjected to relentless attack from the right-wing press in particular for his efforts to reform the police, characterised by Melanie Phillips, for example, as turning the force from 'the thin blue line against disorder' into 'our utterly pc police' ('Rape of Justice', *Daily Mail* 6 June 2005).

For his part Sir Ian has contributed to this tension by criticism of media reporting of crime and policing issues, and by a series of 'gaffes' in his handling of reporters (Katz 2007). In January 2006, for example, Sir Ian had to apologise to the parents of Holly Wells and Jessica Chapman, the Soham

schoolgirls who had been murdered in August 2002, for his remark that 'almost nobody can understand why that dreadful story became the biggest story in Britain'. This comment had been made during a meeting of the Metropolitan Police Authority, at which Sir Ian had also accused the media of being 'institutionally racist' for giving much more prominence to reporting the murder of a white solicitor than to a number of equally horrific murders of black and Asian victims, which were relegated to 'a paragraph on page 97' ('Met chief labels media institutionally racist', *The Guardian* 27 January 2006). In the light of the extensive empirical evidence of the disproportionate attention given to higher status white people, and especially women and children, by media crime stories (Reiner 2007a: 309–10), Sir Ian's error was to accuse the media of institutional racism only and not also of sexism, classism and ageism. But of course the controversy over his flagrant act of *lèse-majesté* in criticising the media only increased the appetite for publicising his subsequent 'gaffes'. The relationship between policing and the mass media has always been vexed and complex. Sir Robert Mark once referred to it as 'an enduring, if not ecstatically happy, marriage'. In many ways this is an apt metaphor. It captures the co-dependence that underlies a relationship frequently characterised by bickering and tension.

Stories of crime, deviance and their policing have always been a prominent part of the content of the mass media. Since the Second World War they have become increasingly central in news and entertainment stories. This necessarily makes the media depend on the police as prime sources of their product. In turn, the mass media are an important concern to the police. Policing, especially in Britain, has always been a matter of symbolism as much as substance (Walker 1996; Loader 1997; Reiner 2000; Leishman and Mason 2003). Most sophisticated police leaders have realised this. From the architects of modern British policing in the early nineteenth century, such as Sir Robert Peel, up to today's chief officers, there has been a continuing concern with constructing and maintaining a favourable image of policing as a benign, honourable and helpful service (Mawby 1999, 2001, 2002a, 2002b).

Police elites, in Britain and elsewhere, have struggled, largely successfully, to represent policing as the monopolistic source of security, the primary protection for the public against threats and fears about crime and disorder (McLaughlin and Murji 1998; Wilson 2000; Loader and Mulcahy 2003). This has involved continuous reconstruction and reinterpretation of the nature of policing as patterns of social order, conflict and authority change. But beneath the shifting modes of representation of policing there has remained in place a bedrock theme that I have called 'police fetishism' (Reiner 2000: 1). By this I mean the assumption that the police are a functional prerequisite of social order, so that without a police force there would be chaos and uncontrolled war of all against all. This is a theme that most people already encounter in contemporary society in children's nursery stories and is deeply embedded in modern culture (Reiner 2000: 163). What police fetishism blots out is the variety of other forms of policing that have existed and do and could exist (Jones and Newburn 1998; Johnston and Shearing 2003). Even more importantly, it obscures the fundamental significance of other aspects of social structure and culture for the maintenance and reproduction of order and security (Reiner 2000: ix–12).

In the last quarter of the twentieth century anxiety about media and policing took a new turn in the context of the profound social and cultural shifts that have been variously interpreted as post- or late-modernity. Changes in technology and routines of social life have interacted to produce a saturation of social and cultural life by ever more pervasive mass media (Thompson 1995). The media in a proliferating variety of forms (new like the Internet, or developments of the old such as radio, television or CDs) have become omnipresent, continuously consumed and almost inescapable. This has been an important feature of such key social changes as the erosion of 'space-time distanciation' (Giddens 1990) through the growing speed of communications across the globe. The proliferation of opportunities to access the media is related to important shifts in social interaction and authority, notably cultural diversification, the questioning of moral absolutes, declining deference, heightened sensitivity to risk and insecurity of diverse kinds, and other processes with profound implications for policing.

These changes transform the old debate about the significance of media representations of crime and policing: 'The media are no longer, if they ever were, observers of the scene, they are players in the game' (Simon Lee, cited in Peay 1998: 8). Representations of policing are not just after-the-event narratives with more or less worrying implications for the legitimacy of the social order. Increasingly in a world of 24/7 rolling news, the commission of crimes, public disorder and policing operations are depicted as they happen, a trend most vividly illustrated by the destruction of the World Trade Center on 11 September 2001, when mass murders were broadcast around the world on live television. This was just the most dramatic example of this trend, which can also be seen in more general growth of 'reality' television (Fishman and Cavender 1998; Hill 2000). Policing and crime now are shaped – in part at least – by their media representation, in a semiotic loop (Lawrence 2000). A vivid illustration of this was the declaration by Sir Stephen Lander, newly appointed chairman of the Serious Organised Crime Agency, that SOCA's priorities would be set by the 'brainboxes in the Home Office' according to analysis of the prominence of different kinds of crime, measured by column inches in the press ('UK's crime-fighting agency will use the press to set agenda', *The Independent* 10 January 2005).

This chapter will examine the long-running debates about media and policing. The first section considers different perspectives on the significance of media representations and constructions of policing. There is then a discussion of media representations before the Second World War and an analysis of their implications for the struggle to establish police legitimacy. The many changes since the Second World War are then examined. In the conclusions the implications of contemporary patterns of representation are considered further.

The debate about the media and social order

The main arena in modern societies where public images of policing are constructed and contested is the mass media. Two polar opposite anxieties

about the effects of media representations of crime and policing have flourished. Conservatives frequently claim that the media subvert authority and exacerbate deviance, while liberals and radicals have suggested that the media undermine the rule of law and legitimate authoritarian policing by exaggerating the threat posed by crime (Reiner 2007a). Conservative concerns about the potential impact of mass media of communication on order and policing have existed throughout the history of the media. In the late eighteenth century, Patrick Colquhoun (1795), one of the most prominent champions of the creation of the new police, drew attention to a supposed new wave of 'bawdy ballad singers' and their deleterious effects on 'the morals and habits of the lower ranks in society'. (He advocated government support for rival groups of ballad singers who would tour the pubs singing wholesome, uplifting lyrics and remedy the damage done by their subversive counterparts.)

During the twentieth century successive waves of new technological forms of mass media – cinema, radio, television, video, satellite, the Internet – sparked a series of moral panics spreading alarm about their alleged detrimental effect on morality, crime and violence (Barker and Petley 2001; Carter and Weaver 2003). Police voices have often been in the vanguard of these anxieties. In 1916 John Percival, Chief Constable of Wigan, declared in evidence to an inquiry by the 'National Council for Morals' that 'the cinema is responsible for the increase in juvenile crime' (Mathews 1994: 27). That same year a report representing all chief constables concluded that 'The establishment of a central Government censor of cinematograph films is essential and will conduce to the reduction of juvenile crime in the country' (Mathews 1994: 25). These comments typify a long history of 'respectable fears' (Pearson 1983) held by older, well established people about threats to morality posed by the young and outsiders, supposedly egged on by noxious cultural influences.

Radical and liberal analyses have often had the opposite worry, that the media foment unrealistic public fears, vastly exaggerating the extent, seriousness and violence of crime. This has the effect of undermining popular support for the rule of law, thus legitimating undemocratic and authoritarian forms of policing and criminal justice, including vigilantism. The systematic tendency of the media to encourage tough policing and law and order solutions to crime is attributed by radical analyses to the interests that the elites who dominate media industries have in maintaining the socioeconomic and political status quo. Media demonisation of offenders diverts public anxiety away from other sources of insecurity, and solutions to the crime problem are portrayed in terms of strengthening the forces of order rather than reform of the social system.

These anxieties have stimulated a veritable industry of research attempting to assess the content, effects and sources of media representations (Livingstone 1996; Reiner 2007a), tending to support a 'third way' position. The pattern of media representation, even if it confirms some of the anxieties of critics, emerges from a web of interactions and influences in a complex process of production, and cannot be attributed to a straightforward political ideology or vested interest (Greer 2005; Reiner 2007a).

Much of the research on media effects has been conducted within a positivist psychological frame of reference, seeking to establish whether exposure to

particular images has clearly identifiable consequences either for 'anti-social' attitudes or actions, or for fear of crime. These prodigious efforts to isolate a 'pure' media effect tend to result in such masterpieces of inconsequentiality as the conclusion of one major study that, 'for some children, under some conditions, some television is harmful. For some children under the same conditions, or for the same children under [different] conditions, it may be beneficial. For most children, under most conditions, most television is probably neither particularly harmful nor particularly beneficial' (Schramm *et al*. 1961: 11).

It is not surprising that the vast research enterprise on media effects has been rather inconclusive. The implicit model behind such anxieties is implausibly simplistic: the media as an autonomous and powerful ideological hypodermic syringe, injecting ideas and values into a passive public of cultural dopes.

It is far more plausible to suggest that media images do indeed have profound consequences, but not in a pure and directly deterministic manner. Audiences may interpret media images in differing ways, according to their particular social experiences and interests. The media themselves do not change autonomously but reflect developments in social perceptions and practices that have other origins. The media–society relationship is dialectical: each develops in interaction with the other, in a complex loop of interdependence. Media representations have significant consequences, although the hunt for pure effects that can be experimentally isolated is chimerical. The question is not 'how the media make us act or think, but rather how the media contribute to making us who we are' (Livingstone 1996: 31–2).

However complex and hard to measure the relationship might be, however, it is undeniable that media representations are a major source of popular perceptions of crime and policing, and frame public discourse about them (Cavender 2004). This is indeed recognised by most people themselves. A major survey of Londoners, for example, found that 80 per cent said the news media were their principal source of information about the police, contrasted with only 20 per cent citing 'direct experience'. Whilst 'word of mouth' was the second most prominent source of information (43 per cent), it is striking that 29 per cent mentioned 'media fiction' as their main source (Fitzgerald *et al*. 2003). Whether this refers to *Poirot* or *Midsomer Murders* or *CSI* is not specified – but it does shed light on the so-called 'reassurance gap': how could flesh-and-blood coppers compete with their never-failing fictional comrades.

Constructing police fetishism: images of policing and the media before the Second World War

The media representation of the police has always been one key aspect of the general debate about media and crime, and constitutes an important arena within which the legitimacy of the police has been contested and constructed. The creators of the modern British police in the early nineteenth century faced an enormously resistant market for their product. Throughout the eighteenth century a succession of proposals had been put forward calling for reform of

the policing arrangements that had been inherited from the Middle Ages, which were a patchwork quilt of entrepreneurial and citizen bodies, backed up ultimately by the army (see Chapters 3 and 4, this volume).

Literary advocates of a new, modern police, such as Defoe and the Fielding brothers, wrote lurid accounts of rising crime and disorder in London and other cities, although these are not borne out by the fragmentary statistical evidence, at any rate until the later eighteenth century. In the reformers' accounts the old forms of policing were either corrupt or bumblingly incompetent, and there was a clear need for a rational, professional, modern organisation.

During the second half of the eighteenth century the reform arguments gathered force, in a context of increasing questioning of the whole criminal justice process by Enlightenment and utilitarian thinkers such as Beccaria and Bentham. In much of Europe this found expression in a flourishing 'science of police' which sought to analyse the techniques for effectively regulating and disciplining the populations of modern societies (Reiner 2007b: 345–7). In eighteenth and early nineteenth-century Britain there was clearly widespread and deep hostility to the police, evidenced by the protracted struggle around the creation of the new police. The campaign to establish a modern police only succeeded after 1829 and Peel's Metropolitan Police Act which created a model that eventually spread through the whole country, following the County and Borough Police Act 1856.

The sources of opposition to the new police lay at the top and bottom of the social hierarchy – the middle class were the strongest bastion of support for the police idea. The rhetoric which justified opposition to the police was much the same at both ends of the social scale. The police were represented as oppressive threats to the cherished liberties of the British people, an alien import from France, Russia, Prussia or some other European police states, who would necessarily be brutal and corrupt agents of political tyranny.

During the first half of the nineteenth century this widespread rejection of the police was gradually overcome. Peel and other police leaders packaged and marketed the police in a way that succeeded in selling them to a growing section of the public. This was made possible by changes in the political economy and social structure that reduced the sources of opposition. The legitimation of the police involved the careful construction of an image that subtly combined the representation of the police as both paragons of virtue and panaceas for crime and disorder. Between the middle of the nineteenth and the middle of the twentieth centuries this succeeded in displacing the opposing image of the police as oppressive pariahs in the eyes of most British people (Reiner 2000: ch. 2).

The elements of the successful marketing of the police by Peel (and Rowan and Mayne, the first two Commissioners of the Metropolitan Police) were directed at defusing the various strands of the opposition. They developed the image of the British bobby as a citizen in uniform, subject to the rule of law not party politics, and operating with minimal force, backed by the consent of the community rather than coercive powers. This paragon of virtue would protect the public from crime and disorder more effectively than a force that relied upon the state's monopoly of the means of violence, its unique

advantage being the cultivation of public support. The marketing of this image succeeded only in part because of its own virtues. A precondition for policing by consent was the slow, faltering and never complete incorporation of the mass of the British population into a common citizenship (Marshall 1950). A more harmonious, if still highly unequal, society was much more receptive to accepting the police as a symbol of its integration.

The nineteenth-century conflicts about the establishment and acceptability of the police were played out in the media of the day, the press, the novel and the music hall (Miller 1988; Miller 1999: ch. 5). Popular literature and journalism began to feature the exploits of police 'detective officers' from the mid-1840s, and Dickens 'virtually appointed himself patron and publicist to the Detective Department' (Ousby 1976: 65–6). The genre of police memoirs (pioneered by the celebrated 1828 *Memoires* of Vidocq, head of the Sûreté in Paris from 1812 to 1827) was imported to Britain in 1849 when a long-running series *Recollections of a Detective Police-officer* first appeared in *Chambers' Edinburgh Journal* (Ousby 1976: 66).

The advent of the cinema as the primary medium of mass entertainment early in the twentieth century stimulated the kind of respectable anxiety that has accompanied each successive form of technological innovation, from television to the Internet. Cinema history has been continuously punctuated by conflicts about the supposedly anti-social aspects of its representation of crime (Rafter 2006). As illustrated earlier, the police have been prominent in campaigns to censor cinema because of fears about its criminogenic consequences. There was also continuing concern about the cinema's representation of the police, which was alleged to undermine their authority. As early as 1910 the International Association of Chiefs of Police adopted a resolution condemning the cinema's treatment of the police. Its president complained that 'in moving pictures the police are sometimes made to appear ridiculous, and in view of the large number of young people, children, who attend these moving picture shows, it gives them an improper idea of the policeman' (Reiner 1981: 197). The police were alarmed by being lampooned as the Keystone Cops, and by appearing dull and ineffectual in comparison with heroic private investigators or glamorised gangsters.

These fears reached a height in the early 1930s with the cycle of classic gangster movies such as *Little Caesar*, *Public Enemy* and *Scarface*. Concern about these was a major factor in the enforcement from 1934 of the Hays Code, which laid down strict rules about how Hollywood could depict crime and law enforcement, as well as more general moral issues (Black 1994: ch. 5). In the early 1930s the Director of the FBI, J. Edgar Hoover, the first of many media-conscious police chiefs, initiated a policy of co-operating with Hollywood in return for control over how his agency was represented (Powers 1983: ch. 4; Potter 1998). The result of the Hays Code and Hoover's moral entrepreneurship was the birth of the first cycle of films featuring law enforcement heroes, beginning in 1935 with *G-men*, a paean to the bureau replete with documentary-style footage on FBI training and forensic methods (Reiner 1981: 200–3).

The G-men films were unusual in popular entertainment before the Second World War in featuring professional law enforcers as the protagonists. Police

heroes were rare in the cinema and in popular literature until the late 1940s. Television, which began to be the dominant form of popular entertainment after the early 1950s, is the only medium that has always represented the police as central characters in fiction. Before the Second World War the main heroes in crime fiction in all media were amateur sleuths, private detectives or bystanders inadvertently drawn into crime as victims, suspects and/or investigators (Reiner 1981, 2000a: ch. 5; Rafter 2006). In the predominant subgenres of crime fiction before the Second World War (notably the classical whodunnit à la Conan Doyle or Agatha Christie, and the private eye stories of Hammett, Chandler *et al*.), the police appear as minor characters, often portrayed negatively as either comic or corrupt.

A darker shade of blue: police and the media since the Second World War

In the immediate aftermath of the Second World War the police achieved a zenith of public popularity. This was crystallised in the image epitomised by the fictional hero PC George Dixon, the quintessential representation of the British bobby ideal, introduced in the 1949 Ealing film *The Blue Lamp*. Murdered after only 45 minutes of *The Blue Lamp*, the Dixon character made such a popular impact that he was resurrected in 1955 for a BBC television series that lasted until 1976.[1] Dixon remains a potent symbol of all that was supposedly best in British policing, and politicians or police chiefs under pressure regularly call for the return of Dixon. On 28 February 2003, for example, the *Guardian* reported that the Commissioner and Deputy Commissioner of the Metropolitan Police believed 'it's time to bring back Dixon' (Hopkins 2003).

In the late 1960s the long-term process of increasing the popular legitimacy of policing went into reverse (Reiner 2000: chs 2, 7). The ultimate source of this lay in deep cultural and social changes that undermined the structural basis of police legitimation (Reiner 1992). Culturally the whole post-war period saw a slow decline in deference, increasing 'desubordination' (Miliband 1978) and a widespread challenging of authority. In the early 1970s there began a sustained economic recession with permanently high levels of unemployment. It became increasingly clear that this was not cyclical but a fundamental change in the nature of the economy. Developing technology and globalisation had generated a structurally excluded 'underclass' that 'the majority class does not need to maintain or even increase its standard of living' (Dahrendorf 1985: 101). This excluded minority of about one-third of the population has become increasingly criminalised due to the pressures of hopelessness and the erosion of the most potent socialising agencies, work and family (Currie 1998; Davies 1998; Taylor 1999; Young 1999; Reiner 2007b, 2007c).

As crime and disorder increased and the police tried to stem this, the unintended consequence was the reversal of the ingredients of the Peelian police image. The media began to spotlight scandals concerning police corruption and malpractice, miscarriages of justice, racism, sexism and a militarisation of public order tactics. They also focused increasingly on apparent police ineffectiveness in crime control as indicated by soaring crime

and plummeting clear-up rates. The result was declining public confidence, as indicated by many surveys and other evidence, although this appears to have levelled out recently (Allen *et al*. 2006). Successive governments and police chiefs have tried various strategies to reverse the decline in confidence, with mixed success (Henry and Smith 2007; Savage 2007). For most of the 1980s and the early 1990s the relegitimation strategy was 'back to the future'. Its blueprint was the 1981 report by Lord Scarman on the Brixton disorders (Scarman 1981), with its prioritisation of 'peace-keeping'. In 1993–94 a major shift in official definitions of the police mission was implemented by Home Secretary Kenneth Clarke, and by his successor, Michael Howard. As defined in the 1993 white paper on police reform the overriding police objective became simply 'catching criminals', as if life was a gangster movie. The supposed means of achieving this was reorganisation on 'businesslike' lines (as detailed in the Sheehy Report published in the same week as the white paper). This proposed market disciplines – short-term contracts, performance-related pay and so on – to restructure policing around a performance culture. Although much modified during its legislative passage, the Police and Magistrates' Courts Act 1994 heralded a significant tilt towards the 'business-like' crime control ethos (Morgan and Newburn 1997). Tony Blair's 'New Labour' government in 1997 continued the fundamentals of this approach. The police mission was defined primarily as crime reduction, and a quasi-market model, involving continuous setting and monitoring of performance targets from the centre, was seen as the vehicle for effective delivery (Newburn and Reiner 2007a, 2007b).

The police image encouraged by government seems to have considerably narrowed from the traditional broad peace-keeping, consensus-building model. Since 1993 the aim has been to sell the police as crime fighters, downplaying the service function and problems of legality. Despite periodic calls in moments of challenge to police legitimacy for a return to the Dixon of Dock Green police culture, these amount to little more than blips in the drive towards a crime control performance culture, reflecting the overall politicisation of law and order (Reiner 2007c).

The media representation of policing has become an increasingly central aspect of the struggles over police legitimacy in the period since 1945. Reflecting this, the police became more prominent in all media during the second half of the twentieth century, whether in fiction, news stories and 'factions' – as Leishman and Mason call the increasingly prevalent genre of entertainment/documentary hybrids (Doyle 1998; Hill 2000; Leishman and Mason 2003; O'Sullivan 2005).

The same two broad perspectives found in the general debate about crime and the media are echoed in current controversies about the representation of the police. On one hand, there has been a continuation of the long-running conservative anxiety about media images undermining order, with fears about how they portray the police, who are of course the frontline embodiments of the state's authority. On the other hand, there has been concern among liberal and radical commentators that the media presentation of crime and policing is detrimental to popular support for principles of legality and fosters authoritarianism.

There has been considerable research in Britain and North America in the last 30 years studying the content of media representations of policing (usually as an aspect of a more general concern with images of crime and criminal justice). There has also been some research on the processes of production, and the perception of media images by the public, and by police officers themselves (Perlmutter 2000; O'Sullivan 2005). The police themselves are generally very sensitive about their image in the media. Sir Robert Mark advocated a more open approach to the media while he was Metropolitan Commissioner in the early 1970s. Nonetheless in 1974 he declared to the London Press Club that the police were 'without doubt the most abused, the most unfairly criticised and the most silent minority in this country' (Chibnall 1979). Police reactions to their media representation suggest a kind of *Catch-22* paranoia. Stories about police deviance are understandably regarded with concern, even though they are usually framed within a perspective that legitimates the police institution itself (Chibnall 1977; Schlesinger and Tumber 1994). Somewhat less predictably, officers are also worried about positive representations of policing, which could lead the public to expect too much of the police, in terms of crime-fighting wizardry or superhuman patience, tact and integrity. They fear that TV cop shows breed an assumption that crimes can be cleared up routinely in half an hour minus commercial breaks: 'You can't take fingerprints off water', as one officer put it in a survey (Arcuri 1977).

Anxiety about the media representation of policing has stimulated police leaders and professional associations to try to cultivate positive relations. The most common strategy in the post-war period has been to pre-empt problems by co-operation with media producers, and by training police spokespersons for media appearances (Crandon and Dunne 1997; Boyle 1999; Mawby 1999, 2002a, 2000b; Innes 1999, 2003; Leishman and Mason 2003: ch. 3). Unfortunately, there is also a pattern of negative reactions to particular programmes stimulating cyclical periods of police–media conflict (Reiner 2000a: 143–7).

The numerous content analyses of news and fiction stories about crime suggest that the predominant representation of policing is an extremely favourable one, contrary to the perennial police anxiety about this. Interestingly, similar patterns of representation have been found in studies of both fiction and news/documentary stories about crime and law enforcement. Although there are some variations in the representation of crime and policing between different media, operating with varying technologies and in different markets, and between different genres, the following broad patterns have been found by studies conducted at different times and places (Reiner 2007a).

1. Stories about crime and law enforcement are perennially prominent in all media, although varying between different media and the markets they operate in. The general prominence of crime stories flows in part from the very nature of news and story-telling. As one study of news-making put it, 'deviance is *the* defining characteristic of what journalists regard as newsworthy' (Ericson *et al*. 1987: 4). This is clearly almost tautologous: news implies some element of novelty and extraordinariness, and the same applies to fictional story-telling. In this sense crime, deviance and control,

'some disruption of the social order', are intrinsic to all narrative (Leitch 2002: 11–13), so the empirical finding of perpetual media fascination with crime and police stories is hardly astonishing.

2. The media concentrate on stories of serious crimes against the person, particularly homicide and sexual offences. These offences, which constitute only a small proportion of crime recorded in official statistics or victim surveys, are the focus of the overwhelming majority of media accounts.

3. The media concentrate on crimes that are already or are likely to be solved. Offences which are reported in the news when they occur are typically the most serious cases of interpersonal violence, which have the highest clear-up rates. Most other offences are reported only at the stage of an arrest or trial, and the reports are usually filtered through the perspective of the police, prosecutor or judge. Fictional crimes are almost invariably cleared up, as a result of the exercise of remarkable skill and daring by police or other law enforcement heroes. This contrasts with the picture given in official statistics, which shows that only two per cent of offences reported in victim surveys result in a conviction. Studies of detection indicate that few of these clear-ups are the product of skilful detection; the majority are either virtually self-clearing cases or solved due to effective interrogation tactics and bureaucratic processes (Innes 2003).

4. Offenders and victims reported in news stories are disproportionately older, white, middle or upper class. The same demographic pattern of offenders and victims features in most fiction. The media picture contrasts sharply with the characteristics of convicted offenders or victims portrayed in official statistics (Barclay and Tavares 1999). These are mostly young, from the most marginal socioeconomic groups, and disproportionately black. This portrait of the demography of crime skews it to the more serious, rational end of the spectrum, making the usual triumph of law enforcement all the more impressive.

The overall picture of crime and control presented in the media, whether fiction or news, is thus highly favourable to the police image. Crime is represented as a serious threat to vulnerable individual victims, but one that the police routinely tackle successfully because of their prowess and heroism. The police accordingly appear as the seldom-failing guardians of the public in general, essential bulwarks of the social order – the essence of 'police fetishism'.

The police are sensitive about the regular appearance of stories that focus on police deviance. Corrupt police officers have high news value, as do all stories of authority figures caught in wrongdoing. The news media will hunt these scandals out with great gusto. None the less, the overall framework for presenting particular stories about police corruption or malpractice tends to legitimate institutions of law enforcement in general. In the past such stories have typically portrayed the deviant police officer as 'one bad apple' in an otherwise sound barrel (Chibnall 1977). As stories about police malpractice have multiplied in the last three decades this narrative has become less

credible. Nevertheless, the overall framework of police deviance stories continues to legitimate the organisation per se. This is accomplished by constructing a narrative of progressive reform. Cases of deviance are presented within an overarching account of how organisational procedures are being changed to prevent the recurrence of malpractice in the future (Schlesinger and Tumber 1994). The fundamental theme is that the police may have erred but now they are getting their house in order and, indeed, they tend to use classic police techniques in the process.

Police corruption features less often in fiction, but where it does the protagonists are often the cops who fight corruption (as in *The Untouchables* or *Between the Lines*). When the deviance takes the form of rule-breaking to catch criminals, what former Metropolitan Police Commissioner Paul Condon notoriously referred to as 'noble cause corruption', this vigilante style policing is often celebrated (as in *Dirty Harry* or *The Sweeney*). Thus the presentation of police deviance by both news and fiction helps reproduce police fetishism, the overwhelmingly favourable police image in the media as successful and heroic guardians of the public without whom social order is impossible.

The sources of this overwhelmingly favourable police image lie more in the practical exigencies of production processes than any direct consequences of the ideology of those responsible for creating the content of media output. It is true that the British press has been predominantly conservative and overtly champions 'law and order', and even liberal newspapers support the police role although they are concerned about civil liberties. Traditional crime reporters working for popular tabloid newspapers have felt themselves under an obligation to present the police in a favourable light whenever possible, representing them as the 'goodies' (Chibnall 1977: 145).

However, as 'law and order' has become increasingly controversial as a political issue (Downes and Morgan 2007; Reiner 2007c), the broadsheet press at the 'quality' end of the market have also appointed specialist editors in this area. They are more commonly referred to as 'home affairs' or 'legal' correspondents than 'crime' reporters (Schlesinger and Tumber 1994), and do not share the police-centred perspective of their tabloid counterparts. The producers of broadcast news, as well as the creators of crime fiction in any medium, do not intentionally act as police cheerleaders either. Their primary self-conception is as purveyors of objective information or non-ideological entertainment. Both values would lead to assiduous pursuit of police failure or malpractice, in exactly the way that the police themselves fear. Moreover, according to one empirical study of the contemporary 'Hollywood elite', responsible for producing the most popular entertainment for large and small screens around the world, they are quintessential children of the 1960s, with liberal, permissive and anti-authoritarian values (Powers *et al*. 1996). If the outcome nonetheless is the overall legitimation of the police role that is found by content analyses, then the source of this cannot be the direct ideological intention of the creative personnel working in the media.

The origins of the fundamentally favourable representation of the police in the media lie in a combination of professional conceptions of what counts as a 'good story' for news or fiction, and practical exigencies in the production process. The concentration of news on the most serious interpersonal crimes

of violence, especially murder or sexual offences, is due to what reporters perceive as the essence of newsworthiness: individualisation, immediacy, drama, titillation, novelty (Chibnall 1977: 22–45; Hall *et al*. 1978; Ericson *et al*. 1987, 1989, 1991). These crimes are portrayed primarily as specific cases rather than in terms of broader social causes because the basic format of news schedules involves an event orientation – what's happened since the last news (Rock 1973: 76–9). Perceptions of 'good stories' by writers and producers of popular fiction share a similar sense of what interests audiences (and audience interviews confirm this – Livingstone *et al*. 2001).

Another ingredient of the conception of a 'good story' held by creators and audiences is a structure which resolves tension with a clear, satisfying outcome, as encapsulated in Miss Prism's celebrated definition of fiction in Wilde's *Lady Windermere's Fan*: 'The good ended happily, and the bad unhappily'. This inclines towards stories with crimes that are cleared up, since the majority of audience members are positioned with the victim or the law enforcers by most conventional crime stories (Sparks 1992; Livingstone *et al*. 2001).

In addition to the professional sense of what kinds of narratives interest and satisfy audiences, practical exigencies exert pressures and incline producers towards a police-filtered perspective. The most overt of these have been formal and informal censorship pressures, deriving from a variety of moral entrepreneurs concerned about the criminogenic or destabilising consequences of media representations of crime and law enforcement. A clear example discussed earlier was the Hays Code, which from 1934 until the early 1950s forced Hollywood to conform to a 'crime doesn't pay' message (Black 1994: ch. 5; Leitch 2002: ch. 2).

More consistently important than negative censorship pressures has been the need of producers of news and fiction to achieve and maintain practical co-operation with the police. The exigencies of news production in particular have several unintended pro-police ideological consequences. The focus on cleared-up cases, which creates a misleading image of police effectiveness, is primarily a result of the economics of allocating reporting resources, leading to the deployment of personnel to institutional settings such as courts where newsworthy events can be expected to recur regularly. Considerations of convenience and personal safety lead camera crews and reporters typically to cover incidents such as riots from behind police positions, creating an image of the police as 'us', and the people they are dealing with as 'them' (Murdock 1982: 108–9).

Above all, the police control much of the information on which crime news reporters depend, which gives them an inevitable degree of power as essential and accredited sources (Chibnall 1977; Ericson *et al*. 1987, 1989, 1991). This allows the police often to be the 'primary definers' of crime news, which is often framed by their perspective (Hall *et al*. 1978: 58). There is considerable variation between news production processes and procedures according to the medium and market in which they work, and contingency and cock-up play a central role in determining day-to-day content (Ericson *et al*. 1991: 93–4). Nonetheless, the most comprehensive study of the creation of crime news concluded that 'the news media are as much an agency of *policing* as the law-enforcement agencies whose activities and classifications are reported on'

(Ericson *et al*. 1991: 74). They reproduce order while representing it. Although no systematic studies have yet been completed on the production of crime fiction in any medium, the hallmark of police stories above all has been a realist style and the appearance of verisimilitude. It is likely that this too sets up pressures to obtain police co-operation which are analogous to those for news production, albeit not as pervasive or tight. However, there are indications that economic pressures are making police fiction programmes increasingly self-referential and less concerned with accuracy (Colbran 2007).

While crime stories in both news and fiction have generally legitimated the police, as shown by studies of content and production, there have been considerable changes over time in its extent and the way that it has been accomplished (Reiner *et al*. 2000a, 2000b, 2003). There are also important differences between different media, and within any medium at different market levels, for example between the popular and 'quality' newspapers (Ericson *et al*. 1991).

In fiction the police seldom figured as central characters before the Second World War, as was noted earlier. The police emerged as heroic protagonists during the late 1940s in the subgenre of crime fiction usually referred to as the 'police procedural' (Reiner 1978, 1981, 2000: ch. 5; Dove 1982; Dove and Bargainnier 1986; Winston and Mellerski 1992; Wilson 2000: ch. 2; Leishman and Mason 2003: ch. 4). This form of narrative, in which police 'organisation men' successfully solve crimes through the bureaucratic use of routine police procedures, developed simultaneously in several media in the immediate post-war years, on both sides of the Atlantic. British examples include *The Blue Lamp*/*Dixon of Dock Green*, *PC 49*, *Fabian of the Yard*, *Shadow Squad*/*Murder Bag* and John Creasey's Inspector West and Gideon of Scotland Yard novels (the latter subsequently became a TV series and a John Ford film). The leading US examples are the 1947 movie *The Naked City* (subsequently a TV series), the novels of Lawrence Treat, Hillary Waugh and Ed McBain (Dove 1982: ch. 2), and above all *Dragnet*, originally a radio series and subsequently a pattern-setting TV series and movie. *Dragnet* inspired many imitations such as *Highway Patrol*, *Racket Squad*, *Gangbusters* and *The Untouchables*.

The emergence after the Second World War of the police procedural subgenre was the first time that police featured regularly as central characters in either print, radio or cinema fiction. However, it coincided with the advent of television as the primary entertainment medium, and police heroes have been prominent in television fiction throughout its history. There have been many studies of the television representation of the police.[2] In an earlier article I attempted to periodise the British television representation of policing as a dialectic development (Reiner 1994). Starting from the cosily consensual world of *Dixon of Dock Green* in the 1950s, the thesis moved through a transitional phase with a gradually hardening image in *Z-Cars* in the 1960s, to the antithesis of *The Sweeney* and its tough vigilantism in the 1970s. The synthesis of this dialectic was *The Bill*, which projected an array of contrasting images of the police from cosy community constables in the Dixon mould to tough, rule-bending Sweeney-style thief-takers. *The Bill* was also a demographic synthesis, representing the spectrum of contemporary policing in terms of gender, race, organisational specialism and rank. More broadly in the 1980s

and 1990s television police series became diversified into an array of contrasting styles encapsulating the whole previous development of the genre. The range extended from the nostalgic worlds of *Heartbeat* and classic cosy sleuth stories like *Morse* (and its rivals or successors such as *A Touch of Frost*, *Midsomer Murders*, *Alleyn*, *Dalziel and Pascoe* and *Lewis*), which although almost entirely neglected by academic analysis are by far the most popular police series on television (Sparks 1993), the Dixon-in-drag community policing of *Juliet Bravo* and *The Gentle Touch*, to Sweeney-esque crime-busters such as *Dempsey and Makepeace*.

Recently Leishman and Mason have suggested that the synthesis embodied in *The Bill* in the 1980s can be seen as the thesis of a new dialectic (2003: ch. 6). *The Bill* foreshadowed recognition of the diverse demographic make-up of contemporary police organisation and its conflict-ridden bureaucratic dimensions. This developed into a transitional stage of series featuring a diversity of police types and more politicised aspects of policing, of which *Prime Suspect* was emblematic. These explore the more problematic aspects of traditional police culture, such as gender and race discrimination. The antithesis is represented by the culmination of these trends, *Between the Lines*, which focused on a unit responsible for the investigation of police corruption and malpractice (Brunsdon 2000 is a stimulating analysis of these series). In the mid-1990s a new set of transitional series began to emerge. These echo the tensions of 'third way' crime control policy, 'tough on crime, tough on the causes of crime'. They feature protagonists who are psychologically or morally flawed or at least ambiguous, the antithesis of the overgrown boy-scout image of Dixon or Dragnet, but who nonetheless may function as effective crime-fighting police. Examples include *The Cops*, *Thief-takers* and *The Vice* or (in the USA) *NYPD Blue*, *Homicide* or *The Shield*. This pattern was heralded by 1970s vigilante films such as *Dirty Harry*, but the deviance of the central characters of contemporary movies often makes them seem like model citizens (King 1999 is a useful study of American cop movies since 1980), and the protagonists, in particular in more recent post-9/11 examples, especially from Murdoch's Fox studios, such as *The Shield* or *24*, are legitimated in their violations of legality not as tragic exceptions but by an all's fair in war, necessary-evil ethos.

The contemporary anti-heroes are nonetheless courageous, resourceful, even if rule-breaking, protectors of the weak and vulnerable from extremely violent crime and terrorism. Often the protagonists are psychologists, profilers or forensic scientists (*Cracker, CSI, Silent Witness, Waking the Dead*, *Bones*, *Criminal Minds*, etc.), allowing a distinction between the fallibly human context of their own lives and the unsullied virtue of their security function (Brunsdon 2000: 216–17; Leishman and Mason 2003: 102–3). In Leishman and Mason's analysis, *The Bill* remains the synthesis of the dialectic. Over the course of the 1990s *The Bill*'s leading characters became increasingly flawed or even corrupt, encapsulating the gamut of deviance represented in other contemporary series (Leishman and Mason 2003: 103–4).

A more systematic analysis of the changing images of police in the media is provided by a historical content analysis of changing representations of crime and criminal justice that I conducted with Sonia Livingstone and Jessica Allen (Allen *et al*. 1998; Reiner *et al*. 2000a, 2000b, 2003). This analysed a sample of

the crime films that were top box-office successes in Britain between 1945 and 1991, a random sample of crime-related stories from *The Times* and *The Mirror* in that period and the crime series that were most popular on British TV between 1955 and 1991.

The different media varied in the extent to which the police figured prominently in the stories analysed. The police typically played a minor role in cinema films until the mid-1960s. Hardly any films in our random sample between 1945 and 1965 featured police heroes, but after the late 1960s police protagonists become the most frequent type. The police have, however, always been the most common protagonists of television crime series. In the period up to 1979, 64 per cent of the top-rated TV crime series had police heroes. Although in the 1980s this fell to 43 per cent, the police remain the most frequent hero figures in TV series. In newspapers the proportion of stories which focused on policing and the criminal justice system (as distinct from specific crimes) rose in the period studied, but was always greater in *The Times* than *The Mirror*. Criminal justice stories rose from two per cent of all stories on average between 1945 and 1951 to six per cent between 1985 and 1991 in *The Mirror*, and from three to nine per cent in *The Times*. Overall, the police are more frequently the central protagonists in stories in all the media now than in the immediate post-war period. The change is most marked in the cinema, and least on television, where stories have always been dominated by police heroes.

In all media the representation of the police became somewhat *less* supportive over the post-war period as a whole, although still remaining predominantly positive. However, this declining trend overall in favourable images of policing masks some important complexities. In the cinema representation of the integrity and the effectiveness of the police we found a clear curvilinear pattern. The police are presented most positively in the first part of our period, from 1945 to 1963, and most negatively in the middle, from 1964 to 1979. In the last years of our period, 1980–91, there is some slight overall improvement in the representation of police ethics and efficiency. However, this recovery is ambiguous: the total figures mask a bifurcation of images in recent years between extremely negative ones and attempts to resuscitate the earlier positive representations. In newspaper stories there is a more straightforward linear trend towards an increasingly negative portrayal of police effectiveness and integrity.

The extent to which crime is cleared up in media stories illustrates this. In cinema films the offender was brought to justice in 39 per cent of cases in 1945–64, and killed in another nine per cent. After 1965 they were brought to justice in less than 15 per cent of films, but killed in 35 per cent (Reiner *et al*. 2000a, 2000b). In press stories, the proportion of the principal crimes reported that was cleared up was 73 per cent between 1945 and 1964, 63 per cent between 1965 and 1979 and 51 per cent between 1980 and 1991 (Reiner *et al*. 2003). Thus, although the broad conclusions of previous content analyses are confirmed by our study – the police are typically represented as effective in bringing offenders to justice – this is to a diminishing extent in all media.

A similar trend can be seen in representations of police malpractice. Excessive use of force by police was shown in only three per cent of films from 1945 to 1963, but 44 per cent from 1964 to 1979 and 25 per cent from 1980 to

1991. Illicit investigation methods were shown in 11 per cent of films in the first period, 80 per cent in the second and 67 per cent in the third. Corruption featured in no films in our sample before 1963, 13 per cent from 1964 to 1979 and 15 per cent from 1980 to 1991. In newspaper stories there is a steady trend upwards in the representation of police deviance. Between 1945 and 1964 only 10 per cent of all crime news stories primarily concerned police deviance, but this rose to 12 per cent between 1965 and 1979 and to 19 per cent between 1981 and 1991. The largest single category of police deviance stories reported abuse of powers (42 per cent 1945–64; 59 per cent 1965–79; 45 per cent 1981–91). Stories about race or gender discrimination by police had become the next most common by the end of the period, taking over from reports of personal corruption. Of police deviance stories, 21 per cent in the period 1945–64 were about personal corruption but only 14 per cent in 1981–91. The proportion of stories about discrimination in these respective periods was almost the reverse: 14 and 24 per cent (Reiner *et al*. 2003).

The personal characteristics of the police in films show the same pattern. Until 1963 no films had police protagonists whose lifestyle was deviant in any way. Between 1964 and 1979 this appeared in 33 per cent of films, but only 17 per cent from 1980 to 1991. Between 1945 and 1963, 50 per cent of police protagonists were caring and pleasant in manner, only 19 per cent from 1964 to 1979, and 39 per cent after 1980. In the earliest period only 26 per cent of police protagonists were reacted to as sexually attractive within the narrative, but this was 63 per cent in the middle period and 59 per cent after 1980. News stories about police engaged in deviant conduct short of illegality actually declined during the period studied (from 21 per cent of police deviance stories to 14 per cent), possibly because the disappearance of fictional police with boy-scout lifestyles and the generally greater social liberalism made minor police peccadilloes less newsworthy.

The overall pattern of representation of the police since 1945 thus seems curvilinear. Positive images are increasingly challenged after the mid-1960s, but with some bifurcation after the early 1980s between attempts to restore the past and even more negative representations of policing as ineffective or unjust. In news stories the trend is more straightforwardly negative, with increasing proportions of stories featuring police malpractice and declining success in clearing up crime. Overall, however, the prevailing representation remains positive in all media. The characteristic portrayal of the police is as ethical and effective guardians of the public.

Conclusion: the Teflon service and the reproduction of police fetishism

Policing is at best a palliative and not a panacea for the social harms of crime, disorder and insecurity. The point was made most pithily by Raymond Chandler in the classic 1953 crime novel, *The Long Goodbye*: 'Crime isn't a disease, it's a symptom', claims Chandler's hero, private eye Philip Marlowe. 'Cops are like a doctor that gives you an aspirin for a brain tumour' (Chandler 1977: 599). This is confirmed by most social scientific analyses of the police and policing (I have tried to summarise the arguments and evidence in Reiner

2000). Yet there is a deeply entrenched cultural denial of this, the myth of police indispensability that I referred to earlier as 'police fetishism'. It became ingrained during the nineteenth century through an intertwined process of socioeconomic and political changes that disciplined modern societies, and the gradual legitimation of the police as the symbols of this.

As conflict in modern societies became increasingly institutionalised, and crime and disorder declined, so the police became the totems of this broader civilising process for which they tacitly gained the credit. News stories about crime testified to this. For the first two-thirds of the twentieth century, crime was not seen as a major threat or policy problem. Crime stories were mainly confined to the popular press and concentrated on spectacular cases that the police were usually successful in solving. Police heroes were almost entirely absent from crime fiction, but paradoxically this implicitly assumed police success in regulating routine crime. Detective stories created a fantasy world of genteel crime in country houses. Idiosyncratic victims, perpetrators and red-herring bystanders became embroiled in puzzles that were solved by eccentric amateurs or private investigators massively well endowed with what Agatha Christie's Poirot called 'little grey cells'. The tacit assumption was of a society so well ordered that the most minute deviations from routine constituted clues to crime.

After the Second World War, and particularly from the mid-1950s, crime became perceived as a growing problem, and recorded crime rates began a seemingly inexorable rise. At first this continued to be interpreted as a marginal issue that social amelioration and reformist criminal justice interventions would contain successfully. The rise of the fictional police hero suggests, however, that crime was coming to be perceived as a problem requiring the attentions of a professional bureaucracy, not enthusiastic amateurs.

After the late 1960s the conception of crime and criminal justice in political discourse and popular culture begins to change profoundly. Crime and disorder come to be seen as profound threats, to individuals and to the social fabric. The control of crime, under the new rubric of 'law and order', becomes a prominent political issue that parties contest with growing ferocity (Garland 2001; Downes and Morgan 2007; Reiner 2007c). Media representations reflect and reinforce this process, as indicated above. In fiction the police are increasingly celebrated as vigilantes who must break the rules of legality to crack crime. News stories more often report police failure and police deviance.

At first this was associated with considerable debate and evidence of a loss of police legitimacy in public opinion surveys. However, in the mid-1990s there was a consolidation of policy around the conception of policing as crime control, with 'businesslike' organisation seen as the means of achieving this. Media representations reflect this in portraying the police as what Leishman and Mason graphically call 'the thin blurred line' (2003: 83). Police officers are no longer portrayed as paragons of virtue but as effective if often venal protectors of the mainstream public – 'us' – against risks posed by a variety of demonised others – 'them', including serial killers, paedophiles, international organised criminals and terrorists. If the police fail, the media usually blame the thinning of the blue line: the answer is more and tougher policing. The conservative media in particular also blame the post-Scarman pc police chiefs

for allegedly letting down the PCs they are supposed to lead, as the discussion of the controversies surrounding Sir Ian Blair showed at the start of this chapter. Banished from serious political and media discussion is anything beyond police fetishism, such as a consideration of what aspects of social structure and culture may contribute towards the development of the evils that threaten society. The police seem to be a 'Teflon service' that has survived a long period of increasing revelations of failure and malpractice to remain a powerful political and cultural force (Reiner 2000: 47). Although the media have increasingly highlighted scandals and controversy about policing, they have also perpetuated the myth of police fetishism. Crime and disorder are identified as the key elements of social threat, and policing solutions as the only conceivable ones. The police remain the most potent symbols of security in popular consciousness (Loader and Mulcahy 2003). Media stories of morally flawed but courageous and determined cops as shields against victimisation continue to reproduce police fetishism.

Notes

1 Willis (1950) is a novelisation of *The Blue Lamp*. Several stories drawn from scripts for the television series were published as Edwards (1974). For discussions of the significance of Dixon, see Clarke (1983), Reiner (1994), Barr (1998: 80–105), Sydney-Smith (2002), Leishman and Mason (2003: 49–54), McLaughlin (2005) and O'Sullivan 2005.
2 See, for example, Hurd (1979), Inciardi and Dee (1987), Buxton (1990), Laing (1991), Clarke (1982, 1983, 1986, 1992), Sparks (1992, 1993), Leishman (1995), Eaton (1996), Stead (1999), Brunsdon (2000), Reiner (1994, 2000: ch. 5), Leishman and Mason (2003) and O'Sullivan 2005.

Selected further reading

As the long reference section implies, there is now an extensive literature on policing and the media. Without doubt the most useful and important single reading is the excellent text by Leishman and Mason: *Policing the Media: Facts, Fictions and Factions* (2003), which provides a comprehensive and stimulating overview of the area. There are many articles that offer analytic accounts of the media presentation of policing, including Clarke's ' ''You're nicked!'' Television police series and the fictional representation of law and order' (1992), Reiner's 'Mystifying the police: the media presentation of policing', Chapter 5 of *The Politics of the Police* (2000) and Brunsdon's 'The structure of anxiety: recent British crime drama' (2000). Mawby's *Policing Images: Policing, Communication and Legitimacy* (2002) is a comprehensive analysis of police use of the media to promote their image. General reviews of the research on media representation of crime and criminal justice generally are Surette's *Media, Crime and Criminal Justice* (2007) and Reiner's 'Media made criminality' (2007).

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Part III

Doing Policing

Tim Newburn

What do the police do, and how has what they do changed? Part III of the Handbook looks at how the police operate, ranging from crime prevention and investigation to major issues such as drugs, terrorism and organised crime. Simon Byrne and Ken Pease open this section of the book by examining the history and reality of police crime prevention activities and by considering the increasingly central role that community safety has become in local responses to crime. The police of course now increasingly work in 'partnership' with other bodies, particularly local authorities, in the creation of community safety audits and subsequent plans. This chapter explores the emergence of these new working structures, how they operate in practice, and how best they should be understood within current theoretical frameworks. In doing so a number of important assertions are made by the authors. First, they argue that though crime reduction (their preferred term) is often assigned considerable importance within the police organisation, it generally remains of low status. Second, the increasing emphasis on partnership has largely been instituted as an act of faith rather than being evidence-based, and third, that the most appropriate role for the police in this regard should be to act as champions of evidence-based crime reduction, and to draw other organisations into this activity where appropriate. And, finally, they quite rightly suggest that this separately and collectively represents a very significant challenge to the police and their leaders.

The gap between the rhetoric and reality of evidence-led policing is further explored by Nick Tilley. Though less discussed now than at its height in the 1980s and 1990s, community policing and its variants still underpin much of what contemporary British policing aims to be: responsive to local concerns; based on consultation; and problem-solving in approach. Tilley's chapter explores both the theory and the reality of community policing, and subsequent approaches such as intelligence-led and problem-oriented policing. These 'reform movements' seek to shift policing away from its traditionally reactive stance towards a mindset and a variety of practices that are more proactive and analytical. Though the emergence of the National Intelligence Model in recent years has given added impetus to the idea of intelligence-led policing, Tilley notes that attempts to implement all three models have faced

very significant difficulties. Despite such barriers, all such approaches have much to commend them. In comparing and assessing the three, Tilley favours problem-oriented policing. However, he suggests that a significant move in that direction would require not only a conducive external political environment, but also a revolution in terms of police culture, organisation and capacity for analysis.

Picking up this theme, Nina Cope explores the nature and use of crime analysis within the police service. She explores the major methods of crime analysis, including GIS and offender profiling, examines the work of crime analysts within the police, and assesses their role in investigation and detection. The central assumption, and argument, of the chapter is that analysis is a potentially vital tool in modern policing but, currently, is underdeveloped and underused. There are a number of very serious barriers to greater usage of crime analysis; put basically, they concern a number of shortcomings in the data used by the police service (inconsistency, lack of timeliness and unreliability), together with the generally limited understanding of analysis by officers, and of policing by analysts.

The idea that in the early twenty-first century the police service remains some distance from being 'intelligence-led' may come as a surprise to some readers. Mike Maguire puts this into context in his chapter on criminal investigation. He opens with an historical overview of the development of criminal investigation in the late nineteenth and twentieth centuries and then moves on to examine the key features of the working practices of the three main types of detective unit through which criminal investigation was organised in the twentieth century: 'generalist' CID offices, specialist squads, and *ad hoc* major inquiry teams. In part because of a rather inglorious recent past, peppered with allegations of corruption and malpractice, there have been significant reform attempts, both within the police service and outside, designed to restore public confidence and improve investigative practice. Though significant in themselves, Maguire argues that these changes may prefigure much more radical reform of the nature and practice of criminal investigation in years to come.

One of the other areas of police practice that has come under considerable public scrutiny in recent decades has been public order policing. Though such activities are often separated from other aspects of policing, P.A.J. Waddington and Martin Wright argue that the differences are less obvious in practice. Thus, though the public image may be one of riot-gear clad officers ducking petrol bombs, the bulk of public protests are policed by officers in normal uniforms and are accompanied by few arrests and little violence. Moreover, the term 'public order' gives a superficial coherence to a potentially very broad range of circumstances and situations. Indeed, the policing of contention, the chapter argues, poses very real dangers to the police. In particular, they very easily become the 'meat in the sandwich' between protesters with legitimate grievances on the one hand, and the state with its own interests on the other. A fine balancing act, it is suggested, is the staple task in the police use of force and firearms and in riot control.

In a similar vein, Maggy Lee and Nigel South open their chapter by arguing that the 'policing of drugs reflects wider politics, social change and perceptions

of threats to social order and everyday life'. They examine the range of policing practices from low level drugs enforcement to the increasingly important arena of transnational policing. The history of the policing of drugs is a complex and fascinating one, and Lee and South trace this from the early twentieth century – where concerns both about servicemen and about refugees in the First World War put the issue of drug control more firmly on the official agenda – all the way through to present-day issues of 'zero tolerance', harm reduction and the links between drugs, terrorism and organised crime.

The bulk of criminological literature has focused on 'good ordinary crime' and this is as true of the policing literature as any other. Far less attention has generally been paid to crimes of the suites than the crimes of the streets. The policing of organised or white-collar crime is the subject taken up by Mike Levi. He outlines the institutional response to organised and financial crime, including within this the emergence of the Serious Organised Crime Agency (SOCA), as well as the increasing number of regulatory – as opposed to police – bodies that are operating in this arena.

With the increasing number and size of the scandals involving financial crime, the policing of such activities is treated with greater seriousness and accorded greater resources. Despite this, Levi argues, the relative absence of fear of white-collar crime holds back activity in this area. One area that currently stimulates considerable trepidation, and consequently much police activity, is terrorism. Intriguingly, however, criminologists have paid relatively little attention to this area of policing and those scholars that have specialist expertise in the area of terrorism tend to pay little regard to the role of the police. In part this is because of the important role that has generally been played by the security services in response to terrorist threats. Nevertheless, as the chapter by Innes and Thiel illustrates, the police have themselves had an important and relatively long-standing role in counter-terrorism, one that has provided them with vastly increased powers utilisable in everyday policing activity and not just in the terrorist arena. The future of policing in this arena – especially post-9/11 – is uncertain. What seems indisputable, however, is that the subject is likely to rise further up the academic and criminological agenda.

The final subject in this part of the book concerns a relatively new area of policing activity – that connected with the policing of cybercrimes. Yvonne Jewkes and Majid Yar examine the nature of cybercrimes and of the police response in this area. Perhaps not surprisingly, given the relative immaturity of this as a subject for police investigation and detection, they conclude that we are somewhat poorly geared up to deal with the apparent threats posed by Internet-based crime. In response, they suggest three potentially important responses. First, some amendment to the criminal law is required both better to define the nature of problem and to facilitate its investigation. Second, and echoing other chapters, they suggest that greater emphasis needs to be placed on prevention and, finally, that attention must be paid to equipping police officers with the necessary skills for work in this area. Without this, the police and other agencies are likely to be quickly outstripped by the pace of technological and social change.

Chapter 14

Crime reduction and community safety

Simon Byrne and Ken Pease

Introduction

At the time of writing England and Wales has experienced a prolonged drop in both recorded crime and self-reported victimisation by crime. This trend is unique since routine criminal statistics began. The onset of the decline anticipated the election of the current New Labour administration in 1997 and cannot therefore be claimed as a consequence of a particular political vision. Neither can it reasonably be claimed as the result of national policing reforms, since the period has coincided with major drops in crime in industrialised nations generally, whether these are measured by recorded crimes or victimisation surveys (van Dijk *et al*. 2006; van Dijk 2007a). The drop in the US anticipated that in Western Europe by some five years (Blumstein and Wallman 2006). The reasons invoked for the US (for example a decline in crack cocaine use) do not seem generally applicable (Zimring 2006). The most plausible contending (or complementary) explanations for the crime drop in Europe are in terms of:

- Changes in the profile of presenting crime opportunities, declining in the light of general access to goods most often stolen
- General improvement in levels of self-protection against crime (van Dijk 2007b).
- Cohort-specific but cross-national changes in criminal propensity (Maxim 1985).

The moral of this preamble is that crime rates are a function of at least quasi-global trends which are not yet well understood, but which are certainly not a simple function of socioeconomic conditions. Kershaw and Tseloni (2006) showed how modest the predictability of crime rates were on the basis of demographic variables collected in the national census. Crime fear proved much more predictable than crime itself. Deprivation per se is not a powerful

predictor of crime. Deprivation is clearly pernicious in itself and the modesty of its link with crime is absolutely no reason to diminish the importance of its reduction as a policy objective. The implications of this insight for local practice in crime reduction will be described later in this chapter.

Crime reduction and community safety: Tweedledum and Tweedledee?[1]

Ford Motor Company (Europe) makes and sells motor vehicles. To do this, it is organised into a variety of divisions, such as marketing, personnel and research. Each of these has a separate and clear function in ensuring that motor vehicles are produced and sold, and that each new model coming onto the market is more appealing than the one it replaced. It would be considered odd were the Ford organisation to include a division labelled 'manufacturing and selling motor vehicles'. That function surely permeates the entire organisation, and hence the existence of such a department would be unnecessary and likely to cause confusion.

A separate function within the police service labelled 'crime reduction' exists, and is as anomalous as the 'manufacturing and selling motor vehicles' division of Ford would be. Almost 200 years since the birth of modern policing in London, it is timely to remember that crime prevention was at the heart of what latter-day organisational gurus would describe as the mission statement of the Metropolitan Police. The enactment of the Crime and Disorder Act in 1998, and the contemporary emphasis on partnerships as the resolution of many societal problems, develops the motifs of 1829. With the inception of the Metropolitan Police and the Crime and Disorder Act 1998 bracketing nearly two centuries of professional policing, we reluctantly conclude that crime prevention has never yet fully permeated police thinking and practice. Neither has it enjoyed the compensating virtue of prestige and privileged access to chief officers. (Notwithstanding the presence of a Portfolio for Crime prevention within the Association of Chief Police Officers.)

Before outlining the role of crime reduction within the police service, some terms must be defined. In the UK, some police officers have carried the title 'crime prevention officers'. In recent years, the term 'crime reduction' has been favoured in government publications and on the Home Office website.[2] Individual acts of crime *prevention* result, in the aggregate, in crime *reduction*. The arrangements put in place by police and crime reduction partnerships to achieve the prevention or reduction of crime have at their heart the *community safety* officer within the local authority. Achieving less crime is thus interchangeably referred to as preventing or reducing crime, or realising community safety. In this chapter the terms 'crime prevention' and 'crime reduction' are preferred for reasons developed below.

The relationship between crime reduction and community safety is not straightforward. Safety is not compromised by crime only so crime reduction, however successful, cannot by itself achieve community safety. What, indeed, does *community* safety mean, over and above the safety of all citizens considered as individuals? The background to the term's introduction lies in the political conflict of the 1970s, notably in London's boroughs, wherein

politicians were troubled by the police monopoly of information about crime and the responsibility for its reduction. The term 'community safety' provides a useful, albeit vague, characterisation of a crime-free Utopian condition whose realisation implicitly depends on community agencies, generally, though not exclusively, the police. In short, substituting community safety for crime reduction affords a means of wresting exclusive ownership of discourse about crime from the police (see Hughes 2002). Notwithstanding the term's political origins, it is properly grounded in the recognition that the major drivers of crime lie outside policing and criminal justice, as is evident in the debate about the cross-national crime drop outlined above. It has long been recognised that crime is a product of physical and social arrangements over which the police have little control. For those of the left politically, the emphasis is on damage to people who become offenders, occasioned through social deprivation of one kind or another. Marcus Felson (1994) refers to this as the 'pestilence fallacy', which asserts that bad things come from other bad things. He writes:

> Why then do the most prosperous nations of the world . . . have high property crime rates? Why do the poor nations of the world have generally low property crime rates? . . . Why was the major period of crime rate increase in the United States 1963 to 1975, also a period of healthy economic growth and relatively low unemployment? Why did Sweden's crime rates increase greatly as its Social Democratic government brought more and more programmes to enhance equality and protect the poor? (1994: 11–12)

Felson concludes 'crime seems to march to its own drummer', and that the richness of crime opportunities is the crucial factor determining the beat. This is a conclusion of fundamental importance for crime reduction, suggesting that the regulation of the supply of crime opportunities is central to the reduction enterprise. Over the past 25 years or so there has been a gradually increasing recognition of the possibilities offered by focusing on criminal events rather than on offenders (Gilling 1997; Crawford 1998; Clarke and Eck 2003).

The history which led to community safety succeeding crime prevention as the favoured form of words has the virtue of placing some responsibility for crime levels on decision-makers outside the police service. The latest iteration of this journey has been the publication of the Assessment of Policing and Community Safety APACS – a cross cutting national performance regime linked to delivery of the National Community Safety plan (England and Wales). There were, and remain, divergent opinions about which actors involved in crime reduction are most important (teachers, social workers, architects, planners, manufacturers, among many others). Nonetheless, seeking to locate responsibility for crime reduction/community safety with those whose actions modify the drivers of crime represents recognition of an important truth. So what is the problem with the term 'community safety'?

The term community safety is a misnomer, since the function as circumscribed within the Crime and Disorder Act 1998 deals only with those sources

of danger which are occasioned by human agents acting criminally or in a disorderly way (Wiles and Pease 2000; Pease 2001a). This distorts recognition and prioritisation of other threats to safety which a community may encounter. Community safety is currently a function legislated *within* a Crime and Disorder Act. This is topsy-turvy, a bit like having 'education' as an element within a 'schools exclusion' Act. Crime is only one of the things which threaten community safety. The slings and arrows of outrageous fortune include accidents, poisonings and infectious and contagious disease. Crime and disorder reduction should be embedded within a Community Safety Act, not the other way round. Academics have long been concerned at the increasingly central position which crime control has taken in social policy (see Rodger 2008 for a recent example). The 1998 Crime and Disorder Act, tacitly equating the absence of crime and disorder with safety, represents the ultimate manifestation of the trend. When people dial 999, they are asked which of the emergency services they need. Urgent help is needed of various kinds. Public demand has to be quickly subdivided to make the assistance appropriate. With this limited exception, we require the public to decide who can help them before they contact a hoped-for helper. They need to decide that the police service is the best body to advise about noisy neighbours rather than environmental health or housing, that the fire service rather than the police is relevant to a wheelybin on fire and so on. This segmentation of help based upon citizen perception of the problem has many obvious disadvantages, not least that a co-ordinated response to complex problems is thereby made difficult. Furthermore, an ill-informed public will often make the wrong choices about which service to contact, increasing demand unnecessarily, while at the same time adding to their own frustration and diminishing confidence in public services to do anything to help them as they become more confused about who does what in a segmented world. In short, characterising crime reduction as the alpha and omega of community safety unnecessarily muddies the waters of service provision. As will be argued later, it also confuses the comparison of tactics of crime reduction which are crime limited and those tactics which are likely to have other benefits.

A secondary reason for our reservations about re-badging crime reduction is that it substitutes a goal for the (partial) means of getting there. In *The Wizard of Oz*, Dorothy and her companions were enjoined to follow the Yellow Brick Road. They were not told to go to the Emerald Palace, because that would not have told them what to do to get there. Crime reduction is like the Yellow Brick Road. It is the route moving you towards a better place. Community safety is like the Emerald Palace. Without treading the Yellow Brick Road of crime reduction, you won't get there any time soon. Goals without routes provide the recipe for frustration.

Crime reduction within the police service: aspirations and achievements

In the popular television series *Life On Mars*, a twenty-first century police officer is transported back in time to the 1970s. The interest in the series lies in the culture clash between the (depicted) policing styles of a 1970 police officer

and a 2000 police officer. While being of minority interest, an episode of the series dealing with crime reduction would be instructive. The second author at that time (the 1970s) was teaching police officers on a Manchester University diploma course. He recalls vividly one young officer bewailing the high rate of domestic burglary in his area, where the preferred method of entry was through the uniformly weak front doors installed throughout local authority housing in his area. The author asked whether this information had been relayed back to the authority. The suggestion was received with a look of horror, as being utterly inconceivable and liable to lead to the officer being disciplined. Thirty years on, partnership working should (and generally would) applaud such information being passed on. Another 'future shock' for the young police officer of 1970 would be the emergence of anti-social behaviour as an issue of central policy concern. The spirit of the 1970s involved the close circumscription of behaviour to be deemed criminal. In contrast, Jack Straw upon taking office as Home Secretary noted that upon first being elected to Parliament two decades earlier, he had found that

> the great bulk of my constituency case work concerned housing complaints and social security, but that changed from the early 1990s. More and more people came to me complaining of intolerable anti-social behaviour, of harassment and intimidation. Much of the trouble was caused by children and young people who were out of control. The criminal justice system appeared to be incapable of enforcing decent standards of public behaviour on children and adults alike. (*Hansard*, HC Debs, 8 April 1998, col. 370)

This, the 'Respect' agenda, and the widening of the policing task to include the slippery notion of 'binge drinking' and the topic of 'youth crime' (a phrase which implies differential concern with the same act according to the age of the perpetrator) represents a massive change of focus. The sanction designed to deal with anti-social behaviour, the anti-social behaviour order or ASBO, peaked in numbers in 2005 and has since declined. Half of those on whom orders were imposed breach them. Unrecorded breaches are certainly numerous, but even restricting oneself to breaches which are officially processed, these average 3.4 breaches per breaching offender. It is difficult to avoid the conclusion that the sanction is on the wane (http://www.crimereduction.homeoffice.gov.uk/asbos/asbos2.htm).

For the purposes of this chapter, the starting line in the emergence of crime reduction is taken to be the point at which crime prevention took on an independent existence within police forces, in the mid-1960s. In 1965, the Cornish Committee on the Prevention and Detection of Crime made its report (Home Office 1965; and see Weatheritt 1986). By 1965, a few forces had already established crime prevention sections, typically within CID. The Cornish Committee contended that expertise in security hardware and crime prevention publicity was now such as to demand specialist officers to keep abreast of developments. The committee recommended that an officer of at least inspector rank should be designated force crime prevention officer, with sergeants on each division assigned to carry out security surveys and liaise

with patrol officers. In 1967 the Home Office Standing Committee on Crime Prevention was established, as recommended by Cornish. Another of the Cornish Committee's recommendations was implemented patchily. This was for the setting up of crime prevention panels in all towns with a population of more than 150,000.

Until the mid-1990s, the status of crime prevention relative to general policing was mirrored by their respective training bases. Senior officers and those on high-prestige specialist courses would find themselves at Bramshill, a stunningly beautiful Tudor mansion in rural Hampshire, once offered to the Duke of Wellington for services to the nation. Trainee crime prevention officers, by contrast, would find themselves in a Portakabin behind Staffordshire Police Headquarters, being lectured to predominantly by business people who stood to gain commercial advantage as providers of products to the police service. In 1986, Mollie Weatheritt suggested that the role of the crime prevention officer was seen as a fairly undemanding pre-retirement placement for CID officers:

> Until recently, when the figure has fallen to about fifteen years, the average length of service of constables and sergeants attending the basic training course for newly appointed crime prevention officers at the Crime Prevention Centre was twenty years, just five years short of the period at which police officers become eligible for pensionable retirement on half pay. (Weathritt 1986: 49–50)

Research some years later reinforced Weatheritt's impression, although it showed a migration from CID to community liaison as assuming management responsibility for such work (Grimshaw *et al*. 1989). Within the police service at that time, the weight of crime prevention thinking was moving from 'locks, bolts and bars' to engagement with the community, influenced by the Chief Constable of Devon and Cornwall, John Alderson (see Alderson 1979). Whatever the emphasis, the modest reality described by Weatheritt and later by Grimshaw and her colleagues diverged grotesquely from the official aspirations for the crime prevention officer. A working party of the Association of Chief Police Officers (ACPO) in 1979, unpublished but extensively reported in Weatheritt (1986), summarised the tasks which should fall to the crime prevention officer as follows:

> a. the cultivation of a working two-way relationship between beat patrol officers and the crime prevention officer, and the encouragement of all officers to report matters of crime prevention interest;
>
> b. the acquisition of a thorough knowledge of technical aids to security, by study of appropriate journals and visits to manufacturers of locks, safes etc.;
>
> c. the inspection of property where there are special or difficult security features: and the keeping of records of such visits to enable follow-up visits to be made at appropriate times;
>
> d. maintaining a firm relationship with local authorities and all their bodies to whom advice can be given on crime prevention;

e. the giving of talks to local bodies on crime prevention and personal protection, and the giving of advice to householders on request or whenever the opportunity arises;

f. ensuring that crime prevention literature is used to its best effect and displayed or distributed on all appropriate occasions: the crime prevention officer should always have available a collection of physical protection devices for selective display;

g. the regular giving of lectures at probationer and refresher courses and the issue of a crime prevention booklet for the guidance of all members of the force;

h. to support and liaise with other departments of the force in the task of community relations and preventive policing and to co-operate with social agencies concerned with the welfare of children and young persons;

i. to co-operate and liaise with the security industry, and with fire prevention officers, to ensure that security standards do not conflict with fire safety requirements;

j. to give advice on security to builders and architects in the planning stages of buildings, and if necessary survey premises from plans; to maintain liaison with architects and local authority planning departments;

k. to encourage the activities of crime prevention panels;

l. to prepare articles for inclusion in local publications and newspapers in collaboration with the force public relations officer. (Weatheritt 1986: 13–14)

Despite all the changes since 1979, the flavour of crime prevention officer (CPO) work remains recognisable from the list. Subsequent changes have had less effect on the routines implied by the list than might have been supposed, apart from providing the crime reduction officer with a new raft of colleagues within local authorities and elsewhere. The Audit Commission (1999) found on average only one per cent of officers working full time on crime prevention activities, somewhat modest when set against the tasks enumerated above. As late as 1998, commentators could refer to crime prevention in the delivery of modern policing as a 'Cinderella of police work' (see Hough and Tilley 1998). Yet the kudos attending crime reduction had increased somewhat. The expertise of Crime Prevention Officers designated Architectural Liaison Officers (now known as Crime Reduction Design Advisers) became more salient in planning decisions in the light of s.17 of the Crime and Disorder Act 1998 (of which more later). ACPO spun off a commercial organisation dealing with Crime Prevention Initiatives (ACPO/CPI). This administers Secured By Design (SBD) accreditation to developments, both new build and refurbishments (see http://www.securedbydesign.com/). The SBD website describes the initiative as 'the UK Police flagship initiative supporting the principles of ''designing out crime'' by use of effective crime prevention and security standards for a range of applications'. Homes built to the SBD standard have consistently been evaluated as less prone to crime of all kinds, and the crime gap between SBD homes and other new homes appears to have widened, possibly suggesting that the application of the standard has become more sophisticated over time (see Armitage 2000). The confidence displayed by

ACPO in rolling out Secured By Design, together with its success, reflects a step change in the prestige afforded to designing out crime. Contemporary crime reduction officers belie the stereotype of the 'one-eyed, tired pre-retirement bobby', although to this day a background in crime reduction is not what the most able and/or ambitious officer would choose to facilitate progress up the greasy pole to chief officer rank, compared with (for example) experience as a detective.

In the late 1990s West Yorkshire Police began setting questions about community safety as part of its process of selection for promotion (see Audit Commission 1999), thus reinforcing its importance in the corporate mindset of aspiring leaders. An increasing number of forces now second middle-ranking officers to local authority and other strategic posts to help lead and co-ordinate the policing and crime reduction agenda. Set against these encouraging straws in the wind is the fate of the Home Office's Crime Reduction College (CRC). In 1995 it moved from its very basic home in Stafford to Easingwold, North Yorkshire, where it was better resourced and correspondingly more professional. Its emphasis moved towards the training of local authority community safety officers around the time of the 1998 Crime and Disorder Act. Astonishingly, it was closed in September 2005. The justification for closure was set out in the Home Office's Crime Reduction Digest of April 2005. It reads as follows:

> An independent review of CRC was carried out in the Autumn of 2004. It recommended that the direct training and learning services which the Centre has been providing for community safety practitioners should be discontinued, on the grounds that these services were not well enough resourced to have made a significant impact. The Home Office has accepted this recommendation. (Home Office 2006: 6)

The confusing part of this reasoning becomes evident if one applies it to the training (for example) of mathematics teachers. If the conclusion were to be reached that such training was not well enough resourced to make a significant impact on numeracy generally, should it therefore be discontinued? If the teaching of mathematics is deemed important, surely the conclusion must be that the training of teachers should be properly resourced, rather than that children should be condemned to maths teaching of variable quality. It is of no little interest that Sir Ronnie Flanagan's recent review of policing makes as part of its recommendation 27 the following:

> Developing the right skills in the right people is clearly a key part of developing effective partnerships. There is now a need to consider how to build the capacity to work in effective partnerships, not just in the police service but across local agencies. It is vital that this training mirrors the sorts of working which it is preparing people for. [This should include] the sharing of analysis and research capacity across the sector and the service should demonstrate its commitment to supporting the development of its colleagues in other agencies by sharing training facilities in order to provide, for the first time, sites where joint community safety training, learning and development can take place. (Flanagan 2008: 70–1)

Sir Ronnie's 'for the first time' suggests he is unaware of the Easingwold saga. His insight makes the closure seem still more perverse than it appeared at the time.

If there remains a circumscribed and low status role for crime reduction in the police hierarchy, albeit one which is being remedied slowly and in piecemeal fashion, and with notable reverses such as the closure of Easingwold, to what should we ascribe this state of affairs? It is too easy to describe anything as a consequence of police 'culture', but it is unarguable that the wish for thrill and attention seeking is one element of the attractiveness of police work, fuelled by media representations of the service (see chapters by Reiner and Westmarland, this volume). Frontline officers often derive more satisfaction from arresting offenders and detecting crimes, which inevitably have victims and consequences, rather than preventing the commission of crime and disorder in the first place. This predilection for prevention and reduction *through detection* is paradoxical, since a preventable crime has taken place, before detection becomes relevant.

Are there any other reasons, beyond officers' lust for excitement, why crime reduction's moment is arriving so tardily within the police organisation? One contributory reason is surely the historic emphasis on offenders rather than presenting opportunities. If crime is simply the natural work of evil or damaged people, then convicting and incapacitating evil and damaged people lies at the heart of police work. In parallel with this, and in our view relatively unmindful of the developments within criminology, the responsibility for crime reduction has been diffused from the police into local crime and disorder reduction partnerships.

Perhaps the mechanism through which crime reduction policing will develop is the permeation of the skills of the crime reduction officer and the crime reduction design adviser through police ranks generally, although it will require a heroic training initiative for this to achieve its potential. Published in 1996, *Towards 2000*, the ACPO strategy for crime prevention in the twenty-first century, saw prevention as the responsibility of all officers (see Leishman *et al*. 2000). New styles of policing are only now starting to emerge based upon leadership, ownership and accountability for enhanced levels of performance at a 'neighbourhood' level. This evolution of what has previously been described as 'community policing' is more consistent with modern government doctrine for public service delivery where the responsibility for action and decision-making is pushed to the lowest possible level (see Office of Public Services Reform 2002). In this new model of policing, constables, sergeants and inspectors are wrestling with the thorny issues of crime reduction and are slowly changing the craft of street policing from a focus almost exclusively on enforcement and detection to that of sustainable reductions in crime and disorder through prevention and problem-solving (see Tilley, this volume). This of course brings opportunities for attendant improvements to the quality of life of residents in local neighbourhoods. These same people, victims, witnesses and informants, may come to know the name of their neighbourhood officer and believe that they care about, and indeed act in relation to, their neighbourhood problems. This sea change in policing style is doubtless complemented by a focus on problem-solving as a way of doing business

rather than concentrating on responding to incidents. There is also an emerging recognition that it lends itself neatly to the tactical delivery of crime and disorder reduction partnership strategies in particular and neighbourhood renewal in general. Much stress is placed by Flanagan (2008) on the embedding of neighbourhood policing. While the Flanagan Report is unspecific on the point, he could be construed as being an advocate of achieving crime reduction effects through the permeation of relevant skills through rank and file policing, embedded in local non-policing structures.

The coming of partnership?

In a volume with the title of the one you hold, it was justifiable to look at crime reduction from a policing perspective and to extend the discussion to include possible future trends. Yet the revisualisation of crime reduction as community safety, to be achieved by local partnerships, was a potential watershed. We must therefore rewind to the point at which the primary responsibility for crime reduction began to move from the police service. This will be dated by most observers to the publication of the Morgan Report (Standing Conference on Crime Prevention 1991), although the preferred rhetoric of crime prevention had been settled much earlier, for instance in the unnumbered Home Office circular *Crime Prevention*, issued on 17 May 1968. It is very evident in the identically titled Home Office Circular 8/84 (1984). Its emergence as an idea whose time has come is well documented in Koch (1998) and Newburn (2003). As fully formed in the Morgan Report, it was deemed inappropriate for the police to 'own' the crime problem, and with it information about crime and disorder. Local authorities have many relevant powers, in relation to planning, tenancies, leisure and education, all of which impact on the development of criminal inclinations and their realisation in action. Morgan proposed that local authorities assume statutory responsibility for 'community safety'. As stressed earlier, this was, from the beginning of the process culminating in the publication of the Morgan Report, conceived narrowly as meaning safety from *criminal* predation. While seven years elapsed between the publication of the Morgan Report and legislative action, during that period the opposition Labour Party made clear its intention of giving effect to its central recommendation once in power, and many local authorities acted in anticipation of that.

A variant of the central Morgan proposal was realised by the Crime and Disorder Act 1998. It gave statutory responsibility to local crime and disorder reduction *partnerships* (CDRPs), comprising the police and the local authority acting jointly. Partnerships were required by the legislation to prepare crime audits every three years (now annually), to consult with citizens and to devise local strategies reflecting audits and consultation.[3] This approach sidestepped the issue of a 'lead' agency in crime prevention. The government was not persuaded by the Morgan view that giving local authorities lead responsibility would be workable. Its views, rather, were that the 'principles of partnership' required collective responsibility. Consequently, the responsibility now lies jointly with the relevant senior police officer and the relevant local authority. Perhaps the most important element in the Act is s. 17, which imposes a statutory duty on local authorities to consider the crime consequences of all

their decisions, and has potentially profound implications (Moss and Pease 1999), although its realisation has been disappointing. It is perhaps worth noting that s.17 managed to go through the entire legislative process without a single word of discussion, even at the Committee stage. While forests were felled to provide paper for the lengthy discussions of *doli incapax*, s.17 got through unregarded and undiscussed. It is difficult to escape the conclusion that the politicians did not recognise the implications. One problem that could have been remedied concerns planning decisions. If planning permission is denied under s.17 on the basis of anticipated crime, appeals are heard by the planning inspectorate, which is an arm of central government and hence unconstrained by s.17 considerations. This sequence has been observed in practice (Moss and Seddon 2001; Moss 2001) The Foresight Crime Prevention Panel (Foresight 2002), tasked with anticipating crime futures, recommended that s.17 be extended to apply to central government decisions, which would have both removed the planning anomaly and brought pressure to bear on central government departments to become crime aware in their decision-making. Unsurprisingly, this recommendation was not acted upon.

Garland (2000) speculates on the origins of notions of preventive partnership, and emphasises the profundity of changes which must yet occur for their intended level of joint responsibility to be fully realised. In brief, his analysis contends that we find ourselves in societies where high rates of crime are perceived to be normal, and that one part of the response of central government to this perception has been to divert from itself and diffuse throughout society the responsibility for reducing crime. Garland is persuasive about the degree of change which such diversion implies:

> the key question relates to [the preventive partnership's] ability to mobilize a new rationality of crime control – a new way of thinking and acting that differs quite radically from previous modes of crime control. Preventive partnerships involve a whole new infrastructure of arrangements whereby state and non-state agencies co-ordinate their practices in order to enhance community safety through the reduction of criminal opportunities and the extension of crime-consciousness . . . This strategy also entails a set of criminological assumptions . . . a style of governance . . . and a repertoire of techniques and knowledges, all of which are quite novel and at variance from the previously established ways of thinking and acting (2000: 349).

Central government shaping of the crime reduction landscape

Alongside the diffusion of responsibility for crime reduction comes what Garland (2000) terms a 'sovereign state strategy' stressing enhanced control. Certainly an important strand in the emerging crime reduction infrastructure has been the efforts of central government to steer the enterprise in directions of which it approves. A number of phases in this effort will illustrate the trend. The first is experience of the Home Office's crime reduction initiative around the turn of the century. The second is the regionalisation of Home Office influence on the practice of crime reduction.

In the Home Office's £400 million crime reduction initiative launched in 1999, the distribution of the available funding reflects Home Office priorities by offence type and tactics to be deployed. Most dramatic was the £150 million earmarked for CCTV systems. To oversimplify, whatever the presenting crime problem, 40 per cent of the answer was deemed to be CCTV. Gossip held that this resulted from a particular enthusiasm (not evidence based) of the Financial Secretary for the Treasury at the time. Apocryphal though it probably is, the currency of this story illustrates a willingness to believe that crime reduction priorities danced to the Treasury tune, and begat cynicism (among the successful bidders) and bitterness (among those who failed). The second author of this chapter has been called upon from time to time to act as referee for community safety organisers applying for jobs in other areas or of other kinds. Without exception, the successes to which their CVs call attention lie in the amount of money attracted from central government – seldom, if ever, success in reducing crime. In the beauty contest in which they saw themselves as competing, victory consisted in garnering money, not spending it to good effect. The process of granting money under the crime reduction programme illustrates perfectly the balance between central direction and devolved responsibility. Area-based bids for funding were invited, which were judged by central government (on criteria which included a local partnership element). Central government also funded the evaluation of outcomes. Thus the raft of initiatives which sprang up was shaped by central government. Failure could be attributed to local implementation.

The second key development is the regionalisation of community safety funding. The appointment of regional crime directors serves to allow central government fuller control of the crime reduction enterprise. The location of such directors within an organisational context which is primarily economic has also served to favour the perception of economic development as a crime control strategy, despite the tenuousness (and the complex nature) of the link between crime and area economic indicators (Field 1998). Regional directors as conduits for central government funds allow a degree of central oversight of local partnerships which was not hitherto possible, and favour community development responses to crime problems at the expense of more focused situational or design factors. One such director is located in each of the ten regional government offices. They are typically either civil servants or former senior police officers. Because of their role in allocating funds, their frequent meetings with Home Office ministers and their increased control of evaluative functions, the role has clearly increased in influence and importance.[4]

The developments listed above are illustrations of Garland's point that central control of the crime reduction agenda is maintained despite the diffusion of responsibility. The sacking in 2001 of the Chief Constable of Sussex, Paul Whitehouse, under pressure from a new Home Secretary seemed like a statement of intent about the limits of police operational independence. The debate which followed it reflected intensified concern with the balance of local and central power (see chapters by Newburn and by Jones, this volume). While crime reduction forms only a minor part of the more general debate about policing, the trends illustrated suggest that it is the bell-wether of central government shaping of force policy – a point not lost in the direction and

impetus given to contemporary efforts to reduce gun and knife crime in a number of the larger forces.

One manifestation of central government prescription and direction was evident in the first-ever National Policing Plan for England and Wales (see Home Office 2002). It constituted a bold attempt at co-ordination and clarity and has already prompted much debate among senior police professionals about the extent to which a balance is successfully struck between government intervention and direction on the one hand, and devolution of authority and resources to reflect the local context of policing. Of greater relevance to this chapter is the absence of any explicit reference to crime reduction in the plan.

The most recent developments in community safety organisation and regulation are manifest, from the policing perspective, in the Flanagan review of policing (Flanagan 2008). This repeatedly invokes partnership working as the way ahead, and integration of neighbourhood policing initiatives with other local agencies as the route along which progress will be made. Flanagan makes much of the emergent Assessment of Policing and Community Safety (APACS) regime as a means of optimising CDRP performance. APACS is the successor to the Police Performance Assessment Framework (PPAF) (see Jones, this volume). While embracing greater local discretion in crime control strategy, the impression gained from APACS at least by the present authors is that crime control objectives are not aligned with other local objectives and targets, and that in consequence non-police partners have had their active engagement with partnership working compromised. APACS seeks to remedy this by regular 'Comprehensive Area Assessments'. Apologies are offered to the reader for this paragraph being little more than alphabet soup (and we didn't even mention Local Area Agreements (LAAs), Primary Care Trusts (PCTs), the National Indicator Set (NIS), Joint Action Groups (JAGs), Local Strategic Partnerships (LSPs), Key Performance Indicators (KPIs), Local Criminal Justice Boards (LCJBs), Drugs Harm Index (DHI), and the rest). If crime prevention training is ever offered generally to police and community safety workers, the first half of the course will have to be given over to understanding the confused organisational landscape.

Finally, it is interesting to note that in the draft Policing Pledge or National Threshold Standards described in the forthcoming Green Paper on policing there is no reference at all to crime reduction save the publication of localised data sets about crime levels!

Love and loathing in the age of partnerships

It seems almost heretical to aver that partnership working is not always appropriate and brings its own disadvantages. In practice it seems extremely patchy in its implementation, with health authorities being particularly disinclined to become fully involved (see Phillips *et al.* 2002), and data exchange between partners proving very contentious (Brookes *et al.* 2003). Michael Scott (2000), writing as a former US police chief and an experienced criminological researcher, notes more problems. Reviewing 20 years of problem-oriented policing, he describes instances in the USA where non-police

agencies have so absorbed a police agenda as to act oppressively, including the deployment of physical force against putative offenders. He prefers to advocate not partnership but agencies acting in ways in which they are mandated to, guided by a shared crime reduction agenda. He sees collaboration in the choice of ways in which contributing agencies perform those actions which they traditionally saw as their responsibility. Like Garland, but with the added weight of the practitioner behind his words, he sees even the limited collaboration which he prefers as representing such a change of focus that it has proven much easier to implement for limited periods in small areas than as an ongoing mode of working more generally.

Frustrations with the experience of partnership working are not adequately reflected in the literature. Most Home Office publications on the topic are remarkably anodyne in tone, and are focused upon how to get partnerships to work, almost irrespective of the partners involved, or their possible contributions to crime reduction (see, for example, Bullock *et al*. 2000; Hester 2000; Hedderman and Williams 2001). The balance of the published output of the Home Office's Research and Statistics Directorate is moving towards notions of good practice whose quality is not evidenced by demonstrated crime reductions. There now exists a separate publication series reporting this kind of work. There is certainly a place for such reports, but the genre is threatening to become co-terminous with the official literature on the topic. More central questions about our criminological preconceptions and what has been shown to work in crime reduction need to be asked.

In our experience, common police frustrations with the partnership experience include the following:

- A high ratio of talk to action
- Lengthy delays between decisions to act and action
- Varying enthusiasm for partnership working among local authority departments, with 'people-processing' departments generally more keen than those who make physical changes.

No doubt reciprocal frustrations would be expressed by community safety practitioners. The third issue may be of particular importance. In so far as (for example) probation and social service departments play a full role in crime reduction, and housing, health and direct works (for example) do not, the profile of crime reduction work in an area will take on a particular shape, irrespective of evidence about effectiveness.

In her Cambridge doctoral dissertation exploring local partnerships, Layla Skinns (2005) identifies four challenges for partnerships. These can be paraphrased as follows:

- To implement more of that which is discussed, with many practitioners referring to partnership meetings as 'talking shops'.
- To elevate community involvement from its usual present role as an 'aspiration'.

- To move from 'short-termism' to a monitored assessment of impacts on crime and disorder.
- To realise the ideology of unity, and escape tensions and rivalries universal in the partnerships which Skinns studied.

The tone of the foregoing is improvement-oriented, and will thus sound negative. It should be acknowledged that people working together with common objectives across organisational divides is helpful, and much good work has been done by local partnerships, despite the flaws in legislation, training and statutory arrangements. It should be noted that the most recent National Community Safety Plan 2008–2011 seems to extend the meaning of community safety. The key Public Service Agreements (PSAs) are to be found in the plan. They include cutting overall crime by 15 per cent, reducing worry about being a victim of crime, reducing the harm caused by drugs (measured economically), and increasing the proportion of people over 65 satisfied with their home and neighbourhood.

How does one think about crime reduction?

However good partnerships, neighbourhood policing and the other infrastructure of crime reduction become, unless they are brought to bear in ways which demonstrably work, they will fail. As trailed at the end of the preceding section, there is a danger of the crime reduction enterprise being shaped by the preferences and prejudices of those most eager to be engaged in partnership working. For that reason, we need to be explicit about what we know. To rehearse a point made earlier, crime reduction is taken to be aggregated crime prevention. Installing an immobiliser on one's car is crime prevention. The cumulative effect of people installing immobilisers is crime reduction. Prevention involves securing the non-occurrence of something that may otherwise have happened. While some would argue that this makes the measurement of prevention impossible, the difficulties are no greater than in medicine, where preventive medicine requires disease not to develop after an intervention which occurs in its absence.

One lesson from preventive medicine is the crucial importance of seeking to understand the mechanism by which a disease (or crime) manifests itself. The physician John Snow showed that the link between cholera sufferers in a London epidemic was the well from which they drew their drinking water (see Gilbert 1958; Tufte 1983). This identified the disease agent as water-borne, and was the first step in understanding the mechanism of cholera transmission. Sometimes the mechanism is context specific, so that (for example) hydrangeas bloom in different colours depending upon soil acidity. Crime is a product of interacting social conditions, context, time, genetic factors predisposing to criminality and opportunities to commit crime. There are thus multiple means whereby the path leading to the crime event may be blocked. This is reflected in Paul Ekblom's model representing the conjunction of criminal opportunity (Ekblom 2000).[5] He sees his framework as the 'universal story' of the criminal event, a development of the routine activities approach of Marcus Felson (1994). An *offender* who is prepared and able to commit a crime seeks out or

engineers a crime *situation*. This combines a vulnerable and attractive *target* of crime, in a favourable *environment* and in the absence of capable *preventers*. Ekblom's framework distinguishes remote causes and immediate precursors, with 11 generic kinds of cause. These may be primarily concerned with the situation which an offender encounters, characteristics of the offender or some combination of the two. Each element may be thought of both as a remote cause and an immediate precursor. In a pub argument, the immediate precursor is a glass which can be broken to make a weapon. The remote causes entail the resistance of breweries to introduce glasses which fragment rather than leaving sharp edges, or licensing magistrates' failure to control pubs whose poor management is reflected in frequent disorder. Likewise, an offender's lack of skills may be immediate or remote. Remote causes include the lack of educational or technical skills conferring employability. Immediate precursors may reflect an inability to talk one's way out of a conflict. The Ekblom framework helps crime reduction practitioners envisage, communicate and implement specific interventions, and to integrate approaches.

What works?

If one is interested in demonstrating reduced crime quickly, situational measures are generally preferable. These typically involve changing the perceptions of offenders by changing opportunities. If one is interested in changing offenders in some more profound way, one has to wait longer, and will be looking to improve social functioning, but also at other measures of improved individual and social functioning alongside crime reduction. There are two ways of falling into error. First, one can be exclusively concerned with situational change and indifferent to wider issues of personal and community development. Second, one can put in place well-meaning longer-term projects to change people and communities which research already available suggests are unlikely to succeed. Our experience indicates that the second of these traps has snared more victims than the first. People sometimes fall into it on the rebound from their (very reasonable) rejection of situational prevention as a cure-all. Put briefly, programmes which impact on a wide range of human behaviour over the middle and long term should be assessed using criteria beyond a common-sense notion that 'it's obvious' that they should succeed. The caveat is that, just because a programme addresses a remote 'cause' of crime, it cannot be assumed that it would prove successful *in any terms*. This is both because beliefs about the root causes of crime are often based more on assertion and ideology than evidence (see, for example, Rich Harris 1998 for a withering commentary), and because stating a rationale is far easier than making a difference. For example, merely invoking preschool disadvantage as a programme's rationale will not guarantee its success.

There are, of course, programmes which can illuminate how long-term change works. These are worthy of emulation and development. Let us take as an example the most famous such programme, the Perry Preschool programme (Schweinhart *et al*. 1993). The assertion tested was that a good

preschool programme can help children in poverty make a better start in life. Children aged 3–4 were assigned randomly to a group which received the programme and a group which did not. At age 27, the group receiving the preschool intervention had half the arrests of the control group. However, they also had almost three times the level of home ownership, a higher level of education and fewer had received welfare benefits during their adult lives. Thus the apparent effects of preschool education on adult criminality were only one element in a much wider range of benefits. More recently, the Moving to Opportunity (MTO) programme allocated vouchers for re-housing in a better area on a random basis. The interest lay in seeing what changed in the behaviour of those who moved in comparison with those who did not. Crime among teenagers was one of the behaviours assessed. The interesting and unexpected result was that moving to a better area had a large effect on female criminality but no effect on male criminality (Clampet-Lundquist *et al.* 2006). Moving to a better area also had a beneficial effect upon *female* mental health. Similar results have been obtained in a German study headed by Dietrich Oberwittler (2007). The gendered differential effect of moving home is now well-established and intriguing. Wikström and Loeber (2000) demonstrated that individual propensity (as indexed by risk and hygiene factors) interacts with area characteristics such that late-onset adolescent offenders were greatly influenced by area of residence. Both studies emphasise that common sense takes you not very far in setting up programmes for personal change which impact on crime.

While Perry and MTO can reasonably provide a research base for long-term community safety endeavours, there are plentiful examples where confidence in common-sense long-term programmes has proven misplaced. Scott (2000) notes the continued seductive appeal of the police-led drug education programme DARE, in the face of repeated negative outcome evaluations. Some evidence from the Sure Start programme in the UK throws up disturbing evidence about programme implementation problems and lack of clarity in conception (see Smithson 2002). The consequence of this lack of clarity was that the major evaluation effort went into understanding the variability of programmes implemented (NESS 2007). This is perhaps reflected in the general paucity of demonstrations of the efficacy of correctional programmes (see Farrington 2000), and in the annual publications of statistics which tabulate the almost complete predictability of rates of reconviction on the basis of age and previous convictions. There now exists the Campbell Collaboration Crime and Justice Group (http://www.campbellcollaboration.org/index.asp). This was founded on the principle that systematic reviews of the effects of interventions will inform and help improve policy and services. Such reviews are readily available for download from the site.

To summarise our position:

- Early intervention programmes can impact upon a range of measures of quality of life, and to consider them as alternatives to situational measures of crime reduction is unfair on both: on early intervention because it narrows its evaluated impact to crime reduction, and on situational measures because, by setting them alongside an enterprise which is palpably

worthy in terms of the realisation of human potential, makes situational prevention seem overly narrow and amoral.

- Some programmes flourish less because of their impact than their image, and the reflected glory on those who seek to implement them. In such a case, implementation failure is almost certain, since what drives the development of such programmes is not outcome linked.
- Crucially, long-term person change programmes not grounded in research are probably doomed to fail.

Our experience is that not one in a hundred community safety or crime reduction officers would be aware of the Campbell Collaboration, MTO or Perry, still less of the exciting work of Terrie Moffitt and colleagues on the MAOA genetic variant. Although currently marginal to debates about community safety, that work demands mention because of its implications, for which we should be prepared. Any suggestion of a genetic component in propensity to crime is anathema to many because of its echoes of the eugenic horrors of the twentieth century. Yet we can no longer deny the importance of such factors operating in conjunction with environment. The MAOA story underscores the importance of gentle child-rearing. Specifically, a gene variant disposes to violence *only when the child has been maltreated* (Caspi *et al*. 2002). This is now well established (see Kim-Cohen *et al*. 2006; Widom and Brzustowicz 2006; Bernet *et al*. 2007). Surely this is something we must not ignore. The consequences of maltreatment on some children are predictably greater than on others. In MAOA work we find an emergent literature of which community safety practitioners are largely unaware but which has profound consequences for a more fundamental understanding of violent criminality.

So what is the well intentioned police officer to do? As citizen, he or she has good reason to argue for well designed early intervention programmes based on research. Such intervention in the early childhood of offenders in due course may reduce levels of crime (Farrington and Welsh 1999), but more importantly will enrich the quality of life of those undergoing it. It does not need to be justified in terms of crime reduction. The criminalisation of social policy was alluded to earlier, whereby measures of crime are taken to be central in judging the efficacy of social policy. In our view, re-badging crime reduction as community safety is one means whereby this unhappy process is advanced.

Interventions in the lives of those already embarked upon a criminal career seem to be less profitable than good early intervention in reducing levels of crime (Goldblatt and Lewis 1998; Sherman *et al*. 1998), so the police officer as citizen should feel impelled to advocate such programmes only when the Campbell Collaboration or well-conducted research suggests that the approach has merit. As police officer, he or she should demand evidence for the likely success of correctional elements in community safety programmes. To overstate the case, one often feels in meetings to decide a local strategy that a balance is sought between situational change elements (which research suggests have a good chance of being successful) and offender change

elements which are not based upon evidence of prior success but are good-hearted. The balance achieved locally may therefore be less between person and situation-based approaches with equal evaluation pedigrees, but between the effective and the ineffective. To restate, this is not an argument against person-change programmes, merely the observation that when advocated locally and perceived as affording a balance with situational measures, they are not research-grounded.

The question which remains for day-to-day policing is whether opportunity reduction measures and short-run community initiatives really can be effective in preventing crime. The bulk of *policing* decisions in crime reduction will centre on such techniques. Ekblom's distinction between remote and immediate precursors of crime is accepted, with most policing decisions concerning immediate precursors. However, the oft-made distinction between social and situational crime prevention is explicitly rejected. Even the crudest target-hardening techniques operate through social mediators. An impregnable door lock makes no difference if the intending burglar is confident that no one will intervene when hearing him break a window to gain entry. A robber will not proceed if an intended victim is seen as too powerful (or too poor). As will be seen later, even some interventions which look as though they work in simple opportunity reduction ways, in fact operate otherwise.

There are enough successful case studies of situational prevention to inspire confidence that such an approach will confer worthwhile levels of crime reduction, even before early interventions along the lines of the Perry Preschool Project are implemented and come to have their effect. Since we have already been waiting nearly 40 years for an adequate UK replication of the Perry project, this is just as well for our hopes of success in prevention. The upcoming evaluation of the Home Office's reducing-burglary initiative is likely to conclude that the target-hardening of the homes of the vulnerable was the tactic which yielded the most obvious successes, and work by Guerette and Clarke (2003) demonstrated that increased attention to the security of automated teller machines (ATMs) in New York and Los Angeles was associated with reductions in crime related to them. Intelligently conceived and implemented situational prevention is typically successful in reducing crime. Such a claim is invariably followed by the sceptic's assertion that crime prevented by situational means simply goes somewhere else to happen (displacement). The research simply does not show this to be the case to such an extent as to offset preventive effects (see, for example, Hesseling 1994). Indeed in some cases the opposite of displacement (known as diffusion of benefits) occurs instead (see Weisburd *et al*. 2006; McLennan and Whitworth 2008).

A classification of situational prevention approaches was developed by Ron Clarke and Ross Homel (Clarke 1992; Clarke and Homel 1997) and is reproduced as Table 14.1 in summarised form. It is included here because it is influential and because it provides real-life examples. Two common misconceptions are dispelled by it. That primary prevention equates to:

1. target-hardening; and

2. physical intervention.

Table 14.1 The 16 techniques of primary prevention

Increasing the effort	*Increasing the risks*	*Reducing the reward*	*Removing excuses*
Target hardening Steering locks Anti-robber screens	*Entry/exit screening* Baggage screening Merchandise tags	*Target removal* Keep car in garage Removable car radio fascia	*Rule-setting* Customs declaration Hotel registration
Access control Entryphones Computer passwords	*Formal surveillance* CCTV Automatic number plate recognition	*Identify property* Product serial numbers Vehicle licence plate	*Stimulating conscience* Roadside speed displays Drink-drive campaigns
Deflecting offenders Cul-de-sacs Routing away fans at soccer matches	*Employee surveillance* Park wardens Club door staff	*Removing inducements* Rapid repair of damaged property Removing graffiti	*Controlling disinhibitors* Drinking age laws Parental controls on internet
Controlling means Weapons availability Photographs on credit cards	*Natural surveillance* Street lighting Windows	*Rule setting* Tenancy agreements Software copyright agreement before installation	*Facilitating compliance* Fine deduction from salary Ample litter bins

Source: Clarke (1997).

Only one of the 16 alternatives distinguished in Table 14.1 involves target hardening. Many alternatives clearly operate through a change in perception. Natural surveillance works in so far as the offender's calculation of risks and rewards is modified. Access control by badge only works when someone responds to someone else's lack of a badge.[6] Table 14.1 makes it clear that primary crime prevention is concerned with *all* the circumstances surrounding the crime event, and their manipulation to remove crime opportunities. Situational prevention is particularly desirable in that it is less intrusive than programmes directed at offenders or those deemed to be on the threshold of offending. One of the most universal facts about crime is its age and gender profile. In virtually all countries studied, those officially processed for offending are disproportionately male and disproportionately young. Moffitt (2003) distinguishes life-course persistent offenders from adolescent-limited offenders. The latter are distinguishable in that they will desist from crime in their late teens and early twenties. For them, the task is to so order society that they reach the age of 24 having done least harm and having suffered least damage, both self-inflicted and through criminal justice. Designing out the immediate precursors of crime is perhaps the most obvious means of achieving this end. For life-course persistent offenders, this is less relevant. So, if situational prevention is desirable to that end, how should it be focused?

Where to concentrate crime reduction effort: hotspots and repeat victimisation

Crime is heavily concentrated on particular areas, and within them on particular locations and people. Some US communities have homicide rates 20 times higher than the average (Sherman *et al*. 1995). In England and Wales, 32 (of 376) crime reduction partnerships account for half the robberies committed nationally. Within an area, crime clusters at 'hotspots' (see Sherman *et al*. 1989; Sherman 1995). Some locations are long-standing hotspots (Spelman 1995). Intervention there makes sense in that crime will be high in the future, as it was in the past. Some hotspots are time limited, however, bringing the danger that resources are wasted (Townsley and Pease 2002). The danger is that overuse of hotspot analysis will yield many transient hotspots for each stable hotspot. We are aware of the practice of requiring the nomination of a given number of hotspots for tasking and co-ordination purposes. We are also aware that, since police presence is a desideratum for local politicians, each councillor will become exercised by the absence of a local hotspot. Politically, every ward should have one so that the councillor can point to increased police presence on local streets. This is linked to the problem about whether it is reasonable to focus exclusively on stable hotspots (at least until they cool down) or to some extent on areas which are unusually hot relative to their own (generally cool) climate. This we call the 'winter in Bermuda, summer in Alaska' problem. If you go purely on temperature, you always attend to Bermuda rather than Alaska. However, if you are influenced by whether the temperature is unusual, you give attention to Alaska during its summer, even if it remains colder than Bermuda throughout the year. Nor can we rely on police officers' awareness of hotspots, since this is surprisingly poor (Ratcliffe and McCullagh 2001).

Despite the problems in practice, crime mapping is perhaps *the* growth industry in criminology (see, for example, Weisburd and McEwen 1998; Harries 1999; Hirschfield and Bowers 2001; Murray *et al*. 2001; see Cope, this volume). Like all fashions, it should be looked at with circumspection (Pease 2001b). There will be a step change in the utility of mapping when it becomes prospective – that is, when it plots tomorrow's crimes rather than yesterday's. In the UK, Kate Bowers and Shane Johnson are approaching the problem from a distinctive perspective, based upon their analyses of crime spates within small areas. They note the slipperiness of many hotspots, and have established the way in which crime moves across time and space somewhat like a contagious disease (see for example Johnson and Bowers 2004). Concentration at the personal or household level is known as repeat victimisation (see Farrell and Pease 2001). For some offences (pre-eminently domestic violence), preventing repeat crimes against the same target prevents most crime of the type. This is less obvious but also true for crime types like commercial burglary (see Mirrlees-Black and Ross 1995). Two per cent of manufacturers suffer a quarter of the burglaries. Domestic burglary (Shaw and Pease 2000), bank robberies (Matthews *et al*. 2001) and racial attacks (Sampson and Phillips 1992) also conform to the pattern. Many repeats happen within days or weeks of the preceding crime, suggesting that precautions to prevent repeats should

be put in place quickly. The prevention of repeat victimisation may prove a cost-efficient strategy of crime prevention generally, the more so since it seems to be predominantly prolific offenders who return to the same household or victim (Everson 2000; Everson and Pease 2001).

What to do

The literature on hotspots and repeat victimisation suggests where and when to prioritise crime reductive effort, but what works? The debate in situational prevention has moved from 'does it work?' to 'how can we make it work quickly and cheaply?' The police officer does not lack sources of advice, the largest source in the UK being the Home Office crime reduction website. This comprises a 'knowledge base', 'toolkits' (evaluated best practice), a discussion forum, strategy statement and so on.[7] There are other websites of both British and North American origin also offering crime reduction advice.[8] Of these, the COPS guides deserve special mention as clearly written by those whose experience includes that as a police officer. Two volumes (Clarke 1992, 1997) detail successful situational initiatives. These show the range of approaches that work, the common factor being the meshing of mechanism and context. Helpful as these are, a further frustration is often getting crime preventers to use such libraries of good practice. This raises further questions about: (1) how we share knowledge in the first place; and (2) how we ensure adherence to what works at a strategic and tactical level. This is an issue for police leaders and is expanded upon later. Mention should also be given to the ProMap software developed by Bowers, Johnson and others (see Johnson *et al*. 2007) which offers predictive power beyond that traditionally found in mapping software. Much of this approach is complementary to the intrusive 'comstat' style performance regimes emerging in many high performing UK police forces.

It was contended above that, while making opportunity-limiting changes to situations will reduce crime, the mechanism will almost certainly be more subtle than might appear at first sight. One such illustration of the point concerns lighting. The obvious mechanism by which lighting enhancement works concerns an area's surveillability in the dark. Accordingly, lighting's effectiveness was for a long time judged in terms of changes in night/day ratios in crime. Lights make a difference only in the dark, so their crime reductive effects should be limited to the hours of darkness. It turns out that lighting effects in crime reduction are evident in the day as well, so one has to think in terms of changes in resident confidence, or use of the street throughout the day and night, or some similar mechanism. The lighting example is instructive in that even the most obvious mechanism might not be the correct one (Pease 1999; Farrington and Welsh 2002).

Over the last few years, evidence has begun to be reported to suggest that very many situational measures, as for lighting, do not work in the way we would like to think they do. In some 40 per cent of published case studies reporting crime prevention success, the success occurred too soon to have been a product of the obvious situational change (Smith *et al*. 2002). This is a staggering proportion and should be enough to give pause to those who regard situational crime prevention as simple (not to say simple minded). The

most obvious reason for these 'anticipatory benefits' involves pre-launch publicity. Sallybanks (2000) shows that during a period of deployment of decoy vehicles[9] in Stockton-on-Tees there was a small reduction in vehicle theft. When the vehicles were withdrawn but the initiative was publicised, the reduction of vehicle theft, relative to surrounding areas, was much greater. Thus publicity seemed to work better than actually deploying decoy vehicles. Information exchange by word of mouth is a major feature of offending groups. Manipulating these through viral marketing is a legitimate crime reduction tactic, so far woefully neglected. Anticipatory effects seem to be particularly characteristic of CCTV schemes, as (from observation of two schemes) there seems to be a subsequent decline in their effects upon crime (see Smith *et al*. 2002). If changed perception is the most active ingredient in CCTV schemes, there are obvious implications for how CCTV should be implemented (and regularly changed thereafter). The importance of anticipatory benefits in crime reduction has been highlighted recently by the observation that in around one-third of the sites where the reducing burglary initiative was implemented burglary reductions were seen which predated implementation. A substantial proportion of the burglary reduction could be ascribed to such anticipatory benefits (see Bowers *et al*. 2003).

Understanding anticipatory changes in crime levels should be a major research focus. Identifying 'active ingredients' in crime reduction is crucial. If we can deploy them better, more cheaply and hence more generally, major success will follow. Indeed, greater use of the media and other forms of communication and marketing presents a huge opportunity to the budding crime preventer based on this interesting phenomenon. This is particularly potent given that the police are a regular and available source of information to news gatherers (see Mawby 2002; Reiner, this volume), and that the period 1989–99 saw an 800 per cent increase in the supply of television news alone! The question surely must be what use is being made of this somewhat untapped resource? We are not advocating 'spin doctoring' as a crime prevention tactic, but seeking to begin a debate about how better and more thoughtful links between the police and the public – defining and meeting public expectations – can not only help reduce crime but also increase police visibility in the eyes of a public that draws so much of its information from the media.

Making a difference: police colleagues

Ask an officer responding to a 999 call about his or her priority and it is likely to be to attend on time and deal with the incident. Ask an officer serving in a specialist squad what he or she is there to do and it is likely to be to serve the aims of that squad – usually arresting offenders (see Hough and Tilley 1998). In the context of performance indicators, which do not always chime with crime reductive purposes, what can be done to direct police attention to the latter? There are a number of steps which should be taken:

1. To ensure that crime reduction resources are deployed in proportion to the presenting problem. This is by no means always so (see Ross and Pease 2008).

2. To train all members of the police family in what we know about effective crime reduction. There are enough evaluated successes to allow officers/staff to become more sensitive to what can be done to prevent crime at the individual and area level, and thus to become truly expert in their dealings outside the police service.
3. To avoid premature closure of incidents. As to victims, we know that a crime event is a good predictor of imminent crime in the same place or nearby. The original crime report must be seen as the start of a process whereby repetition is prevented and the mechanisms underpinning a crime are understood, rather than a book-keeping exercise whose completion reflects termination of interest in a case. This will involve more focused use of the skills of police analysts (see Cope, this volume).
4. To avoid premature closure of dealings with putative offenders. We know that certain behaviours are markers or triggers of other kinds of criminal involvement. For example, as yet unpublished research by Schneider shows the enormous rates at which shop theft and burglary constitute complementary crimes by the same offenders. Treating the shop thief as a burglar on his or her day off, and acting accordingly, is likely to serve as an effective enforcement action in the cause of prevention. Other 'trigger' events include driving while disqualified (Rose 2000) and parking in bays for the disabled (Chenery *et al*. 1999). It should not be forgotten that the Yorkshire Ripper was apprehended because a boot was searched when a number plate was 'wrong'. Ted Bundy was apprehended because his vehicle had no lights. David Berkowitz (son of Sam) was apprehended through a parking ticket. In each case, these events triggered police officer suspicions, which in turn resulted in these serial killers being brought to justice.
5. Service-level agreements should be reached so as to give concrete effect to collaborative action between community safety 'partners'.

Taken together, these five steps should make it more likely that the crime reduction enterprise be moved to a more evidence-based position. Fundamental to a way ahead along the lines set out here is effective and forceful leadership (see Golding and Savage, this volume). Leadership can be exercised at any rank, and there are numerous examples of individual officers who have achieved real change by collaboration with other agencies. Many of these are represented among the candidates for the Tilley Award, and described on the Home Office's crime reduction website. Writing about the lowly status of crime prevention, Hough and Tilley (1998) suggested that the preconditions for successful crime prevention were as follows:

- Commitment to crime prevention from senior officers, including ACPO ranks.
- Adequate resources to service dedicated crime prevention efforts.
- An explicit emphasis on crime prevention by basic command unit (BCU) commanders.
- Systems that hold officers of all ranks accountable for crime prevention.

- Incentives to encourage effective preventive work.
- An officer with specific responsibility for developing and implementing crime prevention strategy.
- Crime prevention accorded the status of an expert profession for some specialists.
- Education and training.
- Integration of detective and preventive functions in local crime management.

Not everyone will agree with the whole list, and what is missing, being implicit rather than explicit, is making crime reduction a key part of every police officer's role. What is self-evident is that this is not reality at present and part of the blame must lie with leadership, both central and local.

An important weapon in the police armoury is s. 17 of the Crime and Disorder Act 1998, which imposes a statutory responsibility on local authorities to consider the crime consequences of their decisions. Moss (2001) argues that this places the police in a powerful position in so far as they can plausibly present themselves as local experts in the crime consequences of planning, maintenance and other decisions. The authors have seen at first hand the anxieties which are evoked when local authority officials are advised of such consequences, and the effect of s. 17 to date should not be underestimated. There is a risk of doing so, in the light of the absence of court process testing the relevance of s. 17 (see Moss 2001). The suggestion above that collaboration needs to be shaped, perhaps by service-level agreements between the police and local authority departments, will also place local commanders in a more routinely politicised environment than they have hitherto been wont to inhabit.

Policing style

In the literature on attitude and behaviour change, a number of factors have been identified as relevant:

- The degree of change required. For example, the assimilation-contrast theory suggests that small changes can be induced, but when the change required goes beyond a particular extent, the change attempt will lead to a reaction against the hoped-for change (see Insko 1967).
- The congruity of the changed position with other attitudes and beliefs (as in Heider's (1946) balance theory and Festinger's (1957) cognitive dissonance theory).
- Awareness of the implications of the changed position (as in Kelly's (1950) personal construct theory).

If the agenda for change set out in the foregoing were to be adopted, what are the implications for police leadership? Perhaps the central leadership task is climate-setting, which stresses the purposes of policing and the relationship of

crime reduction tasks to them. The advantage is that most police work can be conceived as crime reductive in the right climate. One of the major tragedies of policing is that somehow actions have become divorced from their underlying purpose, to remain justified only by minimum standards of performance bureaucratically expressed. Arresting and imprisoning an offender is 'a good result' only in so far as it precludes the commission of further crime by the same person. Dispersing 'disorderly youths' is a success in so far as it provides respite, but a real success only in so far as the problem is reduced in the longer term. Taking a crime report is a prelude to the prevention of repeats, not a book-keeping exercise. The climate-setting task, in reasserting purposes over processes of practice, provides the means whereby any given level of change is perceptually minimised, in pursuit of the attempt to bring change within the range where it will be assimilated by officers. Thus the first aim of climate-setting leadership in the service of crime reduction is to reassert the purposes behind the processes.

The second aim of climate-setting is to ensure the purposes behind the processes are couched in ways which are most consistent with the values and self-perception of police officers. Let us assume that most police officers, like most other people, want to do a good job. They will characterise what a good job means in terms familiar from their life outside the police service: in terms of helpfulness, loyalty to people and principles, and honesty. All professional lives compromise or mitigate the expression of these standards, so that the professional persona deviates from the private one. The teacher cannot hug the distressed child for fear of accusations of paedophilia; the solicitor does not invite social contact with clients. It is interesting that in the literature on police corruption, 'noble cause corruption' looms large. Here personal principles and beliefs swamp professional standards to generate corrupt behaviour, albeit justified by appeal to noble principles. Climate-setting in the spirit discussed here appeals explicitly to principles and standards which will be shared by the officer. Thus, for example, attempts to prevent repeat victimisation can invoke notions of fairness in the distribution of harms. The wish to protect children and the elderly means that (for example) invocation of this purpose in the prevention of repeated burglary by distraction will seldom meet objections from police officers. Subtle climate-setting would involve stressing that most delinquency is adolescent limited, so that situational prevention is a way of keeping those with brief criminal careers away from serious delinquency until maturity takes over. If coupled with a strong emphasis on enforcement for chronic offenders, such a climate could be sustained on the basis of congruence with standards applying outside the police service.

The final role of leadership is to elaborate what is possible and what has been successful in crime reduction. Just as personal change does not occur until one realises the implications of the position to which one changes, so until he or she is familiar with the literature on what has worked, the officer will not change. This involves a huge training and motivational effort. It will have the incidental effect of injecting real expertise into partnership processes, which expertise is now lacking. One can muse on how a patient would react to the information that their brain surgery was being undertaken by a partnership. In skills-based procedures, a designated leader with relevant

qualifications and experience seems desirable, and that role will typically be assumed in partnerships by a police officer, who now typically knows little about evidenced crime reduction. For such an officer to be prepared to occupy a role based on expertise rather than formal position, a substantial training effort must be made before the changes mooted earlier in this chapter become realistically achievable.

Notes

1 With apologies to Paul Wiles for use of Lewis Carroll's simile first applied by him with the second author (Wiles and Pease 2000).
2 www.crimereduction.gov.uk.
3 http://www.audit-commission.gov.uk/comsafe/
4 Details of crime directors and their staffs are available on the Home Office's crime reduction website (www.crimereduction.gov.uk).
5 See also www.crimereduction.gov.uk/cco.htm.
6 More precisely, access by badge only works when offenders anticipate action conditional upon the absence of a badge.
7 http://www.crimereduction.gov.uk.
8 http://www.usdoj.gov/cops/cp–resources/pubs–ppse/default.htm_Guide–series; http://crimeprevention.rutgers.edu; www.usdoj.gov/cops/cp–resources/pubs–ppse/default.htm; http://www.preventingcrime.net/; http://www.be-safe.org/.
9 Vehicles rigged to facilitate detection of those entering it illegally. Methods of achieving this can include tracking or camera systems, or physical restraint systems, whereby an intruder is unable to leave the vehicle.

Selected further reading

There are two distinct literatures in crime reduction. One concerns its politics and position among social policy purposes. Books in this tradition have been written by Gilling (*Crime Prevention and Community Safety* 2007), Crawford (*The Local Governance of Crime*, 1997; *Crime Prevention and Community Safety*, 1998) and Hughes (*Understanding Crime Prevention* 2002). An up-to-date commentary on the position of crime reduction in criminal justice policy is to be found in T. Newburn and R. Reiner (2007) 'Crime and penal policy', in A. Seldon (ed.) *Blair's Britain 1997–2007*.

The second literature concerns the question of which kinds of intervention have, on the basis of experience and evaluation, proven worth while. For work of this kind, see the US website www.usdoj.gov/cops/cp–resources/pubs–ppse/default.htm, the website of the Campbell Collaboration, http://www.campbellcollaboration.org/index.asp and the relevant Home Office website, www.crimereduction.gov.uk. The reader should be aware that much unevaluated work also features on this last named website, and should be read in an agnostic spirit.

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Chapter 15

Modern approaches to policing: community, problem-oriented and intelligence-led

Nick Tilley

Introduction: new models for policing

Community policing, problem-oriented policing and intelligence-led policing are all critical of and aim to replace the dominant, 'fire brigade' or 'reactive' methods of policing.[1] In the latter the police, as an emergency service, respond case-by-case to issues as they arise, and deal with them then and there. They then withdraw to await the next incident that requires attention. There is nothing strategic about response policing. There are no long-term objectives. There is no purpose beyond coping with the here and now. Community policing, problem-oriented policing and intelligence-led policing are all concerned with reforming policing in ways that will give it greater direction. They provide alternative models.

The main impetus for community policing derives from a sense that police–community relations are unsatisfactory. In Britain, John Alderson argued in the 1970s that traditional 'authoritarian' policing was proving inadequate and inappropriate in a plural, 'libertarian society' with increasing levels of crime. A different, community model of policing was needed (Alderson 1977, 1979). The Scarman Report on riots in Brixton in 1981 went on to highlight the need for the police to engage more closely with the communities served (Scarman 1982). Likewise, in the USA the movement for community-oriented policing was stimulated by the perceived need for the police to lessen their distance from the community (Weisel and Eck 1994: 63). Policing calls for co-operation with members of the community. Mistrust among substantial sections of the community makes policing difficult. Policing by consent implies community confidence that the police are acting with and for citizens. Mawby compares policing in England and Wales with policing in continental Europe and Northern Ireland. He concludes that 'in many respects

there does appear to be a much more explicit tradition of community involvement in England and Wales' (Mawby 1992: 125). Recent arguments in favour of community policing thus comprise, in part, a case for a return to the true, distinctive roots of policing, where there had been a move away from them. As Alderson points out, however, the means of crime control envisaged by Peel at the dawn of professional policing did not much engage the community. Community policing aspires to greater involvement of and with the community than envisaged by Peel (Alderson 1979). In Britain, plans to establish Neighbourhood Policing Teams to cover all areas by 2008 represented an effort to have a version of community policing throughout the country (see: http://police.homeoffice.gov.uk/community-policing/neighbourhood-policing/, accessed 5 March 2008).

The main impetus for problem-oriented policing springs from a sense that the demand on police has become overwhelming. Moreover, underlying problems producing calls for service are not being addressed. The police are called on to deal with a very wide range of emergency problems, which include crimes but much else besides that also rightly falls to a police agency. With a diminishing resource per call the police are often able to do little more than log individual incidents. They are thereby failing to address the issues producing the calls. This is both inefficient and ineffective. Problem-oriented policing involves adopting an analytic approach that takes community concerns seriously. It develops strategic responses that aim to deal effectively with issues underlying police-relevant community problems. The origins of problem-oriented policing lie in the work of Herman Goldstein (1979, 1990), at one time an adviser to the Chicago Police Department. Goldstein highlighted shortcomings in the so-called 'professional model' of policing, which had developed in the USA to deal with police inefficiency, corruption and abuse of discretion. Research had shown that the prescribed professional policing was not in practice what was delivered and also that many standard police responses provided through it were in any case ineffective. Fresh ways of working were needed, making more use of analysis, officer imagination, local discretion and also community resources where it was relevant to do so.

Goldstein was critical of police services that had lost sight of their purposes and had instead become obsessed with procedure. Ironically, though an American writing at the time principally about American policing, Goldstein began the 1979 paper which first laid out his vision for problem-oriented policing with a British tale:

> Complaints from passengers wishing to use the Bagnall to Greenfields bus service that 'the drivers were speeding past queues of at least 30 people with a smile and a wave of a hand' have been met by a statement pointing out that 'it is impossible for the drivers to keep to their timetable if they have to stop for passengers'. (Goldstein 1979: 236)

This quotation captures the aspiration of problem-oriented policing to return to purpose and substance from a preoccupation with form and its performance management corollaries. British police services have flirted with problem-oriented policing since Goldstein first floated the idea, with the Metropolitan

Police Service under Sir Kenneth Newman the first to experiment with it in the early 1980s. The ideas have taken a more substantial hold in the early years of the new century.

The main impetus for intelligence-led policing is the supposed failure of the police to address the systemic sources of crime and crime patterns. Crime detection was predominantly responsive and opportunistic. Police clear-up rates were poor. Offenders are located in networks. A small number of prolific offenders is responsible for the majority of crimes. In a paper stimulating the development of intelligence-led policing, the Audit Commission (1993) prescribed a proactive approach, targeting the criminal not the crime, making much more and much better use of intelligence. This was picked up by several forces that ran demonstration projects (Maguire and John 1995; Amey *et al*. 1996a, 1996b), the most extensive and influential of which was the work in Kent, under Sir David Phillips. Intelligence-led policing draws on the notion that the police can and do know a great deal about offending patterns. Intelligence-led policing involves effectively sourcing, assembling and analysing 'intelligence' about criminals and their activities better to disrupt their offending, by targeting enforcement and patrol where it can be expected to yield the highest dividends. Dealing with individual offences reactively and trying to solve them one at a time as evidence happens to be available is not an efficient or effective way of allocating police efforts. Instead, the police can and should actively pursue information about criminals and their organisation. This is expected simultaneously to lead to improvements in both the detection and prevention of crime. The Kent model in particular has been enormously influential, and the National Intelligence Model (see Cope, this volume), the vehicle for delivering intelligence-led policing, has been formally endorsed by the Association of Chief Police Officers (ACPO), by Her Majesty's Inspectorate of Constabulary (HMIC) and by Home Office ministers.

The next section lays out the ends and means specified in, or assumed by, community policing, problem-oriented policing and intelligence-led policing.

The three models outlined

The following discussion lays out the key elements of each of the three models. It will become obvious that the models vary in the degree to which they have been articulated. In some cases it will be necessary to impute implicit though critical elements.

Community policing

Community policing in the USA has been variously described as the 'new orthodoxy' (Eck and Rosenbaum 1994: 3) and as the 'national mantra of the American police' (Greene 2000: 301). It has also been supported in Britain, though less avidly, as an overarching basis for a new model of policing to which police services as a whole need to be committed.[2] In 1994 Bennett noted that over the previous decade there had been a programme of reform drawn

up by police and government aimed at 'improving the quality of the police service and customer satisfaction'. Bennett added that 'Although the publications and official declarations relating to this process use the term [community policing] fairly infrequently, they contain many references to the concept of a greater working partnership between the police and the public' (1994: 224). Bennett's comments largely held true also for the following decade, although the last few years have seen renewed efforts to implement a version of it as part of a wide policy interest in engaging the community across a range of policy domains (Home Office 2004; Her Majesty's Government 2006; Neighbourhood Policing Programme 2006).

So, what exactly is community policing and what is it for? In the UK in an influential account, John Alderson laid out objectives for 'a police system for the future in a free, permissive and participatory society', as follows:

1. To contribute to liberty, equality and fraternity.
2. To help reconcile freedom with security and to uphold the law.
3. To uphold and protect human rights and thus help achieve human dignity.
4. To dispel criminogenic social conditions, through co-operative social action.
5. To help create trust in communities.
6. To strengthen security and feelings of security.
7. To investigate, detect and activate the prosecution of crimes.
8. To facilitate free movement along public thoroughfares.
9. To curb public disorder.
10. To deal with crises and help those in distress involving other agencies where needed. (1979: 199)

In the USA, Trojanowicz and Bucqueroux (1990: xiii–xv) listed some key principles of community policing, the first of which was that 'Community policing is both a philosophy and organisational strategy to allow community residents and police to work together in new ways to solve problems of crime, fear of crime, physical and social disorder and neighbourhood decay'. Trojanowicz and Bucqueroux went on to indicate that this means involving all members of the police organisation, employing community policing officers, adopting a proactive approach, engaging in problem-solving with community members and other agencies, and adopting decentralised ways of working.

Though their emphases differ, both Alderson in the UK and Trojanowicz and Bucqueroux in the USA clearly call for closer working relationships with communities. Community policing stresses policing *with* and *for* the community rather than policing *of* the community. It aspires to improve the quality of life in communities. In improving the quality of life it aims to solve community problems alongside the community and as defined by the community.

Beyond this it has, however, proven difficult to pin down what specifically is involved in implementing community policing. On that there is broad agreement among scholars and many police officers.

Reiner quotes one chief constable as saying '[community policing] doesn't mean a damn thing. It's just one of those terms you use which are a recent invention by some of our, dare I say it, mock academics' (1991: 112). Many real academics on both sides of the Atlantic go along with this, repeatedly stressing community policing's ambiguities (Weatheritt 1988; Eck and Rosenbaum 1994; Kelling and Coles 1996; Skogan and Hartnett 1997). Bayley (1994: 104) reports that he has heard the police describe community policing as being 'foot patrol, aggressive enforcement of minor ordinances, electronic surveillance of shopping malls, enhanced traffic enforcement, and any police action that instils public confidence', adding that 'The phrase has been so often used imprecisely, it has been cheapened'.

The term 'community' itself is notoriously slippery. It often seems to imply shared norms, values and ways of life. Groups with these attributes need not be geographically defined, of course. In practice the community of community policing most often does amount to 'neighbourhood'. Neighbourhoods, though, can often be divided. Indeed the most problematic ones characteristically are quite seriously fractured, with conflicts over use of space, legitimate lifestyles and appropriate forms of policing. For the practical purposes of community policing, members of the community normally comprise self-selected citizens or representatives of other private sector, public sector or volunteer agencies. It rarely, if ever, comprises all residents, or a representative sample of them. Indeed it is scarcely conceivable that it could do so. The 'community' of 'community policing' is elusive and may in many cases be illusory. Ironically, those least likely to take part in it are just those whose disaffection with the police lay behind many calls for community policing.

So far I have suggested that 'community policing' is widely endorsed, though at the same time widely seen to be close to meaningless. I have also highlighted difficulties that arise in relation to the term 'community' itself and its interpretation in the context of community policing. Several scholars, while acknowledging these difficulties, have still attempted to distil a coherent account of what is involved in conducting community policing.

While agreeing that '[In] a definitional sense, community policing is not something one can easily characterise', Skogan and Hartnett try to draw out what is involved in principle and what is done in practice in community policing. As they put it, 'it involves reforming decision-making and creating new cultures within police departments; it is not a packet of specific tactical plans' (1997: 5). They go on to state that community policing requires organisational decentralisation, patrol designed to facilitate two-way communication between the police and public, a commitment to broadly focused problem-oriented policing, responsiveness to citizens' demands, problems and priorities, and help for neighbourhoods to solve crime problems on their own.

Skogan and Hartnett also give examples of what is done in practice in community policing. These include:

> opening small neighborhood substations, conducting surveys to measure community satisfaction, organizing meetings and crime-prevention seminars, publishing newsletters, forming neighborhood watch programs, establishing advisory panels, organizing youth activities, conducting drug-education projects and media campaigns, patrolling on horses and bicycles, and working with municipal agencies to enforce health and safety regulations. (1997: 5–6)

Bayley (1994: 102–15) also tries to distil the core elements of community policing. These include consultation, adaptation, mobilisation and problem-solving (CAMPS). Communities are consulted. Police services adapt by becoming decentralised and locally responsive. The public and other agencies are mobilised in efforts to address crime problems since the police cannot deal with them effectively on their own. Patterns of crime and disorder problems are identified and dealt with proactively in the aggregate rather than simply as a series of discrete incidents calling for a response.

Kelling and Coles (1996) echo others' comments about the diverse ways in which community policing has been understood. They say that it has 'come to mean all things to all people', and that some 'believe [it] is no more than an undefinable set of concepts and public relations con intended to restore public confidence in a seriously tarnished and disgraced occupation' (Kelling and Coles 1996: 158). Yet Kelling and Coles do believe that community policing can be defined. Community policing, they say, assigns the police broad functions extending beyond enforcement and responses to crimes. These functions include 'keeping the peace and public order, protecting constitutional liberties, ensuring security, resolving conflicts, assisting persons in danger who cannot help themselves, managing problems that endanger citizens and/or communities, and responding to emergencies' (1996: 158). Police dependence on citizens for authority, information about problems and collaboration in problem-solving are recognised. Officers d-4o not function as automata responding to standard events but have to learn to apply knowledge and skills to specific situations. Officers avoid general tactics and instead use their discretion in relation to the particular issues facing them, working alongside citizens and other agencies. Because of the need to respond locally to local problems, authority is devolved downwards, and away from the centre. Moreover, because communities differ in characteristics and policing needs, what specifically is delivered by way of community policing will vary from one place to another. That what is implemented is not always the same is, thus, no surprise. Indeed, were this to be the case that would comprise a perversion of community policing properly understood.

These accounts of community policing highlight key points at which community plays a part in policing, marking community policing off from response policing. The community is involved in:

- defining what constitute problems or policing needs
- shaping forms of local policing by the police service
- examining identified local problems alongside the police service

- determining responses to identified issues
- implementing responses to issues as participants in community policing
- joint work with the police to address community-defined problems
- informing or supplementing the operational work of police officers.

A corollary of this for police organisation is that decentralisation is needed, providing for discretion in adapting priorities and tactics to local circumstances and needs. This in turn suggests that what is done in practice is likely to vary quite widely from place to place. The diversity in what is implemented on the ground is, thus, fully to be expected and not an indication that the notion of community policing is inherently incoherent.

Box 15.1 summarises one of Skogan and Hartnett's examples from their Chicago study, illustrating what goes on in community policing in practice. The example shows broad community involvement with the police in identifying a local problem, in deciding what to do about the problem, in playing a major part in implementing the planned solution and in learning lessons from the efforts made.

Box 15.1 The case of the street-corner drug dealers: an example of community policing in action

> In Englewood, in response to citizen concerns raised at beat meetings, a local minister and the police organised a series of anti-drug marches, and 'positive loitering' at street corners where troublemakers were known to congregate. The plan was to drive dealers from the area by hitting all sites till the dealers left. Over 60 residents took part in the first march. The minister preached through a megaphone about the evils of drugs and led marchers' chants. Gang members watched and laughed at them. Fewer, mostly older residents took part in the second march. Their optimism about effectiveness waned. There were fears about retaliation and displacement of dealing locations. Lessons were learnt by the police and community: a wider range of clergy needed to be involved; a wider geographical area for citizen mobilisation was needed; and youth needed to participate as well as older community members.

Source: Skogan and Hartnett (1997: 174–5).

Problem-oriented policing

Problem-oriented policing is often bracketed with community policing, especially in the USA where both are enthusiastically embraced. In Britain, in varying ways and to differing degrees almost all police services purport to engage in problem-oriented policing (Read and Tilley 2000).

As with community policing, problem-oriented policing incorporates an explicit conception of the nature and role of modern policing. Goldstein laid out the purposes of policing, as he saw them, in a book that preceded his writings focusing specifically on problem-oriented policing. These purposes were to:

1. prevent and control conduct threatening life and property
2. aid crime victims and protect people in danger of physical harm
3. protect constitutional guarantees
4. facilitate the movement of people and vehicles
5. assist those who cannot care for themselves
6. resolve conflict between individuals, between groups or between citizens and their government
7. identify problems that may become more serious for individuals, the police or the government
8. create and maintain a feeling of security in the community. (Goldstein 1977, as described in Scott 2000)

Problem-oriented policing is concerned with achieving these purposes of policing by systematically addressing relevant problems in the community. Identified problems should be thoroughly researched and understood. Relevant responses should be identified and targeted on the basis of this analysis. Enforcement is but one means among many. A police force that concentrates on enforcement is confusing means with ends. Moreover traditional police methods – for example, response, stakeouts, sting operations, patrol, crackdown, investigation, detection, arrest, etc. – have been found to be largely ineffective in providing sustainable solutions to police-relevant community problems (Clarke and Goldstein 2002).

Problems comprise patterned issues of community concern that fit within the police remit. Goldstein stressed their broad range. His examples in 1979 included 'street robberies, residential burglaries, battered wives, vandalism, speeding cars, runaway children, accidents, acts of terrorism, even fear' (Clarke and Goldstein 2002: 242).

The nature of the patterns shown by problems can vary widely (see Tilley and Laycock 2002). Frequently found examples include the following:

- *Repeat victimisation*: the increased risk to those who have suffered crime and the time course of heightened risk.
- *Hotspots*: the concentration of incidents in particular places or categories of place.
- *Prolific offenders*: the concentration of offending on particular persons.
- *Hot products*: the attractiveness of particular products as targets for theft.
- *Hot classes of victim*: the heightened vulnerability of types of person to specific types of crime.
- *Seasonality*: the times of the day, week or year when incidents tend to be more frequent.

Problem-oriented policing calls for the close specification of problems. Rather than addressing, say, 'burglary' as a problem with a solution, problem-oriented policing requires a more detailed account of a common class of burglaries. The common class of burglaries relates to some means by which they are patterned. The means by which their patterning is defined needs to be relevant to ways in which the problem might effectively be dealt with. The example shown in Box 15.2 illustrates the point.

Box 15.2 The case of the stolen appliances: an example of problem-oriented policing in practice

Clarke and Goldstein (2002) describe a problem-oriented policing initiative in Charlotte-Mecklenburg. The initial presenting problem, which had resisted reduction using traditional police responses, was 'theft at construction sites'. This, though, was too broad for problem-oriented policing. A more sharply defined issue was needed. Eventually, the problem targeted became that of 'theft of household appliances at newly completed houses'. Other forms of theft at construction sites, for example, theft of tools and machinery and of building materials, would require a different form of attention.

The extent of the problem was assessed – 109 of 485 commercial burglaries in 1998 in the target area of Charlotte-Mecklenburg were in houses under construction and involved loss of domestic appliances. The problem was understood as a function of readily available valuable goods in poorly guarded, easily accessible premises while the houses awaited occupation and a good market for the stolen goods. Cookers, microwaves and dishwashers were most often taken, with hard-wired appliances less likely to be taken than those just plugged in. Costs of the thefts to the builders experiencing the losses were calculated.

The response lit on was that of postponing installation of plug-in appliances until the houses became occupied. The attractive targets for theft would thereby no longer be available. In practice getting this response implemented proved difficult. Builders had to be persuaded to alter their existing practices. A pitch to the larger builders was made proposing a six-month trial, including police monitoring of compliance to the agreed new practices, prior to longer-term adoption of the policy if it proved effective. Ten builders agreed at once to take part, though two more did so in practice from the start of the trial period. These 12 constituted 35 per cent of the construction in the relevant area of Charlotte-Mecklenburg. Compliance was monitored by the police. Builders failing to comply were reminded of what they needed to do to do so. All builders' appliance installation practices were tracked.

The outcome of the trial was then evaluated. For the targeted appliances rate of loss in burglaries was 0.9 per 100 houses for builders rarely (<17 per cent) installing plug-in appliances prior to resident occupancy, but was 3.9 per 100 houses for builders which often (>70 per cent) installed them. The 12 participating builders were also convinced the measures had been effective and continued with them. Efforts were made to extend their practices to other builders.

Several key features of problem-oriented policing emerge from the example given in Box 15.2:

- The problem eventually addressed was more specific than the initially presenting one.
- Analysis focused on understanding the conditions generating the problem.
- The response targeted a pinch point in producing the problem.
- Part of the response involved applying leverage to those in a position to act (the builders).
- The planned responses were monitored.
- Outcome evaluation was undertaken.
- The problem and potential response may well be significant beyond the specific part of Charlotte-Mecklenburg where the initiative was run.

It is also worth drawing attention to several features of this initiative that mark it out from other ways of policing and dealing with crime problems:

- The problem was not defined in terms of neighbourhood.
- The response did not address a 'root cause' of the criminality of those involved in the offending; indeed, it didn't focus on offenders at all.
- The problem was not addressed 'bottom up'.
- The problem did not involve engagement with the community, as community is ordinarily understood.
- The response did not involve enforcement or the criminal justice system.

This is not to say that problem-oriented policing can never focus on neighbourhood-related problems, address 'root causes' (whatever they may be), work in a bottom-up way, engage the community or involve enforcement or the criminal justice system in addressing a problem. The point in problem-oriented policing is that the problem and its analysis come first. What is done is a function of the problem as revealed through analysis and the most efficient and effective, ethical way of addressing it. The emphasis is on the end not the means, and the end is addressing police-relevant community problems.

Problem-oriented policing has come conventionally to involve the use of certain tools. These include most notably the problem analysis triangle (PAT), which is sometimes referred to as the 'crime triangle', and the SARA process, which describes 'scanning, analysis, response and assessment' as four broadly sequenced stages in dealing with problems.

The problem analysis triangle invites those looking at problems to consider three features that all problems have: an offender or source of complaint, a victim or class of victims and a location or characteristic of locations. The problem analysis triangle has affinities with routine activities theory according to which crimes and crime patterns can be understood in terms of the co-presence of likely offenders and suitable targets in the absence of effective intercedants, be they guardians of the potential target/victim or handlers of the potential offender (see Cohen and Felson 1979; Felson 1998). Problems can

be removed or ameliorated by altering one or more of the three crucial problem features. Looking at them carefully may help identify common factors and plausible pinch points. The SARA process is intended to capture what has to be done to engage in problem-oriented policing. Problems have to be identified through scanning. They then have to be interrogated in detail during analysis. On the basis of analysis a plausible response is devised. Then the effectiveness of the response in dealing with the problem is gauged through assessment. In practice there is a good deal of feedback and overlap between stages, making the process messier than this tidy reconstruction might suggest.

Intelligence-led policing

Intelligence-led policing describes a way of doing police business. It is primarily a practical notion of how better to deliver police work. No explicit philosophy of policing lies behind its development. Indeed, as one commentator put it, 'Generally, one has to infer the meaning of intelligence-led policing from researchers and practitioners who write about it' (Ratcliffe 2008: 80). The aims and functions of policing remain largely tacit and taken for granted. Intelligence-led policing has essentially been about doing the practical business of policing more smartly, incorporating modern information technology and modern methods. It is not about taking a critical line on what that business is. It is no surprise that it has been stimulated by the Audit Commission, with its interest in effectiveness and efficiency.

The National Intelligence Model (NIM) has become the major vehicle for conducting intelligence-led policing. NIM was developed by the National Criminal Intelligence Service (NCIS) on behalf of the Crime Committee of the Association of Chief Police Officers. It has been rolled out to all 43 police services in England and Wales, with Home Office and HMIC support. It is also being implemented in Scotland. The account given here of intelligence-led policing relies heavily on the NCIS publication describing the NIM (NCIS 2000). The NIM claims to 'represent the collected wisdom and best practice in intelligence-led policing and law enforcement' (NCIS 2000: 7). Intelligence-led policing takes the police essentially to be an enforcement agency, albeit one among many. It accepts that this enforcement role needs to be oriented among other things to partnership and community safety. The focus on enforcement implies a preoccupation with law-breaking and lawbreakers, with crime and criminals. Thus, we are told:

> The law enforcement business is about the successful management and reduction of law enforcement problems. It involves identifying and limiting the activities of volume criminals and dangerous offenders, controlling disorder and tackling the many problems that adversely affect community safety and the quality of life. The specific outcomes required are improved community safety, reduced crime rates and the control of criminality and disorder. (NCIS 2000: 11)

Intelligence-led policing involves developing and maintaining a detailed and up-to-date picture of patterns of crime and criminality in order to intervene

most effectively to disrupt networks and remove prolific offenders. Doing so requires staffing, procedures and structures to elicit information, interpret it and act on it promptly and systematically.

The emphasis placed by intelligence-led policing on informed and coherent enforcement responses to crime problems is seen in the following opening remarks about the NIM:

> The model provides important opportunities for law enforcement managers whether from the Police Service or another enforcement agency . . . Acceptance of the basic precepts of the model will greatly aid the effort to 'join up' law enforcement activity.
>
> It is the outcome of a desire to professionalise the intelligence discipline within law enforcement. (NCIS 2000: 7)

In practice the NIM works at various interconnecting levels, drawing together and interpreting information about crime and criminals. It distinguishes among:

- Level 1, covering local issues, including the whole range of categories and levels of crime, notably volume crime.
- Level 2, covering cross-border issues, where crime issues cross jurisdictional borders and where intelligence therefore needs to be shared.
- Level 3, covering serious and organised crime operating on a national or international scale.

The 'Tasking and Co-ordination Group' (TCG) is central. Regular 'tactical' meetings set the agenda for intelligence gathering, receiving intelligence, making tactical assessments, allocating law enforcement efforts and reviewing progress. 'Strategic' TCG meetings occur much less frequently and set priorities on the basis of nationally and locally set objectives.

The tactical TCG uses a menu, comprising four elements:

1. Targeting offenders.
2. Management of hotspots.
3. Investigation of offences forming series.
4. Application of 'preventative measures such as CCTV, lighting or community action initiatives'. (NCIS 2000: 14)

While the first three points refer to traditional policing methods of investigation, enforcement and patrol, the last shows the intelligence-led model not to be exclusively oriented to these (though even here CCTV and lighting upgrades would be construed by many as aids to more effective enforcement). Intelligence-led policing is fed by 'intelligence products'. There are four types. *Strategic assessments* provide a longer-term picture of trends possibly with forecasts for the future, and are used to inform priorities and resource

allocation. *Tactical assessments* are short term and are aligned to the tactical menu. *Target profiles* describe offenders and their associates to inform operations against them. *Problem profiles* identify emerging series of offences or hotspots for crime. Series can then be used in investigations to identify offenders. Hotspots are used to work out crime reduction initiatives and as a basis for looking for offenders operating in them.

What comprises the intelligence to feed into these products is not discussed in detail, but can evidently be wide ranging and is often obtained by covert means. There is a strong emphasis on being up to date. As NCIS puts it: 'The law enforcement environment is a fast moving one in which matters requiring urgent attention are frequently likely to come to notice' (2000: 22). Information on what is happening may not just be received; it may also be actively sought. This may involve tasking informants, deploying undercover officers and making use of covert technical means (NCIS 2000: 22). The information obtained thereby is not, of course, in the public domain. It refers to intelligence secretly constructed about current activities of particular offenders and groups of offenders – their plans, ways of life and organisation – in order that their criminality may more effectively be disrupted. It can all seem rather cloak and dagger. As NCIS says:

> The need to know principle is widely recognised as the backbone of the intelligence doctrine. 'Need to know' is a security principle that the dissemination of information should be no wider than is required for the efficient conduct of the business in hand and restricted to those who have authorised access. (2000: 28)

Cultivation of intelligence of this covert kind is a long-standing part of the stock-in-trade of policing. Intelligence-led policing in general, and the NIM in particular, formalises this and makes available a wider sweep of information. It also takes intelligence beyond the local and personal information and sources normally used previously. This more systematic approach to intelligence is needed now because, 'as criminality becomes more sophisticated and mobile, the identification of patterns is beyond the capability of localised, informal methods of identification' (NCIS 2000: 27).

Box 15.3 shows a case study of intelligence-led policing provided by NCIS. The example brings out the core emphases of the intelligence-led model:

- The focus is on crime.
- The means used in addressing the problem are enforcement and disruption.
- The enforcement and disruption measures are aimed at reducing the problem by undermining the ability of criminals to do their business.
- The enforcement and disruption activities are informed by intelligence work aimed at understanding the business and those involved in it.
- The tactics are co-ordinated at a relevant level, in this instance level 3 since the problem is of international dimensions and involves organised crime.
- The organisations involved are all enforcement agencies.

Box 15.3 The case of international vehicle crime: an example of intelligence-led policing

> The problem concerns the international traffic in stolen vehicles. Those involved need to have technical skills. They also need to understand and have access to overseas markets. The market is growing because of increased profitability and a 'relatively unco-ordinated law enforcement response, which reduces the chance of detection'. Investigators across jurisdictions have pooled knowledge and looked for better joint working. A tasking and co-ordination group was set up to establish intelligence requirements, to find out who the main players are and how the markets and criminal business work. A multinational control strategy group will support the tactical options in overseeing the effort to 'join up' the targeting of individuals and organisations involved in trafficking stolen vehicles wherever they may be based, and it will oversee efforts to link patterns of vehicle criminality. It will take the lead in the development of disruption strategies.

Source: NCIS (2000: 41).

The relationships between the models

Table 15.1 sets out core features of intelligence-led, community and problem-oriented policing. Though a simplification it attempts to capture the distinctive emphases of each model compared with the others by highlighting its particular focus. The contrasts are thereby made more stark than they would be in practice.

The first set of contrasts concerns the background and *raison d'être* of each model. The main problems addressed are quite different. Intelligence-led policing is concerned with traditional police priorities: the detection of crime and the apprehension of serious and prolific offenders. Crime is deemed better controllable by better targeting of offenders. The public will thereby be better served. The presenting problem addressed by community policing is quite different. It relates to perceived police legitimacy, in particular among members of minority communities. A *sine qua non* of much policing is good community relations and where they are unsatisfactory the police cannot satisfactorily serve the citizenry. For problem-oriented policing, the difficulty is the way in which growth in demand for police services is outpacing growth in resources. The police are deemed to have been less attentive and effective than they might be, in relation to patterns of police-related problems that come to their attention. Dealing with them effectively would both better serve the public and be a means of containing demand.

For intelligence-led, policing law enforcement is assumed to be the key function of the police. The law shapes what the police are concerned with and what they can do. Public protection is protection primarily from law-breakers. Others may have a useful part to play in helping the police enforce the law and the police may assist those in other agencies enforcing the law. Enforcement can be made smarter by assiduously assembling, analysing and acting on information relating to the activities and organisation of major and prolific offenders. Enforcement efforts can in this way be better targeted and

Table 15.1 Dimensions of intelligence-led, community and problem-oriented policing

Dimension	*Intelligence-led policing*	*Community policing*	*Problem-oriented policing*
Background and raison d'être			
1. Problem addressed	Poor detection rates	Lack of legitimacy	Demand exceeding capacity
2. Critique of traditional policing	Ineffective at clearing crime, inadequate at providing protection	Detached from community which funds policing and on whom policing depends; issue of consent	Ineffective in dealing with spiralling demand, not oriented to core problems
3. Inspiration	David Phillips	John Alderson, Robert Trojanowicz	Herman Goldstein
Conception of policing and police officers			
4. Police mission	Law enforcement	Community governance	Deal with police-relevant problems
5. Who defines policing needs	Police	Community	Constitution/law/rights
6. Scope of policing	Narrowed to law enforcement	Broadened to all community concerns/demands	Mid-range, police function defined
7. Dominant discourse	Law	Politics/ideology	Science
8. Core personnel	Intelligence units/Tasking and Co-ordinating groups	Community beat officers	Analysts
9. Openness to others	Enforcement contingent	Value in itself	Problem contingent
10. Source of legitimacy	Government/authority	Local community	Core police functions
11. Appeal	To the police	To the community	To government
Characteristic forms of thinking and action			
12. Problem diagnosis	Bad people	Communities in need	Unintentional crime opportunities
13. Intervention focus	Person	Place	Event pattern
14. Analytic inputs	Evidence/intelligence	Community concerns	Data

Table 15.1 *Continued*

Dimension	*Intelligence-led policing*	*Community policing*	*Problem-oriented policing*
15. Technology	Computerised intelligence	Not important/mobile phone!	Computers
16. Preferred tactic	Arrest	Community mobilisation	Any – problem contingent
17. Preferred control mechanism	Incapacitation	Informal social control	Blocked opportunity
18. Key police quality	Action/brawn	Empathy/heart	Reason/brain
Success criteria			
19. Main indicator	Serious/prolific villains caught	Satisfied community	Police functions performed effectively
20. Expected benefit	Reduced crime	Reduced crime	Reduced crime

the community thereby better served. Community policing puts less emphasis on law enforcement. The police mandate comes from the community served. The police do have authority, of course. But they are there to exercise it on behalf of, and with, the community to achieve community-defined ends. Laws are not enforced for their own sake. Moreover, community interests can often be achieved more effectively by means other than enforcement. Indeed, enforcement will often be irrelevant to troubles communities bring to their local police. An important value in itself for community policing is involvement with the community. This is not simply some means to another police-defined end. Problem-oriented policing embraces concerns that extend beyond law enforcement, but are not all-encompassing. The police may adopt a variety of means to deal with police-related problems. These may or may not involve work with the community. Both enforcement and community involvement are contingent on the nature of the police-relevant problem being addressed. And the problem has to be analysed coolly and scientifically to work through what the most effective, equitable and efficient solution will be.

The focus that intelligence-led policing has on law-breaking leads naturally to attention on law-breakers as dangerous folk from whom protection is required. It is these criminals who need to be dealt with by either treatment or punishment. The trick is to identify them and obtain a legal mandate to intervene with them to try to effect incapacitation or personal changes so that they no longer pose a threat. The computer enables better management of the flow of informa-

tion that the police receive about criminals, their behaviour, organisation and lifestyle. Smarter action can then be taken to control them through deterrence, disruption, arrest or incarceration. Up-to-date intelligence allows for speedy, well targeted interventions in an ever-changing world of criminals and criminal organisation. Community policing, in contrast, tends to situate problems in community contexts. The relationship between community dynamics, offending, conflict, disorderly behaviour and informal social control needs to be grasped better to know what forms of intervention are needed and for what purposes. The police need to work closely with the community in determining what needs to be done and by whom. Enforcement may occur but it is undertaken with and for the community served and takes place alongside other efforts to deal with underlying issues. Problem-oriented policing has an affinity with situational crime prevention (Tilley 1999; Braga 2002). Both propose a systematic approach to defining problems with data and to developing and using informed responses to them. Situational crime prevention proposes that crime problems are normally the unintended consequences of social arrangements that have simply evolved or have benign purposes. Better management of everyday life can reduce opportunities, typically by increasing risk to potential offenders, reducing rewards otherwise available from crime or making offending more difficult. This entails neither a social nor an individual pathology. Of course, problem-oriented policing does not require a situational response. Particular problems may call for enforcement or community engagement or a combination of both with or without situational measures. It all depends on the particular police-relevant problem at hand. Working through what the problem is and what might work out well as a way of dealing with it is often time-consuming and intellectually challenging.

Success in intelligence-led policing comes with 'good arrests' and 'good sentences', by which is meant conviction of serious and prolific offenders and their severe punishment, keeping them from those they would otherwise harm. Success in community policing is associated with smooth and contented community functioning achieved through community members and community institutions. Success in problem-oriented policing occurs with the successful amelioration, removal or management of specific police-related community problems. All models expect crime levels to be better controlled than through traditional reactive policing.

The three models of policing outlined and discussed here clearly differ from one another substantially and across a range of dimensions. They have different means, ends, key players and priorities. Can they, nevertheless, coexist in the same police service? Is each so all-encompassing that it could not tolerate the others? If more than one model operates in a police service, must one take priority as the prevailing way of doing police work?

If the models are taken to describe overall ways of conceiving of and doing policing, then it is difficult to see how they could work together. They simply suggest different functions, priorities and ways of working. But policing may be construed to be a complex social institution with many functions, none of which can or should be abandoned. Emergencies have to be responded to. Crimes have to be investigated and known offenders brought to book,

especially those committing serious crime or large numbers of crimes. Order has to be maintained. In a democratic society communities should shape policing priorities. For the sake of longer-term public protection as well as in the interests of efficiency, police-related problems should be addressed by the police even where enforcement is not the most effective or efficient means of doing so.

Moreover, there are clearly some points of convergence when it comes to the practice implied in the models, marking their operations off from those in traditional policing. The following are some examples:

- Problem-oriented policing implies attention to problems exploiting pinch-points in the conditions generating problems (Tilley 2002). This may include targeting prolific offenders, criminal organisations, those recruiting new criminals, or stolen goods markets, any or all of which are likely to be focused on also in well executed intelligence-led policing. Likewise problem-oriented policing calls for attention to police-relevant community problems and for use of non-traditional enforcement responses, which would also constitute part of the proper mission of community policing.

- All three models would naturally steer attention to repeat victims. For problem-oriented policing repeat victimisation is one major pattern of events that calls for systematic attention, and there have been successes in achieving crime reduction by focusing on it (see, for example, Farrell 1995; Farrell and Pease 1993, 2001; Pease 1998). Moreover, non-crime events of interest to the police also display repeat patterns that are open to interventions (Read *et al*. 1999). There is an association between repeat victimisation and prolific offending. Repeat offenders appear to be largely responsible for repeat offences (Everson and Pease 2001), and concentrating on already-victimised targets proactively is an efficient way of finding prolific offenders. It thus again forms a natural element of high-quality intelligence-led policing. Community mobilisation has been found to be one important means of reducing repeat incidents – for example, in relation to domestic burglary and domestic violence (Forrester *et al*. 1988; Anderson *et al*. 1994; Hanmer *et al*. 1998). This would certainly form part of the agenda of purposive community policing.

- Crackdown and consolidation strategies are plausible candidates for many problems addressed in problem-oriented policing (see Wright 1994; Farrell *et al*. 1998; Tilley 2004). The crackdown side sits well with intelligence-led policing. It involves efforts to target intensive, well publicised enforcement to incapacitate and/or deter offenders generating problems, an approach found often to have beneficial side-effects beyond the temporal operation of the crackdown itself (Sherman 1990). The consolidation side may sit well with community policing. It involves using the window of opportunity created by the crime lull effected by the crackdown to build longer-term measures to sustain the impact, many of which will sit well with community policing and may involve interventions by community members and non-police agencies.

- Procedurally, both problem-oriented policing and intelligence-led policing call for far more specialist analysis than is conducted in conventional, response policing. They make use of data held by the police and may require special data-collecting exercises. They suggest targeting in the light of the analyses. Intelligence-led policing leaves space for non-enforcement problem-oriented work though paying it relatively little attention. Similarly, problem-oriented policing leaves space for enforcement when it is appropriate to the problem being addressed and its analysis.
- Problem-solving is widely deemed to constitute one key element of community policing (see, for example, Skogan *et al*. 1999; Skogan 2006). In its widest sense, problem-oriented policing also endorses problem-solving, though the steer specifically towards *problem orientation* implies a strictly analytic, data-using, pattern-finding approach that is not entailed by or indeed practised in much *problem-solving* in community policing.

In most police services it is likely that different specialist units take the lead on different activities conforming more or less to policing according to the different models. So, community policing tends to be led and conducted mainly by Neighbourhood Policing Teams. Intelligence-led policing is led mainly by intelligence officers and CID, though it also draws on, and draws in, very wide sections of the police service and fellow enforcement agencies. Problem-oriented policing is often led by multi-agency problem-solving terms, community safety officers and crime pattern analysts but is also sometimes left to Neighbourhood Policing Teams. Patrol officers and senior officers respectively are deployed and oversee the activities involved in each model as and when required, making sure that where there are potential tensions at the point of practice they are not exacerbated and where there are potential complementarities they are exploited.

The models in practice

Let us turn now to the operation of these models in practice. There is a significant literature on community policing, especially in the USA, and on problem-oriented policing, more of which is British. There is so far rather less on intelligence-led policing which emerged more recently than the other two models, though Ratcliffe (2008) has helped remedy this situation.

Problem-oriented policing

The implementation of problem-oriented policing has been found to face substantial challenges both in the UK and the USA (Leigh *et al*. 1996, 1998; Read and Tilley 2000; Scott 2000; Knutsson 2003; Bullock *et al*. 2006). Difficulties have included the following.

Cultural resistance

Police officers believe that real policing involves crime fighting, crime fighting entails dealing with miscreants and dealing with miscreants effectively

involves catching and punishing them. Real policing is thus deemed primarily to be oriented to enforcement.

Lack of data for analysing problems

Traditional, enforcement-oriented policing uses information to catch and disrupt offending. A premium is put on recency. If several cases are linked it tends to be because the same offender or group of offenders is thought to be responsible. Longer-term trends and wider-scale patterns not connected because of offender-related links are hard to discern in data which are not collected with this purpose in mind and hence do not reliably and accurately record incidents using standard precoded categories. Most police data have historically been poorly configured for aggregate problem-analytic purposes, though the geocoding of incidents has made aggregate analyses more straightforward (see Chainey and Ratcliffe 2005).

Problems in analysis

Weaknesses in data collection practices clearly inhibit analysis. Also, data analysis to identify patterns is technically and intellectually difficult. Police services have found it very hard to attract and retain analysts with the appropriate skills (see Cope, this volume). It is not clear that these analytic capacities are ever likely to be adequate for analysing enduring problems resistant to standard responses (Bullock and Tilley 2003a), though there is a growing volume of guidance (see, for example, Chainey and Ratcliffe 2005; Clarke and Eck 2003).

External imperatives

Police services are under pressure to satisfy external imperatives of various sorts, which limit the extent to which problem-oriented policing can be put in place in accordance with the ideal model. For example, the imposition of specific performance indicators steers attention to particular problems. They may also steer police services to particular forms of social control where specified responses, for example clear-up rates, are measured. These measurements are anathema to problem-oriented policing. Yet new public management methods make them increasingly common.

Demands for response

As an emergency service the police face an inescapable responsibility to respond when called upon to do so. There is certainly a sense among many police officers that they are so busy that they are unable to find the time or resources for standing back and engaging in longer-term problem-oriented work. Ironically, the very stimulus to problem orientation – the growth in demand relative to resources – is taken to be a key block to its implementation.

Organisational obstacles

The introduction of problem-oriented policing requires a substantial change in ways of police working. Implementation cannot take place overnight. Sustained and committed leadership backed up by training programmes, appointment of new forms of staff, changed promotion criteria, altered commendation

practices, etc., are all needed. In the absence of a sustained and committed change programme problem orientation is likely to remain an occasional fad or the preserve of a few exceptional officers. This is largely the current situation. Senior officers have shorter-term time horizons and wide responsibilities. Driving problem orientation for long enough and across a wide enough front for it to become a new routine way of doing business has yet to happen in any major force. Mid-range managers (sergeants and shift inspectors in particular) are often caught between the requirement to respond to immediate public demands and calls to work out sustainable solutions to long-term problems. It is not surprising that the imperatives of the here and now characteristically take precedence.

Where problem-oriented policing has been put in place, the analyses have tended to be weak and the evaluations of the effectiveness of measures introduced unsystematic. Much of the work has comprised relatively low-level problem-solving – useful in itself but not what was intended in Goldstein's model. There has been rather little problem-oriented policing taking substantial and long-term problems, analysing them and putting in place strategies informed by local analysis and established research (Read and Tilley 2000; Bullock *et al*. 2006).

As a response to some of these difficulties in implementing problem-oriented policing a series of problem-specific guides is being produced under the auspices of the Office for Community Oriented Policing at the National Institute of Justice in Washington, DC. These provide advice to those attempting to address problems as to the sorts of analysis needed and the kinds of response that might be appropriate in the local conditions in which local problems manifest themselves. At the time of writing some 50 of these have appeared, covering issues such as street prostitution (Scott 2001), theft of and from cars at parking facilities (Clarke 2002), acquaintance rape of college students (Sampson 2002) and burglary of single-family houses (Weisel 2002). More general guides have also appeared covering analysis for, and evaluation of, initiatives (respectively, Bynum 2001 and Eck 2002). A website has been established that provides a wide range of resources that can be used to inform problem-oriented policing efforts (http://www.popcenter.org/)

Community policing

The fluid ways in which community policing has been characterised mean that what is done in its name varies very widely. Implementing it comprehensively has proved to be very difficult. Those communities most in need of community policing seem to have taken to it least enthusiastically. Even when they are drawn in it is the better off, middle class home-owners who tend to take part (Skogan 2006). The marginalised and disaffected and those living in fractured communities, among whom relationships with the police have been least trusting, have not been quick to embrace a redefinition of policing (Sadd and Grinc 1994: 44). Moreover, those who would like to work more closely with the police can be deterred because of intimidation from other residents (Sadd and Grinc 1994: 44; Hancock 2001). Likewise, police officers have also been

reluctant fundamentally to alter the ways in which they work. Well organised, well ordered community groups who already trust the police (and who are already trusted by the police) have more readily co-operated in community policing than those in highly disorganised areas (Laycock and Tilley 1995). They also more readily create new organisations in which to work with the police (Sadd and Grinc 1994: 42–3). Even in middle-class communities, however, many instruments of community policing such as Neighbourhood Watch have tended not to remain active for long (Laycock and Tilley 1995). It is not clear that 'community' is universally wanted. Indeed few may want or have the capacity to engage with others along the lines required in community policing and the wider agenda of community engagement called for (Herbert 2006).

Community police officers in particular are frequently put down (Sadd and Grinc 1994). Officers are referred to by their colleagues, for example, as 'hobby bobbies', 'empty holsters' or 'officer friendlies'. They are not deemed to be doing real policing at the sharp end. Instead, they are deemed, disparagingly, to be engaged in social work (Sadd and Grinc 1994: 37; Skogan and Hartnett 1997: 71). Moreover, some of those allocated to community policing duties fail to present themselves within neighbourhoods in ways that elicit trust (Hancock 2001). They may do what can be measured by monitoring their activities, but fail to follow this up with problem-solving and action (Skogan and Hartnett 1997: 72). The monitoring and supervision of officers who have to learn the intelligent and sensitive use of discretion called for in community policing are tricky (Greene 2000). Community policing processes are hard to manage, and this creates problems in a disciplined organisation focused on adherence to rules (see Skogan and Hartnett 1997: 73).

Community policing has sat uneasily with some of the work the police are otherwise expected to do. If the police are expected one day to enforce order, it is difficult the next to redefine the relationship in terms of community engagement. If arrests to meet community concerns are agreed with a community officer their credibility is jeopardised if colleagues fail to play their part, perhaps because of wider concerns about organised crime (Hancock 2001: 144). Performance management requirements can be important inhibitors to the changes called for in community policing (Skogan and Hartnett 1997; Greene 2000). As Greene, reflecting on American experience, puts it:

> American policing is in a catch-22 situation where it at once announces to the community and to the police that they should expect something different from the police and yet measures those things that are most associated with traditional policing, such as crime reporting and arrests. In systems where there is a disjuncture between preaching and practice, it should be expected that employees would follow the path of what is measured, rewarded and punished. (2000: 359)

In practice, much of what passes for community policing is merely an adjunct to traditional policing aligned to traditional achievement measurements. Moreover, this adjunct involves those who are already supportive of the police

as they currently operate: those who are law abiding and living conventional lifestyles. The community, construed in this way, can furnish 'eyes and ears' for the police. They can alert police officers to suspicious behaviour. They may even help out in operations by providing premises from which covert observations can be made. The community in this account is ancillary to the police service. Neighbourhood Watch can often operate in this way. Special constables work directly within the police as a formal volunteer support service. Those attracted to working with the police on these terms are rarely the disaffected whose relatively poor relations with the police prompted recommendations for community policing. Indeed, there is a risk that it might reinforce notions among the disaffected that there is too cosy a relationship between some sections of the community, with their own interests, and the police service. Community beat officers weave into (or infiltrate) local neighbourhood life to elicit intelligence and to mobilise support for the police service and its agenda. The community, be they local citizens or members of other agencies, becomes a valuable medium through which police services can operate more efficiently and effectively, with more trust and less resistance (see Brake and Hale 1992: 77–8). In Bayley's terms, the accent here is on police *mobilisation* of the community for its own ends, but without the consultation, adaptation or problem-solving (see Bayley 1994).

It is too soon to tell whether the Neighbourhood Policing Teams being put in place in Britain will overcome the difficulties that have been encountered in other community policing efforts. A preliminary demonstration project, the National Reassurance Policing Programme where there was very substantial central implementation support, produced promising implementation and outcome, findings (Tuffin *et al*. 2006). The follow-up evaluation of early efforts to mainstream Neighbourhood Policing Teams produced more familiar, if disappointing, findings about what was delivered and what was achieved (Quinton and Morris 2008). It may be to the advantage of Neighbourhood Policing Teams that they do not purport to encompass all policing. They are not construed as embodying a general philosophy of policing running through policing organisations (see Tilley 2008). In this sense they represent 'light' community policing. They are supposed, though, to be involved in local problem-solving and to effect some reassurance of local residents and the demonstration project seemed to show that they could, in principle, achieve this.

Intelligence-led policing

The research community has been less involved in the development, implementation, observation and evaluation of intelligence-led policing than they have in problem-oriented and community policing. As a formalised way of policing it is also much more recent. Though there have been studies of its early implementation (Maguire and John 1995; Amey *et al*. 1996a, 1996b) time will yet tell what happens in the longer term with the NIM as a vehicle for delivering it. Maguire and John and Amey *et al*. found various problems in efforts to implement intelligence-led policing prior to the NIM. These included the following:

- Continued officer involvement in response-led policing creating problems in setting aside time for proactive work.
- Difficulties in creating and maintaining a steady flow of intelligence, analysis, preparation of target packages and conduct of operations.
- Lack of training, senior officer commitment and poor communication between specialist units.
- Unsympathetic attitudes, cultural resistance and low morale among officers performing less attractive roles.

In the one area Maguire and John looked at, where radical changes had been introduced to produce 'an integrated, intelligence-driven approach to crime investigation', implementation was least problematic. Partial, ad hoc implementation had been less successful. The NIM as a vehicle for delivering intelligence-led policing aspires to inform that integrated approach which Maguire and John find to be most promising in implementation terms.

The NIM has enjoyed wide support from chief police officers, HMIC and the Home Office. It has been formally rolled out nationally. Strategic Assessments are made and Control Strategies agreed. Tasking and Co-ordination Meetings are held to deliver on the strategy. The meetings are intended to involve police across the force as well as other agencies to draw on what they know and to involve them in dealing with emerging problems. Patrol is being informed by analyst-defined hotspots. Individuals and groups are being targeted for special police attention on the basis of intelligence about who is actively involved in crime and who is networked with whom. Neighbourhood Policing Teams are being asked to follow NIM ways of working (Home Office 2004). Those who are tasked are held to account for delivering what they have agreed to do. Moreover, new techniques are being devised to establish 'harder' links between offenders and crime scenes and between one offender and another. FLINTS (the Forensic Led Intelligence System) is an important example. This comprises a database of links established through physical evidence, notably fingerprints and DNA profiles, between known and unknown individuals and scenes. It enables networks and linkages among and between individuals and crimes scenes to be established and represented. It can thereby inform police targeting of enforcement efforts, where it can be expected to have maximum impact.

Despite some early resistance to the immediate changes effected, intelligence-led policing may come to play better with traditional grassroots police officers than community or problem-oriented policing. The primary activity embraced for police officers is enforcement. The main means of control have comprised deterrence and containment through incarceration. The distinction between the offender and the non-offender is maintained and problems are firmly laid at the doors of the offender. All this fits well with prevailing assumptions. None of it challenges current ways of thinking. The image added to the police is a flattering one. Who would not want to be seen to be 'intelligence led'? The form of policing suggested is also likely to receive support from the public and politicians. It continues to be hard on the criminal, but targets that hardness on the worst offenders.

None of this means that intelligence-led policing will necessarily be effective in controlling crime or dealing with police-related community problems. Goldstein, commenting almost a quarter of a century ago, expresses scepticism about the then forerunners to intelligence-led policing, where he says:

> Some police departments have, through the use of computers, developed sophisticated programs to analyse reported crimes. Unfortunately, these analyses are almost always put to very limited use – to apprehend a professional car thief or deter a well-known cat burglar – rather than serving as a basis for rethinking the overall police response to the problem of car theft or cat burglaries. (Goldstein 1979: 244)

And it remains the case that we lack systematic independent evaluations of intelligence-led policing to see whether it can reach out beyond enforcement to other effective means of dealing with problems. Potential ethical and operational problems in the covert means mobilised by intelligence-led policing have also been noted by some commentators, including the risk that privacy will be invaded disproportionately to the potential benefits from its breach, that crime itself might be overlooked, that crime might be inadvertently encouraged and that there may be tensions between short-term prevention and longer-term detection, etc. (see, for example, Maguire and John 1995; Maguire 2000; Norris and Dunninghan 2000).

Notwithstanding uncertainties over the outcome effectiveness of intelligence-led policing as a means of reducing or preventing crime it enjoys substantial plausibility and has thereby come to be adopted in many countries as well as the UK. The NIM as a vehicle for delivering intelligence-led policing has face validity and is widely supported both within the police and by others. This seems to have as much to do with the provision it makes for ensuring routine identification of, and attention to, local crime problems as they emerge and for holding those tasked with actions to account for delivering on their commitments, as it does with any specific means of enforcement that may be used to respond to the problems. Because of its credibility Crime and Disorder Reduction Partnerships are being invited to adopt NIM processes (Home Office 2004). Intelligence-led policing and the NIM in particular are also evolving to adopt rather wider approaches both in terms of the problems examined and the responses considered. It is too early to know, following these developments, exactly what will be delivered and what outcomes achieved.

One possibility is that partnerships become more focused on problems identified through analysis of data, that informed strategies are produced, that agreed measures are implemented because those responsible are effectively held accountable and that better-targeted, more coherent and effective crime prevention is thereby delivered. This would represent a move of NIM into a problem-oriented direction (on this see Ratcliffe 2008: 89). Another possibility is that the enforcement-response focus of the NIM is maintained but that more agencies are drawn into delivering this at the expense of other, generally more effective ways of addressing crime problems. A third is that police NIM and partnership NIM operate independently in an unco-ordinated and uncooperative way.

Conclusion: prospects for the three models

While community policing, problem-oriented policing and intelligence-led policing differ substantially in their origins and rationales and in the purposes they assign to policing, at the point of service delivery there are substantial areas of overlap where different models will agree on needed new practices.

Efforts to implement significant change in policing, of whatever kind, have been found to encounter severe difficulties. Frontline police services are notoriously resistant to change (see Skogan and Hartnett 1997: 74ff). Police officers cannot for the most part be seen as they perform their duties. In practice, they have to exercise discretion whatever model of policing is purportedly in place. They are also accustomed to changing fads, fancies and directives from their bosses (see Sadd and Grinc 1994: 39–40) or their bosses' bosses. They are often understandably cynical about what is being asked from the 'dream factory', as headquarters are sometimes called. Unsympathetic officers can often get away with minimal compliance. They can weather new-fangled ideas and continue to deliver the policing they feel is appropriate. There is ample scope for subversion of new thinking from within (Rogers 2002). Moreover, high rates of senior staff turnover, external political pressures and traditional performance measurements are all apt to inhibit efforts to implement sustained change programmes.

Despite these difficulties there have been some successes in putting in place new models. Skogan and Hartnett report significant change in officer attitudes along intended lines in prototype areas where community policing was being implemented in the Chicago Alternative Policing Strategy. Wycoff and Skogan (1994: 88–9) likewise found in Madison that it had been possible to 'bend granite' and effect changes in police organisation, leading to higher levels of community involvement. One British superintendent in Lancashire, committed to problem-oriented policing and apparently effective in doing so in his patch, likened effecting change in his force to dealing with a large liner. The ship moves steadily in one direction through inertia. Stopping and changing direction quickly are not possible. But change had been made over time with a consistent steer.

Also, and notwithstanding the difficulties encountered in changing police organisations as a whole, many individual officers are committed to one or other new model of policing and act accordingly. Many try to police in ways they believe appropriate, drawing on the new models. And some outstanding work can be seen as a result – for example, in entries to the American Goldstein Award for problem-oriented policing and its British counterpart, the Tilley Award.

Is there a 'best buy' among the models discussed here? The following are reasons for thinking that intelligence-led policing, under the auspices of the NIM, may be more likely to take hold and, if so, to take hold more quickly that problem-oriented or community policing:

1. Its assumptions, priorities and ways of working accord well with traditional policing.

2. It tasks police officers with specific jobs and does not expect them to exercise substantial discretion.
3. It is endorsed by senior police officers, ACPO, HMIC and the Home Office.
4. It is attuned to delivering outcomes that fit with traditional measurements of police effectiveness.
5. The changes required do not threaten significant police subgroup interests, processes or cultural beliefs.
6. It is framed to be able to accommodate some problem-oriented policing.
7. It leaves a residual role for community engagement in the interests of feeding information into the model.

We have, though, yet to see how well and how extensively the intelligence-led model is implemented and what outcome benefits, if any, it produces. We have yet to see whether or not it is able to deliver ethical policing (see Neuroud, this volume). We have also to see if what is delivered as NIM processes are spread to partnerships.

If it could be put in place successfully, however, most benefits would accrue from problem-oriented policing, even if it were to be delivered through NIM processes, with their roots in intelligence-led policing. It is evidence based. It has an explicit account of the distinctive role and purpose of policing. It provides space for community policing and intelligence-led enforcement as required by the problems being addressed. It stresses substance and effectiveness over process and style. Since it is attentive to emerging problems it is adaptable to changed conditions. Yet at its most ambitious it would require a revolution in terms of police culture, organisation and capacity for analysis. It would also require a conducive external political environment. In having these requirements it may at worst be utopian and at best a very long-term project.

Notes

1 Some might include 'Compstat' policing as a separate model. This would be a mistake. It is, as Ratcliffe (2008: 76) points out, simply 'a police accountability mechanism', albeit a most important one.
2 This may be because there is a longer-term and stronger tradition of police working with communities in Britain than in the USA (see Mawby 1992; Greene 2000).

Selected further reading

An influential early rationale for intelligence-led policing can be found in the Audit Commission's *Helping with Enquiries: Tackling Crime Effectively* (1993). A statement of what is deemed to be involved in doing intelligence-led policing through the NIM is to be found in the NCIS's *The National Intelligence Model* (2000). An account of some experience of intelligence-led methods of policing in practice is to be found in Maguire and John's *Intelligence, Surveillance and Informants* (1995). A recent discussion of

intelligence-led policing that is international in scope is Ratcliffe's *Intelligence-Led Policing* (2008). A short, accessible account of the principles and practice of problem-oriented policing is to be found in Braga's *Problem-oriented Policing and Crime Prevention* (2002). Goldstein's classic *Problem-oriented Policing* (1990) repays reading and rereading. An account of the British experience of delivering problem-oriented policing can be found in Read and Tilley's *Not Rocket Science: Problem-solving and Crime Reduction* (2000) and in Bullock *et al*.'s *Problem-oriented Policing and Partnerships* (2006). For an account of the thinking behind community policing in the UK, see Alderson's *Policing Freedom* (1979). The most extensive and systematic accounts of community policing in practice are Skogan and Hartnett's *Community Policing Chicago Style* (1997) and Skogan's *Police and Community in Chicago* (2006). A useful collection on the nature and experience of community policing is Rosenbaum's *The Challenge of Community Policing* (1994). Three collections with discussions covering problem-oriented policing, intelligence-led policing and community policing are Skogan's *Community Policing: Can it Work?* (2003), Bullock and Tilley's *Crime Reduction and Problem-oriented Policing* (2003) and Williamson's *The Handbook of Knowledge Based Policing: Current Conceptions and Future Directions* (2008)

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Chapter 16

'*Interpretation for action?*': definitions and potential of crime analysis for policing

Nina Cope[1]

Introduction

Increasingly the discipline of analysing information has found itself central to supporting the delivery of policing services. Key drivers include a focus on reducing harm and managing risk, alongside responding to demand. An increased emphasis, as part of a more community focused approach, on access to information about policing problems and police force performance, statutory changes that further reinforce partnership working and the development of shared outcomes and targets, such as Local Area Agreements, contribute to the demand that information be accessible, processed, where necessary shared, and understood. Alongside the structural and policy changes that affect how police forces are constituted, measured and the agencies they need to collaborate with, comes an increasingly complex criminal landscape and an advancing technology infrastructure that impacts on what information can be gathered, stored and cross referenced. It is in this mix of availability of data, inter-agency co-operation, risk mitigation and the very real need to make connections in order to understand both the environment of crime and policing interventions, that crime analysis has found its niche. However, it is inevitable that being driven by such a broad array of demands places significant expectation and pressure on the process of analysis and the analyst who undertakes the task.

This chapter is divided into three sections. The first considers the definition and process of analysis in policing, exploring the broad range of functions it is required to fulfil. The second section considers how the demand for crime analysis has emerged and developed. It discusses some of the opportunities, challenges and limitations of the current practice. The final section focuses on the techniques of crime analysis and the theories that can contribute to analytical practice.

Analysing analysis: process, product and person

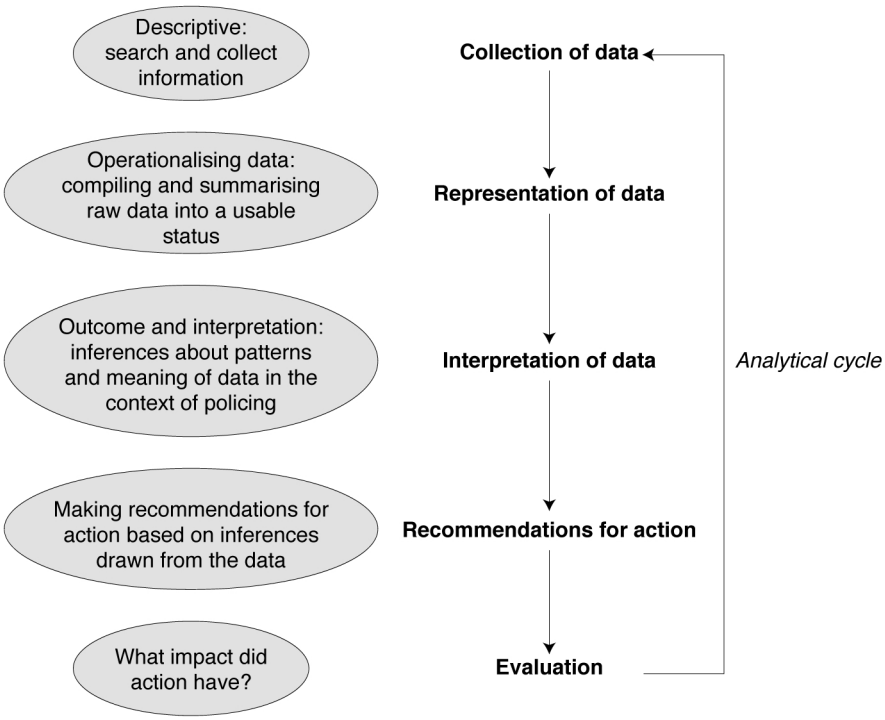
While the process of analysis, as examining an area in detail in order to draw conclusions, is readily understood, defining crime analysis is complicated by the range of terminology that is applied to it. Often defined by its subject (crime), its information source (intelligence), or its product (crime pattern), crime analysis can mean very different things to different people and different agencies. This chapter focuses on analysis in policing,[2] though it should be acknowledged that despite efforts towards standardisation (such as the implementation of the National Intelligence Model; see Maguire, this volume) different police services both in the UK and abroad will construct and integrate analysis differently (see Cope 2004; Ratcliffe 2008)

Broadly understood as the 'systematic study of crime and disorder problems ... [and other] police related issues ... to assist the police in criminal apprehension, crime and disorder reduction, and crime prevention' (Boba 2005), engaging in the process of analysis suggests patterns of crime and disorder can be identified among offenders, offences, victims, spaces and places. Furthermore, once identified and understood, this can inform interventions to prevent, reduce and investigate crime by providing the police with information that enables them to prioritise interventions (Gill 2000). Local crime analysis identifies the location of crime problems, criminal targets and vulnerable victims to prevent and reduce crime, while investigative analysis assists with solving crimes and the prosecution of offenders by providing information for presentation at court (see Cope 2005). A systematic, five-stage analytical process is outlined in Figure 16.1.

The first stage of crime analysis concerns the *collection* of data. This is the initial research phase, which will involve the analysts pulling together a range of data sources. In the main, analysts focus on police data and information held by other criminal justice agencies, although arguably this should extend to include relevant quantitative and qualitative research that would provide a broader insight into crime and criminality. To support analysis the police must gather and store a range of data relating to crime and criminal activity. While technology and the often bedevilled form-filling by police officers and staff may assist with this, research recognises that a range of *experiential* knowledge is not systematically recorded by the police but is held in officers' heads or shared informally (Manning 1992; Gill 1998).

Collecting information from various sources to be analysed can take time, especially when the technology has not been designed with analysis in mind and therefore simply stores a range of data in no particular order or coding system to facilitate interrogation. The growth of computer and information technology has supported the increasing demand for information and intelligence, reinforcing the role of the police as key providers of risk-related information (Ratcliffe 2002a; Ratcliffe 2008). This usually means a lot of information is stored 'just in case'. Canter (2000: 4) notes that data for analysis should be relevant, reliable, accurate and timely. However, attaining data standards to facilitate analysis is complicated. The relevance of information is temporal, influenced by current priorities, agendas, criminal activity, and crucially, current constructs of risk and threat. Without a robust framework

Figure 16.1 The analytical process



against which to judge information, it is likely its relevance only becomes fully evident after an incident has occurred, undermining the proactive value of analysis. The detailed deconstruction of intelligence processes and analysis within the FBI undertaken after the September 11 2001 attacks on the World Trade Centre and the Pentagon exemplify how crucial cross referencing and sharing information is, and the vital role analysis plays in this process (The 9/11 Commission Report 2004).

The police service also faces an increasingly complex challenge of managing information. The Bichard Inquiry (2004) initiated after the conviction of Ian Huntley for the murders of Jessica Chapman and Holly Wells in Soham brought the management of police information, amongst other issues, into public consciousness. Highlighting the lack of standards and understanding about how and what information should be reviewed and retained, the Inquiry highlighted both the limitations of existing information technology and failures in business practice, reinforcing the lack of knowledge in police forces around what information to store, data standards, the accuracy of data recording and protocols for information sharing (Maguire and John 1995; Ericson and Haggerty 1997; Ratcliffe 2002a). The Management of Police Information, adopted as a police code of practice in 2005, has aimed to standardise information practice. Despite progress in this area, police services continue to face an enduring challenge of how to gather and review information. It can appear overly bureaucratic and further limited by the

existing technology architecture that was, in the main, designed to record and retain the facts provided, not develop and link inferences and contextual information to provide greater insight and enhance the ability to assess risk.

The second stage of analysis focuses on the *representation of data*. Technology has dramatically affected the capacity of crime analysis to chart key variables associated with crime data, such as the peak days and time of offending, offenders' association networks and the spatial characteristics of crime (Weisburd and McEwen 1998). Indeed, the reliance of crime analysis on technology has led research to suggest that some key stages, such as the collection and representation of data, could be automated (Read and Oldfield 1995). Developing an analytical picture of crime involves analysts seeking basic information to explore the 'who, what, where, when, how and why' of offending. Ekblom (1988: 12) identified seven key variables for crime analysis: the nature, location, time, method, target and physical and social circumstances of the offence. All need to be addressed when considering what data to gather.

While this list appears simple, the feasibility of gathering such information is often significantly impaired at every stage of crime reporting (see Ratcliffe 2008). It relies on clear and accurate information being provided by victims or witnesses which is precisely recorded by the police officer or staff. In reality, analysts will struggle with incomplete, unreliable and inaccurate information, all of which affects the quality of analytical reports, and often mean they are left in the frustrating position of being unable, or at least unable without significant further effort and time, to do anything more than summarise, present and highlight gaps in information and intelligence.

The issue is not that representation of data is not an extremely powerful tool. It has significant value as it supports the visualisation of relationships and patterns in crimes and offences (Eck *et al*. 2000), which has proven vital with an increasing focus on police performance and local accountability (Maguire 2000). Representation also draws us to a key distinction between reactive analysis that supports the police after an incident has occurred, and more future orientated, strategic and proactive approaches (Maguire 2000; Cope 2005). What is perhaps more important to accept is that representation is, in the main, a retrospective, descriptive process. The aim, through presenting data on maps and charts, is to describe where crime *has* occurred, where offences *were* concentrated, the timings of precursors of the incident and the issues that emerge after it has occurred. This collation and presentation of information does not take us to *why* this pattern emerged, *what* might occur in the future and *how* it should influence decisions around police deployment (Groff and La Vigne 2002).

Interpretation is arguably where *analysis* really adds further values and can challenge the conventions of policing delivery. Interpretation drives analysis to draw conclusions and make inferences. The process of interpretation in crime analysis is both deductive and inductive. A *deductive* method involves the development of a theory, which is then tested through empirical research. In analysis this may be the hypothesis that young men commit more violent crime than young women, which is then validated through the analysis of crime trends. *Induction* is the reverse of deduction and involves developing

explanations and theories based on observation and research. For example, the representation of data reveals that theft is concentrated in a socially deprived area that has recently experienced gentrification, culminating in the development of a large entertainment and residential complex. An analyst might consider the impact of the development on the population and opportunities for crime in order to explain the crime trend. Interpretation moves analysis from the descriptive presentation of data to *explanation* so that the patterns and distribution of crime can be explained and understood. The ability to map or present volumes of data in a visual form is an achievement for policing, but it cannot be understood as crime analysis, which is a far more *cognitive* than technical and computer-driven process (Buslik and Maltz 1998). As the data for analysis can be fragmented, incomplete and inexact, inferences need to be drawn to ensure that the implications of the patterns, profile and crime distribution are interpreted to support police decision-making (Kelly 1990; Eck 1998).

The fourth stage of the analytical process involves *recommendations for areas of action and intervention*. By reviewing the data, crime analysts can identify and prioritise crime problems so that police activity can be focused where an intervention is most likely to impact on crime reduction or prevention.

It is probably fair to surmise that the interpretative and recommendation stages of the analysis process continue to represent the most challenging and contentious ones for analysts and their police colleagues. A range of skills are assumed in the interpretative stage, to ensure an analyst has the ability to make sense of information on crime. Clarke and Eck (2003) refer to the requirement for an analyst to 'rethink their job' and aim to become a crime expert. This necessarily entails reading around the subject to gain a better understanding of the context in which crime and disorder manifests itself, its precursors and the protective factors that frequently prevent it. It requires analysts to get involved with local policing, understanding the environment, the trends and the people. Indeed, the ability to apply the theory to a local policing context in order to understand an incident (or number of incidents) might be summarised as the key to interpretation. Ratcliffe (2008: 94) points out that developing and utilising such skills might be a 'tall order for staff often at the lower pay scales of the [police] department'. There is no doubt that effective policing requires an understanding of policing problems. However, in trying fulfil this requirement, analysis and analysts confront three major challenges.

The first is a challenge for the discipline of analysis and concerns the type of information that is routinely valued in policing. It is a feature of police culture to attach value to action-oriented work, along with experience, and *grounded* knowledge (see Westmarland, this volume). Crime analysis is frequently office based and computer driven, it represents the antithesis of action-oriented police work. As Kelly (1990: 151) notes: 'analysts and investigators . . . inhabit positions . . . which breed friction . . . the intelligence analyst is situated in an information processing . . . unit, while the street investigator [is] working with . . . others [that] may not able to see the forest for the trees'. The process of analysis often involves decontextualising data to provide overviews of crime (Peterson 1990). This differs from police practice, which validates knowledge gathered and understood through the experience of

policing (Manning and Hawkins 1989). Analysis appears to promise an objective account of facts, which may be comforting for police organisations. However, analysis which takes crime reports, or intelligence derived from police officers and staff as its primary data source will already be heavily biased. Interpretative analysis necessarily involves a subjective assessment of information (Innes *et al*. 2005), which may appear a less reliable foundation for intervention, particularly if the subjective interpretation comes from an individual less practiced in policing, than academic and technological training.

This goes to the heart of the second challenge for the analyst. Considerable misunderstanding often exists between police officers and analysts of one another's roles. The background and experience of analysts are highly variable across UK police forces. Although frequently civilian members of staff, they come with a range of experience to occupy a quasi operational support role (Cope 2004). Some of the challenge is due to this civilian status and the ability of police forces to comfortably accommodate an employee into an organisational structure and hierarchy that is fundamentally based around the requirements of serving officers (Taylor *et al*. 2007). Matrix role based management, recompensing skill and attainment (not rank or grade or pay based on time served) and recognising qualifications and accreditation that indicate professionalisation, are all desirable to retain an effective analytical function, and yet are often unattainable in a more traditional policing structure (Cope 2005). The distinction of roles between analysts and police is probably most marked in making recommendations. Reviewing analysis to recommend a course of action is often understood to be the police officers' role. Such a division of labour emasculates both the analyst and the officer. To exclude making recommendations from an analyst's task potentially reduces their accountability for their research product. A reluctance to encourage recommendations might be based on a lack of distinction between those who propose, and those who decide on the course of action, taking the recommendations into account (Cope 2004). In reality collaboration is likely to produce the most effective product.

The third challenge is for those who commission and receive the analytical product. Research has identified that despite a belief among officers that analysis supports an intelligence-led approach to police work, a lack of understanding of analysis among police officers, and policing among analysts, severely limits its contribution and development, which can lead to analysts being excluded from operational practice (Cope 2004; Ratcliffe 2004; Taylor *et al*. 2007). If officers do not value the information (see Chan 2001) or trust the process of analysis, they are unlikely to respond to analysts' reports. While some of the misunderstandings can be addressed through joint training and development, a more consistent accommodation of analysis requires a shift in thinking about policing generally and the value of analytical products. While certainly this shift is underway (see discussion below; Maguire and John 2006), there is further to go to appreciate more interpretative analysis. No doubt to realise the potential of analysis this relies on the principle that both role holders need to understand and inhabit each other's worlds.

The final stage of the analytical process is *evaluation*. Generally the police do not capture the impact of their activity because they are continually

responding to new or different problems, or they do not have the time, resources, people, skills or motivation to evaluate practice. Increasingly 'what works' research has aimed to provide an evidence base for policing and crime reduction interventions (Goldblatt and Lewis 1998; Sherman *et al*. 1998), although there is some way to go before the knowledge developed from research is fully integrated into police practice (Ekblom 2002). Evaluation, understood as research that aims to assess the impact of activity to inform policy, is crucial for developing evidence-based decision-making (Ratcliffe 2002a; Tilley 2002b). In the complex environment of policing and crime it is especially important for evaluation to capture the context of interventions and the mechanisms that make them successful or otherwise (Pawson and Tilley 1997). The role of analysis, in continually monitoring crime, places it in a good position to evaluate police practice, in this way it plays an invaluable role in contributing to the development of research and the integration of evidence into policing (Cope 2005; Maguire and John 2006).

Developments in policing and the demand for analysis

O'Shea and Nicholls (2003) in their study of the integration of analysis in America note that

> if police operations and management are designed to identify and apprehend offenders, then the demand for data analysis will conform to that limited philosophy. If, on the other hand, a broader mission and vision is developed, one that seeks to better understand the complex nature of the criminal incident, then the form of and demand for data analysis will change accordingly as will the function of crime analysts. (2003: 11)

In essence in seeking to understand what questions need to be asked of analysts, a broader understanding of the context of policing delivery is required. While the formalisation, even professionalisation, of analysis might be associated with the development of Intelligence-led policing, analysis in a more perfunctory form has operated within police forces over a number of years. This chapter identifies four major innovations that have directed the type of questions asked of analysis, and the key purpose of the analytical product. Arguably the first two innovations are broadly managerial in their emphasis – performance and accountability through information, exemplified by COMPSTAT, and the development of intelligence-led policing – while problem solving and the development of community based approaches have increased the demand for analysis from operational officers.

Management demand

A reform agenda for policing and other public services, has introduced new modes of public management and ways of capturing accountability (Bottoms and Wiles 1996; Johnston 2000). In the US this developed the COMPSTAT

regime, that fundamentally relied on timely capture and reporting of statistics for crime and disorder, both to departments and publically. UK policing also has a rigorous target structure and league tables of comparable forces, generating a clear expectation that the performance of a force, and an operational area within a force, should be understood and communicated. The relationship between COMPSTAT and crime analysis was confirmed by the former's reliance on timely data that showed crime 'peaks and troughs', and a heavy emphasis on crime mapping (McGuire 2000). However, while it may appear a seemingly beneficial partnership, Willis *et al*. (2007) suggest COMPSTAT cannot be credited with encouraging police managers to maximise the contribution analysis can have on decision making and developing different ways of tackling problems, as police managers tended to respond to data using existing and known tactics. Certainly a performance focused police culture has emphasised the demand for timely and accurate police data, which has supported analysis. Nevertheless the tendency is to focus on descriptive reporting for the information of managers (arguably stage two of representation in our process outlined above).

Intelligence-led policing (ILP) aimed to shift the emphasis of the police away from demand-driven interventions towards proactive methods of crime control (see Tilley, this volume). The importance of using intelligence, defined by Grieve (2004) as information developed for action, to focus police activity on offenders who were responsible for the majority of the police workload, was outlined in the Audit Commission report, *Helping with Enquiries: Tackling Crime Effectively* (1993). Intelligence-led policing has developed within the broader context of the 'risk society' that has influenced the proliferation of risk management strategies throughout criminal justice agencies (Ericson and Haggerty 1997; Maguire 2000). The role of analysis is to develop an understanding of risk and how it might be mitigated, a critical role as police forces, despite becoming increasingly 'information rich, remain knowledge poor' (Ratcliffe 2008: 9). While principally an investigative approach to support proactive and disruptive intervention, ILP became increasingly managerial in its emphasis on its codification in 2000 as the National Intelligence Model (NIM) (NCIS 2000). The Code of Practice in 2005 presented NIM as a strategic business model and aimed to standardise processes and products across forces (see John and Maguire 2007; Maguire, this volume). The impact on analysis is ambiguous. In many ways it is highly positive, as it has formalised the role of the analyst and creates an expectation that analysis forms a crucial part of policing delivery. The less positive impact is a consequence of the laudable effort to standardise analytical processes and reports. In effect, standardisation focused on output, not process, and therefore has led to a proliferation of guidelines and templates which can mean analysis becomes slow, overly bureaucratic and lacking creative enterprise (see John and Maguire 2007).

Operational demand

While analysts may be accepted more readily by police managers (Taylor *et al*. 2007), it is delivering an understanding of crime problems in an operational

context where analysis can fully realise its interpretive potential. Within problem-solving policing crime analysis aims to identify problems to enable 'tailor-made' interventions to be developed (Tilley 2002a). Models for problem solving, including SARA (scanning, analysis, response and assessment) or the 5is (intelligence, intervention, implementation, involvement and impact) (Ekblom 2004) indicate the extent to which understanding the circumstances of crime problems and reviewing the impact of interventions are central to delivering a sustainable crime reduction effort. Throughout early 2000, police reform has emphasised the development of community focused interventions, ensuring police delivery was focused on the concerns of the citizen and included the explicit aim to reassure by directly tackling concerns about crime and disorder (see Innes 2006). Outwardly, this emphasis on subjective perceptions might appear incompatible with maintaining an analytical evidence-based approach to directing interventions. However, Maguire and John (2006) note that intelligence-led policing need not be so narrowly understood in terms of proactive operations, highlighting that analysis already takes account of many of the factors that would be relevant to community safety, including understanding local contexts and partner perspectives. Analysis is not simply about creating an 'objective' account of information, but about reconciling various data sources to gain a better understanding of the drivers and dynamics of crime and disorder. Any interface with the public, by community or specialist police personnel, can only be enhanced by being informed.

Getting the job done: the types, techniques and theories of crime analysis

The possibility of crime analysis in policing has increased alongside the proliferation of a range of technology and specialised software packages, which support the stages of the analytical process. The frequently computerised techniques aim to provide a detailed picture of offending to facilitate the interpretation of trends, patterns and incidents. Analytical techniques focus on the analysis of *trends*, *spaces*, *times* and particular crime types, criminal associations and offenders through the development of *profiles*. Crime analysis can be both tactical and strategic. *Tactical analysis* aims to maximise the impact of enforcement by reviewing current crime problems and prolific offenders to inform investigations and operations. *Strategic analysis* identifies longer-term crime problems and future trends to provide management with an understanding of the scope and dimension of criminal activity in order to assist with local policy development and planning. The appropriate analytical technique should be selected according to the problem being investigated, the data available for analysis, the tactical or strategic focus of the analysis and the analytical report being produced. This chapter provides a general introduction to the techniques of analysis and analytical products, their rationale and some of the associated strengths and weaknesses (see Table 16.1 for a summary).

Table 16.1 Summary of analytical techniques and outputs/products

	Explanation
Analytical techniques	
Statistical analysis	The monitoring of all statistical data pertaining to crime and police activity. Provides an overview to identify areas for more detailed analysis.
Crime pattern analysis	A widely used term that generally refers to the analysis of spatial patterns of crime and the identification of crime hotspots to target police deployment. Crime pattern analysis is usually associated with geographic information systems (GIS) that support the mapping of crime and other social data.
Temporal	Monitors the temporal patterns of offending around days and hours. Identifies any trends to assist with targeting police deployment.
Seasonal	A strategic form of analysis that monitors seasonal trends in crime, to enable potential crime problems to be anticipated.
Network analysis	Usually associated with tactical analysis, it assesses the associations and linkages between offenders to identify areas for intervention. Frequently supported by analysts' software such as I2.
Telephone record analysis	A form of tactical network analysis that assesses the trends and patterns of phone records. Often used in investigative analysis to support the prosecution of offenders.
Time series analysis	A form of network analysis that reviews the pattern and frequency of criminal activity within a given period of time. Useful for assessing prolific offending patterns and the escalation of offending.
Analytical outputs/products	
Criminal market analysis	Assesses the operation of criminal markets and networks. Can facilitate a market-focused crime reduction strategy.
Demographic and social trend analysis	A product in the NIM that assesses the context of broader demographic and social issues and their impact on crime. Will involve the analysis of data from other criminal justice agencies. Useful for strategic analysis as it considers issues associated with population, employment, education and their potential impact on offending patterns.
Results analysis	A product in the NIM that assesses the impact of activity (or no activity) on crime problems. Facilitates an understanding of 'what works' and an evidence base for future decision-making and deployment.
Risk analysis	A product in the NIM that assesses the extent to which crime problems are persistent or irregular and the imperative for police intervention. Considers the impact of intervention or non-intervention.
Target profile	A tactical form of analysis that assesses the criminal activity and methods of a prolific offender.

Source: Peterson (1994); NCIS (2000).

The strengths and weaknesses of analytical techniques

Computer-based techniques aid analysis by presenting data in a format that can be easily understood. However, 'any analytical technique, no matter how elaborate or elegant, will not replace good data or make up for poor or inadequate information' (Ianni and Reuss-Ianni 1990). Therefore, it is important to consider the quality of the information that is presented by analytical techniques, such as crime maps or offender network association charts.

Considering the prolific role of crime maps in policing (Weisburd and McEwen 1998) and their strength at representing volumes of spatial information (Ratcliffe and McCullagh 2001), the extent to which maps represent an accurate picture of crime needs to be discussed. Maps rely on accurate data, which can be undermined by the lack of knowledge about the exact location of offences and the recording of incomplete addresses, or incorrectly spelt street names. To map data within a geographic information system (GIS), geographical references are applied to addresses, known as geo-coding. However, some police computer systems do not support geo-coding (Ratcliffe 2000). Furthermore, the methodology of mapping is important as different approaches to spatial analysis may result in the identification of different 'hotspots' (Ratcliffe 2002b). Some maps count crime in localities producing the computer equivalent of the manual 'drawing-pin' maps that adorned office walls prior to the introduction of mapping technologies. Another type of hotspot map draws ellipses to delineate a general area where crime is concentrated. The latter can identify broad areas for intervention but may not be as accurate as the more information-laden dot-map version (Harries 1999).

A further limitation of maps is that they count data but do not offer an insight into the relative risk of crime (Craglia *et al*. 2000). For example, a burglary hotspot map does not indicate how likely a resident in the area is to be burgled. To assess the relative risk of burglary an analyst would need to take account of the number of households in the area and to what extent they represent the target population. However, the degree of random error in mapping affects the extent to which the relative risk of offending can be assessed. While maps are exceptionally good at drawing attention to areas where crime is high and low, they provide little insight into the causes of crime because, unless they are properly constructed and interpreted, they tend to ignore the geography of an area and other factors that may affect levels of crime.

The focus on the descriptive 'tools of the trade' is also an explanation for the struggle strategic analysis continues to have in trying to find a legitimate place in supporting police decision-making. Aiming to contribute the 'richer picture', strategic analysis assesses long-term threats and trends. However, Sheptycki and Ratcliffe (2004) highlight that limited information, and information sharing, combined with an emphasis on understanding today's crime problems and an inability to shift to accommodate future priorities, all conspire to weaken the potential impact of strategic reports. More recently, guidance on analysis has moved away from the technique to focus on the process. Clarke and Eck (2003), Ratcliffe (2004) and Walsh (2004) all emphasise the importance of viewing the development of an analytical report as a project,

imbued with a rigorous research methodology. This suggests some key elements need to be present to ensure a robust product – including contextualisation of the issues, verification of the data, collaboration on the findings and justification of the inferences and recommendations. Without this, analysis is likely to continue to struggle in finding its rightful place in informing the delivery of police and partner interventions.

Offender profiling

Some techniques of crime analysis are more specialised, focusing on particular offences or aspects of crime. Offender profiling is perhaps the most debated, as practitioners seek to understand the 'science' behind the approach (Alison *et al*. 2004). Referred to as offender, behavioural, investigative and criminal profiling, it describes a process of inferring the characteristics of an offender based on a detailed analysis of his or her crimes (Alison and Canter 1999; Alison and Barrett 2004). Offender profiling is founded on the assertion that while an offender's behaviour may change and develop over time, an offence will have key 'psychological signatures' that will be consistent and can be interpreted to provide further insight into the offender's motivations, social and occupational status, criminality and personality (Grubin 1995). For example, Britton's (1997) accurate profile of John Bostock, who admitted to two counts of murder in 1986, highlighted the age range of the offender, his sexual immaturity, lack of social skills, physical strength and area of employment. The nature of offender profiling makes it best suited to exploring serious crimes, such as linked sexual assaults or murders.

While the contribution of offender profiling to criminal investigations is relatively recent, the principle of studying the association between the characteristics of offences and the offenders is long established and has often been mythologised in literary portrayals of detectives, such as Sherlock Holmes. Perhaps it is this association that has continued to fuel the often idolised relationship between the media and profilers, an association that is based on little evidence of actual practice (Alison and Barrett 2004).

Approaches to offender profiling

The case of the 'Mad Bomber' in 1956, where James A. Brussel, a psychiatrist, assisted the police by providing a remarkably accurate profile based on a psychoanalytical interpretation of the crime scene, initiated public interest in profiling. However, a process to support systematic offender profiling was not developed by the Behaviour Science Unit (currently the Investigative Support Unit) of the FBI until the early 1970s (Ainsworth 2001). The FBI approach exemplified trait-based profiling, predicting the likely characteristics of an offender based on evidence at the crime scene (Alison 2005). The early typology based on investigators' experience of sexual attacks and murders facilitated the investigative distinction between organised and disorganised styles of attack in murder cases, where the former would be carried out with restraint, compared to the erratic, impulsive actions involved in the latter

(Canter 1994). The FBI asserted that the classification of crimes reflected the personality of the offender. The protagonist of an organised crime would be more intelligent, socially skilled and sexually competent, while a disorganised offender would be more likely to live alone, near the crime scene and have limited social skills and sexual experience (Ainsworth 2001).

There is some debate around the usefulness of such typologies and classification systems in offender profiling. Alison and Barrett (2004) note that the ability to infer background characteristics from a crime scene rests on two generally unreliable and unproven assumptions, that there is consistency of behaviour and the homology of offenders' characteristics in the course on committing an offence. Coleman and Norris (2000) question the possibility of classifying offences as either organised or disorganised and the extent to which a consistent motivation, implicit in a classification system, can be assumed in multiple offences. Canter (1994) also highlighted the difficulty of maintaining boundaries between the categories and argues they are inherently ambiguous. The methodology of developing the classification system has been widely criticised as unsystematic and relying too heavily on the experience and intuition of investigators, rather than a theoretically grounded study of crime (Alison and Canter 1999; Rossmo 2000). The proliferation of profiling procedures has largely developed unguided by an evidence base (Grubin 1995). Alison (2004) notes that despite this and even given profilers' admission that much of their work is educated guess work, the demand for profiling remains.

This is not to suggest that psychologists cannot assist policing. Indeed Canter's approach was to explicitly include psychological theory in the study of crimes. The case of John Duffy, the Railway Rapist, was Canter's introduction to the practice of profiling and the possibility of applying psychology to criminal investigations. John Duffy exhibited 13 of the 17 attributes identified in Canter's profile, matching the predicted employment, marital status, home address and offending history (Ormerod 1999). Canter went on to research profiling hypotheses, developing the scientific discipline of investigative psychology and ensuring later forays into profiling were more theoretically driven than the initial experience of the Duffy investigation. An example is the circle of crime theory. The profile of John Duffy included his residential location, based on the analysis of the location and proximity of offences. Canter developed the concept of mental maps as a method of interpreting the geographic distribution of offending, noting that

> mapping murder [for the police] consists of creating a mental map that attempts to reconstruct . . . the killer's psychological journey . . . and an actual map of where crime and related activities, or series of crimes have occurred. The real science of profiling consists of building up an understanding of how these two maps relate to each other. (Canter 2003: 222)

The geographic approach to profiling is supported by a range of evidence that highlights the offender's relationship to the location of their offences (for example, Davies and Dale 1995; Godwin and Canter 1997). Canter's research has led him to outline five important characteristics to help criminal investigations (Ainsworth 2001):

1. Residential location.
2. Criminal biography.
3. Domestic and social characteristics.
4. Personal characteristics.
5. Occupational/educational history.

The investigative psychology approach aims to base the development of such categories on the systematic analysis of data (D. Canter 2000). For example, Canter and Heritage (1990), based on a detailed study of over 60 sexual assault cases, developed a list of 33 common offence features of sexual crimes. By further exploring the association between the factors, Canter was able to develop an insight into the most critical characteristics of rape. More recently, Canter and colleagues have developed 'facet theory', the study of associations between variables, to explore the complexity of criminal situations and identify common crime scene characteristics that can be distinguished from unusual features in the process of criminal investigations (Ainsworth 2001).

Critiques of offender profiling

As with all analytical techniques, profiling relies on accurate information about crimes being reported to the police, something that cannot be relied upon in serious crime investigations (Canter and Alison 1997; Ainsworth 2001). Offender profiling continues to be plagued by broader questions about its aim, definition and impact. Alison *et al*. (2003) in their study of how profiling reports were interpreted found that in more than two-thirds of cases the profiler made no justification as to why particular advice was offered. Copson (1995) noted some confusion among police officers about how to use profiling information in the course of police investigations and whether it is intended to give advice, direct an investigation or be used in court to support prosecution (Wilson and Soothill 1995). In practice there continues to be little commonality in methods between profilers. Approaches can be idiosyncratic, based on accepted wisdom and the skills and personality of the profiler (Copson and Marshall 1999). This potentially means that good profilers may get it right, without fully understanding why (Grubin 1995), pointing to a broader question about the role of expertise in developing profiles. Not all profilers subscribe to the Canter approach but actively draw on a wealth of clinical, professional and intuitive experience when developing profiles. The key issue with such experiential approaches is assessing their reliability and validity (Ormerod 1999) in a context where getting it wrong can potentially have considerable consequences (Ainsworth 2001). Crime profiler Paul Britton's now infamous connection with the Rachel Nickel murder on Wimbledon Common and the subsequent arrest, prosecution and acquittal of Colin Stagg exemplifies a number of potential problems associated with using profiles. The Stagg case was dismissed and the judge rejected the use of profiles as evidence, stating that the court 'would not wish to give encouragement either to investigating or prosecuting authorities . . . to supplement their cases on this

basis' (Ormerod 1999: 209). While the court did not totally dismiss the assistance of psychology in criminal cases, it indicated that consideration needed to be given to the boundaries of its influence in investigations. It is probably more realistic that the systematic study of available information will contribute to our understanding of crime and criminal incident (Canter 2003; Alison and Barrett 2004) and psychological interpretations and theories of offending will have purchase, alongside their more sociological counterparts, through developing the discipline of systematic research and analysis to support police work.

Theory for practice: developing explanation in volume crime analysis

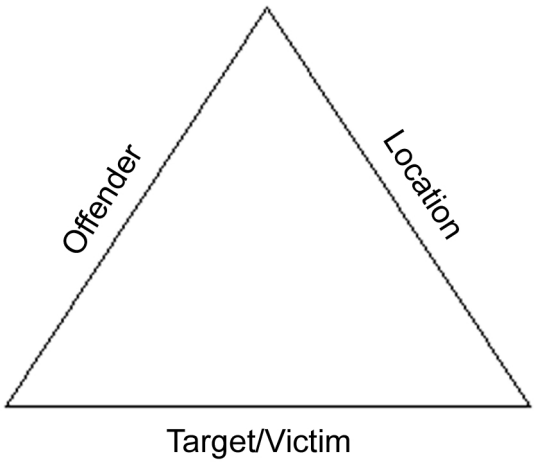
In this final section, I want to discuss key areas of criminological theory that support the development of interpretation in the analysis of volume crimes. Crime analysis goes back to environmental criminology (Bottoms and Wiles 2002). For example, the Chicago School scholars, as early pioneers of environmental criminology, drew on the disciplines of urban sociology and human ecology to illustrate the association between crime, social disorganisation and poverty in urban settings (Weisburd and McEwen 1998). While the influence of ecological theories has diminished within criminology, exploring the spatial distribution of crime continues to be important and has found new energy, especially among practitioners, with the development of technology that supports the computerised mapping of geographic information.

As with all research processes, an integral relationship exists between theory and analysis (see Bottoms 2000). Criminological theory can support analysis through its capacity to reveal and explain consistent empirical *facts* about crime, concerning its distribution or the risk factors associated with offending and victimisation (see, for example, Braithwaite 1989; Farrington 2002). Indeed, the mere fact that an analyst asks particular sorts of questions or anticipates certain patterns of crime reflects the importance of theory for the interpretation of data in analytical inquiry (Eck 1998).

In order to develop a theoretical framework for interpretation in analysis I want to draw on two key models: the crime triangle that is the relationship between victim, offender, location (see Figure 16.2) and Ekblom's (2001) conjunction of criminal opportunity.

Clarke and Eck (2003) explain that the 'crime triangle' has resonance for analysis as it points to three key reoccurring problems for policing: *repeat offending* where offenders attack in different locations; *repeat victimisation*, where victims are attacked by different offenders and *repeat locations* where different offenders and their targets interact in the same place. Ekblom (2001) drawing on the relationship between victim, offender and location, goes on to examine a range of factors that contribute to a criminal offence. Outlining 11 factors that follow from the situation to the offenders, they cover: *crime promoters*; *absence of crime preventers*; *the wider environment*; *target enclosure*; *target person or property*; *offender present in situation*; *anticipation of risk*; *effort and reward*; *resources for crime*; *readiness to offend*; *lack of skills to avoid crime*; and *predisposition to criminality*. As a framework to inform the development of problem solving

Figure 16.2 The crime triangle



interventions, Ekblom also distinguished between drivers in the above factors that are distanced from the offence. For example, a stable relationship is understood to be a protective factor for crime, but is unlikely to be proximal to an incident. Factors that will be more valid to an analyst are the imminent precursors to crime and disorder. However, it is only by understanding the meso-levels and micro-levels at . . . 'that we might look to try and understand why a particular offender frequents a particular situation and how the components of the situation itself have come together to produce a criminal event' (Ekblom 1996: 61). Taking the example of burglary, research suggests that residents in deprived areas are more likely to be victims of burglary (Ratcliffe and McCullagh 1999). However, people are not simply victims of burglary because they are poor. They are more likely to be victims because they live near burglars, who are unlikely to travel long distances to offend (Craglia *et al*. 2000). Policing alone cannot tackle poverty, a more distant cause of crime. However, by analysing the pattern and opportunities to commit crime, the police are able to develop a range of interventions to address the proximal circumstances of offending. Space precludes a lengthy discussion of all the relevant theories and their critiques, therefore I want to focus on key theoretical concepts that relate to local crime analysis and crime prevention to demonstrate how the application of criminology can support the interpretation of analytical data.

Reason, rationality and routine: theory for crime analysis

Opportunity-based theories of crime consider the situational and environmental characteristics of offending. A long tradition of research has indicated that the distribution of crime in space is not random. Despite the contribution of early studies on the spatial attributes of offending, for example, Shaw and McKay's (1942) work on social disorganisation, the broad focus of spatial analysis has limited ability to address the more detailed causal analysis of crime in a particular place (Sherman *et al*. 1989). Therefore, more detailed

research of the micro-context is necessary because, as Felson (1998: 52) has observed: '[Offenders] typically behave like criminals only in certain settings, that is, slices of time and space within which relevant people and things are assembled'. Drawing on control theory (Hirschi 1969), which emphasised the importance of understanding why people do not commit crime, Felson (1998: 23) noted that crime was committed by people who were 'tempted more but controlled less', and aimed to explore the relationship between the daily routines of everyday life and opportunities to offend. *Routine activity theory* asserted that for crime to occur a minimum of three factors needed to come together in time and space: a suitable target, a likely offender and the absence of a capable guardian (Felson 1998). Crime rates are not only affected by the prevalence of the three factors but also the frequency at which they converge together in time and space creating a hotspot of crime (Sherman *et al*. 1989). Therefore, an explanation for the high levels of crime around a train station might refer to the volume of suitable targets and likely offenders, but also the absence of capable guardians and low levels of informal social control exercised in such a transient and impersonal space.

Routine activity theory stresses the importance of assessing the suitability of the target through the eyes of the offender using the acronym VIVA: the *value* of the target, the *inertia* of the target, the *visibility* of the target and *access* for an offender (Felson 1998). Routine activity approaches provide a theory for crime analysis through which to deconstruct criminal events and understand situations where crime is more likely to occur. Felson and Clarke (1998) suggested the theory provides a robust explanation for burglary increases in western Europe and the USA throughout the 1960s and 1970s as the ownership of portable and desirable technology proliferated.

A further crucial component of analysis is to explore the decision-making process of the offender. The *rational choice perspective* starts with the premise that offenders seek to advantage themselves through their offending. This involves making decisions to commit crime, which are rational within the constraints of their time and ability (Cornish and Clarke 1986; Clarke 1997). Of course, there are inherent problems with assessing what is and is not rational (Tilley 1997). Nevertheless, the perspective has directed attention to the structure of choice and decision-making associated with offending. Rational choice theory is supported by a range of interview-based research that has indicated a decision-making process is involved in the commission of crime (Cromwell *et al*. 1991). As with routine activity, rational choice theory focuses on the circumstances of the offence, facilitating the analysis of offenders' motivations and *modus operandi* to understand how they might influence the pattern and frequency of offending.

Rational choice and routine activity theories suggest the distribution of crime is not random but varies in time and space (Sherman *et al*. 1989). Burglary, for example, is more concentrated in areas of low socioeconomic status (Bottoms and Wiles 2002). Crime pattern theory draws together a range of disciplines to explain this distribution of offending. For example, descriptive crime analysis might indicate the close proximity of an offender's home address to his or her offences; however, crime pattern theory enables us to interpret this pattern of crime further. Brantingham and Brantingham (1981,

1991) explored the extent to which offenders' daily life patterns influenced the location of their offences. They suggested that we all carry 'cognitive maps' of the places we live. The maps will include 'awareness spaces' – that is, the areas we know very well because we socialise, go to work or college or carry out daily chores in the locality. Understanding offenders' 'awareness spaces' through the process of detailed crime analysis is important because, in the main, criminal opportunities would intersect with *cognitively known areas* (Bottoms and Wiles 2002). This has been supported by research that indicates offenders tend not to travel long distances to commit offences (Wiles and Costello 2000). This work is also crucial for supporting the investigation of serious offences through 'geographic profiling', a strategic management information system that links psychological profiling with spatial analytical techniques (Rossmo 2000). While forming only part of a criminal investigation, geographic profiling aims to explore the location of crime, offender type, hunting style, targets, travel pathways, land use and demographics to provide further insight into the offender and the crime. The critical relationship between offending pattern and the residential location of the offender highlights the importance of mapping burglary and serious sexual assaults, and interpreting the emerging patterns in light of the theory to narrow the focus of police activity towards particular suspects.

Aside from focusing on the activity of the offender and the spatial distribution of offences, crime analysis can enhance the interpretation of crime by exploring patterns of victimisation. Repeat victimisation focuses on the repetitious nature of offending, which means a small number of victims, encompassing both people and property, experience a large proportion of crime (Farrell and Pease 2001). Explanations for repeat victimisation focus on the enduring vulnerability of the target to crime, or an initial offence increasing the likelihood of subsequent offences (Pease 1998). Research also highlights the temporal trends associated with repeat victimisation, which suggests when it does occur, it happens quickly (Robinson 1998).

Crime analysis, by exploring the spatial distribution and time series of repeat victimisation, may offer an insight into crime that cannot be gained from focusing on the offence or the offender. For example, exploring repeat victimisation may provide further understanding of geographical concentrations of crime, or hotspots (Farrell and Sousa 2001). Hotspots may reflect high levels of crime incidents per victim, rather than indicating multiple opportunities for offending (Farrell *et al*. 1996). Perhaps the most significant challenge is taking retrospective data and using it prospectively. Johnson and Bowers' (2004) study of burglary clusters suggested that shift over time meant that focusing activity on last month's maps of incidents may put deployments into the wrong area. Advocating a more predicative mapping model, based on the theory that burglary is communicable, Bowers *et al*. (2004) aim to offer a more meaningful and effective application of mapping technologies.

'Opportunity blocked': analysis, action and results

By understanding the proximal circumstances of offences, crime analysis can suggest 'tailor-made' interventions to prevent and reduce crime (Tilley 2002a).

Situational crime prevention focuses on developing interventions to disrupt the immediate circumstances of the offence. Clarke (1997) outlines four classifications for crime prevention. First, crime prevention aims to make committing crime more difficult through target-hardening, based on the rational choice perspective that offenders would be more likely to be attracted to an easy target. Secondly, crime prevention aims to increase the risks associated with crime. This may, for example, involve surveillance or controlling exits in shopping centres. Thirdly, crime prevention aims to reduce the rewards of offending through marking property or by making stolen items unusable after theft. Finally, crime prevention aims to remove the excuses for offending, acknowledging that a moral paradigm may be involved in offenders' rational decision-making. Such an approach provides the rationale for signs and posters that warn of prosecution and harsh sentences for crimes.

It is assumed that targeting the situation of offences may displace offending. Simply put, this involves offenders moving crime to another space, time, target, or causing them to adopt a different tactic to commit offences (Repetto 1976). Displacement must not become a 'catch-all' for unexplained increases and decreases in crime, not least because the theories discussed above would suggest that the displacement of crime is not inevitable (Clarke 1997; Weisburd *et al*. 2006). Indeed if displacement did occur, it would be difficult to detect through crime analysis as 'some displaced crime will probably fall outside the areas and types of crime being studied or be so dispersed as to be masked by background variation' (Barr and Pease 1990: 293).

The theories discussed above suggest crime analysis needs to take account of four critical generators of crime: the offender, the victim, the community, and the situation of offences (Tilley *et al*. 1999). Table 16.2 summarises the theories and their potential contribution to developing interpretation in volume crime analysis.

Conclusion

Crime analysis draws on a range of techniques to seek to explore the relationship between data to understand crime and thereby influence decision making around the nature of deployment. Influenced by developments in policing, such as problem-oriented and intelligence-led approaches in UK forces, its development has also been supported by the proliferation of technology that has increased the capacity of the police to store, retrieve and search data. Crime analysis is more than simply providing a descriptive account of crime through the use of maps, graphs and network charts. It seeks to interpret and explain data. This is not to undermine the value of analytical representations of crime but stresses the importance of supporting both the *cognitive* and the *technical* aspects of crime analysis within policing. The integration of theory and exploring the social context of crime data are crucial for advancing explanation in crime analysis. In seeking to fulfil its role, analysis faces the challenge of the quality of information and the willingness and ability to share information both within and across agencies. This combined with an emphasis on retrospective data, short-term peaks and

Table 16.2 A summary integrating theory into volume crime analysis

Theory	*Definition*	*Analysis*
Routine activities theory	Opportunities for crime are associated with the routine activities of everyday life. Three conditions are needed for crime to occur: a likely offender, a suitable target and the absence of a capable guardian. The acronym VIVA is used to assess the suitability of targets.	Focuses on the offender, offence and situation of crime. Provides an insight into opportunities for crime and how they might relate to offenders' lifestyles and daily activities. This may further explain crime patterns, increase the understanding of hotspots (where the three factors for crime regularly coincide) and enable the identification of potential 'hot products' that are desirable to steal.
Rational choice theory	Offenders seek advantages through crime and make decisions about offending that are rational within the constraints of time and ability.	Focuses on the offender and offence. Supports the analysis of approaches to crime and *modus operandi*. Interpreting decision-making processes from crime patterns and targets in detailed profiles of offenders may offer an insight into potential crimes that have been committed by the same person, or enable predictive crime patterns to be hypothesised.
Crime pattern approaches	A general term applied to the study of the interaction between the offender and his or her environment.	Focuses on the spatial and situational aspects of crime. Facilitates the interpretation of crime patterns by exploring the relationship between opportunity for crimes and offenders' awareness spaces. Also supports criminal investigations.
Repeat victimisation	When the same location, person, business, organisation, household or vehicle experiences more than one crime within a specified time frame.	Offers an insight into patterns of victimisation. Understanding the temporal and spatial distribution of repeat victimisation may provide the means to 'predict' patterns of victimisation.
Situational crime prevention	A process that aims to reduce crime by intervening in the proximal causes of offences.	Focuses on the situation of crime. A useful analytical recommendation that follows from understanding the opportunities and circumstances of offences.
Displacement	The process by which offenders seek alternative methods of offending when opportunities to commit crime are blocked. Displacement can be temporal, spatial, involve different tactics or be directed towards different targets.	Helpful for evaluation (results analysis). Important to consider the intended and 'unintended', positive and negative consequences of police interventions.

troughs in crime, and the ability to embed more proactive ways of working in an environment of high demand for service, creates a challenging environment for the analysts and the product they produce. However, the changing context of policing continues to emphasise the importance of information in both the development and reporting of policing interventions. For analysts and police officers to recognise, and work together to mitigate, both the structural and cultural inhibitors to develop its potential is as much part of the job as getting the interpretation of the problem right.

Notes

1 The views expressed by the author are not necessarily those of the Metropolitan Police Service.
2 It should be noted that other law enforcement agencies, security services and the private sector while sharing some core components will construct analysis differently to complement their business processes.

Selected further reading

Ekblom's (1988) early Home Office study, *Getting the Best out of Crime Analysis*, continues to provide a sound introduction; his broader writings, many of which are available online, offer a sound practical framework for asking the right questions. Clarke and Eck's (2003) *Become a Problem Solving Crime Analyst* is a great practitioner guide. Ratcliffe's *Strategic Thinking in Criminal Intelligence* (2004) and *Intelligence Led Policing* (2008) and Boba's (2005) *Crime Analysis and Crime Mapping* are useful texts. Readers seeking more technical understanding can consult a range of Guides published by the National Centre for Policing Excellence on ILP, NIM and other analysis. Alison's (2005) *Forensic Psychologist's Casebook* and Ainsworth's *Offender Profiling and Crime Analysis* (2001) provide good introductory discussions to psychology theories for crime. Felson's *Crime and Everyday Life* (1998) and Bottoms and Wiles' chapter 'Environmental criminology' in the *Oxford Handbook of Criminology* (2002) both provide an excellent introduction to the theory for analysis, while recent volumes by edited by Tilley (2002), *Analysis for Crime Prevention* and *Evaluation for Crime Prevention*, provide practical examples and useful theoretical discussions on the relationship between analysis, theory and research. As the technology advances quickly it may be helpful to consult websites, for example, the Crime Mapping Research Center (www.ojp.usdoj.gov/nij/maps) or the International Association of Crime Analysts (www.IACA.net) to review current developments.

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Chapter 17

Criminal investigation and crime control

Mike Maguire

Introduction

This chapter in divided into three main sections. The first provides a brief historical perspective on the development of criminal investigation in the late nineteenth and twentieth centuries as a set of routine practices (both formal and formal), locating it as a core component of the 'modern' approaches to crime control that emerged with the growth of centralised bureaucracies and the nation-state. It also identifies common myths about the nature of criminal investigation and considers some theoretical perspectives that offer an alternative picture.

The second section examines key features of the working practices of the three main types of detective unit through which criminal investigation was organised in the twentieth century: generalist criminal investigation department (CID) offices, specialist squads and *ad hoc* major inquiry teams. In doing so, it identifies both the strengths and the major risks and weaknesses associated with each, and considers how each has contributed to the overall character, performance and reputation of the police in dealing with crime. It is noted that, despite periods in which it has been held in high regard, the history of the CID is littered with accusations of ineffectiveness and with scandals involving corruption, malpractice and/or miscarriages of justice. Criticisms of these kinds were particularly strong and sustained during the 1970s and 1980s, when something of a 'crisis of legitimacy' became apparent.

The third section describes the initiation since this period of a variety of substantial reforms, internal and external, designed to restore public confidence and improve the efficiency, integrity and accountability of investigative practice. These have included attempts at more systematic prioritisation of cases likely to yield 'results', encouragement of greater use of 'proactive' or 'intelligence led' methods of investigation, and mechanisms to improve the integrity of the production of evidence, especially in relation to police interviewing. It will be argued, however, that such reforms may be only the precursors of much more fundamental change. Strong challenges are looming

to some of the core assumptions behind twentieth-century approaches to crime control: in particular, that crime can be effectively controlled through the routine investigation and processing of individual cases by the police and criminal justice system. In response, some potentially far-reaching developments have begun to take shape – notably the introduction of the National Intelligence Model (NIM) as a standard framework for the management of all 'police business', and the establishment of statutory multi-agency Crime and Disorder Reduction Partnerships (CDRPs) with responsibilities for reducing crime at local authority area level. Indeed, these two initiatives, which previously developed quite separately, are now being merged, with CDRPs adopting the analytical and organisational framework of the NIM, routinely sharing data and increasingly engaging in joint planning and operations alongside the police. This may prefigure a major shift towards genuinely new strategic and 'risk oriented' approaches, driven by threat assessments, prioritisation, forward planning and 'problem-solving' objectives, and incorporating serious efforts to widen responsibility for tackling crime. In this context, the meaning of the term 'crime investigation', and its boundaries within the broader concept of 'crime control', are already becoming much less clear than in the past.

As with other contributions, although some reference will be made to practice elsewhere, the main focus of the chapter will be on England and Wales. Inquisitorial systems are not covered here, but it is important to be aware that in most other European jurisdictions, police investigations are conducted under the direction of judges or lawyers, which has significant implications for their regulation (see, for example, Field and Pelser 1998). There is also no space here for another topic of major importance – that of the emergence of transnational forms of crime investigation, especially in relation to cross-border and organised crime (Sheptychi 1998, 2000; Norman 2005; Lewis 2007; Walker, this volume).

Historical and theoretical perspectives

The CID and the birth of 'modern' investigative practice

Examples of what might loosely be described as 'criminal investigation' (obvious cases being the tracking down and capture of thieves, bandits or highwaymen) can be found in many societies throughout history. Equally, some of the methods familiar in current investigative practice (such as the use of informers and the interrogation of suspects) were employed in, for example, Elizabethan England and Napoleonic France for the somewhat different purpose of identifying and eliminating political enemies. However, 'modern' forms of criminal investigation – the routine application by the (public) police of an established body of practices and techniques to gather evidence and detect offenders – date only from the mid to late nineteenth century. In the eighteenth and early nineteenth centuries, although a variety of (often part-time) local watchmen and constables provided some rudimentary 'official' responses to local crime, the extent to which thieves or robbers were

pursued and prosecuted depended largely on whether victims, or other wealthy people in the neighbourhood, were prepared to make 'citizen's arrests' and pay to bring private prosecutions under the common law. Some victims also hired the services of 'thief-takers' (in some ways forerunners of private detectives) who had contacts among criminal groups and would negotiate the return of stolen property or deliver offenders to justice for reward money – although the thief-takers were often suspected of organising thefts themselves. In broad terms, then, crime was perceived as an agglomeration of private wrongs against individuals rather than as a social problem, and responses to it remained highly localised and variable (for further discussion of these issues, see Radzinowicz 1956; Gatrell *et al*. 1980; Emsley 1996a, 2002; see also Emsley, this volume).

Even after the establishment of the 'New Police' in 1829, which marked a key point in the general growth in bureaucratic regulation of the population associated with the emergence of the modern state, it was many years before criminal investigation became a significant and firmly established component of the new apparatus of social control.[1] As Emsley (1996b; and this volume) makes clear, the 'New Police' were oriented primarily towards order maintenance, street patrol and the prevention, rather than investigation and detection, of crime. Indeed, 'detective work' was widely regarded with suspicion, and unobtrusive investigation in plain clothes was officially frowned upon, owing to its perceived association with autocratic governments and 'continental' methods such as the use of agents provocateurs and informers (see also Critchley 1978; Ascoli 1979). It was not until 1842 that the first small detective department was formed within the Metropolitan Police, and there was little further growth until the 1870s, when public concerns about rising street crime in London began to put serious pressure on politicians for more effective policing of the problem. It was eventually agreed in 1877 to set up a substantial and autonomous Criminal Investigation Department in the capital, initially with 250 officers.

From then on, crime investigation rapidly became established as a major plank of the policing agenda, and the CID established itself as the body that 'owned' its core elements: the identification and questioning of suspects, production of evidence and building of cases for prosecution.[2] Senior CID officers took every opportunity to portray detectives as possessing a monopoly on expertise in these areas, and to free themselves from any 'interference' or control by the uniform branch. Although never entirely successful in these respects (as will be discussed later, uniformed officers have always played a much greater role in crime investigation than tends to be acknowledged), they were greatly helped in the early years by events such as the Fenian bombing campaign in London in the mid-1880s, in which the investigative tactics of the CID's 'Special Irish Squad' came to be seen as more effective than the uniform branch's preventive strategy of guarding buildings.[3] In 1901, too, the establishment of an effective fingerprinting system and the Criminal Records Office both demonstrably enhanced detectives' arsenal of weapons against repeat offenders, allowing the CID to consolidate its independent position and expand its numbers (for more detailed discussion, see Morris 2007). Indeed, it is fair to say that the subsequent history of criminal investigation, including

the development of its standard methodologies and the informal practices (and frequent scandals) that grew up around them, has been inextricably tied up with the history and 'culture' of the CID. This will be explored in more detail presently.

Key roles of criminal investigation

Throughout this period, too, criminal investigation has been a subject of enduring interest to the general public, and a considerable mythology has grown up around it. This can be understood not just in terms of the 'glamour' of the subject of 'catching criminals', which has consistently ensured a good living for thousands of authors, film-makers and television directors, but also in terms of both the real and the symbolic importance of successful criminal investigation in delivering one of the key promises of the modern centralised state, on which a significant portion of its legitimacy has rested: the promise of providing effective security to its citizens (Garland 1996, 2001).

Security from crime, of course, has always depended heavily on a myriad of informal and community-based mechanisms of social regulation and control. However, the core contribution of the modern state was the construction of the huge institutional edifice intended to underpin and back up all other forms of crime control: the criminal justice and penal system. In crude terms, the basic message about crime given by western democratic governments during the twentieth century was that it could be controlled by catching criminals and processing them through this system. The resulting sanctions would take offenders temporarily 'out of circulation' and/or attempt to 'change' them through punitive or rehabilitative interventions; at the same time, the threat of being caught and sentenced would act as a general deterrent to others tempted to commit crime. Criminal investigation has always played three critical roles in this edifice. First, it provides the gateway into the system: criminal courts, prisons and probation services can only deal with those who have been arrested and charged with specific offences. Secondly, it is central to the deterrence function: if effective, it should convince anyone tempted to offend that there is a high risk of getting caught. And, thirdly, it plays a major part in the 'reassurance' agenda – that is, in efforts to convince the public that the police are 'beating crime' and protecting them from the worst offenders. In the last two roles, it should be noted, the impression created is arguably as important as the actual level of investigative performance.

For the above reasons, the most prominent aim of criminal investigation has generally been that of 'bringing offenders to justice', and much of the following discussion of long-established investigative practice will be centred around this notion. However, it is important to recognise that a considerable proportion of investigative activity has always been aimed at other objectives, such as the collection of 'intelligence'. Moreover, as will be discussed in the final part of the chapter, recent doubts about the effectiveness of crime control in general may eventually alter basic assumptions about the purposes of investigation and its part in the wider picture.

Myths and misunderstandings: the ghost of Sherlock Holmes

Given its importance to the modern state's claim of delivering effective security, the police (especially the CID) clearly have a strong interest in portraying a positive picture of the effectiveness of criminal investigation in 'solving crimes' and 'catching criminals'. This partly explains why so much police effort is put into the detection of certain crimes, such as particular kinds of murder, which capture the public (and media) imagination and arouse fear: the symbolic importance of success in such cases is considerable (Morgan 1990). It also underlines the huge value to a police force of generating widespread belief in a slogan such as 'Mounties always get their man', or of promoting media legends about the prowess of particular detectives who 'cracked' celebrated cases, such as 'Nipper of the Yard'. Myths about investigative work are further perpetuated through literary fiction and films, the popular appeal of which is partly due to a combination of the arousal of deep-seated fears (about danger from the criminal 'other') and the reassurance that comes from the usual 'happy ending' of the criminal being caught by the police and removed to prison (though as Reiner (2007: 315) notes, the traditional message that 'crime does not pay' has been increasingly called into question in contemporary news and fiction; see also Reiner, this volume).

The stereotypical image of crime investigation which tends to be promoted through most media and fictional representations (and is frequently reflected also in detectives' memoirs and police training manuals) is of a 'case' in which detectives perform a 'Sherlock Holmes' type of role,[4] usually involving the following sequence of events:

1. A member of the public reports a crime to the police.
2. Detectives examine the scene for 'clues', interview victims and witnesses, and make other inquiries.
3. A suspect is identified and confronted with incontrovertible evidence of his or her 'guilt', resulting in a confession and criminal charges.

This picture contains within it a number of assumptions about the nature of investigative work, namely:

- that it is 'reactive' (i.e. that the police respond to a crime complaint from the public rather than generate the investigation themselves)
- that it is focused on an offence which has already taken place
- that the offence which is being investigated is clear from the outset
- that the inquiries are geared to uncovering the 'truth' about what happened
- that it is carried out by detective (CID) officers
- that the main investigative skills lie in discovering and interpreting 'clues' to find out 'who did it'.

While it is not difficult to find real cases which follow the above sequence and appear to support these assumptions – in particular, what are sometimes referred to by the police as 'hard-to-solve major inquiries' (to be discussed later) – such an account gives a highly misleading impression of the day-to-day reality of most investigative work, past or present. In the following analysis, indeed, it will be shown that all the above assumptions are contradicted on many occasions.

Challenging the myths: 'suspect centred' investigation and 'case construction'

A radically different picture that has emerged from academic research is that, far from focusing on the scenes of individual offences, the bulk of investigative work has always been what might be dubbed 'suspect centred'. McConville *et al.* (1991), indeed, portray it as essentially a process of 'case construction' against members of 'suspect populations' – principally, those people who have built up a set of previous convictions and have become well known to the local police. In its crudest form, this involves the practice encapsulated in the line from the film *Casablanca*, 'round up the usual suspects': that is (sometimes without any evidence to link them to specific offences) detaining and questioning 'known criminals' in the hope that they will admit to, or reveal information about, their own or their associates' recent criminal activities. Many commentators claim that such practices – which rely on routine denial of suspects' rights (including the use of tricks, inducements and threats) – are now largely consigned to history in England and Wales. While it was once relatively easy to detain and question people for long periods on the pretext of 'helping the police with inquiries', blatant 'fishing expeditions' of this kind have been explicitly prohibited since 1985 by the Police and Criminal Evidence Act (PACE) 1984, and opportunities for pressurising people into self-incriminating statements have been significantly reduced by the introduction of time limits, rights to legal advice and the tape recording of interviews. In these circumstances, the value of what was already (unless there was good criminal intelligence to make the initial link between particular individuals and particular crimes) a somewhat inefficient, scattergun strategy, has become even more questionable. Nevertheless, some still argue, with McConville *et al.*, that not only are the PACE regulations easier to circumvent than might be imagined, but the basic spirit of this approach to investigation lives on in more subtle and hidden guises (for further discussion, see below and Sanders and Young, this volume).

More broadly, the notion of case construction against suspects calls into question the claim that crime investigation involves an objective 'search for the truth'. Indeed, McConville *et al.* (1991) argue that the basic organisational aims and culture of the police work strongly against the espousal or achievement of such an ideal. Adapting a distinction made long before by Herbert Packer (1968), they argue that police officers are driven mainly by a 'crime control' as opposed to a 'due process' orientation towards their work: in short, their main priority is to bring to justice those they 'know' to be guilty of crime, rather

than to ensure that suspects' rights are fully guarded and that designated procedures are meticulously followed (the main priority of many lawyers). This being so, once a person becomes a suspect, he or she is placed into an adversarial relationship with the police rather than one in which the latter seek 'the truth' in a neutral and objective fashion. Thereafter, detectives, starting from a premise of guilt, selectively weave together available pieces of information, or statements by suspects and witnesses, to produce a simplified and coherent story of 'what happened' – what Innes (2003) calls the construction of 'event narratives' – which they hope will eventually be used as the basis of the prosecution case in court (see also Sanders and Young 2007 and this volume; for discussions of initiatives aimed at encouraging a more open-minded approach by training officers in 'ethical' or 'investigative' interviewing, see Williamson 1996, 2006; Gudjonssen 2007).

A further variation on the theme of case construction entails the argument that in many cases the process of investigation 'creates crime' retrospectively. Through astute questioning based on a close understanding of the criminal law, detectives may persuade suspects to make statements which include admissions to actions or intentions that meet the legal requirements for proof that a criminal offence (not necessarily reported, recorded or even perceived as such prior to the interview) has taken place and that they have committed it. From this perspective, crimes are artificial legal constructs, and criminal investigation is inherently a creative and interpretative activity, concerned with translating 'social reality' into a 'legal reality' that can be dealt with by prosecutors and the courts. In the words of Ericson (1993), detectives are essentially in the business of 'making crime'.

Taking account of variety

The above perspectives provide a useful broad lens through which to view the process of criminal investigation and act as an important corrective to the stereotypical images referred to earlier. In particular, they offer a framework for understanding one of the core features of the investigative practices which developed during the twentieth century: the central role played by police interviews in the production of evidence, and hence the extent to which the successful prosecution of offenders (and thereby, arguably, the effectiveness of the whole criminal justice process) came to depend on *confessions*. They also offer a way into debates about risks inherent in criminal investigation, such as potential breaches of human rights and miscarriages of justice, and about the most appropriate safeguards. These points will be picked up again later when discussing reasons for changes that have occurred in recent years.

At the same time, however, the unthinking and generalised use of concepts such as 'case construction' or 'making crime' can easily create ambiguity and confusion about what is being claimed. For example, confusions sometimes arise between the arguments: (a) that the normal processes by which human beings (be they investigators, historians or ordinary people) produce retrospective accounts of events which entail the selective use of facts to fit a coherent 'narrative' or 'story' that is already largely pre-formed in their mind; (b) that case construction by the police is an almost inevitable feature of

adversarial (as opposed to inquisitorial) justice systems, as investigators come to think like prosecution lawyers and seek to build a one-sided case for court, rather than pursue an open-minded 'search for the truth'; or (c) that police officers routinely set out to 'manufacture' crime (implicitly in a dubious fashion) through coaxing self-incriminating statements out of 'suspect populations'. Each of these claims is not only pitched at a different level of explanation, but has different policy implications in terms of risks to the integrity and effectiveness of investigative practice, and of possible strategies to combat such risks. Equally important, the risks may be different in different contexts. It is therefore important to take full account of the fact that investigative activity is triggered in a variety of ways and takes a number of significantly different forms. For example, as will be outlined below, evidence-gathering and the establishment of lines of inquiry in the reactive investigation of a single major crime tend to be managed quite differently from wide-ranging inquiries into the activities of local criminal groups suspected of participation in a variety of less clear-cut offences.

In short, theoretical accounts of criminal investigation need to be developed in the light of concrete knowledge about the diversity of forms it takes and the different ways it is set in motion. Ideally, one would like to create a typology to divide investigative activities into neat, mutually exclusive categories, but unfortunately there appears to be no entirely satisfactory way of doing this. The following sections examine some of the most frequently made distinctions.

The 'reactive-proactive' distinction

Among the most common types of distinctions made have been those based on the opposing terms *reactive* and *proactive* (see, for example, Maguire and Norris 1992; Irving *et al*. 1996; Wright 2002: ch. 4). However, these terms are used in a variety of senses and can often produce more ambiguity and confusion than clarity. They are probably most helpful as a means of distinguishing between two broadly different approaches to the use of investigative resources: reactive approaches giving priority to responding to day-to-day demands (in particular, dealing with crimes reported by the public) and proactive approaches giving more weight to longer-term planning and to agendas set by the police. On the other hand, the terms also tend to be used to distinguish between investigations with different kinds of aims or focus (e.g. reactive investigations to identify the perpetrators of a given offence, in contrast to proactive operations to discover the future plans of known criminal groups), between investigations 'triggered' in different ways (e.g. by a reported crime, as opposed to an intelligence report), and even between different kinds of investigative methods (e.g. forensic examination of crime scenes may be described as a reactive method, covert surveillance as a proactive method). Confusion can be caused when, for example, so-called 'proactive methods' (tasking of informants, surveillance, etc.) are prominent in an apparently 'reactive investigation' (say, a robbery investigation triggered by a 999 call). Overall, while distinctions based on these terms are by no means valueless, it is essential to clarify in each case the sense in which they are employed.

'Knowledge' and 'evidence'

A distinction which is arguably more helpful to understanding the variety of forms that investigative practice takes is that between two basic objectives (or tasks): the generation of (police) 'knowledge' and the production of 'evidence'. This has the advantage, first of all, that it draws attention to the centrality of the gathering and manipulation of *information* to detective work – a point stressed in much of the literature (and discussed further below).[5] It also adds a new dimension to the notion of investigation as essentially a process of 'construction'.

Knowledge here refers primarily to the conclusions and understandings reached by the police[6] as to what crimes have been (or are likely to be) committed, by whom, how and why. Numerous factors can play a part in shaping this knowledge (the truth of which is often contested), including a host of information sources and the perceptual lenses and prejudices of those receiving them, but one important aspect which will receive particular attention later is the production and use of 'intelligence'.

Evidence, of course, refers to material that may be presented in court to help establish whether an alleged criminal offence has been committed, and whether an accused person committed it. The main forms it takes are physical traces linking a person to a particular offence (e.g. fingerprints or DNA), statements by victims or witnesses and responses by suspects to questioning in interviews. Its production requires skill and care and is surrounded by rules designed to ensure that it has been obtained fairly and is presented to the courts in a 'valid' form.

Depending upon the type of inquiry concerned, the production of knowledge and of evidence normally entails a number of the following basic tasks:

Production of 'knowledge'

- Determining that one or more criminal offences have been committed.
- Producing a 'narrative' of the circumstances surrounding offences.
- Determining the most promising 'lines of inquiry'.
- Identifying and/or eliminating 'suspects'.
- Exploring the backgrounds, motivations, lifestyles and activities of suspects or 'known offenders' and their associates.
- Gathering intelligence about planned offences.

Production of 'evidence'

- Producing evidence that specific offences were committed (or were planned).
- Producing evidence to link suspected persons with particular offences.

These tasks can be undertaken in different orders or different combinations. Investigators will sometimes start with a specific offence and seek to find out (and/or find evidence to 'prove') who committed it. At other times, they will

start by identifying 'suspect' individuals or groups and seek to find out (and/or find evidence to 'prove') what offences they have committed (or are likely to commit in the near future). Often, too, the various tasks will become blurred within the same inquiry.

Individual cases can also vary greatly in the difficulty and complexity of the core tasks involved. For example, most alleged incidents of 'date rape' involve only one suspect who is known to the complainant, so *identification* is not an issue. However, if the suspect claims that the woman gave consent, the production of sufficient evidence to convince a jury that *an offence has taken place* may be an extremely difficult task. Moreover – especially in the days before guidance was given that people claiming to be victims of sexual crime should be believed in the first instance (Home Office Circular 69/1986; see also Harris and Grace 1999) – the amount of effort put into this task may be greatly influenced by police 'knowledge', in the shape of the judgements of investigating officers as to who is telling the truth.[7] By contrast, in a 'hit and run' incident it is normally clear that an offence has occurred, and once a suspect is found it may be quite easy to prove guilt (for example, from damage to the car), but identifying the driver and the vehicle in the first place may be extremely difficult.

Twentieth-century investigative practice: key features and inherent risks

Many of the general points made in the previous section can now be illustrated through a closer examination of the formal and informal working practices that were developed and carried out by CID officers during most of the twentieth century. The following discussion will be structured simply around the three main organisational units within which such work was (and to a considerable extent, still is) undertaken. It is recognised that uniformed officers also played an important role in investigation over this period (a role which has since grown in importance – see final section), but the focus at this stage is on detective practice only.

The three main organisational structures

Despite a certain amount of individual variation, the basic pattern – at least until the 1980s – was for forces to maintain a generalist CID office in each division, and a number of dedicated specialist squads (serious crime squads, drugs squads and so on) at headquarters.[8] In addition, if an exceptionally serious crime was reported, an *ad hoc* major inquiry team might be set up to investigate it. The first and third of these organisational units have generally been associated with 'reactive' approaches to investigation, with squads being considered more 'proactive'. However, these associations are not as clear-cut as is often assumed.

'Generalist' CID offices

The work of local CID offices – which employ the greatest numbers of officers – is the hardest to describe or categorise. Perhaps its clearest feature is that it

has always been structured to some extent by the expectation that detectives will respond promptly to any significant crimes that are reported in their area. Most obviously, if a murder, 'stranger rape' or other major crime is reported, substantial numbers of CID officers (as well as uniformed officers) may be abstracted immediately from other duties to take part in the investigation: in some cases, this might tie them up for several months. To this extent, the work of such units has always been 'driven by events' and can be fairly described as 'reactive'. However, once one begins to look at offences below this level, the picture becomes more complicated.

On the one hand, a common feature of local CID work in the twentieth century (which, again, has by no means disappeared) was the daily reception of the latest crime reports (emanating mainly from members of the public) and their allocation by supervisors as 'cases' to be dealt with by individual detectives. The latter were then expected to undertake some form of investigation into each case – usually, at a minimum, visiting the scene of the crime – and to file a report on progress by a certain date. This appears to reflect an assumption that the basic approach of investigators at all levels should be a reactive one, the aim being to 'solve' each individual 'case' as it appears. Such a view, it should be noted, is further supported by the choice of the 'clear-up rate' – i.e. the percentage of recorded crimes which have been 'detected'[9] – as the key national measure to assess the effectiveness of the police in controlling crime (Burrows and Tarling 1982; Burrows 1986; Maguire 1994; Neyroud and Disley 2007).

On the other hand, it is clear from previous research that CID officers working under this system did not follow through all their individual cases rigorously: if after visiting the scene and talking to victims and witnesses there was no clear indication of the offender's identity, they would commonly 'spike' the case and take no further action unless any other relevant information happened to come to their attention (see, for example, Maguire and Norris 1992). The general difficulty in making any further progress in such cases is evident from findings such as those of Greenwood *et al*. (1977) in California, that unless there was a strong lead on the offender's identity within the first 24 hours, the percentage of burglaries detected was almost negligible; or Steer's (1980) finding in Oxford that matching fingerprints contributed to under one per cent of detections. Maguire *et al*. (1992), too, found very small detection rates among cases allocated to CID officers in which there was no immediate suspect. Moreover, where there *was* a clear early identification of a suspect, this was in the great majority of cases provided by the victim or a direct eye-witness, rather than by any complex form of 'sleuthing' by detectives.

In summary, then, in 'reactive' investigations of offences reported by the public and allocated to individual detectives, the overall picture found by research comprised two main types of cases: those which involved the alleged offender's identity being handed to the police as it were 'on a plate' by the victim or an eye-witness; and those where the identity of the offender was unknown at the outset and (despite the best efforts of detectives) was likely to remain unknown thereafter.

However, two important qualifications need to be made to this picture. First, while the identity of a suspect may be handed to detectives on a plate, this

does not necessarily mean that the case against that suspect can be easily proved in court. On the contrary, in the absence of a confession, the production of valid evidence in such cases may be highly challenging: indeed, as in the 'date rape' example given above, it may be very difficult to prove even that an offence has taken place at all. This is a good illustration of the more general point that, while the skills of Sherlock Holmes in interpreting 'clues' would be a very helpful bonus, among the most important skills required by detectives in their day-to-day work are a combination of legal knowledge (e.g. about what evidence is necessary to prove intent), understanding of technical procedures such as the preservation of physical evidence and competence in conducting formal interviews (Morgan 1990; Maguire *et al*. 1992).

The second qualification is that, in cases where the identity of the offender is not immediately apparent and the scene reveals no obvious 'clues', this is not necessarily the end of the story. If the offence is serious enough, or if it becomes clear from the *modus operandi* (MO) that it is part of a 'series' committed by the same (unknown) offender, much more effort may be put into the task of identification, including the use of methods such as instructing paid informants to make inquiries among their criminal associates. Equally, the offence may come into view again much later as a by-product of another inquiry – as when, for example, an arrested offender is persuaded to 'come clean' about all his or her criminal activity over recent months and (perhaps unexpectedly) admits to this particular offence.

This last point brings us to the other common feature of twentieth-century CID practice at the local level: the fact that, despite the obligation to investigate individual offences reported by the public, most detectives adopted what was earlier referred to as a 'suspect centred' approach to much of their work, in the sense of regularly monitoring and gathering evidence about the activities of a limited group of 'known offenders'. Although this kind of work is more strongly associated with specialist squads at force level (see below), it has always played a significant part also in divisional CID work. For one thing, many local CID offices set up small squads, usually on a temporary basis, to tackle people known to be frequently involved in particular kinds of offence (drugs squads and burglary squads probably being the most common) – though, as Maguire and Norris (1992) point out, their members were often pulled away from this task to help out with reactive investigations of major crimes and other demands on the office.[10] Moreover, many detectives ran their own informants, who would give them information about what local criminal groups were doing. This would allow them, occasionally, to mount successful raids to recover stolen property or even (if the information was good enough) surveillance operations to catch them in the act of committing planned offences. They also made use of routinely stored information (intelligence logs, reporting 'sightings', records of offenders' MOs and so on) in order to, as it were, come at the problem from the other direction: in other words, to try to link up information about reported offences with information about known offenders.

Matza (1969), indeed, saw this process – which he termed the 'bureaucratic' approach, or 'policing by suspicion' – as lying at the heart of the policing of crime in the twentieth century. In short, he argued, it entailed: (1) the routine

collection and storage of information about a pool of local people with criminal records; (2) searches for recent reported offences which in some way 'fitted' this information; and (3) attempts to establish the link through detaining, questioning and seeking other evidence against the most likely 'candidates' for these offences. Seeing criminal investigation – and, in particular, day-to-day investigative work in local CID offices in the late twentieth century – as a dynamic process of this kind is more illuminating than accounts which focus only on the 'case construction through interviewing' element, and fills in an important component that is often missing from the latter – a clear explanation of how the police decide in the first place which suspects to question about which specific offences (rather than assuming that they detain and interview people, as it were, in a vacuum). Put another way, it illustrates how the generation of police 'knowledge' interacts with the production of 'evidence'.

Specialist squads

The main argument for the formation of specialist squads has always been that certain forms of crime, and certain kinds of offenders, cannot be effectively dealt with by routine responses of the kinds described above and hence require special measures. This applies especially to less 'visible' and more 'organised' kinds of crime, including the supply of illegal goods and services through activities like drug dealing and prostitution: such behaviour is only infrequently reported to the police as 'crime' by members of the public, so if the police are to take action they have to generate it proactively. Even so, more conventional crimes such as robbery and vehicle theft have also frequently been tackled through specialist squads. Generally speaking, the aim of squads has been to identify and 'target' key groups or individuals involved in the relevant kinds of offence, gathering both intelligence and evidence about their activities and eventually effecting planned arrests. This kind of work often appears glamorous to outsiders, and certain squads acquired reputations for daring exploits through fictional representations of their work. A classic example from the early 1930s (though its successes were exaggerated by the media) was the Prohibition Bureau, the team of agents led by Elliot Ness which pursued Al Capone and others involved in the supply of illegal alcohol during the prohibition period in Chicago (Hoffman 1993). The 'Flying Squad' also achieved a prominent and mainly positive public profile in London in the 1960s when concerns about organised crime were exceptionally high. At the same time, however (as discussed below), others have been at heart of some of the biggest corruption scandals that have afflicted the police.

In Britain, centrally located squads were particularly common in the 1970s and 1980s. As noted earlier, many divisions set up small local squads, but the focus here is on the larger units operating at force or regional level. These tended to work independently, set their own agendas and, in some cases, retained the same officers for long periods. They usually claimed to work proactively in the sense of focusing on particular categories of offender ('organised', 'serious', 'travelling', and so on) and setting up longer-term operations against 'targets', rather than responding *ad hoc* to individual

reported offences. Such offenders often go to some lengths to conceal their activities, or at least to avoid leaving evidence which will convict them easily in court. To meet this challenge, squad detectives often used unconventional methods of obtaining both knowledge and evidence, including close social interaction with active criminals, either openly (it then being common practice for detectives to drink in the same pubs and clubs as 'villains') or covertly (for example, through surveillance, recruiting group members as participant informants or working undercover). Hobbs (1988) further argues that in this (under)world, information was a valuable commodity and (as suggested by the title of his book, *Doing the Business*) such interactions could be understood as trading in a 'market' in it: for example, 'deals' would be negotiated in which key information would be given to detectives in return for money, the dropping of charges or even confidential police information. As will be discussed shortly, associations of these kinds contain some serious risks.

Even so, as Maguire and Norris (1992) found, the extent and sophistication of strategic planning and intelligence gathering and analysis that squads employed were often exaggerated, and they quite often acted in a sense in a 'reactive' manner: for example, it was quite common to respond to, say, a 'tip off' from an informant that a house contained stolen property by simply arranging an immediate raid and gaining the 'quick win' of an arrest, rather than exploring the possibilities of setting up a wider-ranging operation to explore the ramifications of the information and possibly to capture a bigger network of offenders.

Major inquiry teams

The third main mode of criminal investigation developed during the twentieth century is the 'major inquiry'. Clearly a 'reactive' form of investigation, this refers to the formation of an *ad hoc* team of detectives (often assisted by uniformed officers) and the setting up of an incident room, under the direction of a senior investigating officer (SIO), in response to an apparent murder or other very serious offence or series of offences.

Although, as will be discussed later, the way in which such investigations are managed has changed considerably over time (especially through the development of computer systems and standardised organisational models), the core elements of the situation have always remained basically the same. The decision to set up a major inquiry is determined by a number of factors, including the seriousness of the offence, whether a 'series' is involved (as where a 'serial rapist' appears to be active), the likelihood of major media attention and the likely difficulty of identifying the offender. In his study of murder investigations, Innes (2003, 2007) distinguishes between 'whodunits' and 'self-solvers': the latter, where the identity of the offenders appears certain from the outset, may be dealt with by a much smaller-scale response. One of the main differences between major inquiries and investigations of less serious crimes is that, whereas the difficulty of identifying a clear suspect for, say, a burglary often leads to an early reduction in investigative effort, large numbers of detectives may continue to work on a 'hard-to-solve' murder for many months or even years.

Risks, failures and a crisis in legitimacy

The above three kinds of unit, then – generalist local CID offices, specialist squads and *ad hoc* major inquiry teams – together formed what might be called the 'tripartite' structure on which police investigative responses to crime, particularly in the mid to late twentieth century, were largely built. However, both the CID in general, and the different approaches that each unit employed, came in for serious criticism at intervals over many years, culminating in a growing crisis in legitimacy between the late 1970s and 1990 which led to some significant changes in regulation and practice. This crisis, it will be argued, arose out of risks that were inherently attached to the standard ways of operating that had developed in the CID over many years: practices, it should be emphasised, that had originated to some extent as attempts to solve some of the fundamental problems of responding effectively to crime.

A history of scandal and failure?

The principal concerns about crime control practice that have arisen repeatedly over the years can be summarised crudely as follows:

1. Ineffectiveness in 'catching criminals' (both in general, and in individual high-profile cases).
2. Miscarriages of justice (especially arresting and charging the 'wrong person').
3. Abuses of power, corruption and perversion of criminal justice.
4. Erosions of civil liberties (especially through the use of intrusive methods of investigation).
5. Lack of transparency and accountability.

These concerns have been reflected in numerous ways, ranging from ongoing criticisms of day-to-day CID practice and performance (by academics, lawyers and, in some cases, senior police officers, politicians or the media) to major scandals in individual cases resulting in headline news coverage, high-level inquiries and/or significant policy or legislative changes. For example, one recurring theme throughout the twentieth century was the isolation of the CID from mainstream policing, and hence from many of the disciplinary controls exercised by uniform supervisors. Concerns about this became so great in the early part of the twentieth century that a leading police historian (admittedly, a strong supporter of the uniform branch) felt able to write that 'by 1922 the CID had become a thoroughly venal private army' (Ascoli 1979: 210). Similar accusations abounded in the 1970s, when the CID was frequently described as a 'firm within a firm'. This period was also blighted by a series of corruption scandals which eventually prompted the Commissioner of the Metropolitan Police, Robert Mark, to demand the resignation of many CID officers and to introduce institutional reforms to realign the 'balance of power' towards the uniform branch (Cox *et al*. 1977; Mark 1978; Hobbs 1988; Morris 2007).

Concerns about CID ineffectiveness (either in failing to bring *anyone* to justice or in bringing the *wrong people* to justice) have also emerged periodically. These have generally grown at times of rising crime rates and were prominent in the late 1970s and early 1980s, fuelled by research studies which suggested that detectives were wasting too much time in simply 'processing' minor cases or on routine visits to scenes of crimes with little hope of a detection (Greenwood *et al*. 1977; Steer 1980; Eck 1983; Clarke and Hough 1984; Burrows 1986; Hough 1987). Probably most damaging, however, have been spectacular failures in major cases, from the inability of investigators to catch 'Jack the Ripper' in the late nineteenth century to the blunders evident in the 'Yorkshire Ripper' case in the 1980s (Byford Report 1981) and the Stephen Lawrence case in the 1990s (Macpherson 1999). Such failures, it should be said, have sometimes had the beneficial result of stimulating improvements following official inquiries. This applies to all the above cases, as well as to a highly critical general report on CID weaknesses by the Detective Committee in 1938, which led to a major rationalisation of detective resources, more systematic training, improved forensic and laboratory facilities, and a revamping of systems of communication (Emsley 2002: 218).

Specific risk factors

To gain a better understanding of why the above kinds of problem have been so recurrent, and especially to throw light on the sustained 'crisis' surrounding the CID that began in the mid-1970s, it is helpful to identify key risk factors associated with specific aspects of, or approaches to, criminal investigation. While these were present to some degree in all three kinds of detective unit described (and, it could be argued, will always exist in criminal investigation however it is organised), the patterns and degrees of risk varied with their different environments and working practices. In order to illustrate this, let us begin by briefly reiterating the most salient features of the work of each unit. Although (as has already been made clear) the picture has never been so neat in practice, these may be characterised as in Table 17.1.

At least four major 'risk factors' can be identified which are linked directly to the various working practices and sources of evidence outlined. These relate to 'pressure to perform'; to the tendency for over-reliance on interview evidence; to the need for close dealings with 'known criminals' outside the police station; and to the increasing use of covert and deceptive methods of investigation.

Pressure to perform: Pressure to 'perform' has virtually always been an integral element of CID work and its influence has been strong in all three kinds of detective unit described. Where local CID offices were concerned, Maguire and Norris (1992) found in interviews with detectives that it was generally understood that those who failed to generate sufficient numbers of arrests or show other overt evidence of productivity were at risk of being 'put back in uniform' – seen by many as a sign of failure and almost a form of demotion. This was symbolised in a note pinned up on an office wall: 'A sus a day keeps the helmet away'.

In addition to pressure from senior officers, many detectives generated pressure on themselves. The culture in some offices encouraged 'workaholic'

Table 17.1 Investigative units: key features

	Working environment	*Standard procedures*	*Common working practices*	*Main sources of evidence*	*Main skills employed*
Local CID offices	Dominated by unpredictable daily demands.	Allocation to officers of individual 'cases' (usually crimes reported by the public) requiring preliminary investigation and report.	1. Visits to scenes of crimes and some local inquiries, but most investigative time spent 'processing' those cases with a clear suspect from the outset. 2. Monitoring of 'known offenders' in the hope of linking them to specific crimes (either already reported or coming to light through the monitoring process).	Statements by victims and witnesses. Admissions in interviews.	1. Use of legal knowledge, production of valid evidence, competence in formal interviewing. 2. Ability to communicate with regular offenders, find out what they are doing, and 'get them to talk'.
Specialist squads	Closed, relatively autonomous, less pressure of immediate events.	Targeting of individuals and groups; collection and analysis of intelligence; planning and execution of 'operations'.	1. Use of covert methods (informants, surveillance, etc.). 2. Willingness to consider methods of crime control beyond arrest and conviction, and to 'use a sprat to catch a mackerel'.	Surveillance; documentary material (e.g. bank transactions); statements by offenders persuaded to give evidence against associates; planned 'raids'.	Individual initiative, handling of informants, 'negotiation'.
Major inquiry teams	Hierarchical to consultative, depending on style of SIO. Often strong background pressure for an 'early result'.	Systematic collection of evidence, determination of lines of inquiry, identification and elimination of suspects.	Officers divided into groups and allocated specific tasks. All information pooled and collated.	Forensic, witness statements, interviews with suspects.	SIOs: personnel and resource management, dealing with external pressure, handling of large amounts of evidence, clear thought about lines of inquiry.

tendencies and driving ambition among individuals to increase their numbers of arrests or to put certain offenders 'behind bars'. While desirable in some respects, this contained a risk of some officers coming to believe that 'the end justifies the means', hence opening up a slippery slope in which suspects' rights are increasingly by-passed, and terms like 'bending the rules', 'cutting corners', 'using the Ways and Means Act' or 'gilding the lily' become part of the language.

However, pressures to perform (and their consequences) could be much more highly magnified in both central squads and major inquiry teams. In the case of squads, the criminal groups targeted tended to be more sophisticated and resourceful than most offenders pursued at local level, making successful arrests more difficult and putting more pressure for 'results' on the whole team. In the close-knit squads that were revealed as having breached rules and broken the law on a major scale in the 1970s, it was clear that the 'rot' had often permeated the whole team, rather than being restricted to individual 'bad apples'. In some cases, the malpractice took the form of financial corruption and was clearly driven by greed, but in others pressure to perform was a strong factor: the term 'noble cause corruption' was sometimes used to identify instances in which an almost obsessive desire to 'convict criminals' drove officers to widespread rule-breaking and fabrication of evidence (for discussion of the seminal case of Lundy, see Short 1992).

Where major inquiries are concerned, the 'pressure for a result' has tended to come from both external and internal sources. Certain kinds of murder – especially sexually motivated murders of women or children – can stimulate massive media coverage and create an atmosphere of fear in the surrounding area, so the SIO, in particular, faces daily pressure to demonstrate progress with the investigation and to make an early arrest. At the same time, such inquiries can be extremely expensive and can tie up police officers for long periods, so the SIO also tends to face increasing pressure from senior officers to expedite the inquiry. Traditionally, SIOs tended to be given complete responsibility for and control over major inquiries, with little external assistance. The obvious risks were, first, poor decisions on which 'lines of inquiry' to follow, potentially resulting in a major waste of resources and the investigation being led up a blind alley, and, secondly, miscarriages of justice arising from a blinkered notion that a particular person is guilty, combined with the above pressures to 'wrap up' the case as quickly as possible (Woffinden 1988; Maguire and Norris 1992; Walker 2002; Savage and Milne 2007).

Reliance on interview evidence: One of the most prominent features of 'generalist' investigative work as described above was its heavy reliance (and often over-reliance) on interview evidence. Major inquiries, too, quite often produced insufficient evidence to convict without some form of admission from the main suspects. In both cases, the need for this kind of evidence in itself created a temptation for investigators to treat interviewing as nothing more than a vehicle for obtaining a 'confession', closing their minds to anything said that contradicted their 'knowledge' of the situation. This attitude was further encouraged by the prevailing police culture, the 'crime control' (as opposed to 'due process') orientation of most police officers and the institutional pressures

on investigators referred to above. At the same time the fact that, until 1984 and the introduction of PACE, people could be detained in police stations for considerable (and unspecified) lengths of time, without contact with relatives or a solicitor, produced an essentially coercive situation, which detained persons often experienced as frightening and psychologically disorienting (Irving and Hilgendorf 1980; Irving and McKenzie 1989; Gudjonsson 1992, 2007).

In the light of all the above circumstances, there were clearly in-built risks that: (1) police officers might become oppressive in their questioning; (2) people might be unfairly persuaded to make or sign self-incriminating statements (for example, in response to hints that 'co-operation' would bring quicker release); (3) some suspects (especially those with mental disabilities) might become so disoriented and vulnerable to suggestion that they would make entirely false confessions to crimes mentioned by interviewers; or (4) some police officers would, in their records of interviews, distort or embellish what had been said or even invent it entirely.

These kinds of risks were seen to be all too real and came to public and political attention in England and Wales in spectacular fashion in the late 1970s through a high-profile inquiry into the clearly wrongful conviction of three adolescents for the murder of Henry Confait, based on false confessions made under oppressive questioning (Fisher 1977). Several other major miscarriages of justice dating from this period and arising partly or wholly from unsafe confession evidence did not come to light until the late 1980s, when they caused further serious questioning of the integrity of police investigations (Rozenberg 1992; Walker and Starmer 1999; Morris 2007; Savage and Milne 2007).

Close dealings with criminals: If (as was the case with most 'squads') a core objective of investigators is to find out as much as possible about the lifestyles, activities and plans of selected 'targets', it is necessary in some way to 'get close to them'. In some of the major squads operating in the 1970s and 1980s, close proximity to criminal groups with considerable power and resources, combined with the closed and autonomous nature of the squads and poorly regulated operating methods, clearly carried major risks and almost inevitably led to some serious and deeply embedded forms of malpractice. These included the straightforward corruption of officers who were tempted by offers of shares in the proceeds of crime, or who in some cases fell victim to blackmail or other pressures put on them by resourceful criminals. They also included malpractice which was encouraged by the risks inherent in the cultivation of informants. One such risk was 'the tail wagging the dog': informants using their relationship with detectives to further their own criminal interests, in some cases being given almost 'carte blanche' to continue their activities in return for information about others. Some also 'set up' rival criminals by giving false information or acting as agents provocateurs.[11]

Among the most notorious examples of endemic and enduring malpractice were the activities of several detective units in London in the 1970s (Cox *et al*. 1977; Mark 1978; Morris 2007) and the West Midlands Serious Crimes Squad (Kaye 1991). A later example from continental Europe involved a Dutch police team, ostensibly under the direction of lawyers but in reality out of control,

which became involved in a series of large deliveries of drugs into the country. This eventually led to a major scandal, a parliamentary inquiry and several high-level resignations (Fijnaut and Huberts 2002).

Covert, intrusive and deceptive methods: The final risk factor concerns the use of covert, intrusive or deceptive methods of investigation, in particular the interception of communications, 'bugging', the use of undercover officers or participating informants and 'sting' operations. These pose a potential threat to basic civil liberties, especially privacy, as well as a risk of unfair prosecutions and convictions. The employment of such methods was for many years associated with high-level specialist squads, although it has become increasingly common at all levels of policing. Apart from telephone tapping, for which rules were established under the Interception of Communications Act 1985, there was no statutory regulation of intrusive surveillance methods in England and Wales until the late 1990s. In its absence, determining the acceptability of various means of obtaining evidence was largely left to internal police rules and the discretion of senior officers, together with the occasional judgement in the British courts or the European Court of Human Rights, but neither provided consistent principles or guidance to investigators, nor effective controls on an increasing disregard of civil liberties (see, for example, Maguire and John 1996; Colvin and Noorlander 1998). Marx (1988) drew attention to the phenomenon of 'surveillance creep', whereby the police slowly but persistently push at the boundaries of what methods are considered acceptable by the courts and the public, each individual shift in practice being relatively insignificant in itself, but producing the cumulative effect that individual rights which were taken for granted 20 years ago are breached routinely today almost without anyone noticing.

As well as police disregard for rights to privacy, an issue of growing concern in the 1990s was the lack of clear limits on the use of deceptive methods such as 'sting' operations, whereby people are tricked or tempted by undercover officers or police informants into taking part in some form of criminal activity and subsequently arrested. These range from fairly passive operations such as leaving a lorry full of goods unattended to see if anyone will steal from it, to those in which a 'known offender' may be actively persuaded to take part in a crime – an example being an attempt to persuade a known drug trafficker to buy and smuggle a large consignment of heroin. The latter is clearly a case of 'entrapment' by an agent provocateur, and the case would almost certainly be dismissed if the facts came to light in court. However, concerns were expressed about cases in which the involvement of an informant was hidden from the courts (and the defendant). Moreover, the limits of entrapment-like behaviour were defined only through case law, which left them unclear. An important illustrative case was that of Colin Stagg, a suspect in a high-profile murder case, who was befriended by a female police officer who repeatedly tried to trap him into admissions by pretending that she found it stimulating to listen to talk about violence against women (*R* v. *Stagg* (1994) *The Times* 15 September). In this case, the evidence was excluded and the police officers involved were strongly criticised, although it was pointed out in their defence that there had been no clear law or legal precedent preventing the use of this

kind of tactic (for further discussion of regulatory issues around covert and deceptive methods, see Maguire and John 1996; Field and Pelser 1998; Sharpe 2002; Clark 2007).

Responses to the crisis: glimpses of a radically different future?

The various scandals, recurrent criticisms and growing awareness of the risk factors outlined above led eventually to a number of legislative and policy initiatives, organisational reforms and shifts in thinking, particularly over the 1980s and 1990s, which between them have already contributed to some substantial changes in the ways that police investigations are regulated, managed and carried out. In this final section, the most important of these changes will be summarised, and the question will be posed whether they represent merely a number of superficial reforms aimed at taking the steam out of the persistent criticisms of CID practice, or whether they signal a much more radical shift in approaches to crime control.

Responses to concerns about integrity

The concerns about police interviewing raised by the Confait case (Fisher 1977) led to the setting up of the Royal Commission on Criminal Procedure (1981) and, eventually, following its recommendations, to a key piece of legislation to monitor the integrity of evidence production, the Police and Criminal Evidence Act (PACE) 1984: in particular the codes of practice for the detention and questioning of suspects in police stations. The main safeguards introduced were the appointment of a 'custody officer', who decides whether detention is justified, maintains a written record of what happens (the 'custody record') and is responsible for suspects' welfare while in custody; limits on the length of time for which suspects can be detained; a right of access to legal advice during questioning; and the obligation to make a contemporaneous (normally tape recorded) record of what is said in interviews (Zander 1985; Home Office 1995). The impact of this system has been the subject of a great deal of empirical research and vigorous academic debate, opinions ranging from those who conclude that it has had little effect on police attitudes and that they have found it relatively easy to circumvent the rules, to those who argue that it has transformed attitudes and virtually eliminated the risk of mistreatment or oppressive interviewing in police custody (for a flavour of these debates, see McConville *et al*. 1991; Dixon 1995; Morgan 1995; for recent overviews, see Maguire 2002; Sanders and Young, this volume).

However, concerns about integrity continued to emerge, and matters again came to a head in 1991 after another series of major miscarriages of justice (most dating back to pre-PACE days), with the setting up of the Royal Commission on Criminal Justice, supported by several specially commissioned pieces of research. While the new commission's report (1993) was disappointing to those who sought greater statutory controls over police investigations, the inquiry certainly focused the minds of senior police managers and sparked off some important internal reforms. These included significant reductions in

the numbers of specialist squads (particularly at police-force level) and limitations on the length of time for which officers could be members of particular teams or how long they could remain in the CID without a temporary return to uniform; in some forces, indeed, the CID was virtually disbanded for a period and, in most, new arrangements were made to facilitate closer joint working with uniform staff. There was also an increase in the emphasis put upon integrity in training courses, including the introduction of concepts such as 'ethical interviewing' (sometimes also called 'investigative interviewing') aimed at teaching officers to keep a more open mind and also to behave less aggressively when questioning suspects (Williamson 1996, 2006; Gudjonssen 2007).

Where the problem of 'getting too close to criminals' is concerned, the practice of detectives routinely drinking in pubs and clubs with 'villains' (Hobbs 1988) was generally forbidden. By the mid-1990s, too, many forces also claimed to have greatly reduced the risks of corruption or the perversion of justice by improving their systems of informant handling. However, doubts were cast on this claim in a highly critical study by Dunnighan and Norris (1996), which found many instances of informants not being registered, unrecorded payments being made and the prior involvement of informants being concealed from court cases. Strong national guidelines have since been produced by the Association of Chief Police Officers (ACPO). These underline the principle that informants (now officially referred to as 'covert human intelligence sources', or CHISs) are 'owned' by the police force, not by the individual officer, and stipulate that that they should always be officially registered, that two 'handlers' should be appointed (under the supervision of a 'controller' who is responsible for all informant management in the area) and that a record should be kept of all meetings (see Clark 2007). The extent to which practice now matches the aspirations is a question that requires new research (for a review of research on preventing corruption more generally, see Newburn 1999).

More recent legislation has tended to reflect concerns about the protection of civil liberties (and possible breaches of the European Convention on Human Rights, which was incorporated into English law via the Human Rights Act 1998), and hence to focus on the regulation of covert forms of evidence or intelligence gathering. In particular, the Police Act 1997 required the formulation of clear rules to govern the authorisation of 'bugging' (Home Office 1998), and the Regulation of Investigatory Powers Act 2000 introduced for the first time statutory guidelines on the use and handling of CHISs. Critics have argued that these Acts do little more than legitimise pre-existing police rules and practices, as well as protecting the police from challenges under the Human Rights Act, but the creation of statutory rules in these areas is surely preferable to the uncertain position that existed previously (for further discussion, see John and Maguire 1998; Neville 2000; Sharpe 2002; Clark 2007).

Efforts to improve effectiveness

As well as responding to concerns about integrity, from the mid-1980s onwards police managers were increasingly faced with the challenge of how

to improve their effectiveness in terms of crime control. Already on the defensive over rising crime rates and falling detection rates, they began also to come under the general spotlight that was shone on the performance of the public services by the Thatcher government through its Financial Management Initiative and its focus on the 'three Es' (economy, efficiency, effectiveness). Ironically, it appeared to many, the more effective they became in ensuring integrity, the bigger this second challenge became. In particular, the new regulation of post-arrest procedures under PACE – even though not as restrictive as many first feared – made it increasingly clear to the more far-sighted that the ingrained habit of reliance on confession evidence to secure the bulk of convictions had to be confronted, and it was time to grasp the nettle of implementing new investigative strategies across the whole police service. Indeed, the whole 'reactive', case-based approach (whereby CID officers were expected to make some effort at investigating each individual crime as it was reported) began to come under serious questioning. Two complementary concepts were particularly prominent in discussions of the 'way forward': 'crime management' and 'proactive' approaches.

The idea that the flow of crime should be 'managed', rather than allowing officers' working days to be dominated by the need to respond to increasingly large numbers of individual crime reports, became widely accepted during the 1980s. It was manifested in a number of organisational changes that took place in many police forces. One was the setting up of 'crime management units' (or units with similar names) at divisional level, acting as a 'one-stop shop' and co-ordinating centre of investigative activities. Many operated a system of 'crime screening' (Eck 1983), whereby reports of crimes were sifted on the basis of what had been found by the uniformed officers who conducted the initial visit to the scene: for example, if the offence appeared to be fairly minor, and there was no clear evidence of who had been responsible, the case might be immediately 'screened out' and not allocated to a CID officer for further investigation. Such systems were sometimes based on discretion, though in other cases they used a formal scoring system whereby points were awarded on the basis of indicators of 'detectability', such as whether there were fingerprints, eye witnesses and so on.

A further aspect of crime management was an increasing trend towards specialisation of tasks within CID offices. Rather than expect individual detectives to follow through their own cases 'from the cradle to the grave', it became much more common for small groups of officers to take on specific tasks such as interviewing arrested persons or preparing court papers for all cases flowing through the office. In the early 2000s, this concept was extended further to involve large numbers of uniformed officers – guided at key points in the process by detective supervisors – through the development of a formal operational model, the Volume Crime Management Model (VCMM). Primarily a response to governmental concerns about falling clear-up rates and the introduction of national performance targets to increase the numbers of cases 'brought to justice' (Criminal Justice Services 2001), the VCMM offers a systematic approach for processing large numbers of relatively minor cases which might otherwise be neglected. The system is governed by a crime management unit which oversees key functions carried out by a number of

specialist units (e.g. call handling, initial scene attendance, crime screening, forensics, suspect handling and evidence review), aiming both to improve the quality of each individually and to co-ordinate them into a more effective whole (NCPE 2004; Jones and Maguire 2005).

The 1990s also saw increasingly wide support for the use of more 'proactive' approaches or methods of investigation. This was given a major boost by the Audit Commission's (1993) report, *Helping with Enquiries: Tackling Crime Effectively*, which criticised traditional case-based methods of working and urged police forces to 'target the criminal, not just the crime': in other words, to focus on groups and individuals known to be actively involved in crime and to collect intelligence and evidence about their movements and activities. This might include attempts to link them (e.g. through forensic evidence or their *modus operandi*) to previously recorded offences or series of offences, but might also be aimed at discovering their future intentions and ideally at catching and arresting them 'in the act'. The report also advocated much greater use of informants, which it deemed to be the most 'cost-effective' source of intelligence (though this was strongly disputed later by Dunnighan and Norris 1999). Such approaches were hardly new – as already discussed, they were common in specialist squads, and local CID units used them spasmodically – but the intention was to apply them in a much more systematic manner than in the past, with greater organisational resources and support, and, importantly, drawing in the uniform branch as well as the CID.[12]

One of the pioneering police forces in this respect was Kent, where the Chief Constable, David Phillips, experimented by introducing a holistic 'intelligence led' system of policing into two police stations (see Maguire and John 1995; Amey *et al*. 1996). This entailed a major reorganisation of existing roles and functions, the idea being that everyone on the staff would contribute in some way to the achievement of a clear set of goals. The main units set up were an intelligence cell, a tactical arrest team and a case preparation team. Most existing CID staff were reallocated to one of these specialised units, only a small number remaining as a 'reactive' investigative team to deal with day-to-day offences reported by the public (though the majority of these offences were 'screened out' so that the team could focus on the most serious). The intelligence cell played a key role in collecting and analysing information and identifying 'targets', its director meeting regularly with senior operational officers as part of the 'Tasking and Control Group' that made all the main decisions about how resources would be deployed. All activity was highly focused, the objective being to identify the most prolific offenders (at one point, a 'top 40' list was constructed) and then to collect information and evidence about them in a systematic way, including giving patrol officers specific tasks relating to them, paying informants to find out more about them and setting up surveillance operations. Arrests were usually planned in advance and carried out by the tactical team. While the system experienced some significant practical problems – especially blockages in the flow of intelligence, delays in processing cases after arrest, failures in communication and losses of morale among officers not selected for their preferred roles – it was seen by most officers as a successful experiment in terms of tackling the main crime problems in the area. Moreover, few victims complained once it

was explained to them why a crime they had reported would not be directly investigated (Maguire and John 1995).

Although many other police forces also paid lip-service to an intention of practising 'intelligence-led policing' (ILP), and although some set up one or more of the necessary tools for doing so (such as improving intelligence systems or introducing dedicated surveillance teams), the number of 'proactive' operations implemented was generally small and there were few signs of major changes to the traditional reactive patterns of working, Kent remaining more the exception than the rule. As Maguire and John (1995) showed, if a local police division was really to be 'intelligence led', it had both to undertake significant reorganisation in order to establish a genuinely integrated system and to address deep-seated cultural resistance (see also Barton and Evans 1999; HMIC 1999; Heaton 2000). It will be argued below that, in the wake of the national implementation of the National Intelligence Model (NIM), a more fundamental change of this kind may finally be imminent. However, it is first necessary to complete the picture of police managers' responses to the 'crisis' by charting recent reforms in the crucial area of major inquiries.

Improvements to major inquiries

In terms of the attention of the media, politicians and the public, concerns about other aspects of crime control tend to grow cumulatively, but mistakes in one high-profile major inquiry can suddenly take on a huge significance that remains in the public mind for many years. As noted earlier, two inquiries in particular have received more media and public attention and have had a greater influence on police reforms in this area than any other: the 'Yorkshire Ripper' case in the early 1980s and the Stephen Lawrence case in the mid-1990s.

The 'Ripper' case was notable not just for the public fear it caused while the murders continued but also for the highly publicised misjudgements made by the inquiry team, in particular in putting 'all their eggs in one basket' in pursuing a fruitless line of inquiry and in failing to spot several strong indications of the identity of the murderer within the huge volume of material generated by the inquiry. The concerns raised by the case led eventually to some important reforms in the organisation of major inquiries, notably the introduction of a computer system, the Home Office Large Major Inquiry System (HOLMES, later updated to HOLMES 2), to facilitate the systematic storage and analysis of investigative material, and various mechanisms to reduce the burden and pressure on SIOs. The latter included devolving some responsibilities to other members of teams and the introduction of a system of formal external reviews in cases which still remained undetected after a set period of time – the objective being for the case to be examined through a 'fresh pair of eyes' (Maguire and Norris 1992; Berry *et al*. 1995; Innes 2003, 2007).

Despite these reforms, the investigation of the murder of Stephen Lawrence in 1993 demonstrated that by no means all the lessons of previous mistakes had been learnt, as well as drawing attention to the influence of racial prejudice on the conduct and outcome of a major inquiry, including on the

important early stages when evidence should be preserved by the first officers on the scene (Macpherson 1999). The ramifications of the case went far beyond the mechanics of investigative practice (see, for example, Stanley 1999; see also Bowling *et al.*, this volume), but in relation to procedures in major inquiries, subsequent developments have included the production of comprehensive guidance to investigators in the form of the 'Murder Investigation Manual' (Innes 2003; ACPO Centrex 2006) and the *Major Incident Room Standardised Administrative Procedures* or 'MIRSAP' (Centrex 2005; Brookman 2005; Neyroud and Disley 2007), as well as more honest recognition of major skills deficits among SIOs, leading to a search for new ways of assessing and improving their quality (Smith and Flanagan 2000).

Signs of more fundamental change: NIM, partnership and beyond

Returning finally to the 'bigger picture', it is interesting to speculate in this final section whether what was earlier referred to as the 'modern' approach to crime control – embodied, as far as the police contribution is concerned, in the investigative practices of the three kinds of units through which CID work was organised for most of the twentieth century (generalist offices, squads and major inquiry teams) – may be in the early stages of a radical transformation. Writers such as Garland (1996, 2001) and Rose (2000) have argued that, in the complex, individualised and deracinated communities that are coming to characterise 'late modern' societies, not only has concern about crime risks become a constant preoccupation of government, media, public and private agencies, communities and individuals alike, but at the same time there is a growing belief that crime can no longer be effectively controlled by the traditional responses of the central state and the core criminal justice institutions. This, they argue has set in motion major shifts in thinking which are creating new kinds of response to crime (or as Garland puts it, new forms of 'penality') and have implications for investigative practice in its broadest sense.

One important feature of these shifts has been a growing focus on the *identification and management of risk* as an organising principle of the work of all the main criminal justice agencies.[13] Thinking in terms of risk naturally encourages responses to criminal activity that seek more than the standard criminal justice outcomes of the arrest, conviction and punishment of individual offenders, looking instead for more lasting solutions which reduce the likelihood of the behaviour in question being repeated in the same location or by the same offender(s) or his/her associates. Another key trend that has been identified is the development of new forms of 'governance', whereby central government has encouraged wider dispersal of responsibility for crime control, away from the major criminal justice institutions towards a spread of other statutory, voluntary and private organisations, local communities, and, ultimately, the 'responsibilised' individual (Johnston 2000; Rose 2000; for a more sceptical view, see Jones and Newburn 2002). One obvious manifestation of this is the growth of formal multi-agency *partnerships* aimed at reducing or 'managing' crime or reducing re-offending, and built around data sharing and joint working (Hughes 1998; Hughes and Edwards 2002; Crawford 2007).

As these new ways of thinking and working take hold, the role of 'criminal investigation' (and even the descriptive usefulness of the term) becomes increasingly blurred. For example, police may respond to reports of a high level of drug-dealing and shoplifting in a particular area, not by launching standard investigations of individual offences, but by analysing the situation in terms of the presence of a persisting local criminal 'market' in drugs and stolen goods. As a consequence an inter-agency solution may be sought which sets out instead to 'disrupt' the market, combining the use of (say) a housing authority's eviction powers alongside targeted police operations against key dealers, and health initiatives to remove some potential customers from the picture (examples of such initiatives are described in Kock *et al*. 1995; Clarke 1999; Sutton *et al*. 2001). Only some of these actions may have as their goal the securing of a court conviction, this being secondary to the core objective of criminal market reduction.

In the UK, while interest in, and the use of, such problem-solving approaches has been growing steadily over a number of years, it has recently been given significant new momentum by the linking up of two major policy initiatives which had previously been pursued largely in isolation from each other: the implementation of the National Intelligence Model (NIM) and the development of Crime and Disorder Reduction Partnerships (CDRPs – known in Wales as Community Safety Partnerships, or CSPs). The NIM is essentially a blueprint for a whole new 'business model' for the organisation of responses to crime (and, indeed, of disorder and antisocial behaviour). It is based primarily on the notion that the core business of policing – and by extension, of other agencies engaged in crime control or community safety work – is to collect relevant information to allow clear and accurate identification and analysis of current and likely future 'problems'; to prioritise the most important of these problems and plan responses to them; to implement the plans; and, finally, to evaluate what has been done and to feed back the experience and knowledge. At its heart is the preparation of a comprehensive 'strategic assessment' of current and predicted crime threats in the relevant area and of 'tactical assessments' to identify particular targets – which may be people, places or activities – on which it will be most profitable to focus any interventions. It is used in the context of Tasking and Co-ordination Group (TCG) meetings, attended by managers, where evidence from NIM analyses should drive the allocation of investigative and other operational resources (for more details, see NCIS 2000; John and Maguire 2003, 2007). The NIM's early history was handicapped by its close association with the secretive world of intelligence officers (it was 'owned' initially by the National Criminal Intelligence Service): this led to its nature and purpose being widely misunderstood among police officers, who saw it mainly as a tool for analysing police intelligence to assist CID operations. However, since it has been 'mainstreamed' throughout the police service, recognition has set in that it can incorporate open source and non-police material as well as criminal intelligence, and that it can be used to analyse and respond to non-crime problems as well as to crime.

Perhaps the most important 'breakthrough', however, has been the extension of the NIM into CDRP/CSP work. Until 2008, most CDRPs remained outside the police NIM structures, basing partnership plans on their own

'crime audits', which were produced only every three years by a variety of people in a wide variety of forms and were rarely used in a systematic fashion to plan responses. However, crime audits have now been replaced by annual strategic assessments, backed up by other NIM products such as tactical assessments and problem profiles, in many cases prepared by analysts who are directly employed by the partnerships and trained in NIM techniques. The analysts are increasingly encouraged to use both open-source material and confidential data from a range of agencies including the police (obtained under data sharing protocols). Moreover, these products are increasingly being used within NIM-compliant organisational structures. In some areas, non-police partners attend police TCG meetings and participate in decisions about resource allocation, but the future seems to lie in the setting up of fully partnership-run TCGs, to which all relevant agencies, including the police, contribute data, ideas, resources and decision-making. An important prototype of this approach was the 'G-MAC' system in Greater Manchester, which appears from early evaluation to have operated successfully, with partners playing a full part rather than – as has been a common concern in CDRP work generally – the prioritisation and decision-making processes being dominated by police agendas which can often be comparatively narrow, target-driven and focused mainly on the short term (see Maguire and John 2006; John and Maguire 2007). While it is still early days, this system has the potential for aligning the work of police and other agencies much more effectively than in the past, at the same time embedding 'problem-solving' approaches to crime control more deeply into police practice.

In conclusion, it can be argued that the incorporation of the NIM into mainstream police practice, together with its potential for coordinating CDRP and police responses to local crime problems much more closely than in the past, is likely to take the police considerably further down the route away from the traditional, individualistic, case-based approach to criminal investigation described in the first part of this chapter. The routine use of the NIM also represents a major advance from early attempts to rationalise the use of investigative resources, such as the introduction of crime management units and crime screening in the 1980s, and indeed from the under resourced and often token efforts to practise 'proactive' or 'intelligence led' policing at local level in the 1990s. Like the specialist squads of the 1980s, few of those ostensibly involved in ILP researched their problems or planned their strategies with any analytical depth, and, as Gill (2000) argues, such approaches often amounted in practice to little more than a more focused 'rounding up of the usual suspects': put another way, it could be argued that, despite their aspirations, most investigative units remained (in the broadest sense of the word) 'reactive' in character.

Notes

1 For broader discussions of the concept of 'modernity' and its expression in the growth of bureaucratic, 'scientific' and classificatory systems of social control, see, for example, Foucault (1977) and Garland (1990, 2001).

2 In England and Wales, prosecution decisions remained a police function until the establishment of the independent Crown Prosecution System in 1985 (see Sanders 2002; Sanders and Young 2007).
3 This squad remained operational afterwards, and formed the nucleus of the Special Branch, which has continued ever since to deal with offences against state security.
4 Though note, of course, that Sherlock Holmes was an 'amateur' who regularly made a fool of the slower-witted and incompetent professional detectives who appear in the stories (especially Inspector Lestrade). This theme reflects the scepticism about the effectiveness of the police as investigators which remained strong throughout the nineteenth century. Twentieth-century detective fiction (including films and television series) is much more likely to portray police officers as experts in 'solving' crime (Morgan 1990; for broader discussions of the police in fiction, see Sparks 1992; Reiner *et al*. 2001; Reiner 2007).
5 Indeed, many writers have characterised information as the 'lifeblood', the 'essential raw material' or the 'currency' of investigative work, and the trade of the detective as revolving around its acquisition, analysis and interpretation (see, for example, Hobbs 1988; Ericson 1993; Innes 2003).
6 Although this chapter focuses on the (public) police, they are not the only agency which investigates crime, and the same would apply to, for example, Customs officers investigating drugs importation or revenue officers investigating tax fraud.
7 These, in turn, may be influenced not just by their impressions of the individuals concerned but also by their own previous experience of such cases, personal prejudices, the police 'culture' and so on.
8 As discussed later, divisions also often set up their own specialist squads (e.g. focusing on street offences or local burglars) but these were generally temporary in duration and officers were frequently 'borrowed' to undertake other work (see for example, Maguire and Norris 1992).
9 More precisely, the clear-up rate shows the percentage of officially recorded crimes for which one or more people have been charged, summonsed, cautioned or otherwise dealt with on the basis of an admission or reasonable evidence that they were the perpetrator(s). This includes admissions to additional offences which convicted offenders agree to have 'taken into consideration' by the court without extra charges being laid, and later admissions in prison ('prison write-offs') – both of which are usually referred to as 'secondary detections'. It also includes offences in which, for example, the offender was too young, elderly or ill for charges to be laid. A 'not guilty' verdict does not negate a 'detection'.
10 In recent years, uniformed officers have been increasingly involved in the formation and running of such squads (see later).
11 For further discussion of the risks relating to informants, see Reuter (1983), Marx (1985), Hobbs (1988), Maguire and Norris (1992), Maguire and John (1996), Stelfox (1998), Dunnighan and Norris (1996, 1999), Billingsley *et al*. (2001), Sharpe (2002).
12 It could be argued that, in one sense, local CID offices had a long tradition (pre-PACE) of 'targeting the offender, not just the crime', through the 'suspect centred' or 'fishing expedition' approach of frequently pulling in local offenders for questioning. However, the essential difference between this and the emerging 'intelligence led' approaches lies in the shift from reliance on interview evidence to the systematic gathering and use of intelligence prior to arrest and questioning.
13 For general discussions of this issue, see Ericson and Haggerty (1997), Kemshall (1998), Maguire (2000), Kemshall and Maguire (2001), Hudson (2002), Loader and Sparks (2002).

Selected further reading

The most comprehensive book on criminal investigation published in recent years is the *Handbook of Criminal Investigation* (ed. Newburn, Williamson and Wright 2007). This has chapters on many of the themes mentioned here, including the history and changing context of criminal investigation, forensic methods and techniques, investigative processes, the development of the National Intelligence Model, and issues around the governance and accountability of investigative practice. To understand more about the thinking behind some of the most important changes in policy and practice that have taken place since the early 1990s, it is well worth reading the Audit Commission's highly influential report, *Helping with Enquiries*: *Tackling Crime Effectively* (1993). This strongly advocated a shift from 'reactive' to 'proactive' approaches and greater use of informants.

Innes' *Investigating Murder: Detective Work and the Police Response to Criminal Homicide* (2003) is a detailed and up-to-date study of murder investigations, based on analysis of case files and interviews with detectives. It provides a useful typology of investigations and applies theories of 'narrative' to the construction of cases. It also covers wider theories about detective work. Maguire's 'Policing by risks and targets: some dimensions and implications of intelligence-led crime control' (2000) is a brief overview of contemporary developments in crime control and criminal investigation, summarising recent literature on risk and policing, and considering some of the implications of what appears to be a broad shift away from the traditional focus on individual cases and reliance on the criminal justice system, towards more strategic, 'problem-solving' and risk-focused approaches. Some of the ideas put forward there were revisited in the light of major new developments (including neighbourhood policing and the NIM) in Maguire and John's 2006 paper, 'Intelligence led policing, managerialism and community engagement: competing priorities and the role of the National Intelligence Model in the UK'.

Maguire and Norris' *The Conduct and Supervision of Criminal Investigations* (1992) is one of the main research reports commissioned by the Royal Commission on Criminal Justice in the area of the regulation of detective practice. It examines in some detail problems and risks inherent in routine CID work, the activities of proactive squads and major inquiries. McConville *et al*.'s *The Case for the Prosecution* (1991) is a controversial and highly influential book which revived Packer's concepts of 'crime control' and 'due process', questioned the impact of PACE and framed 1990s academic debate on the regulation of police behaviour. Finally, Wright's *Policing: An Introduction to Concepts and Practice* (2002) is a highly recommended overview of recent issues in policing, combining sociological theory with practical knowledge and experience, and including an excellent chapter on crime investigation.

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Chapter 18

Police use of force, firearms and riot-control

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Monopolists of force?

It has long been accepted in police research that the capacity to use force is central to the police role. Whether it is a uniquely *defining* characteristic has recently been questioned by scholars who see the policing landscape as increasingly 'pluralised' with a growing number of public and private agencies sharing the capacity to employ force in order to provide security (Jones and Newburn 2006). However, whilst it is undoubtedly true that the police have never enjoyed exclusivity in the use of legitimate force (generations of parents, teachers, landowners, and others in the past freely used force in certain circumstances), it was and remains clear that no person or organisation can legitimately *exceed* the capacity of the police to use force. If they did, then the capacity of the state to impose its will upon its civil population would be jeopardised. It is virtually inconceivable that anyone other than a police officer could perfectly legitimately lie in wait and shoot a suspected wrongdoer. Even in a notionally unarmed policing system such as that in England, Wales and Scotland the patrolling constable is routinely equipped with weapons that are prohibited to other citizens. This is even more starkly apparent in Northern Ireland, whose police have traditionally routinely carried firearms, and continue to do so. What weapons are made available to the police and how they use them is a topic of public concern and often political controversy. In this chapter we will chart past and current developments in the weapons that police use, the policies governing their use, and tactics officially endorsed, focusing mainly on mainland Britain.

A history of 'unarmed policing'

Firearms and policing

All police are armed to some extent, but the kind and of amount of weaponry routinely available to the police varies between jurisdictions and fluctuates

over time. A widely drawn distinction is between the vast majority of police forces that routinely carry guns and the handful of those that do not. A gun is designed for the purpose of killing, and whilst people might be killed by other means, the ready availability of lethal weapons for police use symbolises a clear disparity of power between police and citizens.

It was the desire to avoid a formidable appearance that fuelled the decision to *disarm* London's Metropolitan Police when it was created in 1829. Those police agencies (Bow Street Runners, River Police, Mounted Patrol and even the watchman – or 'Charlies' as they were derisively called) that existed prior to the creation of the Metropolitan Police all carried firearms. Not only did the Metropolitan Police break with the established practice of armed policing, but as various pre-existing agencies were absorbed into the Metropolitan Police they too were disarmed (Gould and Waldren 1986). This was a consciously *political* decision on the part of Sir Robert Peel who explicitly sought to distance the police from the military (Critchley 1978; Palmer 1988; Emsley, this volume). A similar motivation appears to have led to the creation of the unarmed Garda Siochana in the newly created Republic of Ireland, which also sought a break with the past, in this case that of colonial armed policing embodied by the Royal Irish Constabulary. Likewise, once New Zealand had been pacified and colonialisation began in earnest, so the police disarmed in conscious emulation of the 'bobby' tradition (Hill 1991). In none of these instances was it the case that there were no grounds for arming the police: London in the early Victorian era was far from being a benign policing environment; the infant Irish state suffered a protracted violent struggle for independence followed by civil war; and New Zealand was a colonial frontier. The police in each case were disarmed as a conscious policy of winning political legitimacy.

Why, then, are unarmed police so uncommon? Bayley (1985) argues that all police systems bear the scars of their birth. The birth of the Metropolitan Police was deeply contested: apart from Peel and his immediate coterie, his 'New Police' had few, if any, friends (Brogden 1983). Legitimacy could not be taken for granted, it had to be won, and distinguishing the 'New Police' from their counterparts in France was essential in winning public acceptance, however grudgingly it was granted. In France, the strong state was well entrenched in a long tradition of absolute monarchy, which when overthrown was replaced by an equally strong republic (Tilly 2003; Stead 1983). Likewise, throughout its colonial empire, Britain *imposed* state authority upon conquered territories and their respective people (Anderson and Killingray 1991). It is noteworthy that before creating the Metropolitan Police in London, Peel had created the Peace Preservation Force in colonial Ireland, which quickly evolved into an armed gendarmerie (Palmer 1988). These divergent traditions suggest different relationships not only between the police and the pubic, but between the state and its civil population: where the strength of the state was only modest (as in Britain) legitimacy was won by avoiding the overt imposition of state power; where it was strong (as in France), the police symbolised that strength (Emsley 1983). The deviant case is that of the United States, where popular resistance to state power was and remains ingrained in its political culture and constitution. Here a different dynamic operated in the eastern seaboard states, on the one hand, and the frontier, on the other. The eastern states (especially

the large cities of New York and Boston) received huge successive waves of immigrants each of which was of distinct ethnicity. The latest immigrant wave occupied the lowest rung on the ladder of ethnic stratification, and whilst a lowly profession, policing was in the gift of the political machine whose popular support lay with settled migrants who feared the depredations of the 'huddled masses' that followed them. In the turmoil of the cities, arming the police who repressed the excesses of those newly arrived was popular (Miller 1975, 1977), rather than contested. Equally popular was the arming of law enforcement on the frontier. Unlike Canada to the north (Morrison 1975), the United States did not pacify territory ahead of settlement, but allowed settlers to pacify the territory themselves, which they did through popular armed might – the vigilante tradition.

Policing riots

Much the same considerations apply to the development of riot-control, albeit that this evolved over a century or more of policing in Britain. From the beginning the police were unable to inflict the death and injury that had accompanied military interventions against rioters, such as the Gordon riots and infamous 'Peterloo' massacre (Critchley 1970). This is not to say that police action was not robust. According to Palmer (1988) it was Francis Place, 'the radical tailor of Charing Cross' who on 9 November 1830 recommended to Superintendent Joseph Thomas that officers dealing with an unruly gathering should 'thrash' wrongdoers with their batons, rather than arresting them. As Palmer notes: 'this non-lethal method of crowd control has been adopted by modern police forces around the world' (Palmer 1988: 310). Also, as Emsley (1996) observes, the military remained on hand to supplement the police should the need arise, albeit that the military strove to divest themselves of this responsibility (Vogler 1991). This was matched by a declining demand for the use of force to disperse 'the mob' as protest itself progressively forsook riot in favour of orderly assembly and demonstration (Tilly 1995). It was in the cauldron of industrial conflict that this process of pacification matured: organised labour abstained from pressing home its capacity to inflict irreparable damage on the property of manufacturers and the health of the economy, and as they did so 'stoning and shooting' was gradually replaced by 'pushing and shoving' (Geary 1985; see also Morgan 1987; Weinberger 1991). This reached its zenith during the 1950s when picketing was actively facilitated by police officers who stopped vehicles entering strike-bound premises to allow pickets to persuade other workers not to cross the picket line. There were, of course, occasional outbreaks of serious disorder during this period, but none that prompted the government to follow the practice on the Continent of Europe and throughout the Empire of equipping officers with riot-gear and training them in riot-control tactics. If police found it necessary to shield themselves from missiles, the use of dustbin lids seemed to be the habitual means of doing so.

Legitimacy and law

By the 1950s not only did the British police carry out their duties almost entirely unarmed, but they had no riot-squads either. It was this public image

of the 'bobby' armed only with the authority of the office of constable and his mastery of 'tact and good humour' that underpinned the ideology of 'policing by consent', albeit that beneath the image, the reality of policing was one of hidden casual brutality (Emsley 1985; Brogden 1991; Weinberger 1995).

'Policing by consent' was also underpinned by the legal principle that the British police officer was no more than 'a citizen in uniform'. Police officers enjoyed, and continue to enjoy, precious few legal powers beyond those of other citizens. The legal basis for police use of force, the Criminal Justice Act 1967 section 3, states that '*any person* may use such force as is reasonable in the circumstances' for lawful purposes. Article 2 of the European Convention on Human Rights incorporated into the Human Rights Act 1998 effectively amends this provision to require that the use of *lethal* force by police officers should be *necessary and proportionate*. Police also share with their fellow citizens the common law right to defend themselves and the duty to maintain the Queen's Peace.

Contemporary developments

Routine use of force

The British police continue to be exceptionally lightly armed compared to police forces elsewhere, however, departures from the 1950s image of the 'bobby' who 'policed by consent' are nonetheless stark. Over the past two decades patrolling officers have radically changed their appearance with the widespread adoption of body armour as a normal part of their uniform. The weaponry they carry has also undergone marked changes. In the early 1990s the police union, the Police Federation, waged a successful campaign to replace the 14-inch long wooden truncheon with alternative styles of baton. Initially, the most favoured version was the 'side-handled baton' that extended 'telescopically' to 24 inches. Shaped like a 't', it is grasped by the handle that protrudes at right-angles from the shaft and is used as a pivot around which the shaft rotates, striking the adversary a stinging but not harmful blow. Armed with this baton, a competent user can not only deliver blows, but apply a wide variety of arm-locks and other disabling manoeuvres. Unfortunately, competence in the use of the baton is not easily acquired and once trained a user needs frequent and sustained retraining to maintain the dexterity required in using the baton to its full potential. Some police forces opted from the start for simpler non-extendable batons made of light composite materials so as to attenuate the injury that could be inflicted. Common to both the side-handle and long batons was the need to carry them overtly, which represented a decisive departure from the traditional image of the 'bobby' who, from the inception of professional policing, had kept the truncheon concealed. It had a more practical drawback: police officers found these batons cumbersome when sitting in patrol cars. Gradually, an alternative baton has been favoured – the ASP. This baton has a hollow metal shaft that extends from eight to 24 inches and is worn in a pouch on the belt. Despite misgivings about the utility and acceptability to the public of these long batons, experience

has tended to confirm that they served to reduce assaults upon police officers, at least in the short term (Kock *et al*. 1994; PCA 1998).

The Police Federation was equally successful in pleading the case for incapacitant sprays. These are devices that eject a liquid stream of noxious irritant. The most widely used irritant agent in Britain is CS, whilst Oleoresin Capsicum or 'OC' (derived from pepper) is less popular amongst police forces in Britain than elsewhere. Worn in a holster on the belt the spray can disable an adversary just beyond reach. Official policy towards CS sprays has been contested with the Home Office emphasising its successful use in preventing assaults on officers (Kock and Rix 1997), whereas the Police Complaints Authority harboured concern about some of the circumstances in which these sprays had been used (PCA 2000a). However, it seems reasonable to conclude that with the passage of time, these sprays have also become part of the normal accoutrements of policing in Britain.

Currently, the 'hot topic' in police weaponry is electro-stun devices, notably the 'Taser'. This type of weapon operates through the delivery of repeated high-voltage, low wattage electric shocks that cause pain and muscle spasm, thereby disabling an adversary. Barbs are fired from a launcher that is the size of small pistol to which the barbs remain attached by a trailing wire. The barbs adhere to skin or clothing and electric current flows between them. Hitherto, these weapons have been restricted to use by authorised firearms officers (see below) who employ them as a low-lethality alternative to the use of firearms. At the time of writing, a further trial has begun to equip specially trained officers in response vehicles in the use of these weapons.

In campaigning for the adoption of these various weapons, the Police Federation has been able to exploit three changes in policing and wider society. First, is the growing public aversion to overt acts of violence by police officers. In a previous era, patrolling officers needed to be competent street-fighters (Brogden 1991; Weinberger 1995), but the sight of an officer slugging it out with an adversary (and possibly extracting a measure of 'summary justice' in the process) became progressively unacceptable. Rather than relying, as many previous generations did, on their fists and boots, a more impersonal application of force through the use of more or less sophisticated weaponry has come to be expected (Waddington 1991b). Secondly, there is the growing intolerance of risk: police officers, like firefighters and lifeboat crews, are expected to place themselves in jeopardy from which most members of the public would shrink. Inevitably, this is accompanied by occasional tragedies that sometimes prompt allegations of corporate failure on the part of the police to protect its workforce. Since the police became subject to health and safety legislation in 1997, the capacity of the Police Federation to insist that the welfare of their members should take priority over other competing considerations has been greatly strengthened. Robert Mark's famous dictum, that the police 'win by appearing to lose' (Mark 1978), no longer applies when the law forbids the kind of 'losing' that risks or entails suffering police casualties. Thirdly, it does not seem to be a mere coincidence that the acquisition of personal defensive equipment has burgeoned as women have become more numerous in policing and perform a full range of police duties, as well as height restrictions being abandoned. The

street-fighting constables of previous generations were universally big men, often ex-military, who could be expected to thrash most opponents, especially when they had the advantage (as they often did) of sobriety. As women gained access to the police and came to be counted amongst the casualties, the case for technological 'equalisers' became stronger and it is a theme that the Police Federation has exploited.

The use of force is not restricted to the application of directly violent implements, it arguably extends to the pursuit of suspects and wrongdoers escaping in vehicles frequently driven at high speed (Alpert and Fridell 1992; Alpert 1993; Alpert *et al*. 1997). This too is a theme that has been the object of investigation by the Independent Police Complaints Commission (Docking *et al*. 2007) and its predecessor, the Police Complaints Authority (Best 2002; Best and Eves 2004), as well as the Queensland, Australia, Crime and Misconduct Commission (Hoffman 2003), and the US National Institute of Justice (Alpert 1997), to mention but a few. The picture emerging from these investigations is that police vehicle pursuits that conclude with injuries and fatalities are prompted by often minor transgressions; are of brief duration; and those killed are usually the occupants of the pursued vehicle, which is likely to be driven by a young man under the influence of drink and/or drugs, who is disqualified from driving and/or is driving an untaxed and uninsured, and/or stolen vehicle – a profile reminiscent of many motoring offences and offenders (Corbett 2003). Reports tend to focus on the relative triviality of the initiating infraction and compliance (or lack of it) with police procedures: control rooms are often not informed that a pursuit is in progress and/or have little time to manage it; risk assessments are rarely completed; inappropriate (including defective) police vehicles take part; and long convoys of police vehicles sometimes build up (Docking *et al*. 2007).

An alternative to pursuing an escaping vehicle is to intercept it and safely bring it to a halt. This is the aim of the 'stinger' device. Whilst specifications of models vary, the underlying principle is that police lie in wait ahead of the pursued vehicle and extend across its path a row of spikes designed to deflate its tyres. Apart from the inevitably speculative necessity of preparing an interception along a projected route, the use of this device is also not risk-free. First, as the tyres deflate the vehicle may prove difficult to control with the possibility of collision with other vehicles, road-users and street furniture. Secondly, even if tyres are successfully deflated, some escaping drivers continue to drive a vehicle that has become difficult to control. Thirdly, it involves police officers coming into very close physical proximity to a vehicle usually being driven at high speed and often erratically. There have been several deaths of officers deploying 'stingers', some caused accidentally, others deliberately. Finally, many offenders have become wise to the 'stinger' device and the tactics that accompany it. In their efforts to avoid tyre deflation they engage in dangerous manoeuvres such as driving along footpaths to the endangerment of pedestrians.

The effectiveness of pursuits is doubtful: the most likely outcome of a pursuit is either a collision or the abandonment of the vehicle (Docking *et al*. 2007). Research in the United States indicates that imposing restrictions on pursuits appears to result in no subsequent increase in crime or refusals to stop

by drivers. Whether or not it is associated with more traffic collisions appears not to have been studied. One remedy is to replace ground vehicles with aircraft (either helicopters or fixed wing), thus avoiding pursued drivers feeling the need to imperil themselves and other road-users so as to escape. Research in the USA (Alpert 1998) found that helicopter pursuits were more likely to result in the capture of fleeing suspects than were vehicle pursuits on the ground. The problem persistently experienced in Britain, is that the limited duration of most pursuits allows insufficient time for helicopters to become involved. In any event, patrol cars need to remain sufficiently close to the escaping vehicle (albeit out of sight) to capture the vehicle's occupants once the vehicle comes to a halt. In order to do so, police vehicles need to be driven at high speed, which inevitably incurs risks to other road-users.

Vehicle pursuits raise the problematic nature of the 'force' that is used, which also arises in the context of deaths in custody. Whilst some of these deaths arise from struggles with arrested suspects, many more do not. One persistent problem has been that suspects have been handcuffed and left lying face down, resulting in postural asphyxiation (PCA 1999; PCA 2000b). Another cause of death has been the failure accurately to diagnose the cause of aberrant behaviour: police assume too readily that it is the result of hostility, drink or drugs (PCA 2001) when in truth it may be the result of injury or illness. However, it is worth noting that Christopher Alder died in police custody *after being examined* in the Accident and Emergency department of a local hospital for a head injury *and discharged* by medical staff following his abusive conduct (Hardwick 2006).

Riot-control

Riot-control was transformed during the turbulent 1970s and 1980s – decades punctuated by disorderly political protests against government policies, political confrontations between the extreme right and their opponents, strikes accompanied by increased picket-line violence, and community disorders of escalating severity. This turbulence was matched by the acquisition of riot-control equipment, tactics and training (Waddington 1991a, 1991b). Political protests in the late 1960s led to co-ordinated manoeuvres by squads of officers who were trained to 'trudge and wedge', that is push against a resisting crowd with synchronised movements and using formations that maximised their physical capacity to move large aggregates of people. Yet, when serious disorder broke out, as it did during the Notting Hill Carnival of 1976, police still resorted to dustbin lids, milk bottle crates and similar implements with which to defend themselves against missiles. However, within a year of that disorder police attending a march of far-right activists in the London borough of Lewisham deployed newly developed riot shields that were to become a common sight in the riotous years to follow. Although its precise dimensions varied, the most favoured riot-shield was large and heavy, and officers were trained to lock shields together and move ponderously in groups of five.

It was the so-called 'inner-city' riots of the early 1980s, most notably Brixton (Scarman 1981), Moss Side (Hytner 1981) and Liverpool 'Toxteth' (Oxford

1981) that prompted the next development – visored riot-helmets and flame retardant overalls. What is often overlooked is that the police failed to learn from those events: in Liverpool police formed static or slowly moving cordons that were unable to stem the disorder and resulted in unsustainable levels of attrition from injuries to officers and which were brought to an end by the firing of 'tear gas' for the first time on the mainland of Britain.[1] Whereas, in Greater Manchester, the police adopted *ad hoc* aggressive mobile tactics that swiftly brought an end to the disorder, yet, the police nationally continued with the equipment and tactics that had failed so conspicuously in Liverpool and rejected those that had triumphed in Manchester. Those same tactics failed catastrophically during the Broadwater Farm riot in 1985 when static cordons of police were violently attacked and one officer was savagely hacked to death and others received gunshot wounds (Richards 1986). Why did the police not learn from their earlier experience in Liverpool and Manchester? The answer seems to be that the Greater Manchester Police had been *politically* criticised for their aggressive response, which illustrates how the use of force in riot-control is as much a battle for legitimacy as it is for control of the streets.

Issues of legitimacy were to spring to even greater prominence during a succession of industrial disputes that accompanied the de-industrialisation of Britain during the early 1980s, most notably the steel strike in Sheffield in 1980 (Downing 1982; Hartley *et al*. 1982) and the *Warrington Messenger* newspaper dispute in 1983, and which reached a pitch with the year-long coal miners' strike during 1984–85 (Fine and Millar 1985; Sunday Times Insight Team 1985) and *Times International* conflict in Wapping, London in 1986. Police triumphed on the picket-line but at a serious cost to their legitimacy, being depicted throughout the miners' strike as 'Maggie's boot boys'. When police used aggressive dispersal tactics, as they did most notably at the Orgreave coking plant near Sheffield in the summer of 1984 their legitimacy was gravely damaged (Bunyan 1985; Scraton 1985; Jackson and Wardle 1986). It was tested again during the political campaign against the so-called 'Poll Tax' introduced by the Thatcher government at the end of the 1980s that culminated in serious rioting in Trafalgar Square in March 1990.

The Poll Tax riot prompted a minor revolution in police tactics that only came to public prominence a decade later. Police strategists realised the futility of dispersing large disorderly gatherings, for all this had achieved during the Poll Tax riot was to produce sporadic outbreaks of disorder over a wide area that was even more difficult to control than the rioting within Trafalgar Square. Over the following months an alternative strategy was devised of containing disorderly gatherings within tight, but essentially static cordons. This is essentially the same strategy as adopted by Hannibal in his battle against the Roman legions at Cannae in 216 BC, when he appreciated that a relatively small force can encircle a much larger force and defeat it because only those at the rim of encircled force have contact with those who encircle them; those in the midst of the encirclement only have contact with each other. For the police the advantage of adopting a similar strategy is that, unlike dispersal, their use of force is essentially defensive: if members of the contained gathering attempt to break out of the containment then it is *they* who must attack, not the police. It has been the legality of effectively detaining a large gathering for an

extended period that has been the principal issue, which was settled by a Court of Appeal ruling in October 2007 that police employing this strategy during May Day protests in 2001 had acted lawfully.

Police use of firearms

The police use of firearms has also become a more conspicuous facet of British policing since the 1960s. What is remarkable about the era between the end of the Second World War and the 1960s was the reluctance of senior police officers even to acknowledge that the police sometimes needed to be armed. As Waldren documents (2007), successive generations of policy-makers denied or obscured the need to make provision for the acquisition of firearms, training facilities, opportunities to refresh officers' familiarity with firearms and demonstrate competence in their use, and other such necessities. All of this was transformed by the shooting dead of three plainclothes officers in Shepherds Bush, London, in the summer of 1966. Occurring so soon after the abolition of the death penalty for the murder of police officers, this was interpreted as a harbinger of things to come. It also set the pattern of 'events-driven' escalation in the arming of the police (Waddington 1991b). Shepherds Bush prompted the creation of the Metropolitan Police's 'D11' with responsibility for training a new generation of police officers who had not been conscripted into the military and could not be assumed to possess basic standards of marksmanship. Behind the scenes, this also involved investment in suitable weapons, armouries where they could be securely stored and ranges on which officers could be trained.

Whilst there were occasional shootings during the late 1960s and throughout the 1970s, some of which were controversial and led to policy adjustments (for details, see Waldren 2007), it wasn't until the early 1980s that a succession of crises led to a series of changes that transformed armed policing. The first was in January 1982, when police searching for the dangerous escaped suspect, David Martin, mistakenly shot Stephen Waldorf as he sat in a Mini car in a Kensington street. The ensuing trial of three officers charged with attempted murder (of which they were acquitted) cast doubt upon the reputation of the police for competence and restraint. When this was followed by the shooting dead of the five-year old son of a convicted armed robber in Birmingham and the near fatal wounding of the mother of another robbery suspect in Brixton, both of which occurred in 1985, the police reputation was in tatters. An official working party agreed to concentrate armed policing into the hands of a much smaller and more specialist group of officers. Instead of approximately one in ten officers being authorised to carry firearms if and when the occasion arose, the ratio declined by approximately half over the following years. This development was given further impetus by the massacre of 16 people by a deranged gunman in the Berkshire town of Hungerford. The inability of the Thames Valley Police to mobilise a swift armed response was widely criticised and in a report from Her Majesty's Chief Inspector of Constabulary, Sir Charles McLaughlin, it was recommended that the 'window of opportunity' be seized to introduce armed response vehicles (ARVs) that would routinely

patrol with weapons on board and be readily available (for details, see Waddington and Hamilton 1997). The 'opportunity' was grasped slowly and unevenly, often in the aftermath of further atrocities, but by the end of the decade the deployment of ARVs had become commonplace, although not universal. Finally, in response to a succession of high-profile shootings and killings of police officers in the 1990s and lobbying by the Police Federation for general arming of all police officers, the Metropolitan Police Commissioner announced an increase in the number of ARVs whose crews would henceforth permanently carry side-arms – a deployment that has gradually been adopted elsewhere.

The introduction of ARVs and their permanently armed crews was accomplished with remarkably little debate. Another transformation that also passed with hardly a ripple of publicity was the replacement of revolvers as standard issue side-arms with self-loading (sometimes called semi-automatic) pistols. For all practical purposes, the SLP provides far greater firepower because it carries many more rounds in its magazine. For instance, the widely used 9 mm Glock 17 pistol carries 17 rounds in the magazine plus another in the breach ready to fire. Compared to a standard revolver (e.g. the Smith and Wesson 'model 10'), this triples the number of shots that an officer can fire in gunfight without reloading. In addition to pistols, ARVs almost universally contain carbines each of which hold up to 30 rounds in the magazine. More recently, police have adopted assault rifles such as the Heckler and Koch G36K firing 5.56 mm NATO ammunition. By contrast, the MP5 fires pistol ammunition, albeit along a lengthier barrel which imparts greater velocity, whereas the G36K fires high-velocity ammunition that inflicts much greater injury, but also is far more likely to 'over-penetrate' – passing through the person shot and continuing for some considerable distance beyond and thus posing an increased risk to others. Quite why this escalation has been found necessary has not been publicly disclosed and gives further credence to McKenzie's (1995) complaint that fateful decisions are being increasingly made in private.

However, if these developments failed to stir public anxiety, shootings in controversial circumstances continued to do so. There have been two official reviews of police shootings (Burrows 1996; PCA 2003), the second of which was critical of policies and practices that were thought to encourage confrontations in which armed officers were called upon to make split-second decisions about whether or not to open fire. It also criticised the lack of effective command and control in many firearms situations in which shots are fired (see also Markham and Punch 2007a, 2007b). A further criticism, which has been pursued by the PCA's successor, the Independent Police Complaints Commission (IPCC), is that officers involved in a shooting incident cannot be interviewed at the earliest opportunity by investigators. This policy was adopted following a report by Manolias and Hyatt-Williams (1988) for the Joint Working Party on Organisational Health and Welfare that concluded that traumatised firearms officers would be incapable of providing valid evidence. The IPCC is also campaigning to prevent officers 'conferring' when writing their account of a shooting incident. 'Conferring' is standard practice, accepted by the courts when officers write statements regarding routine arrests. There is considerable resistance amongst armed officers and the Police Federation to any suggestion that armed officers should be treated differently in the wake of

a shooting. The IPCC retort that it is essential to retain public legitimacy in such controversial circumstances, and legitimacy may be undermined by any suggestion that officers had 'colluded' in producing self-serving accounts of a shooting. On the other hand, experimental and field observations by Burrows, draws attention to the severity of perceptual distortion in such highly charged circumstances that might make any statement produced in solitude effectively worthless as evidence of anything (Burrows 1992).

Another inquiry with a quite different focus criticised the 'culture of caution' ingrained into the policies of the Thames Valley Police (and by implication the Manual of Guidance issued by the Association of Chief Police Officers, which is tacitly endorsed by the Home Office). In 2004 in the rural hamlet of Highmoor Cross, Berkshire, a domestic dispute between an estranged couple led to the shooting of three women at a family barbeque. The IPCC were severely critical of the delay in deploying armed police and providing first aid to the two women who initially survived the shooting, but one of whom died before medical assistance could reach her. Police policy was criticised for seeking to eliminate, rather than manage, risk (IPCC 2006). The danger with the IPCC prescription is that it encourages police to employ in future exactly the kind of interventionist tactics that the IPCC's predecessor, the PCA, criticised for placing armed officers in situations in which they face 'shoot/no-shoot' decisions (PCA 2003).

Policing terrorism

Terrorism has been a potent engine driving the escalation of armed policing in Britain. The Provisional Irish Republican Army (PIRA) terrorist campaign of 30 years' duration had a direct impact upon the policies and practice of the Royal Ulster Constabulary (RUC, as it was then called and now the Police Service of Northern Ireland – PSNI) and together with terrorism elsewhere markedly changed British mainland police firearms policy as well.

The RUC had, since its inception, been a routinely armed force, following in the tradition of its predecessor, the Royal Irish Constabulary prior to the partition of Ireland. In the initial stages of the 'Troubles', whilst police officers bore the brunt of on and off duty assassination, it was mainly the military that confronted terrorists on the streets. The capacity of the military to use overwhelming force was demonstrated in 1972 by 'Operation Motorman'. Since the disturbances of 1969 that led to the military being deployed 'in aid of the civil power', the Bogside area of Londonderry had been a 'no-go' area for the police and military and proclaimed itself 'Free Derry'. As an affront to state sovereignty and a safe haven in which the PIRA could operate freely, garner support from the predominantly Catholic residents, and from which attacks could be launched, it became imperative to reverse this 'no-go' status. After days of overt preparation, the British army, led by armoured vehicles, entered the Bogside, largely without resistance, and effectively occupied it as if it was a hostile territory.

The need to use the military within the territory of the United Kingdom was politically embarrassing and once the devolved Stormont government was

replaced by direct rule from Westminster, a policy of 'police primacy' was implemented (Ryder 1989; Mulcahy 2006) as part of a wider strategy of depoliticising the conflict and treating PIRA terrorists as criminals (Ellison and Smyth 2000). After a brief period at the beginning of the conflict when the Hunt report (Hunt 1969) recommended that the RUC should be disarmed, police officers were re-armed with weaponry to confront terrorists on equal terms, such as Sterling sub-machine guns and Ruger mini-14 high velocity rifles, as well as pistols. As the conflict continued and the anti-terrorism role acquired greater prominence, so the RUC adapted its strategy and tactics. The most controversial were specialist anti-terrorist units, such as the Headquarters Mobile Support Units whose personnel were involved in several shootings that prompted allegations of a 'shoot to kill' policy (or more accurately, perhaps, a practice of 'summary execution') (Asmal 1985; Jennings 1988; Committee for the Administration of Justice (CAJ) 1993; Ellison and Smyth 1997). An official inquiry by John Stalker, Assistant Chief Constable of Greater Manchester Police, was begun, but he was replaced in highly controversial circumstances that prompted allegations of a cover-up by the police and security services (Taylor 1987).

What is often overlooked when discussing Northern Ireland is that policing that troubled province was far from *sui generis*, on the contrary it fitted very well into a long-established pattern of colonial policing (Anderson and Killingray 1991). That this was so, is hardly surprising: Ireland had been the model of colonial policing that was diffused throughout the Empire as the Royal Irish Constabulary and RUC trained colonial police officers and provided from its ranks many of the Empire's senior personnel (Hawkins 1991). Colonial policing was quite different from the civil style of policing that evolved on the mainland of Britain (Bayley 1985). It was not policing *citizens* (Waddington 1999), but instead contained and repressed restive indigenous populations. Those colonies with large settled migrant populations, normally adopted distinct policing styles towards settlers and indigenous natives, the most egregious example being apartheid South Africa (Brewer 1994), but it was not alone, a similar approach can be found in Australia (Finnane 1987). What characterised colonial policing was its forcefulness: police were invariably heavily armed; they frequently were housed in barracks and patrolled in squads; when they met resistance they responded with little restraint (Ahire 1991). As the 'end of Empire' loomed the threat to colonial states from indigenous anti-colonial movements grew and the importance of national security became pre-eminent, often contrary to the wishes of local colonial police administrators who aspired to implant the 'bobby' style of the police in these territories (Anderson and Killingray 1992; Sinclair 2006). Facing the collapse of colonial authority, the response was often militaristic and brutal, as indeed it had been in the early years of the 20th century in Ireland when the Black and Tans were officially described as out of control and perpetrated a massacre of spectators at a Gaelic football match at Croke Park, Dublin in 1920 (Townshend 1992, 1993).

There are two lessons that colonial experience teaches us: first, that police owe primary loyalty to the state that they are duty-bound to protect and when that state is threatened they defend it with all means necessary. Thus, whereas

the police can be required to exhibit impartiality when interceding in disputes between citizens, there is no impartiality when the state itself is party to such a dispute. Terrorism too is an internal threat to the state comparable to the threat that faced colonial territories at the 'end of empire' and it evokes a commensurably forceful response. Secondly, domestic terrorism exposes the ambiguities of citizenship: PIRA terrorists were notionally citizens of the UK, whilst in practice repudiating their citizenship by attacking the state. Were they, then, 'criminals' or 'enemy combatants'? The policy of 'police primacy' attempted to fit the PIRA into the category of 'criminals', but repeatedly found itself in contravention of the values of citizenship embedded in the criminal justice system (Ellison and Smyth 2000). For instance, terrorist offences were tried in Diplock Courts without juries. On the other hand, the colonial response to the Kenyan Mau Mau was to treat insurgents as enemy combatants to be hunted down and killed in a 'dirty war', and the civilian population who provided aid and comfort were treated as traitors (Anderson 1991, 2005; Throup 1992; Hills 2000; Sinclair 2002; Elkins 2005). However, the military response, however effective it might be in the short term, suffers catastrophic damage to the legitimacy of the police and undermines the state they serve.

Terrorism is (at least in part) a strategy of provocative violence that goads the state into self-damaging over-reaction (see Innes and Thiel, this volume). An essential basis of state legitimacy is that it protects its citizens, therefore when terrorist atrocities threaten or succeed in killing citizens, simply because they are citizens of the target state, then the state faces tremendous democratic pressure to 'do something' and, just as importantly, to be *seen* to do so. Often there is little that can be done and so states have repeatedly indulged in symbolic displays of decisiveness. In 1986 Palestinian terrorists massacred passengers on El Al flights at airports in Rome and Vienna. As they did so in Rome, they were engaged by armed police who were unable to prevent the terrorists consummating their attacks despite shooting them repeatedly (Edwards and Menzies 1986). The response of the British Government was to authorise the deployment of Metropolitan Police officers overtly carrying Heckler and Koch MP5 sub-machine guns/carbines at Heathrow and other airports to reassure the travelling public (Waldren 2007). In doing so, they sacrificed a carefully crafted pillar of British police legitimacy, as an unarmed force, in return for a demonstrably ineffective demonstration of forceful decisiveness.

Terrorism also invites tactics that have more in common with the military than civil police. The aim of civil policing is to secure the arrest and prosecution of offenders, so even if suspects are armed it is expected that they will be warned that they are confronting armed police and offered the opportunity to surrender. This is not an opportunity that the military normally extend to an enemy in warfare. The ambush is a tactic that relies on the creation of an unannounced devastating 'field of fire' or 'killing zone' into which munitions are aimed indiscriminately, for instance shrapnel grenades are a favoured weapon in an ambush precisely because they are indiscriminate and do not disclose the location of attackers. Anti-personnel mines, mortars, artillery and air bombardment can also be used in ambushes. If terrorists are

enemy combatants at war with the state, then ambushing them would appear appropriate. This is what occurred at Loughgall in Northern Ireland in 1987 when eight PIRA terrorists mounted an attack on the police station around which SAS troops had laid an ambush. When the terrorists arrived they were caught in a hail of automatic gunfire. One of the vehicles that carried the terrorists to the scene was riddled with bullet holes and within it lay the corpses of three terrorists. Nonetheless, even as they died, the attackers were able to detonate a bomb that virtually demolished the police station. Apart from the terrorists, two innocent passers-by were also caught in the ambush, one of whom was killed and the other sustained serious injuries (Urban 1992). In 2001 the European Court of Human Rights (ECHR) ruled that the human rights of the slain PIRA terrorists had been violated because the British government failed to conduct a proper investigation of the incident.

The threat posed by terrorists is unmatched by any but the most disturbed criminal and is exemplified by the detonation of the bomb by the PIRA 'volunteers' at Loughgall. Many terrorists are so dedicated to their cause that they are prepared willingly to sacrifice their lives. Challenging terrorists to surrender, as armed police would normally do with criminal suspects, merely provides an opportunity for terrorists to detonate explosives. Thus a year after the Loughgall incident, the SAS again confronted a PIRA 'active service unit', this time in Gibraltar. The terrorists were suspected of having left a car bomb in a nearby square and the SAS closed in on the terrorists as they walked away from the scene. At the inquest, it was disputed whether the troopers had called upon the terrorists to surrender, but whether or not they did, little opportunity was afforded in which the terrorists could comply, since according to the troopers' testimony one or more of the group made movements that the troopers interpreted as an attempt to detonate remotely the car bomb nearby. All three PIRA terrorists were killed in a hail of gunfire and much attention was paid to the allegation that troopers had continued shooting even after the terrorists had collapsed to the ground. This was not denied, because the troopers claimed that it was necessary to prevent any movement lest the dying terrorists detonated the bomb (Kitchin 1989). This incident too was referred to the ECHR, which in 1995 found that Britain had violated Article 2 of the European Convention on Human Rights that protects the right to life.

The dilemmas inherent in policing terrorism were even more starkly exposed on 22 July 2005 when Metropolitan Police officers hunting radical Islamist terrorists whose attack on the London Underground system the day before had failed, mistakenly shot and killed an innocent man, Jean Charles de Menezes. An inquiry by the Independent Police Complaints Commission (IPCC) found that the operation was marred by chaos, confusion and miscommunication. Jean Charles de Menezes was not the first person to be mistakenly shot by police, what distinguished this killing from many other tragedies was the *manner* in which he was killed. When armed police boarded the stationary Underground train at Stockwell station, they found de Menezes struggling with a surveillance officer and shot him repeatedly in the head with hollow-point ammunition. This brought to public attention an anti-terrorist tactic that had previously been veiled in secrecy – 'Operation KRATOS' – albeit openly described by the United States National Institute of Justice

(Bunker 2005a, 2005b). The NIJ recommends not only that a suspected 'suicide bomber' be repeatedly shot in the head, but that if possible the muzzle of the pistol should be pressed against the head so as to maximise injury from the muzzle blast. The justification for employing such force is that by definition a suicide bomber has no incentive to surrender and, like the PIRA terrorists at Loughgall, might detonate their bomb as they die unless physically prevented from doing so. Since the grasp reflex is a very primitive instinct and grasping is sufficient to trigger a detonation, the only way of preventing this is to sever the brain stem. In other words, killing is not enough.

Interestingly, the savagely critical IPCC report on the killing of Jean Charles de Menezes, did not challenge the legality of the KRATOS tactic in principle: 'The IPCC does not regard it as necessary to refer the issue of the legality of such a policy to either the DPP or the MPA because it accepts that, if applied in appropriate circumstances, the Operation KRATOS policy was lawful' (IPCC 2007: para 20.44). However, the killing of Jean Charles de Menezes is revealed in the report as *not* an example of 'Operation KRATOS', for no authority was given and the specialist firearms officers who killed him did not believe that it had been given, nor did they act as if it had, since as they descended to the Underground platform they yelled 'armed police' and may have continued to do so as they leapt aboard the train.[2] Certainly, they made such a commotion as they approached the carriage in which he sat that de Menezes rose from his seat – as did other passengers – and made for the door. It was this innocent response that prompted a surveillance officer to grasp him in a 'bear hug' and it was the ensuing struggle between the two men that led armed officers to interpret the situation as a lethal threat and to shoot de Menezes.

The aftermath of this incident highlights how terrorism succeeds in unleashing self-inflicted damage upon the state. The Metropolitan Police Commissioner, Sir Ian Blair, was roundly condemned for having asserted at a subsequent press conference that the killing was connected to the continuing anti-terrorist operation, only for it to be admitted hours later that Jean Charles de Menezes was wholly innocent. A subsequent IPCC inquiry discovered that the error was known, or at least suspected, before the Commissioner's press conference (IPCC 2007). There was also controversy when the Commissioner attempted to delay the commencement of an IPCC inquiry into the killing, an objection brushed aside by the government. Controversy again erupted when, following the IPCC investigation, the prosecuting authorities declined to charge any individual police officer in connection with the killing, but to prosecute the Metropolitan Police corporately for offences under health and safety at work legislation, on which it was subsequently convicted. The revelations of that prosecution, and what appeared to be defence attempts to besmirch the reputation of Mr de Menezes by alleging that he had traces of cocaine in his blood, further damaged the reputation of the police. Finally, the publication of the IPCC report (2007) resulted in a flurry of demands, not least from both major opposition political parties, for the resignation of the Commissioner and a vote of no confidence against him in the London Assembly (although he survived a similar vote in the Metropolitan Police Authority). On the one hand, this shows the continuing vitality of a human rights culture even in the midst of a terrorist onslaught (contra the claims of

some civil libertarians, Flyghed 2003; Waddington 2005, 2006; Haubrich 2006). On the other hand, it undermines the fundamental claim of the state to protect its citizens, revealing a shambles that endangers innocent people almost as much as the threat from potential terrorists.

The suicide bomb is described by Bunker (2005a, 2005b) as the 'ultimate smart bomb', because it is a 'delivery system' that approaches its target 'under the radar' of defenders because the bombers camouflage themselves amongst the civil population;[3] it is detonated only when the target is in range; it can divert *en route* to higher value targets of opportunity; and can intelligently avoid counter-measures. Bunker fails to note that suicide bombers are also 'ultimately smart' because their threat value is so severe that it obligates the state to use pre-emptive devastating violence to neutralise the threat in conditions of acute uncertainty. It thereby capitalises on error: there is only one way that an interception can be seen publicly to be correct, that is when a genuine suicide bomber is killed and the bomb is not detonated. There are two ways in which it can go wrong: first, if the suspected suicide bomber is wrongly identified, as was Jean Charles de Menezes; and, secondly, it could go catastrophically wrong if a suicide bomber who is under surveillance is allowed to detonate the bomb with resulting carnage. If the police correctly identify a suspect as not presenting a threat and decide to do nothing, then no one apart from a small circle of those directly involved would know of it and even if dozens of mistakes are avoided no credit will accrue. Stacking the deck in favour of error predictably results in censure and the will of the state to resist is undermined.

What is not widely appreciated (not even by those who presume to comment upon police use of firearms; see Kennison and Loumansky 2007) is that such a devastating use of force is *not* exceptional, but is a standard option for police snipers and has long been so. The problem posed by a suicide-bomber who might detonate an explosion even as he or she dies from gunshot wounds is essentially equivalent to a hostage-taker whose dying act is to pull the trigger and shoot their hostage. In these circumstances a sniper would fire a 'catastrophic headshot' (Plaster 1993) aiming at the centre of suspect's head so as to destroy the brainstem. There are other similarities too: a sniper operating in this way would have little or no option of warning the suspect (although others in the vicinity may do so) and it is likely that a sniper would act under the direct instruction either of a Silver commander or a 'fire marshall' (in the event that simultaneous shots need to be fired at different targets). The distinction between this scenario and that of 'Operation KRATOS' is that whereas the identity of a hostage taker and the threat they pose can normally be established with considerable confidence, the identity and intent of a suspected terrorist cannot. It was the *mis*-identification of Jean Charles de Menezes as the suspected terrorist, Hussain Osman, that lay at the heart of that tragedy.

Low-lethality and the search for a magic bullet

The problems posed by police use of force have stimulated an increasingly feverish search for weapons that produce the desired result – immediate

incapacitation of a violent offender or dispersal of a rioting crowd – whilst avoiding lasting injury or, worse still, death. In addition to the weapons mentioned above, technological developments in public order weaponry have included various irritants delivered in a variety of ways that encourage flight, improvements in water cannon, acoustic and visual devices that induce retreat, low-friction surfaces that keep hostile people at bay, electro-stun and impact weapons that knock people down, and most recently the beaming of microwaves to cause unpleasant heating of the skin. None of these weapons have met with unqualified approval, but perhaps we are too easily distracted by the gadgetry and insufficiently attentive to the purpose that is being served. Rappert (2002, 2003) has argued that the search for a magic bullet that overcomes resistance without causing lasting injury is an attempt to legitimate policing as essentially benign. It is noteworthy that one of the debates sparked by the proposed adoption of such weaponry is semantic: to describe such as weapons as '*non*-lethal' is criticised as misleading since almost every weapon is accompanied by some measure of risk, even if it results from incidental injuries arising from falling heavily or lying face down and suffering postural asphyxiation. Campaigners such as Amnesty International have drawn attention to how benign weaponry can be abused; for example, electro-stun weapons have been used as instruments of torture. However, this argument cuts both ways, for almost anything can be abused with sufficient malign invention. Water can be an instrument of torture when used to submerge bound captives until they virtually (or actually) drown. Yet, much of the debate is about the appearance and image of weapons rather than their actual use. For instance, the frequency with which firearms are unholstered and brought to aim without being fired whilst achieving their purpose, probably compares very favourably with other apparently less lethal options,[4] but nevertheless in virtually every democratic state firearms are regarded as a weapon of last resort.

What passes without sufficient attention in this debate is that the most effective low-lethality weapon available is *talk*. In hostile confrontations, including those involving firearms, police have developed their negotiating skills over the recent past. In all jurisdictions the use of any kind of weapon occurs in only a tiny proportion of hostile encounters. In public order situations there has been the growth of 'negotiated management' in a wide array of jurisdictions (della Porta and Reiter 1998), even if there is renewed concern that the recent resurgence of anti-globalisation protests has prompted a shift towards a more confrontational style of public order policing (della Porta *et al*. 2006). Yet, there are limits to the effectiveness of negotiating skills, for many of those who are shot by police display evidence of intoxication through drink and/or drugs, severe emotional distress, and more general mental health problems, all of which are likely to make them less amenable to persuasion. Having reviewed the evidence, Best *et al*. (2004) conclude that low-lethality weapons should be available for dealing with those who are severely unstable or even positively suicidal.

Abuse of force and accountability

As custodians of the state's sovereign power over its own citizens and in possession of weaponry denied to others, police officers occupy a position of supreme public trust. That trust is violated when they use force erroneously, carelessly, excessively or wilfully. It is unquestionably right for police officers to be held accountable for all their actions, especially their use of force. It is this that distinguishes liberal democracies from their authoritarian counterparts. For instance, during the long demise of apartheid, under Emergency Powers in operation during the 1970s and 80s the South African Police were granted authority to use *any* measure of force at their own discretion provided they did so 'in good faith' (Cawthra 1993). By comparison, the British police have been subjected to increasingly vigorous accountability: the Police Complaints Board (PCB) had general oversight of accountability arrangements that were implemented internally; this was replaced by the PCA, which had more interventionist powers; this in turn gave way to the IPCC with a limited capacity to conduct its own investigations. Where police action resulted in serious injury or death it had long been the practice for police forces to voluntarily refer the incident to the PCA, but with the installation of the IPCC such referrals became mandatory. In high-profile and serious cases, the IPCC invariably conducts the investigation itself.[5] A persistent problem (freely acknowledged by the head of the IPCC, Nick Hardwick; *Police Review*, 11 April 2008) is that investigations of alleged wrongdoing by police are often very lengthy, perhaps too lengthy, especially when complaints are unsubstantiated. An egregious example concerned the mistaken shooting of Harry Stanley who was thought to be in possession of a shotgun inside a bag, which turned out to a table-leg. It took five years to exonerate the officers concerned, a delay that provoked the colleagues of the two officers involved into threatening to hand in their firearms authorisations by way of protest.

There can be little doubt that the use of force by police officers has been at the centre of many high-profile scandals, such as mistaken shootings. These scandals undoubtedly were powerful incentives to introduce more rigorous training of officers and regulation of armed operations throughout Britain. The policing of riot and disorder has often been accompanied by public allegations of incompetence and excessive use of force that has embarrassed the police. Historically, the failure to deal effectively with rioting in 19th century London occasioned the early termination of some commissionerships (Critchley 1970, 1978). Research on routine public order policing discovered that officers commanding protest events avoided confrontation in all but a very few circumstances, because of 'on the job' and 'in the job trouble' that disorder was likely to provoke (Waddington 1994). On the whole, the threat of criticism has bred a 'culture of caution' regarding the use of force and improvements in standards of policing, but not invariably so; sometimes it has produced escalation in forceful capacity. As mentioned above, the Hungerford massacre offered a 'window of opportunity' in which to promote the routine deployment of ARVs and the IPCC felt that the 'culture of caution' had gone too far in firearms operations and recommended that risks be 'managed' rather than 'eliminated'. The threat of 'in the job trouble' emanating from powerful

sources (such as Downing Street, the Palace of Westminster, the Royal Household, and foreign embassies, especially those of powerful allies), led commanders of public order operations in London to 'die in a ditch', if necessary, and thus reinforced institutional power rather than the liberties of protesters.

That liberal democracy demands that police be held accountable is unquestionably right. However, the consequentialist arguments in favour of accountability are less convincing. In many aspects of policing it is difficult to identify changes in behaviour that have resulted from alterations in formal structures, such as those of accountability. Use of force is more amenable to detecting any such change because the evidence of shots fired, CS sprayed, and batons wielded can be gauged in deaths and injuries. One prominent example of how accountability changed practice for the better is the impact of the US Supreme Court decision *Tennessee* v. *Garner* (471 U.S. 1, 1985). This was estimated to have reduced killings by police in the USA by 16 per cent (Tennenbaum 1994) and is thought to have had a general salutary effect on police use of firearms. Less dramatically, but no less effectively, civil actions brought by those injured and those bereaved as a result of police use of lethal force seem also to have markedly reduced killings by American police officers (Fyfe 1978).

However, these are rare exceptions to the normal impotence of formal accountability mechanisms. Allegations of abuse of force figure prominently in formal complaints against police officers (Corbett 1991; Maguire 1991; Maguire and Norris 1992). Very few such complaints are substantiated because so often they degenerate into a 'swearing contest' of allegation and denial (Skolnick and Fyfe 1993) which favours police officers. Police are familiar with accounting for their actions, are usually acting in the course of their duties, lack the criminal convictions of many of their accusers, and are sober and drug-free at the time of the incident, all of which confers credibility (Box and Russell 1975; Russell 1976).

A principle justification for independent oversight of policing in general is that it increases public confidence in the police. There is little evidence for this: increasingly rigorous complaints processes are one of an array of governmental interventions in policing over the past 30 years that have coincided with a period of long-term decline in public esteem for the police (FitzGerald *et al*. 2002; Hough 2007). It cannot be said with certainty that there is a direct causal connection between any of a host of policy changes and public esteem, but it is equally true that there is little evidence that progressively rigorous complaints arrangements have arrested or reversed the decline in public esteem of the police. After all, it was in an era when there was virtually no complaints procedure that public esteem for the police was at its highest. More to the point, the complaints processes itself in Britain, as elsewhere (Goldsmith and Lewis 2000) continues to lack public confidence. The notion that openly investigating alleged wrongdoing demonstrates good faith is, perhaps, naive. Skogan (2006) has recently and cogently argued that when police act properly it does not garner additional public approval, but if they are seen to have acted poorly this prompts public disapproval. In a 'game' that cannot be 'won', it can only do damage to acknowledge even the suspicion of fault – albeit that there is an overriding democratic duty to do so.

It is also argued that complaints provide a feedback mechanism that enables the police to improve their working practices. Yet, police researchers have consistently bemoaned the extent to which police organisations are 'punishment-centred' (Smith and Gray 1983; Manning 1997) and the negative consequences this has for policing dominated by the imperative to 'cover your back'. One of the most pronounced negative consequences is that the threat of punitive action (including official complaints) generates defensive solidarity amongst the lower ranks that tolerates wrongdoing on the grounds of 'there but for the Grace of God go I'. Not only does this impede the investigation of wrongdoing, but also undermines management reforms designed to improve practice across a broad spectrum of police activity.

A more profound argument reverberates around the value of rules and procedures. It is tacitly assumed that the actions of police officers, like those of everyone else, are rule-governed. Some rules are official and contained in manuals and policy documents, whilst others are informal and communicated through police culture (Smith 1986). The aim of complaints processes is to strengthen the official rules and diminish the influence of informal cultural rules. For instance, the PCA review of deaths and injuries arising from police pursuits argued:

> forces must consider the adequacy and sufficiency of their policies and provide clear guidance and training around what is not acceptable and what will be punished. This is not about catching 'bad apples' – rather it is about *establishing clear rules and regulations that ensure public safety and which act as a protection for officers who must know what is and is not acceptable*. (Best and Eves 2004: 55, emphasis added)

Certainly it is the case that most attention is paid by the complaints process to whether rules and procedures were complied with or not, rather than establishing whether compliance had any causal connection to the outcome. For instance, attention is drawn by official reports to frequent breaches of policy such as the involvement of vehicles in pursuits that should not be used for that purpose (such as four wheel drive SUVs), but there is no evidence adduced that the use of such vehicles is associated with collisions, injuries or deaths (Docking *et al*. 2007).

Would policing be better if officers conformed to the rules and procedures against which they are assessed for purposes of accountability? Bittner thinks not:

> The prevalence of regulatory supervision, that is, control that merely measures performance against formulated norms of conduct, can only produce judgement that the assessed person did nothing wrong. In so far as this is the case, an incompetent, ineffective, and injudicious officer could remain in good standing in his department provided it cannot be shown by any accepted method of proof that he has violated some expressly formulated norm of conduct. This comes very close to saying that an officer who shows up for work, does what he is told to do and no more, and stays out of trouble meets the criterion of adequacy demanded of him. (Bittner 1983: 5)

Ericson (2007) has challenged even more profoundly the view that rules are or should be guides for action. He argues not only that there is a fundamental mismatch between rules and police culture, but that rules can *never* be more persuasive than culture; for *human beings do not follow rules in the course of their everyday lives*. Instead, culture provides a store of stories, anecdotes and other narratives that clothe any novel experience with familiarity. Thus, police may pursue an escaping vehicle, not because the driver has committed an identifiable serious offence, but because escaping fits a familiar story of someone with something serious to hide. 'After all, if someone is ''crazy-brave'' (Muir 1977: 145) enough to be impolite to the police, there is good reason to worry about what else they might be capable of doing once the police are gone and only mere mortals remain' (Lundman 1994: 648). Trying to shackle such reasoning within a legalistic formula seems a futile quest. In policing, the reality of life must be transformed into the fiction of rule-compliance, reminiscent of Dixon's observation that in preparing cases for prosecution, officers must construct a 'paper reality' (Dixon 1997). Indeed, Dorn and Brown (in an unpublished paper) argue that accountability procedures actually facilitate risky behaviour by providing a ready-made framework of justification.

Accountability and complaints processes emerge from this sceptical analysis as vain attempts to confine brute reality within an arbitrary and ill-fitting bureaucratic cage. The greatest obstacle to revealing police wrongdoing in general is the 'low visibility' of police work (Goldstein 1960). This has spurred the growth of surveillance of police officers. Referring to the policing of the civil population (rather than internal rule-compliance) Ericson and Haggerty (1997) argue that the police amass and disseminate vast amounts of information the aim of which is to identify specific populations who pose a risk and can then be regulated. What escapes attention in this analysis is how this same logic applies to the control of risk *within* police organisations themselves. '[E]stablishing [the] clear rules and regulations' that Best and Eves (2004) imagine will 'ensure public safety' (see above) entails identifying people and circumstances that present a risk and then eliminating or reducing the risk by pre-emptive rules and procedures, such as forbidding certain types of vehicle from participation in a pursuit, requiring officers to notify the control room that a pursuit is in progress, providing a commentary that can be used by the control room to appraise the dangers of continuing the pursuit, conducting a formal risk analysis, and so forth. Increasingly, officers are themselves subjected to intrusive surveillance including 'black boxes' on-board police vehicles that monitor not only the mechanical functions of the vehicle, but also what is said by its occupants, and the requirement to take a breath-test before commencing duty to prove that the officer is not under the influence of alcohol. After a tragic and controversial death in custody, the Metropolitan Police introduced CCTV surveillance of a police 'custody suite' and cells, but it proved to be a mixed blessing: on the one hand, both officers and detainees welcomed the guarantee of security it afforded (whether it was protection against brutality or malicious allegations); but on the other it proved so intrusive that it left both detainees and officers feeling very uncomfortable (Newburn and Hayman 2001).

Despite such surveillance, there are limits to how far it can keep track of officers' behaviour in dealing with incidents on the street. However, growth of video-recording equipment has shone a light into these dark corners of policing. The most celebrated example being George Holliday's recording of the beating of Rodney King (Skolnick and Fyfe 1993; Lawrence 2000). What tends to be overlooked about this incident is that Sergeant Koon and his colleagues were *acquitted* of assaulting King; even when re-tried in a Federal Court for denying King his civil rights, only two of the four officers were convicted. Despite the obvious savagery of the beating, two juries evidently found it difficult to convict officers who had chased King at high speed for several miles and found him to be non-compliant when cornered. Another telling incident was the death in custody of Christopher Alder, who in 1998 was abandoned handcuffed and lying face down on the floor of a custody suite in Hull, where he died as officers who were present laughed and joked, often at Mr Alder's expense. All of this was captured on CCTV and an inquest jury returned a verdict of unlawful killing. In 2006 the IPCC conducted a review of the case that excoriated the police for their failings, which, it was suggested, exhibited 'institutionalised racism' (Hardwick 2006). Yet, in 2002 five officers were acquitted of various offences connected with Mr Alder's death. Generally, in Britain, police officers who have killed or seriously harmed innocent people have either not been prosecuted, or in those few cases where prosecution has occurred, they have been acquitted even in the most controversial cases.

Despite the rhetorical prominence given to 'risk' as a problem to be managed, there is little evidence of risk calculation in policing as a whole, and certainly not in regard to the use of force. The reason is that unlike the insurance industry that pioneered the analysis of risk, there is no actuarial appraisal of risk, merely the identification of hazard. Paradoxically, it is because use of force is so rare (Bayley and Garofalo 1989; Garner *et al*. 1995; Worden 1996; Travis *et al*. 1999; Garner and Maxwell 2002) that it is almost impossible to isolate risk.

> The major problem has been the focus on extremely rare events. Science and policy making are both weakest when attempting to deal with activities that occur very infrequently. Since these events are very rare, the best predictions – that is the predictions that will be right most often – are that such events will never occur. Of course, when these events do occur, many are prepared to do 'post-dictions' about what caused the event without examining the fact that apparently similar situations occur every day without the use of deadly force, injury, or even official complaints. The absence of a base rate of police activity can result in distorted interpretations of simple frequency counts of negative events. (Garner and Maxwell 2002: 1–13)

Without baseline evidence regarding police activities, from lethal shootings to pursuing cars that refuse to stop, we are unable to identify what, if anything, distinguishes circumstances leading to adverse outcomes from those that do not. The IPCC (and the PCA before it) consistently engage in the kind of

'post-diction' of which Garner *et al*. complain. If we are seriously to assess the risks associated with police use of force, then we need a more sophisticated appraisal.

Despite the deficiencies and irrelevance of police complaints procedures identified above, the behaviour of police officers has probably improved over recent years. As Savage (2007) notes, viewed from the perspective of the new millennium, policing in the 1970s was as alien as the television drama series *Life on Mars* suggests. What, then, has been the motor for change? Savage's answer is, partly, that 'disasters' (chief amongst which was the wrongful use of force) led the police to improve their performance. Yet, McKenzie (1995) is also correct in noting how little influence democratic institutions have had on the police use of force. Far more potent – here as elsewhere (Jones *et al*. 1994) – has been the influence of the media whose excoriations of police incompetence have humiliated the police and challenged their professional self-esteem. In the use of force, Bittner's (1970) adage that cops 'take a ten-foot jump over a five-foot ditch' remains largely true. Developments in police use of force in Britain over the recent past have been 'events-driven' with policy, weaponry and training desperately trying to 'play catch-up' after the most recent disaster.

Conclusions

The futile search for hazard-free policing draws attention to the continuing struggle to balance democratic liberty against threats to law and order. Policing is the pivot around which that struggle is waged. Despite euphemistic appeals to policing being a 'service',[6] the reality is that policing is an imposition by the state on its citizens. Tilly has likened policing to a gigantic protection racket (Tilly 1985): the state offers to protect its citizens in return for expropriating taxation, but if those citizens decline this offer the state 'sends the boys around' and 'the boys' normally wear blue! What distinguishes liberal states from their illiberal counterparts is not that ultimately the state imposes sovereign authority, but the legitimacy that liberal democracy receives from its citizens in doing so. Central to that legitimacy is how the police use force. The police must be credible in being able to subdue resistance to their lawful authority, whilst not abusing that authority. In all jurisdictions that have aspirations to being 'democratic', the use of excessive force by the police is a sensitive political issue and looks likely to remain so.

Force may be regarded as 'excessive' in two ways: first, the extent of force used in any given circumstances may be disproportionate to the resistance shown by the adversary or adversaries. At one extreme force may be used entirely gratuitously, such as the sodomising of Abner Louima by New York police officers in 1997. However, it is rarely the amount of force used *per se* that arouses concern, but whether the circumstances in which it is used justifies the amount of force employed – an assessment that is intrinsically contestable. On the one hand, there is the issue of how the adversary's behaviour is to be judged: how much threat did they pose? Did they have the capacity as well as the intent to inflict harm on others? Threat is judged not

solely on what an adversary has already done, but on an appraisal of what they were likely to do. On the other hand, since force is often used to terminate a series of exchanges between the police and others (however brief), questions might arise regarding the competent management of that interaction by the police (Binder and Scharf 1980; Klockars 1996) – whilst the use of force may have been proportionate at the point of use, could it have been avoided by more skilful prior management?

The second respect in which the use of force might be considered 'excessive' is in the extent to which police employ force. This too can be sub-divided into the capacity to use force and the frequency with which police make recourse to force. The sheer capacity of the police to use force is taken as an indicator of the health of the relationship between the police and the public. For decades, conservatives hailed the unarmed 'bobby' as testimony to the contentment of the British nation. The belief that an unarmed police is indeed the 'ideal civic condition' (Beynon 1986a, 1986b) is one shared implicitly by civil libertarians who have resisted innovations in weapons technology even when new devices offer the prospect of reducing injury and death. Rosenhead eloquently expresses civil liberitarian fears in relation to riot-control weaponry:

> Injurious to the health of the public, they are likely to have a still more malign influence on that of the body-politic. There is no evidence that the economic and social injustices underlying the current wave of disorders can be handled by stamping on the symptoms. (Rosenhead 1981: 212)

The frequency with which the police use force indicates the extent to which they rely on coercion in order to elicit compliance. Whilst it is true that the 'police are to the government as the edge is to the knife' (Bayley quoted in Chevigny 1995), knifes are better not used or even displayed too openly. However, the frequency with which the police use force is often a symptom of deeper social problems rather than a cause in its own right, even when it results in the kind of 'death squad' activity that is regrettably so common throughout the developing world (Bowden 1978; Huggins 1991a, 1991b, 1997; Huggins and Mesquita 1995; Hinton 2006; Belur 2007).

A recent and potentially worrying development throughout many jurisdictions has been the growing employment of (unsworn) police auxiliaries who concentrate on routine patrol and maintain a police 'presence' in public places, whilst their sworn police officer colleagues are reserved for those duties that require 'police powers' (Jones and Newburn 2006). In England and Wales, the drive to 'modernise' the police service (Flanagan 2008) envisages cost savings from the greater use of unsworn personnel to perform duties previously reserved for police officers. Julie Nesbitt (Chairman of the Police Federation's constable's committee) recently expressed the view that this division of labour breaches the 'unsigned contract' between the police and the communities that they police because non-confrontational contact with the public is being, and will increasingly be, eroded as sworn officers increasingly concentrate on enforcement, often forcefully. She remarks:

> The law-abiding members of our communities support police officers when we are dealing with violent public order incidents because they know our role extends beyond that. Once we are reduced to performing only public order functions, it will not be long before trust and confidence in the service is lost. (Nesbitt 2008: 38–9)

The true cost of financial savings may indeed be paid in declining legitimacy of policing.

Throughout much of the past two centuries Britain and other developed countries benefited from social conditions that not only reduced the necessity for state agents to use force to repress the civil population, but positively inhibited it through the search for legitimacy. It is upon whether those social conditions persist or are replaced by less benign circumstances that the coerciveness of policing in future is most likely to depend.

Notes

1 Although never confirmed, it was widely alleged that the projectiles used to deliver CS were designed for use against barricaded armed criminals and were wholly unsuitable for riot-control.
2 At least one of them wore a police uniform baseball cap.
3 Amongst those who attacked Glasgow airport with a car bomb on 30 June 2007 were two medical doctors, which graphically illustrates how terrorist threats may come from any quarter, unlike criminal activity that is concentrated amongst those without social or cultural capital.
3 Alpert and Dunham (1999) report evidence from Miami-Dade Police Department that demonstrates *inter alia* that when a handgun is deployed in an incident the likelihood of injury being caused to either the officer or the suspect is lower than for 'fist', 'hand/arms', 'PR-24 baton', 'foot/leg' (1999: 58, Exhibit 4–7). Bazley *et al*.'s (2007) data demonstrates, *inter alia*, that in another southeastern municipal police force in the USA guns were aimed at suspects on 636 occasions but fired only on 21 occasions (3.3 per cent). Garner and Maxwell (2002) report that amongst those rare occasions when weapons were displayed or used by police officers, the handgun was the weapon most frequently displayed but rarely fired.
5 The Police Ombudsman of Northern Ireland has the most extensive powers of investigation.
6 Note how police forces emerging from a period of dealing with national security eagerly grasp the title of 'service'; for instance, the Police *Service* of Northern Ireland and the South African Police *Service*.

Selected further reading

Research on police use of force is voluminous, because it is as important to understand not only when, why and how police officers employ force, but also when, why and how they abstain from doing so. The successful 'negotiated management' of public order operations (see D. della Porta and H. Reiter (eds) (1998) *Policing Protest: The Control of Mass Demonstrations in Western Democracies*) is an exercise in avoidance of recourse to force. Muir's classic analysis demonstrates clearly how police officers manipulate the

exercise of power in their routine encounters with 'skid row' residents (W.K. Muir (1977) *Police: Streetcorner Politicians*). A useful balance is struck by the collection of essays assembled in W.A. Geller and H. Toch (1996). *Police Violence: Understanding and Controlling Police Abuse of Force*.

Much of the literature on why, how and when police do use force is American. This is driven mainly by longstanding concerns about racial tensions that have sparked serious public disorder, especially in the wake of alleged police brutality. The National Institute of Justice has available on its website (http://www.ojp.usdoj.gov/nij/journals/welcome.htm) a host of reports of varying generality, probably the best of which is J.H. Garner *et al*. (1995) *Understanding the Use of Force By and Against the Police: Final Report*. Amongst published sources G.P. Alpert and R.G. Dunham (2004) *Understanding Police Use of Force: Officers, Suspects, and Reciprocity* is a sophisticated study of routine forceful interactions between police and the public. In England and Wales, the Independent Police Complaints Commission website also hosts a series of reports on the police use of force, including some general reviews on police pursuits, deaths in custody and police shootings (see http://www.ipcc.gov.uk/). The Association of Chief Police Officers website hosts a set of guidance documents relating to a diverse array of uses of force (see http://www.acpo.police.uk/policies.asp).

Amongst the comparative studies, P. Chevigny (1995) *Edge of the Knife: Police Violence in the Americas* is an excellent comparison of differences in the propensity of the use lethal force throughout north and south America. An up-to-date history of armed policing since the Second World War is available in M.J. Waldren (2007) *Armed Police: The Police Use of Firearms Since 1945*. The only comprehensive review of police use of firearms and riot-control in England and Wales remains P.A.J. Waddington (1991) *The Strong Arm of the Law* but this is now becoming dated because of technological advances. Brian Rappert's study of non-lethal weapons is a comprehensive and sophisticated, but not particularly accessible, analysis (see B. Rappert (2003) *Non-Lethal Weapons as Legitimating Forces? Technology, Politics and the Management of Conflict*). The University of Bradford hosts a website that produces reports on a wide range of non-lethal weaponry (see http://www.brad.ac.uk/acad/nlw/).

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Chapter 19

Drugs policing

Maggy Lee and Nigel South

Introduction

Just as drugs policy is 'never purely about drugs' (Dorn 1998: 11) so too the policing of drugs reflects wider politics, social change and perceptions of threats to social order and everyday life. Illegal drugs are a source of fear for many and demonised by authorities and the media: often representing a 'plague' or source of 'corruption' identified with external 'others' that requires the mobilisation of defences and resources to fight a 'war' (Christie 1986; Home Affairs Committee 1986; South 1999). Throughout the twentieth century, police were key contributors to the development of this discourse although, importantly, this was not to the exclusion of innovations such as the accommodation in the 1980s of harm reduction principles (Dorn and South 1994), the creation of arrest referral schemes (Dorn *et al*. 1990) or reservations from some 'thinking coppers' about the implications of the 'drugs war mentality' for British policing (Grieve 1993; Blanchard 2003). Drugs policing remains a particularly high profile field despite the anti-terrorism agenda of the post-9/11 world order. Indeed the links between terrorism and drug trafficking as a source of funding are of particular interest to intelligence analysts and investigators (see Cope, this volume).

As an area of priority and specialisation, drugs law enforcement has often led the way in precedents and developments for both policing and HM Revenue and Customs. Examples include changes in organisation and techniques (specialist squads, undercover work, informant use, intelligence gathering and so on) and in relation to partnerships with communities and the business sector and multi-agency strategies.

Thus, though potentially very broad in scope, this chapter focuses primarily on the early history and foundations of the development of drugs policing; forms of organisation and specialisation, including financial policing; as well as transnational/global, national and local drugs policing (including corruption).

Early history

Drugs policing is not new. By definition, from the beginnings of the process of their criminalisation, possession of and dealing in certain drugs became both a target for the police and a spur to the development of various styles and techniques of policing.

Prior to the First World War, an international drug conference in the Hague in 1912 agreed the principle that the use of opium, morphine and cocaine should be limited to 'legitimate medical purposes'. However, commercial considerations such as German and British interests in, respectively, cocaine and morphine production meant little of the agreement was pursued at the time. In the domestic legislative context, only some tightening of regulations relating to prescribing and over-the-counter sales followed (Kohn 1992: 42). The First World War sharpened national interest in the legal status of drugs in several ways.

First, in 1915 and 1916 several stories emerged linking servicemen with the use of drugs. Most famously, Canadian soldiers based in Folkestone were found to be using cocaine supplied by a petty criminal, Horace Kingsley, and a London prostitute, Rose Edwards. This triangle of 'crime-prostitution-corruption' was linked to the further threat of 'outsiders' – Canadians – bringing the 'habit' of cocaine use to Britain and was a powerful image in news reporting. However, rather more telling about the availability of drugs in Britain was that the supplier to the Folkestone troops, Kingsley, was not part of some elaborate illegal chain of traffickers but merely exploited a lax regulatory system in which some pharmacists were happy to supply cocaine without a prescription or proper record of the transaction (Kohn 1992).

Secondly, the war meant London police became increasingly interested in the refugees who had fled Europe and the contributions that some made to the West End underworld. Prostitutes, petty criminals and others among the undesirable 'foreigners' now mixed in the milieu of local criminals rumoured to be associated with cocaine supply, and all became the subject of police attention employing informants and surveillance. For example, information received by an inspector at Paddington in early 1916 named one Willy Johnson as part of a supply gang and led to observation being carried out by Police Sergeants Hedges and Venner which led to Johnson's arrest and, as Kohn (1992: 37) puts it, 'London's first drugs bust'. In response to the Folkestone case and other concerns, the Army Council recognised the ill-defined nature of drugs offences and banned any unauthorised supply to soldiers of a variety of drugs that might be abused. In civilian life, however, swift remedy of what now appeared an unsatisfactory situation was not so easy. The Poisons and Pharmacy Act 1868 was designed to regulate sales by pharmacists, not the criminal trade. Furthermore, in the Johnson case, Hedges and Venner had not actually witnessed a completed drug deal, merely Johnson's attempts to hustle and offer cocaine for sale. Johnson was acquitted (Kohn 1992: 38), leading to support from all ranks of the police service for change. Sergeant Hedges noted in a report that 'unless the existing regulations are supplemented, it is useless for Police to devote further time' to drug dealers (a police lament repeated down the years) (Kohn 1992: 39). Johnson's prosecution failed on the basis of

the law as it stood but provided the opportunity for the police to air their case for reform, with the counsel for the police suggesting the idea of a prohibitive addition to the Defence of the Realm Act (DORA).

Subsequent arrests of dealers, concerns about drug use in the Bohemia of clubland and café society, sensational journalism linking drugs with the influence of 'foreigners' and threats to mental and moral health all raised drugs control to a far higher level of policy concern than had been the case in the pre-war deliberations before and after the 1912 Hague meeting. The idea of employing DORA and adding a new regulation struck a chord. Within the Home Office the leading figure supporting new legislation was Sir Malcolm Delevingne, an under-secretary and diplomat who contributed not only to domestic policy but also to the drafting of subsequent international treaties (South 1998; McAllister 2000). Delevingne candidly acknowledged that amendment of DORA as a means of introducing drug control was perhaps stretching the point, saying in terms of 'its bearing on the ''Defence of the Realm'' the nature of the drug problem is neither very direct nor important' (Kohn 1992: 43). None the less this was a way of avoiding the need for legislation that might face greater opposition if taken through Parliament. From 28 July 1916, DORA Regulation 40B required that possession of cocaine or opium be a criminal offence except where possession was by authorised persons (Berridge 1978). The Commissioner of the Metropolitan Police, Sir Edward Henry, was particularly convinced of the baleful consequences of cocaine use and was therefore a strong supporter of any such regulatory measures, arguing for the criminalisation of drugs and imprisonment for dealing and possession, and linking drugs with other social and moral scourges of society. Given the laws and powers, urged Sir Edward, the police might then find it possible 'to deal severely with the unauthorised persons who, using as their tools burglars, thieves, prostitutes, sodomites, men living upon the earnings of women and other nefarious persons, are at present with impunity doing such infinite harm' (Kohn 1992: 43). The drug cultures and markets of the streets had been born but so too had 'get tough' drugs law enforcement.

In these same years, the criminalisation agenda was pursued with even more vigour and success in the USA where prohibitionist sentiment was ascendant, and the Harrison Act 1914 laid the foundations for an enforcement-led public policy that endures today. In Britain however, criminalisation was tempered by the compromise that became known as 'the British System' (Strang and Gossop 2004). The different trajectories of policy and hence policing had political and moral roots, but policy also reflected the particularity of circumstances in the two countries. In the USA, the rapid growth of the new urban centres and their social problems, the growth of a criminal underworld, and the development of an addiction problem considerably more serious than Britain experienced, all meant a law enforcement approach received easy acceptance. Opponents, including doctors who wished to prescribe drugs, and their addict patients, were vilified and faced sanctions. In Britain, on the other hand, the success of a medically oriented approach to a system of maintenance prescribing for the addicted was achievable not least because as Parssinen (1983: 220) put it, 'the addict population was small,

elderly and dying off'. The acceptance of the Rolleston Committee Report to the Ministry of Health in 1926 led to the establishment of a system that was undoubtedly humane but not altogether professionally selfless (many addicts were themselves medical practitioners who had abused their access to drugs). It was significant in two other ways: it laid the foundations for the harm reduction principles that emerged in the 1980s; and it was also an example of British compromise in so far as a medical and treatment approach was permitted within, and subordinate to, a wider context of criminal justice prohibitions and powers for the police.

Police powers were exercised in the break-up of the small subcultures of drugs use as still existed in the late 1920s, and the absence of conflict between the medical and law enforcement models over the next three decades was not so much the triumph of the British system that is often portrayed, as a reflection of the absence of a drugs problem to respond to (Downes 1977). Only during the late 1950s did police and the Home Office begin to detect evidence of new patterns of drug availability – principally cannabis and heroin – and once again the clubland of London's West End was identified as the site and source of the 'drug problem' (on reasons for the emergence of the problem and responses at this time, see Spear 2002). This identification of the London drug scene re-emphasised that it was the Metropolitan Police that held a special position as the force with most responsibility for, and experience with, drug users and dealers, though ironically it was also this aura of elitism and autonomy that led in the 1970s to the Metropolitan Drugs Squad lying (in both senses) at the centre of scandals revolving around endemic corruption in police specialised units (Cox *et al*. 1977).

From the 1960s, the social and cultural contexts of drug use and drugs related crime underwent significant changes and so too did drugs policy and policing. New patterns of drug availability were emerging. The abuse of the prescribing system by both addicts and doctors led to the growth of a street market in heroin and cocaine causing alarm in policy circles, while media and public were simultaneously fascinated and appalled by new youth cultures and associated drug use (amphetamine and LSD). In succession, the Drugs (Prevention of Misuse) Act 1964, and then the Dangerous Drugs Acts of 1965 and 1967 extended controls, ratified the 1961 United Nations Single Convention on Narcotic Drugs in British legislation, and created the framework for the new system of clinics or drug dependency units. These would now regulate the prescribing of heroin and cocaine in regimes generally aimed at maintenance with the ultimate goal of abstinence and with a treatment orientation dominated by psychiatry, representing a shift from a welfare to control model. As Shapiro (1999: 29) remarks, it is interesting that in a decade that in other respects saw 'unprecedented liberalising legislation' and relaxation of controls 'on gambling, censorship, abortion, homosexuality . . . the laws against drug use were tightened'. Specialist drugs policing – squads, intelligence units and innovative techniques – were to follow. Developments in drugs policing on the street, and the shadow history of cases of corruption, will be discussed below. First we describe organisational changes and trends.

Organisation and specialisation

At least since the 1970s, an increasing amount of what has been categorised as 'serious crime' has been directly or indirectly drug related. Direct relationships may involve drug distribution, related violence including homicide and the laundering of proceeds from drug crime (Dorn *et al*. 1992; South 1992; Bean 2004; Bennett and Holloway 2007). Less directly, illegal enterprises may be involved in illicit markets for a variety of commodities including drugs (Reuter 1983; Ruggiero and South 1997; South 2000) or in serious 'project crimes' that may be funded from the proceeds of drug trafficking. Indeed, reflecting the point that drugs may simply be one business commodity among others for entrepreneurial criminals (Hobbs 1995), the (then new) Serious Organised Crime Agency (SOCA) presented the following analysis in its 2006/7 Annual Report, arguing that

> organised criminals make up an industry, involving many tens of thousands of people working in sometimes competing gangs across the world, who are involved in a large number of complex national and international enterprises designed to make money at the expense of civil society and honest citizens. Many target the UK from outside its borders. This criminal industry has spawned a range of specialist service providers, to assist with money laundering, logistics, and the forging of identities and documents. (SOCA 2007: 8; see also Levi, this volume)

In 1964, regional crime squads (RCSs) covering nine regions were established as a response to concern about the increasing mobility of the post-war criminal committing crimes of an organised nature across force boundaries. Local police were seen as ill-placed to react to such crime not only because of their geographical limits but also because new degrees of seriousness and sophistication were becoming evident. The RCSs were followed by the establishment of criminal intelligence branches in each of the regions (ACPO 1975: 2; Dorn *et al*. 1992: 154) and specialist operational 'drugs wings' in the mid-1980s following the recommendations of the Broome Committee Report (ACPO 1985). In a move to improve effectiveness, the RCSs were amalgamated into six regions in 1993. However, just two years later, growing unease about the threat of organised crime led the Parliamentary Home Affairs Select Committee to conclude that the RCS structure was out of date and a nationally co-ordinated structure was now required.

Increasing specialisation of skills and functions reflected not only the perceived need to match the sophistication of serious criminals but also a general shift away from reactive investigation and detection of individual crimes to a strategic approach to crime control. The growth of what came to be described as 'intelligence-led' policing (see Tilley, this volume) and a proactive 'targeted' approach (e.g. monitoring sales of the precursor chemicals used to manufacture synthetic drugs) was a characteristic key feature of drugs-related policing from the mid-1980s, initially in relation to high to middle-level drugs crime enterprises and markets. As we shall see, the approach also became a part of strategies for low-level drug enforcement.

The development and direction of capacity for intelligence analysis relating to drugs and other serious crimes followed the establishment of the RCSs, and the value of intelligence-led/targeted policing is now fully embraced and promoted in generic policing (cf. the Audit Commission's (1993) recommendation to the police to 'target the criminal, not just the crime'). The importance of intelligence and informant use in specialist policing throughout the UK has grown enormously, whether in metropolitan or small-town locations (Maguire and Norris 1992: 78–96; Collison 1995; South 2001). However, London and its police have remained central to organisational and capacity developments. In 1973 a Central Drugs and Illegal Immigration Unit (CDIIU) was established at Scotland Yard, linking two issues seen to represent increasingly important threats from external sources. Over 30 years later successor agencies such as the National Criminal Intelligence Service (NCIS), the National Crime Squad (NCS) and most recently the new Serious Organised Crime Agency (SOCA), have all featured these issues prominently in their work. The National Criminal Intelligence Service had its roots in the CDIIU, its specialisation developed a year later when it became the Central Drugs Intelligence Unit, serving nationally but still based with the Metropolitan Police, and then the National Drugs Intelligence Unit, formed in 1985 as a joint police and customs service intelligence-gathering and clearing house. As Dorn *et al*. note:

> historically, the organisation of drugs intelligence in Britain has been influenced . . . by the Metropolitan Police's assumption of a quasi-national role . . . As a succession of reports shows, ACPO's expert and considered assessment has tended to be that the relationship between trafficking and other crimes is close enough to merit integration of intelligence functions. Thus the 'Baumber report' (ACPO 1975) saw integration of intelligence functions as the way forward at national level and suggested the setting up of an integrated national criminal intelligence office. This recommendation was repeated more firmly a decade later by the 'Ratcliffe report' (ACPO 1986) which also foresaw 'the integration of the National Drugs Intelligence Unit' [into a new national criminal intelligence office or service]. (1992: 154)

This emerged in 1992 as the broader National Criminal Intelligence Service and drew together various specialist police database operations. However, as with the work of the NCS, a large proportion of NCIS work was drug related. The NCS was launched on 1 April 1998, with eastern, western and northern geographical divisions and a London headquarters. Although the squad described the range of criminal activity 'targeted' as including drugs and arms trafficking, immigration crime, money laundering and counterfeiting, kidnap and extortion, approximately 75 per cent of its operations involved drug trafficking (NCS 2002). The NCS worked with NCIS and HM Customs and Excise and is mirrored in Scotland by the Scottish Drug Enforcement Agency (SDEA), established on 1 June 2000. The SDEA incorporated the former Scottish Crime Squad and clearly signalled via its title that although investigation of other serious and organised crime falls within its remit, drug-related crime is its main *raison d'être*.

Significantly, there has been yet further reorganisation and change. The NCIS and NCS have been amalgamated and replaced by a new hybrid policing and intelligence agency – the Serious Organised Crime Agency (SOCA). Created under the Serious Organised Crime and Police Act 2005 and staffed by civilians, SOCA combines the legal powers of police and customs and immigration services and has both a national remit (e.g. the dislocation of criminal markets in the UK) and an international reach (e.g. operating as the Europol and Interpol bureau for the UK). Heralding all this, Baroness Scotland, Minister of State for the Home Office noted in the House of Lords that:

> It makes no sense for there to be an organisational divide between the gathering and dissemination of intelligence and the operational uses to which such intelligence is put. Nor does it make much sense for much of the national effort against serious drug trafficking to be split between Customs and the National Crime Squad. (*Lords Hansard*, 14 March 2005, col 1078)

Not unlike its forerunners, SOCA's operations are largely geared towards drug trafficking which is seen as the 'single, greatest organised crime threat to the UK' particularly where Class A drugs are involved (SOCA 2007). 'Intelligence-led enforcement' is crucial in this context, as the Chair of SOCA, Sir Stephen Lander, explains:

> We have to choose which of the operational opportunities that are presented hit a threshold for us to engage in, or are relevant to that harm-reduction agenda . . . If you need to make choices, you have to have information . . . We have set up some machinery that works round this, and it has three features. The first is a thing called the UK Threat Assessment. Previously written by NCIS (the National Criminal Intelligence Service) now written by us, this is a statement of – forgive me – how little we know about serious organised crime. Next comes the National Intelligence Requirement which lists 178 issues that we need to know more about: the who, what, why, when, where questions about organised crime . . . So a lot of our effort is going into building up an understanding of what the problems are, not just whether Mr. ''X'' is the bad guy who's doing it, but what the underlying problems are, and how the criminal business works. How the cocaine price is affected by what we do, or how it's not affected by what we do. And to make those choices, we need to do that intelligence work, we need to understand. So this organisation needs to be intelligence-led or, more transparently, to operate from knowledge to action. (Lander 2007)

Whether or not this new agency will raise British drug policing to a new level of efficacy remains to be seen. Commentators have pointed to SOCA's unprecedented law enforcement powers ('potentially combining the arrest powers of a police constable with the compellability powers of a customs official') and the shift towards centralised control as indicative of 'the dawning of a new era in British policing':

> The combination of administrative and criminal law powers together with the melding of law enforcement practices (such as controlled delivery, covert surveillance, undercover operations and infiltration techniques) from these hitherto very different agencies creates a new agency with unprecedented powers for surveillance, intrusion and coercion. This raises a wide range of questions about independence, regulation, transparency and accountability. (Bowling and Ross 2008: 1025)

Financial detection

Intelligence-led policing and 'problem'-oriented approaches to crime control have developed hand-in-hand with new financial tracking capabilities, involving police access to financial data held by banks and others. The Proceeds of Crime Act came into force on 30 December 2002, accompanied by a government pledge to double the amount of money seized from criminals. The Act applies across the UK and is administered by the Assets Recovery Agency. It enhances powers first introduced under the Drug Trafficking Offences Act (DTOA) 1986 and allows for the freezing of assets at the start of an investigation to avoid their sudden disappearance from sight or jurisdiction and the granting of monitoring orders to the police and other investigators to trace transactions taking place on a given bank account. The DTOA is worth further brief discussion because of the precedent it set for action by the courts (reversing the burden of proof from the prosecution to the defendant, who now had to show that his or her assets were legally acquired) and because it is an example of the great influence that American legislation (such as the Racketeer Influenced and Corrupt Organizations Law – see, for example, Goldsmith 1988) and law enforcement developments have had on UK drugs law and policing.

In the early to mid-1980s, the unprecedented rise in heroin and other drug problems, alongside associated crime, led to a cross-party parliamentary consensus that was not averse to the use of images of 'invasion' and 'war' (Social Services Committee 1985; Home Affairs Committee 1986: iv–v). The Conservative government certainly had backing for tough action against traffickers but needed an innovative instrument. The grounds for financial policing to be applied to drugs cases were strong: as the result of an earlier appeal it had been established that the Misuse of Drugs Act 1971 could not be used to enable seizure of assets held to be of criminal provenance. The 1985 Home Affairs Committee urged emulation of American practice, to 'give the courts draconian powers in both civil and criminal law to strip drug dealers of all the assets acquired from their dealings in drugs' (Home Affairs Committee 1986: iv–v) and the DTOA was the result. In practice, the confiscation of criminal assets was neither widely nor always successfully pursued, and the Proceeds of Crime Act 2002 and new administrative support reflected this. The 2004 White Paper *One Step Ahead: A 21st Century Strategy to Defeat Organised Crime* and the passage of the 2005 Serious Organised Crime and Police Act addressed this problem again, brought the administrative agency into SOCA and introduced the use of Financial Reporting Orders which allow for a procedure to monitor the financial affairs of offenders for a

period of years. Such laws have been criticised for eroding civil liberties and, in 2000, the Scottish Criminal Court of Appeal held that the Proceeds of Crime (Scotland) Act 1995 was unlawful because the presumption that assets are derived from crime unless otherwise proven is a violation of the European Convention on Human Rights. Furthermore, provision for the exchange of financial data relating to individuals may raise similar concerns to those debated in relation to cases involving the exchange of personal data between the police and other bodies (e.g. probation, social services, housing and health departments). A set of general data protection principles established at European level and in the Data Protection Act 1998 applies to this kind of data although Maguire (2000) has argued that, in reality, multi-agency protocols are essentially 'facilitative' rather than 'restrictive', containing many broad data protection exemptions and 'few meaningful barriers' to the sharing of a wide range and volume of personal information, with little regard to privacy issues. Increasingly then, law enforcement measures and some legislation aim to push serious criminals outside the protection of rights-based law, yet at the same time rights-based laws can be used to challenge such attempts! As in many areas of drugs law enforcement, tensions and contradictions abound.

Transnationalisation of drugs policing

Between the First and Second World Wars, the USA promoted drugs prohibition at home and internationally. As head of the foreign control section of the USA's prohibition unit in the 1920s, Harry Anslinger met like-minded drugs officials such as Sir Malcolm Delevingne at international meetings and, despite occasional disagreements (McAllister 2000; Sheptycki 2000: 21), such policy entrepreneurs set in motion a strong movement towards transnational control and law enforcement. In 1930, Anslinger became the first US Narcotics Commissioner, at the age of 38, a position from which he systematically set out to help build up the contemporary demonology of drugs that was highly influential in global law enforcement circles for decades. Following the war, the USA embraced a new internationalism and, as Sheptycki (2000: 211) notes:

> in steering the international drug control agenda the USA had created a vehicle for sending policing personnel abroad in numbers never before seen . . . from the 1960s onwards, the number of authorised US overseas 'law enforcement' personnel greatly surpassed the number of conventional overseas 'secret service' posts.

To other commentators, the expansion of the US drug enforcement presence abroad and the global reach of its policing priorities, investigative norms and techniques amount to the 'Americanization' of drug enforcement (Andreas and Nadelmann 2006). In the UK, although overseas postings and liaison had a long history based on Commonwealth ties and Anglo-American links, as well as the operation from the 1920s of Interpol, it was really in the mid-1980s that the drug strategy of the Conservative government promised greater commitment of police and customs to international and bilateral anti-drugs efforts.

Dorn (Dorn *et al*. 1996; Dorn 1998) has described the variety of internal differences in controls and judicial attitudes towards drugs, as well as some less than fraternal disputes, occurring between member states of the EU. However, what is also noteworthy is that at the 'high end' of policing and in relation to the external presentation of policy and policing by the EU, there has been 'a marked convergence of efforts, techniques and aims' between member states, such that by the late 1990s 'action against drug trafficking had become *the* site for the convergence of policing systems in Europe as anti-terrorist police co-operation had been in the 1970s' (Sheptycki 2000: 214). Despite this and strong encouragement of law enforcement co-operation, as Gregory (2000: 128) notes, 'generally speaking states have not sought to create any form of supranational policing' and neither the long-standing Interpol nor the newer EU Police Office – Europol – have either operational or executive powers but exist principally as hubs for networks of co-operation and exchange of information. Europol was created by the Maastricht Treaty and the Europol Convention of the 1990s as the criminal intelligence agency for the EU, acting as a clearing house and analyst of information concerning serious crimes specified by the EU Justice and Home Affairs Council (see Walker, this volume). As Andreas and Nadelmann (2006: 186–7) point out, 'Europol got its foot in the door of cross-border cooperation in the early 1990s through the mission of drug control and related anti-money laundering activities' but has since broadened its initial 'service role' to a more 'directive role' (including the power to create joint cross-border teams to assist in investigations) in a wider range of cross-border organised crimes (e.g. illegal migration, human trafficking, terrorism, cross-border theft of vehicles and counterfeiting of the euro).

Since September 2001, anti-terrorism has obviously returned to a central place in high-level and transnational police co-operation and convergence, and the agenda now links drugs law enforcement, anti-money laundering initiatives, immigration control and anti-terrorism (see Innes and Thiel, this volume).

From the global back to the local

Policing drugs is a global issue and requires transnational efforts to undermine production, stockpiling and manipulation of the market at this level. The police 'back home' cannot be blamed for ineffectiveness against drugs on the street when overall supply is so plentiful and evidently beyond their control. In the 1980s and 1990s local drugs squads (Dorn *et al*. 1992; Collison 1995) had recognised the displacement or 'balloon effect' ('press down here and it pops up over there') that follows targeting of dealing sites, acknowledging that such operations could disrupt local markets but not cut the steady flow of supply. Since then the volume of drugs produced for the international market has expanded even further.

Production, distribution and availability have also increased in relation to cocaine and cannabis. In the 1990s NCIS acknowledged that record seizures had made no discernible impact on street price and that seizures of drugs are a fraction of estimated smuggled imports. The ability to 'shut down' a local market has become correspondingly more difficult and, given the fragmented

nature of the illegal drugs market, modest success of law enforcement at local level will make little difference to overall availability or the general drug market (Matrix Knowledge Group 2007).

For some this suggests it may be more appropriate to pursue a strategy focused on the external and upper levels of the chain (i.e. sources of production and organisers of distribution). This idea is not new; in fact a combination of local policing and international co-operation goes back to the mid-twentieth century. In the late 1960s and the 1970s both British and Dutch police were targeting the growing heroin markets of London and Amsterdam which were seeing seizures of 'Chinese' heroin but also working with police in Hong Kong and elsewhere in southeast Asia. In the 1980s and 1990s, the focus shifted to the posting of liaison officers in Pakistan with an interest in opium production in the 'Golden Crescent' region, including Afghanistan. Bigo (2000: 74 and *passim*) notes the increasing importance of such police officers as 'new transnational agents' occupying specialist liaison posts 'responsible for the prevention of terrorism, drugs and organised crime' (2000: 73) and draws the important distinction between 'bilateral liaison officers (posted abroad in foreign police agencies) and so-called European liaison officers (posted at Europol Headquarters in the Hague)' (2000: 74). Clearly the transnational terrain is increasingly important but also increasingly complex. UK police and customs follow production and distribution of crop-based drugs from overseas origins to local streets, and money trails from UK banks to states regarded as having lax banking regulations. At the same time, however, UK crime entrepreneurs manufacture synthetic drugs for both domestic *and* overseas markets, and Jersey and the Isle of Man are listed by US and Canadian police agencies as offshore banking havens for money laundering.

Against a background of critical evaluations of 'high level' approaches to drug enforcement and continuing questions about the impact of police efforts to curtail distribution and availability, the local dimension has become much more prominent in policy and practice debates. Perhaps more significantly, police enthusiasm about low-level drug enforcement has to be understood as part of the response to the pressure to deliver 'results' and to focus on 'what works' measures.

National and local drugs policing

'Counting' drug enforcement

According to Home Office figures, there were 161,113 reported seizures involving controlled drugs in England and Wales in 2005 (with the vast majority involving cannabis, following its reclassification as a Class C drug and the introduction of 'street warnings' from 2004) (Reed 2007). According to Reed (2007: 7), overall, 96 per cent of all seizures in 2005 (155,140 seizures) were made by local police forces, four per cent by HM Revenue and Customs (5,869 seizures) and less than one per cent by the National Crime Squad (104 seizures). In summary, police forces accounted for 96 to 99 per cent of all

seizures of class A, B and C drugs. Around 10 per cent of all cocaine was seized by HM Revenue and Customs, also responsible for 15 per cent of seizures of other class A drugs but only one per cent or less of seizures for LSD, ecstasy, heroin and crack.

Some commentators have argued that the mundane reality of drug law enforcement involves the police making 'shit-bum arrests' (Wilson 1978: 80) of street-level hustlers or dealers who are often drug users as well; in Collison's (1995: 12) words, these are the 'little league players in the drug game'. May *et al*. (2002) found, in their study of the policing of cannabis, a significant degree of police action against 'simple possession' with no concurrent offences. Some officers reported using possession arrests as a 'door opener' to other offences, though in practice the offences which actually came to light were almost all relatively minor. Cannabis possession arrests were arguably easy to 'notch up' for probationers, as there was a ready supply of suspects who were likely to be carrying cannabis. Other researchers, however, found evidence of police enforcement activities being reoriented away from possession offences and towards higher-level trafficking (Newburn and Elliott 1998). Such contradictory findings probably reflect not only the lack of consistent and specific guidance on anti-drugs policing but also the high degree of local autonomy available to police generally and their drugs specialists, the discretion exercised by frontline police officers and the inherent difficulty in regulating drugs work 'on the ground'.

In the context of proactive policing and target selection in drug enforcement, questions may be asked about the cost of processing large numbers of minor drug offenders. Whilst the estimated cost of Class A drug possession arrests for *young recreational* users was £3,766,108 (Godfrey *et al*. 2002: 28), the estimated cost of policing cannabis could be as high as £350 million (i.e. five per cent of the annual police budget) or as low as £38 million (i.e. half a per cent of the annual police budget or £500 for processing each cannabis offence) (May *et al*. 2002). As Collison (1995: 3) reminded us, it is also important to consider 'the various organizational and reputational costs borne by the police as the result of the strategies and practices developed and deployed in the everyday world of the drug game, strategies which . . . impact most heavily on those local communities already disenchanted with the possibility of consensual policing' (see also Akhtar and South 2000). The use of stop and search powers by the police is particularly relevant to our discussion here as Phillips and Brown (1998) found in their study that nearly one half of police arrests for drugs offences are a result of stop and search. May *et al*. (2002) suggest that the over-policing of cannabis (i.e. a tenfold increase in numbers found guilty or cautioned for cannabis possession in the UK since 1974) was most likely a result of an upward trend in consumption combined with the growth in the use of stop and search by the police until the late 1990s. Following the publication of the Macpherson Report in February 1999, there was an overall fall in the number of stop and searches and a corresponding fall in drug arrests and the number of cautions given by police, although this trend was short lived. While some police officers were openly critical of any further limitations of police search and arrest powers that might follow the reclassification of cannabis as a Class C drug, seeing this as an impediment to street-level drug

policing and likely to 'frustrate both our ability to clear up other crimes and the intelligence gathering process' (Monaghan 2002: 9), others have pointed to serious problems long associated with police use of stop and search powers (Lea 2000). Indeed, these factors have continued to shape the reality of drug policing. In a recent study on the policing of cannabis as a Class C drug, May *et al*. (2007) found that many officers viewed cannabis arrests as a 'gateway' to the detection of more serious offences even though analysis of custody records revealed that 'less than 1 per cent of simple possession arrests ''opened the door'' to the discovery of other more serious offences' (May *et al.* 2007: ix). In some police force areas, officers trawled for possession offences in order to meet government-set targets for 'bringing offenders to justice' (2007: x). The resulting over-policing of particular sections of society (i.e. people from black and minority ethnic groups continue to be over-represented in recent statistics for cannabis possession) will most likely remain one of the main tension points, especially against a background of conflicts between the police and black communities (see Bowling *et al.*, this volume).

Low-level drug enforcement

Targeted policing which combines a problem-solving approach with what is often referred to as low-level drug enforcement (Dorn and Murji 1992; Lee 1996; Murji 1998; Jacobson 1999) has sometimes followed dissatisfaction with the expense and seemingly poor results of attempts to disrupt wholesale trafficking and the middle markets. 'Low level' is taken to mean the suppliers and users at the retail level of the drug market, with police reorganisation and intelligence development broadly mirroring the perceived hierarchy of the market. In the context of drug enforcement, locally based police initiatives can involve any combination of a number of elements which inhibit drug transactions or 'manage' the drug market, 'trying to keep it from growing or causing too much disruption locally' (Lupton *et al*. 2002: 42–3) – for example, by increasing the risks of arrest and general inconvenience faced by buyers and sellers, disrupting the criminal business or removing key individuals from the area. Enforcement activities most commonly take the form of surveillance, use of intelligence, test-purchase operations, highly visible patrols and police crackdowns. Police initiatives may also include more treatment-oriented interventions to 'break the cycle of drug-related offending', such as referral to drug advice agencies or support for the court's use of Drugs Treatment and Testing Orders, and the proposed supervision of heroin injecting in specialist units in police stations (ACPO 2002).

Low-level drug enforcement has also been closely associated with a 'community damage limitation' approach to drugs control. The aims of this approach are multifaceted, including reducing fears of drug-related crime, reducing levels of visible drug dealing, protecting communities from drug related nuisance and antisocial behaviour, promoting drug education in schools and minimising threats to public health. Such thinking is apparent in the Advisory Council on the Misuse of Drugs Report, *Police, Drug Misusers and the Community* (ACMD 1994), in *Tackling Drugs Together* (HM Government 1994), in the Labour government's strategy on drugs, *Tackling Drugs to Build a*

Better Britain (HM Government 1998) and its (post-Drug Czar) *Updated Drug Strategy* (Home Office Drugs Strategy Directorate 2002). In the 2007 consultation exercise concerning the Government Drug Strategy a largely positive picture is provided of police activity continuing in the same forms with little signs of dramatic change:

> Police forces are increasingly recognising the importance of seizing the opportunity to tackle local drug supply and demand problems at the same time, by engaging drug users and guiding them into treatment services. During and after an operation focused on street-level dealing, the availability of drugs in a locality can be significantly reduced. Although this may be for only a relatively short period of time, it is nonetheless an opportunity worth exploiting to get users into treatment. Some forces go further by taking a comprehensive, intelligence-led approach (utilising the National Intelligence Model), facilitating the identification and monitoring of those offenders causing the most harm and those at risk of becoming the high-harm offenders of the future. (HM Government 2007: 25)

The point about the window of opportunity offered by a local clean-up and reduced availability of drugs is a recurrent one. For example, a particularly neat reinterpretation of what counts as success (an example of the glass being seen as half full, not half empty) can be found in the 1994 ACMD report: thus, if a police

> crackdown on dealing in a public place leads to dealers switching their business operations to a private house and drug availability and consumption remain undiminished, this may be regarded as a failure in enforcement terms. But the other outcome may be to restore a public amenity for the benefit of the wider community, in which case the police should be given the credit. (ACMD 1994: 27)

This broadening of policing objectives fits with the police's own argument that – as in other areas of police activity – performance cannot be measured solely in the quantifiable terms of detection rates and drug seizures. In the process, the police mission has been redefined in terms of being responsive to the expressed needs of local communities, creating a 'consistent' and 'co-ordinated' response to the drugs problem, and measuring their performance based on a 'realistic' assessment of the scale of the problem. The public is asked to accept that the elimination of the drugs trade is impossible, and containment or minimisation of the various harms associated with drug misuse is the best that can be achieved. What constitutes success in drugs law enforcement has been constantly redefined in police agency and government strategy documents. 'Good' results no longer need to be measured in the conventional sense of drug seizures or court-based punishments. Indeed, Chatterton *et al*. (1998) were able to come up with a 'robust suite of performance indicators (PIs) for evaluating police anti-drugs strategies' comprising 48 main and 142 complementary performance indicators from which police forces could pick and mix to suit their local needs. However,

despite the rising use of Key Performance Indicators and Public Service Agreements, the 2007 Report on Drugs from the Royal Society of Arts felt able to suggest that 'drug offences are not always pursued with the energy' that they would seem to require,

> largely because, at a time when police work is dominated by targets, [and] measures . . . there are no performance indicators in the National Policing Plan or the Police Performance Assessment Framework that relate specifically to drugs, other than a single indicator relating to public perceptions of the prevalence of drug-related crime. As so often, perception trumps reality. (RSA 2007: 135)

Problem-solving approaches to drug enforcement have been developed in partnership with local agencies that bring together various responsibilities and areas of concern. In the mid-1990s, Drug Action Teams and drug action groups were formed to 'tackle drugs together' in the light of local needs and priorities, generally involving representatives of education, health and local authorities, drug agencies, the police and other criminal justice partners. The orientation towards problem-solving has led to a redefining of the ownership of the drugs problem. This involves the police seeking to impact on crime not only in a direct way (e.g. through detective investigation) but also by activating statutory and non-statutory agencies and/or using civil procedures or administrative powers possessed by other agencies to deal with drugs and drugs-related problems outside the criminal justice and penal systems. For example, the Crime and Disorder Act 1998 highlighted the importance of the police fighting crime in a strategic and targeted manner, in partnership with other social agencies. Under the Act, all local authorities have a statutory duty, in collaboration with the police and other agencies, to produce and implement a formal 'crime and disorder strategy' and where necessary to seek court orders to restrict the movements or behaviour of individuals seen as posing a threat to community safety. In this context, highly visible, though relatively minor, forms of street dealing are a prime target of crime and disorder strategies. The community is also given a crime prevention role through emphasis on physical measures to 'design out' crime and situational strategies to reduce opportunities for drugs selling and buying. For example, 'place managers' in fast-food restaurants and betting shops can be trained to be aware of drug dealing in such popular meeting places and transaction sites and take remedial measures (e.g. by discouraging long-stay customers or installing blue lighting in toilets to make injection of drugs more difficult) (Edmunds *et al*. 1996). The public as 'active citizens' have also been mobilised to co-operate with the police in the fight against drug-related nuisance, for instance by calling drug hotlines. The emphasis on the police working in partnership with local authorities, street and neighbourhood wardens and engaging local communities has been given further statutory impetus by the Anti-Social Behaviour Act 2003, where police are given new powers to close down 'crack houses'.

'Community' is, of course, not an unproblematic concept in relation to policing (Crawford 1997; Hughes *et al*. 2002). As Cohen (1979: 609) has argued,

a 'new mode of deviancy control' premised on the presence of community is advocated 'just at the historical moment when every commonplace critique of ''technological'', ''postindustrial'' or ''mass'' society mourns the irreplaceable loss of community'. The idea that drug buyers and sellers come from 'outside' the boundaries of community is a popular one, supported by some studies though challenged by other evidence on local drug markets in white working-class communities (Forsyth *et al*. 1992; Parker *et al*. 1998b; Lupton *et al*. 2002).

In the context of intelligence-led anti-drugs policing, police 'partnership' with social agencies has involved a normalisation of exchanges of personal information with limited critical scrutiny (on 'grey information' provided by the private security sector, see Lee 1995). Critics have argued that enforcement measures using civil standards of proof can be seen as 'an unjustifiable ''back door'' method of using the power of the criminal law to control [antisocial] behaviour . . . about which there may not be reliable evidence' (Maguire 2000: 324). For example, local authorities can evict 'suspected' drug dealers by enforcing tenancy conditions and local councils and the police can apply for an antisocial behaviour order to exclude 'troublesome' individuals (e.g. drug sellers) from particular areas. These civil sanctions can in turn give rise to strong criminal sanctions when breached, though in practice civil sanctions are seldom invoked because of the time, financial costs and other obstacles involved (e.g. local authorities are reluctant to evict tenants whom they may ultimately have to rehouse elsewhere – Lupton *et al*. 2002: 61).

Police partnership with the community can also be regarded as problematic if we consider the complex and contradictory nature of social reaction to drug policing in inner cities. In the USA, for example, there is some evidence to suggest that 'public support for aggressive enforcement is the strongest among persons *most likely* to be the target of that enforcement, namely African Americans, Hispanics, low income residents, renters, and persons of limited education' (Rosenbaum 1993: 76, emphasis added). Proponents of intensive police operations are able to point to survey results which suggest that, while ethnic minorities are strongly opposed to police use of excessive force (more so than whites), the same groups of the most disadvantaged residents may call upon the police 'to do whatever it takes' to remove the local drug problem (Rosenbaum 1993). In practice, police crackdowns and the 'war on drugs' have filled up many juvenile institutions, jails and prisons with drug convicts, impacting disproportionately on young black men and minority communities (Mauer 2000).

Similarly in Britain, the invocation of a police alliance with black communities has been evident in special police operations such as the Metropolitan Police's 'Operation Trident'. Trident was presented as 'a police response to ''community'' pressure', especially 'from the black community over concerns about gun crime' (Murji 2002: 33). But the question of 'who speaks for or represents ''the community''' remains (2002: 33). Furthermore, police racialisation of the drug problem and the chequered history of police crackdowns on drugs in some areas (e.g. Brixton and Notting Hill in London) suggest that anti-drugs policing does not occur in a vacuum. In the past high-profile anti-drugs police operations were sometimes scaled down or closed because

of allegations of racism. Indeed, social reaction to drugs is highly complex and sometimes contradictory in nature. As Murji has argued:

> it is possible to see the police as both promoting the idea of yardies as a black mafia and seeking to play it down. Black politicians have simultaneously complained about stereotypes and called for a war on drugs in the name of the black community. Drugs researchers and agencies have both criticised the pre-occupation with crack (or any other drug on its own) while some have discovered crack and perhaps used that as the basis for their continued funding (cf. *Druglink* January/February 1993). (1998: 151–2)

There are other important questions associated with locally based police initiatives in drug enforcement. Questions may be asked about their effectiveness. Targeted police operations appear to have limited long-term impact on drug-dealing activities and drug availability (Lupton *et al*. 2002; May *et al*. 2002). In Manchester, for example, high-profile police presence was found to have 'little, if [any] at all, impact' on drug hotspots and local 'drugs economies continue to flourish and grow' (Chatterton *et al*. 1998: 7–8). Drug dealers, runners and buyers are known to have adapted their *modus operandi* in response to police tactics (e.g. greater use of mobile phones, requirement for new buyers to consume drugs on site). Some research studies have also highlighted the problem of displacement of the drugs problem, though the precise nature and impact on a variety of constituencies (e.g. businesses, commuters, drug workers, police and residents in various neighbourhoods) are still open to debate (Edmunds *et al*. 1996; Lee 1996; Jacobson 1999; Lister *et al*. 2007).

Evaluations of different types of local drug referral schemes at the point of arrest have raised a different set of issues. Surveys suggest that by the end of the 1990s just over half the country was covered by some type of arrest referral scheme (Newburn and Elliott 1998). Some studies have highlighted the 'modest gains' of referral schemes in facilitating some drug users' access to help and information (Dorn and South 1994; Murji 1998: 83, 113–16) while Edmunds *et al*. (1998: vi) reported 'very substantial reductions in both drug use and crime' (though potential 'response bias' was acknowledged). However, efforts by the police and drug workers to deliver referrals and to intervene at a critical point in the careers of active offenders have sometimes raised uncomfortable questions about client confidentiality, costs and benefits, and the role of compulsion in drug treatment. This last point has become even more relevant given the police powers to drug test detainees for 'trigger offences' (mainly property offences) under the Criminal Justice and Court Services Act 2000 and the proposal to strengthen the links between 'a positive test result' for Class A drugs and 'treatment targeting'. As Mallender *et al*. (2002: 4) have pointed out, 'some stakeholders have suggested that testing by the police should be allowed to have an impact on police bail . . . [as] this will increase the deterrence effect of drug testing'. All this, coupled with the scepticism of many frontline officers towards the police role in harm reduction, illustrates the perennial tensions of combining welfare and crime control

elements in police work. Lending support to this point, a recent study of 'street policing of problem drug users' concluded that 'welfare-oriented activities (for example, referrals to drug treatment services) were not a core part of routine encounters between problem drug users and police officers' (Lister *et al*. 2007: 1).

Rule-bending and other forms of police misconduct

There is one further aspect of intelligence-led drug policing that has raised concerns among some critics – i.e. the widespread use of criminal informants (Reuter 1983; Norris and Dunninghan 2000; South 2001). As Maguire (2000: 325) argues, 'any policing system which places informants at the heart of its operational strategy runs a constant risk of ''the wheel coming off'' through rule bending and worse'. In drug enforcement, participating or nonparticipating informers and undercover police may be used by drug squads to infiltrate the drug trade – for example, through drug busts or controlled deliveries. Such actions arguably stretch 'the limits of policing in a democratic society' and foster 'an entrepreneurial approach to detection which, once perfected in the drug game . . . can all too easily slip over into more mainstream police work' (Collison 1995: 196). People may be 'set up' by informants acting as agents provocateurs; and police may end up facilitating rather than repressing crime (e.g. officers turning a blind eye to informants' criminal activities in return for information). There are also risks of officers dishonestly concealing the involvement of informants from the authorities, the courts, and defendants and their lawyers, thereby undermining rather than promoting justice.

The collapse of prosecutions in several high-profile drug-smuggling cases and a series of damning reports into the practices of HM Revenue and Customs (or Customs and Excise as was) (for example, the Hosker Report in 1999; the Butler Report in 2000; the Gower Hammond Report in 2001) provide vivid examples of 'the wheel coming off' when individuals or whole teams were systematically involved in rule-bending with the aim of achieving 'good' results. Customs and Excise, especially its elite enforcement arm, the National Investigation Service, has been criticised for its 'culture . . . of carelessness and recklessness – a catalogue of flawed procedures, misleading requests, illegalities and incompetence' (*Guardian* 2 November 2002). In particular, in a collapsed prosecution case relating to the importation of cocaine valued at over £30 million in Bristol in 1999, Customs' investigation methods were criticised by the presiding judge as 'socially corrosive and destructive' (*The Daily Telegraph* 9 June 2000). A police investigation, Operation Brandfield, has also been launched into at least 11 major drug-smuggling operations. Most of these operations involved 'controlled deliveries' believed to involve the importation of up to 200 kg of heroin into the UK by Customs, some of which 'went missing' and ended up on the streets (*Guardian* 2 November 2002). Although not related solely to failures in anti-drugs operations, the new department has not greatly improved its reputation in recent years (*The Independent*, 2005).

Such insights into rule-bending are particularly important to understanding law enforcement corruption in Britain and elsewhere (Sherman 1974; Mollen

Commission 1994; Punch 1985, 2000: 312–13; Miller 2003). Indeed, research and official inquiries have found evidence of a range of corrupt activities in drugs-related police work, including opportunistic theft (e.g. stealing from drug arrestees); acceptance of bribes to lie on oath and to provide confidential records; the planting of drugs; illegal searches; the protection of informants; involvement in violence; participation by police officers in drug dealing; and protection of major drug operations. In 1998, the Commissioner of the Metropolitan Police acknowledged that there could be up to 250 corrupt police officers serving in his force, believed to be implicated in offences that include large-scale drug dealing. In April 2001, five police officers from the Derbyshire and Nottinghamshire police forces, including two serving with the elite NCS, were arrested for allegedly dealing in cannabis and cocaine (*The Independent on Sunday* 29 April 2001).

In a review of the literature, Newburn (1999: 25–7) suggests that drug enforcement has a number of characteristics, some shared with other forms of policing, that make it particularly prone to corrupt practice. These include: the difficulty in regulating legally suppressed markets where there is an absence of a 'victim'; the secretive and quasi-legal nature of drug enforcement; the widespread use of informants; pressure for results generated by the 'war on drugs' rhetoric; the difficulty in securing sufficient evidence to convict (hence the temptation to engage in process corruption); the need to buy or occasionally use drugs in the course of anti-drugs policing; and the large sums of money available in the drugs trade. As Newburn sums up, corrupt practices tend to be especially entrenched in drug-related policing precisely because:

> those areas of police work that have the strongest link with, or are closest to, the 'invitational edge' [of corruption] are also those which are generally subject to the least managerial scrutiny and . . . are increasingly associated with extraordinarily large sums of money and therefore very high levels of [financial] temptation. (1999: 27)

Conclusion

Drugs policing has been shaped by many of the same influences and changes as mainstream policing but is also characterised by a 'special' status, both figurative and actual. It is a site of policy and strategic significance; of innovations in law, methods and technology; of much that is valued by the police culture (action, risk and crime targeting); and of a particular and favourable image held by society and media (doing 'dirty work' to protect our communities and young people). However, if drugs policing were *ever* straightforward, this is certainly not the case today.

In the contemporary context, drugs have become a feature of everyday life not experienced since the nineteenth century (South 1999). The argument that drugs have become in some sense 'normalised' in society, whether via increased consumption of drugs such as cannabis and ecstasy, or simply through enormously increased familiarity with drugs as part of the cultural wallpaper, has been supported by some (Parker *et al*. 1998a; Hammersley *et al*.

2003) and contested by others (Shiner and Newburn 1999). However none would dispute that the late modern landscape of drug use, related crime and policing that began to emerge from the late 1970s is profoundly different from that of preceding decades.

At several points in this chapter we have noted tensions in drugs policing and wider policy. Of course such tensions are not restricted to this field but reflect the wider co-existence of liberal versus punitive responses to crime in late modernity, occasionally perceived as complementary but frequently appearing as diametrically opposed. In this respect drugs policing reflects the tension or contradiction between Garland's (2001: 137) 'two criminologies': between concerns with normal, rational offenders (drug users' shoplifting, burgling and small-scale dealing) and, on the other hand, 'threatening outcasts' (the corrupting 'drug dealers at the school gates' image) and 'fearsome strangers' (the alien traffickers image). Drugs policing is constituted by both a 'criminology of the self' (the normalisation of the rational, choosing actor in crime) and a 'criminology of the ''other'' ' (the subversive interloper from 'outside'). As Garland (2001: 137) amplifies, the first 'is invoked to routinize crime, to allay disproportionate fears and to promote preventative action. The other functions to demonize the criminal, to act out popular fears and resentment and to promote support for state punishment'. We have referred to some of the different strands in the story(ies) of drugs policing that find reflection in Garland's two criminologies, from the early history of drugs policing through to recent tensions between the treatment and punishment aims of community-based initiatives. However, further investigation of these various tensions and contradictions would be valuable.

As Berridge and Edwards (1987: 244) have remarked, 'the roots of action on any drug issue appear to be mixed, with influences which interact and mutually amplify'. Actors from within and without the state (e.g. 'non-state actors' and 'sub-state agents' – Sheptycki 2000: 217) play significant roles in the formation of drugs policy and hence directions for policing. In recent drug policy debate there have been many voices urging that change be embraced but official consultations and government statements remain cautious and conservative (as with the 2008 reclassification of cannabis from Class C back to B). The construction of consensus and incorporation or rejection of opposition produces a complex picture of enforcement and treatment, both punitive and liberalising and a future research agenda might address how contradictions are constantly (re)produced and then negotiated in drugs policy and policing.

Selected further reading

Collison's *Police, Drugs and Community* (1995) is an important ethnographic study of a force-level drug squad at work. It examines the strategic, cultural and political effects of contemporary drug policing against a background of the limits and possibilities of policing in a democratic society. Murji's *Policing Drugs* (1998) is about the policing of drugs and the social reaction to particular types of drug and drug offender in Britain. It provides a critical analysis of low-level drug enforcement and drug referral schemes,

drug legalisation and decriminalisation, and official and media reactions to various drug scares. South's 'Drugs, alcohol and crime' (2007) is a comprehensive overview of key studies of the use, distribution and control of illegal drugs and alcohol in the UK, with reference to international developments. In the areas of anti-drugs and anti-terror policing, co-operation across borders has long been important and has become even more so; relevant issues are explored in case studies from Europe in Friedrichs (2007).

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Chapter 20

Policing fraud and organised crime

Michael Levi

Introduction

This chapter deals with the policing of (at least) two categories of crime – organised crime and white-collar crime – that present even greater conceptual boundary problems than do others discussed in this book. Before I discuss policing, let us briefly review the behavioural context in which it takes place. Influenced as we are by profound cultural images of the Sicilian Mafia and the Italian-American Mafia that have brought *The Godfather* and *The Sopranos* to our screens, it is difficult not to be seduced by the assumption that this hierarchical, deeply embedded cultural and family mode of organisation is the natural evolution of serious crime: the general public, criminals and the police are all subjected to (and sometimes entranced by) these images of power and 'threat to society'. However, long before his assassination in 1992, Italian Investigating Judge Falcone appreciated that this threat was much more complex than a subculture or alien conspiracy model, and that the organised crime phenomenon could not be controlled without tackling political and business alliances, as well as police, prosecutorial and judicial corruption. This is equally true of contemporary countries in the Balkans and elsewhere.[1] Where it is hard to develop corrupt alliances between criminal justice officials, politicians and suppliers of illicit commodities or predatory criminals, highly organised crime is unlikely to flourish, though there can be a lot of crime even where major long-term crime groups are absent. This is important because to the extent that organised criminals represent a set of people who are 'really dangerous' to the essential integrity of the state, and who trigger (especially in continental European legal systems) special investigative powers because of this threat, it would be helpful to know how special are their threats and what they constitute. Many 'threat assessments' contribute only modestly to this clarity.

Some academics (e.g. Hobbs 1998) consider that all crime is essentially local in character (even when connected somehow to the global economy); others (Van Duyne 1996, 2007) – though understanding that value-added tax and

European Community frauds require transnational networks (or, with the aid of corruption or counterfeiters, paperwork that *simulates* the transnational movement of goods) – regard the issue of transnational organised crime as overblown and under analysed by the 'threat assessment industry'. Others still regard the sceptics as naive theorists who fail to appreciate the creeping threat posed by cross-border criminal co-operation (see Levi 2007a for a discussion). The nature of what Hobbs (1997) helpfully termed 'criminal collaboration' varies in different countries, but affects the kind of control strategies (policing and administrative) that it makes sense to adopt.

'Organised crime' used to be a phenomenon that was central only to American and Italian crime discourses about 'the Mafia', but – stimulated by the growth of the international drugs and people migration trades[2] and by the freeing up of borders since the collapse of the Soviet Union – the debate about it and specific national and transnational powers to deal with 'it' has extended to Britain and other parts of Europe and beyond since the early 1990s. However unclear it may be about how 'we' can assess whether crime is 'organised' or not, the term is a unifying framework around which international police and judicial co-operation can be structured, and 'special investigative powers' permitted in continental Europe. Definitional ambiguities do not seem to inhibit confident statements about the 'scale of the problem' of transnational organised crime, which is always asserted to be 'growing' and often said to be using hi-tech methods, as if crossing borders by plane, motor vehicle, digital phone or computer were not also done by businesspeople, professionals and the general population, probably in greater proportions than criminals at work do. Some crimes such as 'identity theft' associated with fraud, organised crime and terrorism are also plausibly said to be growing, though crime analysts might usefully explore the variable take-up of such crime opportunities as a way of better understanding criminal markets.[3]

By contrast, 'white-collar crime' is a term used more by criminologists (Croall 2001; Doig 2006; Nelken 2007; Levi and Pithouse, forthcoming) than by police and politicians, especially in Britain where it has only rarely been a major crime issue (and then only in relation to identity fraud and to savings and investment 'widows and orphans' frauds). In keeping with the more general moral entrepreneurship of US 'law and order' politics, the media, politicians and law enforcement officials there are paradoxically *more* likely to discuss it, both, (a) for crimes *against* business (like credit card fraud), and (b) for crimes against investors *by* prestigious and by racketeer-run business alike (Levi 2006). Though the term 'corporate crime' is more common nowadays, some academics also use 'white-collar crime' to refer to the regulation of employers' legal duties to ensure the workplace health and safety of their employees (Tombs and Whyte 2007).[4] For reasons of space and coherence, I will deal primarily here with the policing of one sub-set of white-collar crime – fraud – which itself encompasses a range of victim-offender activities and social statuses. 'The problem of fraud' and official responses to it lack the 'Evil Empire' rhetoric of the construction of the 'organised crime problem', even though *some* large aggregate frauds against taxpayers – evasion of excise duty on alcohol and tobacco – are included in the category of the most serious organised crime threats facing the UK in the assessment of the Serious

Organised Crime Agency (SOCA 2008) and its predecessor the National Criminal Intelligence Service (NCIS 2002) and, peculiarly, tend to be seen as 'organised crime' rather than 'fraud' as if those categories were mutually exclusive.

The harm of fraud and organised crime

Although there have been some modest and intermittent attempts to estimate the prevalence and incidence of *some* white-collar offences, the *financial* costs and other impacts of deception offences have tended to be more the subject of rhetoric than of serious empirical investigation. The costs and impact of 'organised crime' have been subject to some serious analysis (Dubourg and Prichard forthcoming), though this might logically entail the formidable task of not just calculating the impact of the specific activities like illegal drug sales and sex trafficking (e.g. on health and on economic productivity) but also working out what proportion of those illicit commodities were sold by 'organised criminals' (defined how?). Those more sophisticated reviews of the costs of crime (e.g. Cohen 2005; Dubourg *et al*. 2005) that examine the collateral costs (e.g. health and psychological) have focused hitherto on conventional household and street crimes, barely mentioning frauds or any other sorts of corporate (or for that matter, 'organised') crimes.

Paradoxically, if one includes the costs of responses to crime as part of 'the costs of crime' – as is conventional – the less that is done about them, the lower are the 'costs of crime' (at least unless non-intervention leads to more crime, though probably in the future).[5] The latter point is particularly relevant to white-collar crimes, where relatively modest resources overall are expended in investigation, prosecution and imprisonment, despite the fact that – as with 'organised crime' – high-profile cases individually may be extremely expensive to investigate and to prosecute. Frauds are also beginning to be discussed in qualitative terms, aimed at raising the profile of these offences in the British public discourse about crime (e.g. Spalek 2007; Spalek and King 2007; and – for a more nuanced analysis using mixed methods – Karstedt and Farrall 2006).[6]

If we look at frauds not so much by the number of each type reported but by the amount of money lost (conservatively estimated at a minimum £11.9 billion annually in the UK – see Levi and Burrows 2008), we can better appreciate why institutions such as the Serious Fraud Office (SFO) were created in 1987 and still exist. They exist because the 'new classes' of victim – for example, shareholders in privatised utilities and collectors of early retirement and redundancy pay – are a *political risk* which calls for a response. The SFO also exists because Britain was concerned about its reputation in the global market-place and, given that as many as one in five Londoners in employment works in financial services, they are strategically important in an economy of seriously declining manufacturing and agricultural industries (see Levi and Pithouse forthcoming). At the volume fraud end of the fraud spectrum (such as credit card fraud) and even at the level of infiltration into financial institutions and corruption of those already there, there is an overlap between 'organised' and 'white-collar' criminals, since many such frauds are

committed by diversified offender networks. One consequence of this is that the policing of fraud may overlap more with the policing of organised crime than it would have done in the past.

At the risk of confirming the view of policing as 'things that the police do', I will largely exclude here the policing of corporate crimes such as health and safety at work offences. However, though usually less dramatic and certainly less intentional than drive-by shootings in our major cities, readers might note that in 2006/2007 in the UK,

- 241 workers were killed at work, a rate of 0.8 per 100,000 workers
- 141,350 other injuries to employees were reported under the Health and Safety Executive's RIDDOR system, a rate of 535.1 per 100,000 employees
- 274,000 reportable injuries occurred, according to the Labour Force Survey, a rate of 1,000 per 100,000 workers. (http://www.hse.gov.uk/statistics/index.htm)

I have excluded here deaths and injuries from longer term industrial diseases caused by, for example, asbestos and coal dust inhalation, and also the deaths and injuries of members of the public that are a collateral damage of workplace and of consumer product unsafety. We should also note the differences in discourse embodied in non-police policing of serious risks to life, for example the mission statement of the Health and Safety Commission is 'to ensure that risks to people's health and safety from work activities are properly controlled'. In seeking to achieve this 'proper control', thousands of inspections and investigations have occurred, and administrative improvement and prohibition notices issued; as well as 'strict liability' prosecutions under the Health and Safety at Work Act 1974 and other legislation.[7]

The standard method of dealing with the wide range of *non*-police cases is advice and prodding of the unco-operative, with slowly escalating sanctions for persistent violation. If one wished to characterise crudely the difference in the mode of treatment of organised and white-collar crimes, one might do so by suggesting that organised criminals are people who – whatever they do, including purchasing apparently legitimate businesses with proceeds of crime – are deemed to be socially dangerous, whereas white-collar criminals are people who – with some highly stigmatised exceptions such as some pension fund fraudsters[8] – are viewed as being essentially amenable to restorative justice methods. These differences may be justifiable on a risk-based model of policing, but we tend to take for granted the assumptions on which they are based. As one long-term (bankruptcy) fraudster told me, 'I only wanted to make enough money to afford to be honest' (see further, Levi 2008). This may be equally true of *some* drugs traffickers and other SOCA and HM Revenue and Customs (HMRC) targets, but – in the form of anti-money laundering legislation – a policy decision has been taken not to allow them to integrate their crime proceeds into the legitimate enterprise world, both on moral grounds and on the assumption of future dangerousness. This chapter will explore the similarities and differences in styles of policing for different forms of serious crime and the groups and networks who commit them.

The organisation of organised crime policing

At the international level, policy responses have been to pressurise states into passing legislation (e.g. on money laundering and proceeds of crime confiscation) and to set up mutual legal assistance mechanisms to facilitate international exchanges of intelligence and to progress cases, as well as gearing up law enforcement resources to deal with transnational cases (see Andreas and Nadelmann 2006 for a global analysis focused on US expansionism). However at an *operational* level, in response to these threats, a common British police response in the 1970s and 1980s was to set up specialist squads, initially focused around types of crime (e.g. drugs squads, fraud squads, vice squads), though Morgan *et al*. (1986) pointed out that there was very little serious problem definition or supervision of what these squads were for. These specialist squads were then broadened out into more generalist serious crime squads at a force level, with a centralisation in the 1990s into the National Criminal Intelligence Service (for intelligence development) and the National Crime Squad (for arrests and disruptions), 'top slicing' funding from the (often protesting) police forces to pay for these national facilities. In addition, HM Customs and Excise Investigations Division focused on Class A drugs importation (sometimes a difficult fit with the police role) and on various types of tax fraud, especially excise fraud (alcohol and tobacco), value-added tax fraud and oil fraud.

In 2006, stimulated by a critical report by the then head of the Security Service (MI5) Sir Stephen Lander, the reorganisation of British agencies led to a concentration of NCIS, NCS, the drugs components of HMCE, and immigration functions into the Serious Organised Crime Agency (SOCA) (Harfield 2006). Lander became the first Chairman of SOCA, which importantly no longer packaged itself as a law enforcement agency but as a harm reduction agency with law enforcement powers. SOCA has around 4,500 staff and to date has concerned itself with developing a better understanding of how offenders operate (in a crime techniques division) and with a range of interventions from traditional enforcement actions to re-engineering processes to facilitate prevention. The theory is that arrests and seizures of illicit products should take place only in furtherance of harm reduction rather than being an end in themselves. Unusually, it has been given the freedom to develop its own performance indicators, and the precise measurement of levels and changes in harm has proved to be a significant challenge, both for SOCA and its auditors/critics. There has also been a predictable cultural problem of integrating staff drawn primarily from precursor agencies (plus the Security and Secret Intelligence Services) not just with each other but also with these complex overall objectives. The direct and indirect tax departments were brought together as HM Revenue and Customs (HMRC). SOCA *can* take on fraud cases, but in practice it does so only when these are related to counterfeiting and forgery and/or are committed by people identified as serious international offenders at National Intelligence Model level 3 (see Maguire, this volume): this could be characterised as dealing with frauds only when committed by 'the usual suspects' or by persons connected with them. Fraud is examined in detail later.

Finally, before the '9/11' and '7/7' terrorist attacks took them back to their original 'security of the realm' functions (and substantial expansion in personnel and budgets), the Security Service (MI5) and the Secret Intelligence Service (MI6) also played an increasingly important role in intelligence gathering and disruption of major crime networks.

The control of organised crime internationally

Justice and Home Affairs (now the Directorate of Justice, Liberty and Security) has become a key component of EU 'Third Pillar' activities, involving the Council of the European Union as well as the European Commission, because national governments do not wish to lose control of law and order issues to the EC. In this context, organised crime has ascended in importance as a political issue for the EU and the G-8 most powerful industrialised countries, and it is no longer possible to see 'serious crime' policy in purely national terms. Part of the EU's 1998 Joint Action (an agreement to step up action against organised crime) was a commitment to criminalise membership of criminal organisations – influenced by the Italian experience of the Mafia and Mafia-type hierarchical organisations, but harder to apply in less regimented settings – and tough action against criminal offshore finance centres. Since then, a raft of policy initiatives have emanated from the EU, such as the European Arrest Warrant and procedures for 'mutual recognition' of proceeds of crime freezing and confiscation, which have sought to homogenise action within Europe. The implementation of these agreed policies, however, has proven to be more difficult and uneven, except in the conditions – known as the *acquis communautaire* – imposed on EU candidate countries, which have required them to pass and implement anti-corruption, anti-money laundering and other anti-organised crime measures as a condition of EU entry. There is intra-EU policy implementation monitoring, but once in the EU, formal enforcement of compliance is more difficult: expulsion does not appear to be an option.

There are two sorts of shift in approach to the control of organised crime. The first shift relates to traditional criminal justice approaches, and the second – which is not incompatible – relates to prevention. Criminal justice approaches include:

1. *Substantive legislation*, relating especially to money laundering and proceeds of crime legislation (see for the UK, Proceeds of Crime Act 2002 – for a critical account, Alldridge 2003).

2. *Procedural laws* involving mutual legal assistance (including the establishment of Eurojust, whose detached national prosecutors and investigative judges are expected to facilitate urgent cases, and the European arrest warrant and asset freezing orders).

3. *Investigative resources*, including the formation of specialist organisations and police units, and the substantial growth in the number of financial

investigators. In the UK, financial investigators have been mainstreamed into police forces, Regional Asset Recovery Teams and central bodies such as SOCA and HM Revenue and Customs, as well as the Department of Work and Pensions and other bodies. Specialist teams included the National Hi-Tech Crime Unit (now part of SOCA with a different remit) and even some privately funded police units such as the Dedicated Cheque and Plastic Crime Unit (established April 2002 for an initial two year experiment and then made more permanent and paid for entirely by the Association for Payment Card Schemes – APACS).

Table 20.1 represents the three main 'non-traditional' approaches to the prevention of organised crime that can be found at present. Like situational prevention techniques, this is a kind of 'natural history' classification of broad intervention methods, each of which may work by several mechanisms.

Table 20.1 Non-traditional approaches to organised crime prevention

Community approaches	1. Community crime prevention
	2. Passive citizen participation: giving information about harms and risks, hotlines
	3. Active citizen participation: civic action groups
Regulatory, disruption and non-justice system approaches	4. Regulatory policies, programmes and agencies (domestic and foreign, including non-governmental organisations and intergovernmental ones such as the International Monetary Fund, Organisation for Economic Co-operation and Development, Financial Action Task Force and the World Bank)
	5. Routine and suspicious activity reporting by financial institutions and other bodies under anti-money laundering legislation
	6. Tax policy and programmes
	7. Civil injunctions and other sanctions
	8. Military interventions
	9. Security and secret intelligence services
	10. Foreign policy and aid programmes (US 'certification' of countries as adequate/inadequate in their anti-drugs measures)
Private sector involvement	11. Individual companies
	12. Professional and industry associations
	13. Special private sector committees
	14. Anti-fraud and money laundering software
	15. Private policing and forensic accounting

The preventative approach (Levi and Maguire 2004) has taken several forms, involving liaison with the private and public sector. Of these, one of the more politically interesting has been ongoing reform of anti-laundering and crime proceeds legislation around the world (Stessens 2000; Gilmore 2004; Levi 2007b), 'responsibilising' (under threat of imprisonment and being banned from doing business) first bankers and building society staff and later lawyers,

accountants and sundry professions like car dealers and jewellers, by requiring them to keep records, actively look for 'suspicious' transactions and report their suspicions to Financial Intelligence Units (SOCA in the UK).[9] There has been greater police and non-police (including Revenue and Customs) involvement in financial investigation, still mainly in the drugs field but increasingly in excise and value added tax fraud and, post-11 September 2001, terrorism (Levi and Gilmore 2003). Some of this extra activity has been stimulated by the repayments to police forces out of the Recovered Assets Fund administered by the Home Office, creating an additional revenue stream for the police and the Crown Prosecution Service. If and when those official surveillance capabilities increase – as they did steadily during the 1990s, accelerating after the millennium and especially after 9/11 – funds that were just hidden become vulnerable to enforcement intervention and perhaps confiscation, though the evidence of further impact is slight (Levi and Reuter 2006; Levi 2007b).

There has developed an Egmont Group comprising (by 2008) 106 Financial Intelligence Units (FIUs) worldwide, whose aim (not always realised in practice) is to facilitate inter-FIU enquiries across borders, transforming the *potential* for intelligence-led policing (and disruption) of organised crime activity across borders. Criminal finance monitoring has been supplemented by attempts to reduce 'people trafficking'. Despite human rights appeals to the European Court which have led to a relaxation of the policy, lorry drivers have been fined heavily for carrying illegal migrants across the English Channel, even when there was no evidence that the drivers knew that they had climbed on board through soft sided canvas: this led large firms to introduce new technology for checking (by carbon dioxide levels) whether their trucks were stowaway-free. There has also been a focus on 'taking out' drugs manufacturers and distributors in the countries of origin, rather than waiting till they were close to the shores of the UK or other European countries. Problematic issues related to informers (or, in the language of the Regulation of Investigatory Powers Act 2000, 'Covert Human Intelligence Sources') have also become more prominent, and failure to disclose to the defence and even to prosecuting counsel the existence of 'participating informants' led to the collapse of several drugs trafficking and excise fraud cases, particularly (but not exclusively) those prosecuted by the former HM Customs and Excise. For a more general discussion of such covert policing powers, see Harfield and Harfield (2005, 2008).

The concept of 'cross-border' tends to mean different things in different contexts. Thus, those that have national police forces and/or that are concerned with crimes across national boundaries will see it in one way. In the UK it has tended to be seen within the traditional constabulary divisions and the typical orientation of sector policing towards the local rather than the national or international. An ACPO review of police responses to cross-border crime noted that in the mid-1990s, 43 per cent of central squad work (drugs, fraud, vehicle, etc.) was cross- (UK police force) border (level 2 in NIM terms). Militating against such investigative work, however, was: management reluctance to commit resources to out-of-force investigations; knowledge about who to contact in another force; incompatible equipment; and a lack of relevant intelligence. Since then, there has been a growing bifurcation between, (a) the growing decentralisation of efforts at a neighbourhood level, and (b) the

growing internationalisation of links with other countries by SOCA, which is second only to the US Drug Enforcement Agency in the number of officers stationed overseas. The closure of the former Regional Crime Squads has left a gap, and the poverty of responses to level 2 (cross-police force criminality) has been the subject of severe criticism by the HMI (O'Connor 2006), and led to (or, to the more cynical, was motivated by) the abortive attempt to merge and enlarge forces in 2006. The cross-border nature of many forms of fraud has also required increasing international contacts by police and tax authorities, and the use of mutual legal assistance by prosecutorial authorities to obtain evidence and financial intelligence.

Responses to fraud

Police policy and fraud in the UK

In 1946, the joint Metropolitan and City Police Company Fraud Department was set up to deal with deception risks for newly demobilised military personnel. Outside London, however, the establishment and maintenance of fraud squads has been episodic, depending largely on the interest of Chief Constables who get little external pressure to expand them compared with/at the expense of neighbourhood policing. Since the late 1990s, there has been an Economic Crime section of the ACPO Crime Committee, headed by the City of London Police Commissioner. Despite this, lack of effective interest among senior police extends to all crimes with corporate victims, and even to many crimes against investors (Levi 1987; Doig 2006; Levi and Pithouse, forthcoming). In this respect, little has changed since the mid-1980s, though periodic booms in complex enquiries into alleged mortgage frauds and into local authority and Parliamentary corruption – such as 'cash for honours' – have sometimes generated larger Economic Crime Departments. The explanation for this neglect is far from clear, but it appears to relate in part to some Victorian conception of prudence whereby everyone who does not take sufficient care of their own property deserves little sympathy. There are also a number of pragmatic factors, three of which are key:

1. Despite the Fraud Review (2006) – jointly commissioned by the Attorney General and the Treasury and followed up by more central cash for policing and for a national fraud reporting centre (to begin in 2009) – there has been little central or local political pressure on forces to do more about fraud (e.g. via centrally set Key Performance Indicators or via local indicators in Policing Plans).

2. The apparent low productivity of Fraud Squad staff seen in relation to standard police performance indicators, fraud being more labour-intensive and travel-expensive to investigate.

3. Some Chief Officers'/Police Authorities' own relatively unsophisticated appreciation of the business world and the possible impact of fraud losses on the local and national economy.

The target driven squeeze on police time has left very little scope for any non-mandated crimes to be dealt with, and this affects fraud as well as 'level 2' crimes and 'incivilities'.

By 1998, only one UK force was without a fraud squad (though many have subsequently merged their fraud investigators into a generic serious crimes squad). There are a number of fraud squads in specialist police forces (including the Ministry of Defence Police and British Transport Police) and in the UK Crown Dependencies (Guernsey, the Isle of Man and Jersey). Most fraud squads outside London have very flat structures, and the total number of fraud investigation police officers in 2006 was about 440 for the UK (Fraud Review 2006).

Only one mainland force – the City of London Police, whose area is largely financially and internationally focused – includes fraud within the published local policing plan which describes the place of the Economic Crime Department, responsible for fraud investigation, within the structure of the force and profiles the make-up of the 'City', linking fraud investigation to the business orientation of the area. The plan identifies preventing and detecting fraud as main priorities. Supported by the Corporation of London and the Home Office, the ECD has risen in size to 120, with some 12 officers funded by the Department of International Development to deal with the international bribery investigations whose neglect has generated much criticism from the OECD for the UK, and which are aimed at poverty reduction in developing countries. It has been nominated as the 'lead force' for the South of England and *de facto* for the UK. Fraud officers in the Metropolitan Police Specialist Crime Department (SCD 6) mostly work on public-private fraud prevention (e.g. 'Operation Sterling') rather than on investigating past cases, though they may well be called in for high-profile investigations such as alleged corruption in the Mayor's Office or 'cash for honours'. In March 2008, after advice from the CPS, the Metropolitan Police rejected a request to investigate an alleged fraud by Derek Conway MP in paying his son from his House of Commons expenses at a time when he was a student in Newcastle, arguing that controls over expenses there were so lax that it would be impossible to prove.

My observation over the past three decades indicates little evidence in the UK to support the notion advanced by Ericson and Haggerty (1997) in Canada that the police act as handmaidens and risk managers for the commercial sector (see also Williams 2005). Often, the information flow is not from the police but rather from private to public sectors, the former wanting the police principally for the prosecution and imprisonment of serious economic criminals, to send symbolic messages to the public about both the seriousness and consequences of involvement in business crime. The main pressure for fraud policing comes from, (a) the impact of globalisation on the demand for investigation in key financial services countries (e.g. to investigate bribes paid to foreign leaders), and (b) broadened share ownership, both direct and via stock market investments by pension funds, which creates demand for regulation of abuses and investigations of 'failed' entrepreneurs (Levi and Pithouse, forthcoming). There are also emerging issues such as the fixing of sporting events in the UK, which can be the subject of traditional or spread betting anywhere in the world, and which have led to, so far (by 2008),

unsuccessful prosecutions of soccer players, jockeys and trainers. (Though even unsuccessful prosecutions can lead to improved general deterrence, because 'the process is the punishment' – Levi 1993.) One problem has lain in the interpretation of the meaning of mobile phone records, whose content, though not whose existence, is currently not admissible in evidence. (Though probes and other authorised bugging, and telephone intercepts overseas *are* admissible.) In several trials, unusual and suspicious patterns of mobile phone calls between parties accused of conspiracy have not been persuasive 'beyond reasonable doubt' to juries.

New public management and fraud policing

A number of changes – broadly summarised under the rubric of 'new public management' – have affected public services, including frauds and police responses to them, in the past 30 years. Under the Conservative government 1979–1997, Next Steps Agencies were expected to create the organisational context for cultural change towards private sector high-energy service values. These included the Benefits Agency (now Jobcentre Plus), which deals with social security fraud investigation as well as service delivery – a key objective is 'Pay customers the correct benefit at the right time and protect the benefit system from fraud, error and abuse' – and HM Revenue and Customs, which deals with tax fraud as part of its general tax collection role.

Out-sourcing of public sector contracts generated more corruption and public sector fraud enquiries for the police, but the stripping-out of middle ranks, the devolution of most policing responsibilities to divisions, the downsizing of headquarters staff and pressure on staffing complements of central squads was commonplace. Within this context of organisational change, several relevant reports and developments had implications for the policing of fraud, which are of largely historic interest now (see Doig 2006 for a history).

Developing fraud investigations

Except where offenders are linked to organised crime networks and groups, fraud investigations remain overwhelmingly reactive in character (see chapter by Maguire, this volume), though some (but not as many as should be) are triggered by suspicious transaction reports from financial institutions in advance of any report from the public. The latter include investigations of Nigerian and other 'advance fee' frauds in which targets are offered (by mail or, increasingly, e-mail) the 'opportunity' of helping the fraudster get (imaginary) billions of dollars out of the country that have been obtained by corruption. The ability to be proactive or to develop crime pattern analysis is hampered by the lack of resources and the length and complexity of referred work. Most forces have access to technical support, surveillance and computer staff but, for most, developing proactive police work is constrained by the same issues currently inhibiting more effective reactive policing. The greater the amount of inter-agency, inter-force and (especially) international work needed, the more resources are consumed.

While the larger forces are relatively well provided with specialist equipment, the majority are not, and the variety of, and variations in, software and

hardware clearly militate against inter-force communication and co-operation. Indeed, in a survey by Doig and Levi, when asked what would expedite fraud investigations, it was the issues of ease of inter-fraud squad communication, access to a national database, intelligence-led proactive policing, and liaison between forces that figured most strongly (Doig 2006).

Fraud policing may be usefully bifurcated into, (i) high policing, represented by the work of the Serious Fraud Office (SFO) – discussed later – and (ii) (relatively) low policing, represented by the regulation of plastic fraud with only a modest input from the police. At the 'low policing' end of the fraud spectrum, the pressure on diminishing fraud squad resources was increased by the rise in high volume, low cost fraud in the private sector during the 1980s in those industries who had traditionally seen fraud squads as responsible for dealing with the threats from 'white-collar' criminals, leading to a further loss of interest in the high volume credit card crimes (and reduction of service to businesses relocating from London). This was understandable because reactive investigation was inhibited by poor forensics – customers could take away the signed receipt with their fingerprints on, or bank handling of cheques made data recovery difficult – while plastic fraudsters were not 'dangerous enough' either in terms of their salience to organised crime groups/networks or committing high enough priority offences to interest force or national squads dealing with 'serious crime'. The rapid rise in plastic card fraud in the late 1980s and early 1990s encouraged an industry strategy which, under the auspices of the Association for Payment Clearing Services (APACS), led to substantial co-operation among financial services institutions that comprise their membership, producing a major drop in fraud levels (Levi and Handley 1998), even though plastic fraud subsequently more than doubled to £411 million by the end of 2001 and rose further still to £535 million in 2007 (Levi and Pithouse, forthcoming). The ACPO response to the report of Levi *et al*. (1991) (and the heavy political interest that accompanied it) and to enhanced industry fraud prevention efforts was the introduction of a number of their own proposals: a consistent and co-ordinated approach to cheque and credit card fraud, central reference points in each force, and the possibility of establishing dedicated squads. However, in practice, the police response was patchy and declined over time as Home Office Key Performance Indicators came to dominate police resources. Business dissatisfaction with this led in April 2002 to their paying three-quarters of the costs of a new Dedicated Cheque and Plastic Crime Unit (the Home Office paying one quarter) for an initial two-year period.[10] Following an unpublished evaluation which showed positive economic returns from the DCPCU's activities, the Home Office withdrew its quarter funding and APACS decided to fund the police unit in its entirety, and, from 2008, to integrate it more closely to a Payment Industry and Police Joint Intelligence Unit. There is also private funding of car finance and leasing investigations, and the insurance industry has established an Insurance Fraud Bureau to develop intelligence on fraud networks and pass on cases to the police. The Federation Against Copyright Theft (FACT) also supports some policing activity financially.

Not only the private sector but also, internal corruption excepted, the public sector has largely taken its fraud inquiries out of police hands. In the early

2000s, there were some 9,000 non-police fraud investigators in the public sector, from the Department of Work and Pensions Fraud Investigation Service and Jobcentre Plus (with some 7–7,500), and HM Revenue and Customs, to the Charity Commissioners and local authorities (where up to 1,000 investigators deal primarily with housing benefit fraud). Further, a number of these agencies have both discrete legislation and their own prosecution capability which – except for large-scale arrests – substantially mitigates the need to rely on the police, the Crown Prosecution Service or on more generic legislation such as the Fraud Act 2006, which substantially modernised and simplified fraud prosecutions.

Mutual co-operation between police fraud squads

There is much 'partnership fraud policing': the agencies with whom police forces most commonly work are (in alphabetical order) the Department of Business, Enterprise and Regulatory Reform (formerly DTI), the Department of Work and Pensions, HM Revenue and Customs, the Serious Fraud Office, and Trading Standards. Again, however, there is enormous variation in the quality of joint work, and differences in objectives – especially in civil recovery or taking people off benefit versus criminal prosecution – bedevil such inter-agency work. The principal aims of the tax authorities and, in a different way because they are an expenditure body, the DWP are to maximise revenue: fraud reduction (and, *a fortiori*, prosecution) are very much subsidiary to this core purpose, by contrast with the police which is primarily a court-oriented, non-financial body. Additionally, there are issues of investigative timing, since HMRC has longer time frames than the police and DWP.

Prosecution and its relationship to policing fraud

All the components of the criminal justice system are 'loose coupled' in the sense that they have an interactive relationship in which one part's expectations of what the others will do inform their own behaviour (though this can sometimes lead to deviance to achieve crime control goals). However, the organisation of policing in fraud is especially difficult to separate out from the organisation of prosecution, since following the Fraud Trials Committee Report (Roskill 1986), the government took a conscious decision to violate the newly established principle of separating investigation and prosecution (in the Crown Prosecution Service) by setting up the Serious Fraud Office (SFO), which combined accounting, investigation and prosecution decisions in-house. In the case of non-police prosecutions, they were traditionally internal to the Departments, until scandals of undisclosed participating informants in HM Customs and Excise led to the establishment in 2005 of the Revenue and Customs Prosecutions Office, to coincide with the creation of HM Revenue and Customs.

It is crucial to understand the cultural differences that underlie the prosecution and regulation of different kinds of frauds. If and when reported to the police and accepted by them as crimes, credit frauds and most

deceptions committed against individuals and businesses are dealt with by the police and, where the evidence is sufficient, are prosecuted by the Crown Prosecution Service in most cases; or by the Serious Fraud Office where, specialist accountancy and other skills are required, special powers may be needed, the sum at risk is estimated to be at least £1 million (normally) and the case is likely to give rise to national publicity and widespread public concern. These include cases involving government departments, public bodies, the governments of other countries and commercial cases of public interest. It is important to keep this development in perspective: the SFO deals only with the top slice of non-revenue frauds, totalling fewer than 100 cases annually (including those that may take several years to dispose of), and there are seldom more than 10 SFO trials annually. So the vast proportion of fraud policing is prosecuted (if at all) by the Crown Prosecution Service following police investigations that have minimal accounting or legal advice from outside the police.

As noted earlier, the SFO was set up by the Criminal Justice Act 1987 to pursue more effectively and quickly 'serious or complex fraud' in the aftermath of the Fraud Trials Committee (Roskill 1986) chaired by Lord Roskill. The size of the SFO was determined by the Treasury, and Lord Roskill's intention (personal interviews with the author 1986 and 1992) to include Customs, DTI and Inland Revenue investigations and prosecutions within it failed due to bureaucratic out-manoeuvring. The Serious Fraud Office is a non-governmental departmental body, responsible to the Attorney General, staffed (in 2008) by 311 lawyers, financial investigators, forensic accountants and administrative support personnel, with a budget of £37.7 million in 2007/08. It is not part of the police service but police officers are provided 'on loan' to the SFO at the discretion of their Chief Constables or Commissioners, in theory according to a Memorandum of Understanding agreed between the SFO Director and ACPO. Police officers are needed to execute search warrants in order to enter premises to seize evidence; to make arrests and to charge suspects; and monitor compliance with bail conditions. The police also conduct interviews (other than those under s. 2 of the CJA 1987 in which there is no right to silence). Policing priorities may mean that the SFO is not always able to count on as many policing resources as it would like to have, and resource conflicts sometimes mean that officers (for example from the Metropolitan Police) prefer to work from their own offices rather than from those of the SFO.

The SFO has an important international liaison role. Under mutual legal assistance arrangements, it received 53 new requests from 24 overseas jurisdictions to use its investigative resources and powers in order to obtain information in the UK for overseas investigations: half were in Europe, but the others were in the Middle and Far East, Africa, North America and Australia. Enquiries (including anti-money laundering cases) undertaken for foreign authorities had a combined sum 'at risk' of over £27 billion (Serious Fraud Office 2007).

Notwithstanding bodies such as the SFO, an unintended effect of policing policy and the practice of requiring firm proof of fraud before accepting cases was to shift the economic burden of crime investigation onto victims, in

particular corporate victims, thus transferring public law back into the sphere of private law. At the high end of the fraud policing spectrum, there has been some tension between some fraud squads and the SFO over what some police see as the 'cost (in)effective' deployment of resources and whether the SFO in-house lawyers who act as Case Controllers are the best judges of how to manage cases (Levi 1993). Police supervised 'Authorised Investigator' schemes in the late 1990s to license private investigators (at victims' own expense) to conduct fraud enquiries 'in collaboration' with the police had very limited success (Doig 2006). One of the advantages of reporting a case to the SFO is that better access to specialist accountancy and forensic investigation is available than from cash-strapped forces or from the Crown Prosecution Service (though the latter now has a headquarters Fraud Prosecution Service for cases too complex to be dealt with in the regions). A Memorandum of Understanding (MOU) in principle describes what gets reported to the SFO; the relative roles and responsibilities in each case (and a clear recording system and an arbitration procedure in case of dispute); case review; and line management responsibility for staff. At present the police pay for the time of their own staff, the costs of gathering evidence, and looking after exhibits. The SFO pay for their staff, IT costs and the costs associated with a case once it is in court.

Those non-police agencies – principally the Department of Work and Pensions, HM Revenue and Customs, Insolvency Service and local authority Trading Standards Officers – that deal with frauds appropriate to their function prosecute only as a last resort or for strategic reasons such as the desire to generate greater publicity from stigma to generate revenue or enhance deterrence. The closest to routine prosecution-mindedness is the Department of Work and Pensions, which receives many reports of suspected social security frauds from members of the public, as well as using data-matching against all national payroll data via the Audit Commission's National Fraud Initiative. (Though even the DWP prosecute in only a minority of cases identified – 7,483 out of around 200,000 cases of potential fraud investigated in 2006/7, plus about the same number of cautions and administrative penalties (Public Accounts Committee 2008).)

Tax investigations are seldom triggered by 'nosy neighbours' or via 'hotlines', but by random and special audits and by Covert Human Intelligence Sources (i.e. 'informants') in some 'organised tax fraud' cases. Most suspected tax frauds – especially those in which the suspect makes full disclosure – typically are dealt with by financial penalties rather than prosecution. However, during 2006/07, the Revenue and Customs Prosecutions Office completed 1,318 cases involving 1,645 defendants: in 91 per cent of cases, at least one defendant was convicted. RCPO's Missing Trader Intra-Community (MTIC) or carousel fraud prosecutions comprise the most challenging area of casework, and in 2006/07 it conducted 32 active cases involving the theft of over £1 billion. Seventy-seven out of 93 defendants were convicted after trial or pleaded guilty. In serious crimes (fraud or drugs), the RCPO (as well as the CPS) also has the power under section 71 of the Serious Organised Crime and Police Act 2005 to grant immunity, which was done in the case of four individuals who had been convicted in the USA, and who

were then willing to come to the UK and give evidence against Brian Brendon Wright in relation to the large-scale smuggling of cocaine from South America into the UK in the late 1990s: he was convicted and received a 30-year prison sentence (RCPO 2007).

Trading Standards Officers (who deal with counterfeit goods and other consumer issues) prefer advice and warning to traders, and also are constrained by their lack of resources, which means that every time they prosecute, they tie up resources that could be used in investigation.

BERR (the Department of Business, Enterprise and Regulatory Reform) and its Insolvency Service, the Financial Services Authority (created under the Financial Services and Markets Act 2000, which has responsibility for deciding whether or not those who conduct investment business are 'fit and proper' and for disciplining rule-breakers), the Serious Fraud Office, and HM Revenue and Customs are involved in the exercise of substantial public power. (The fact that such powers seldom lead to prosecution does not mean that they are not employed or are not important to those against whom they are exercised.) The Companies Investigation Branch (CIB) joined The Insolvency Service on 1 April 2006, as part of the implementation of the Hampton Review of Regulation. It has the power under the Companies Act 1985 to investigate live limited companies, particularly in response to complaints received from the public. These investigations are confidential and fact finding and may lead to a number of outcomes including the winding up of the company, disqualification of its directors or disclosure of information obtained to prosecuting authorities or to other regulators. During 2006–07 the CIB received 3,595 complaints, from which 219 investigations were commenced, 174 investigations were concluded and 95 orders to wind up companies were obtained. The CIB also obtained 21 disqualification orders against directors of limited companies, to prevent them from acting as directors in future. More generally, the Insolvency Service obtained 1,200 disqualification orders/undertakings against directors, only a fifth of which required them to go to court, the remainder being done by way of an undertaking made by directors not to trade in future: a sort of plea bargaining. During 2006–07, 175 defendants were convicted in cases brought by the Prosecutions Branch of the DTI, as a result of referrals from the Insolvency Service: a third of them were imprisoned (Insolvency Service 2007).

Under section 2 of the Criminal Justice Act 1987, when authorised by the Director of the Serious Fraud Office, and without the need to go to court, legal and accountancy and *non*-police investigative staff at the SFO are given the power to require anyone believed to be connected with a serious fraud case to attend – instantly if the SFO wishes – to produce documents and/or to answer questions. There is no right to silence, even for potential defendants, though admissions by the accused under compulsory questioning are not admissible in evidence against them. The use of these powers of compulsory disclosure has increased considerably, partly reflecting the heavy involvement in major corporate manipulations of professional people with obligations of confidentiality who seek the protection of compulsion under law to allow them to talk – what the SFO refers to as 'willing recipients' – and partly reflecting increased flexing of regulatory muscles. In the period 1988–2008, the number of s. 2

notices issued by the SFO rose from 233 to 863 for UK institutions and people, plus another 281 on behalf of overseas authorities, whose international co-operation was largely unknown in the late 1980s.

The future of fraud investigation

A number of fraud squads consider that the first stage to improve the efficiency and effectiveness of fraud investigations is access to information and intelligence on a regional or inter-force basis. Like its predecessor bodies (NCIS and the NCS), SOCA is concerned solely with those people and activities identified as a serious threat to the UK (and claims that it devotes 10 per cent of its resources to fraud – Fraud Review 2006). The SFO does not have a brief to deal with most of the fraud cases that come to fraud squads, let alone those that come (or would come if they were willing to take them) to divisional officers. A substantial gap is left in the service offered to fraud victims, which is hardly unique in contemporary policing but is seldom the result of explicit policy analysis or reviews of either harms or clear-up possibilities. There are many things victims with resources can and will do through the civil sphere, including Asset Freezing Injunctions and Search Orders to freeze assets and require entry (though usually accompanied by a police officer), but though there may be some regional consolidation, there seems little chance of any substantial rise in police resources outside the City of London area. There are signs of a more proactive approach to policing in Scotland, following a thematic review (HMICS 2008) which recommended, *inter alia*, that the Scottish government creates a national fraud capability within the Scottish Crime and Drug Enforcement Agency structure to: co-ordinate and develop intelligence gathering for prevention and disruption; to identify a single point of contact (SPOC) for financial institutions reporting incidents of fraud; to adopt consistent and transparent common processes for managing fraud in Scotland; to increase police use of forensic accountancy to advise on lines of enquiry most likely to prove productive and timely; to review fraud training needs in the light of changing fraud types, legislation and investigative techniques; and to enhance data sharing and matching to drive intervention strategies. Some of these match the National Fraud Strategic Authority's plans for England and Wales, but others go a little beyond that. Finally, the Dedicated Cheque and Plastic Crime Unit is an intriguing example of public/private 'partnership policing' (paid for by the private sector), but there is limited private sector willingness to pay for public policing in addition to their taxes.

Regulation and the control of fraud

Finally, we have the different mode of controlling financial abuses, namely the regulation of financial services and, less rigorously, though the Department of Trade and Industry (renamed Business, Enterprise and Regulatory Reform in 2007) who can apply to the court to have a company wound up 'in the public interest'. Within the financial sector and in professional organisations,

regulators such as the Financial Services Authority, the Solicitors Regulation Authority and various accountancy bodies have extensive powers to vet the moral suitability and competence of potential employees ('fit and proper person' tests) – whose criteria may vary depending on the level of employment, say, at bank director level – and to discipline both individuals and firms who are within its licensing perimeter, including financial penalties in the millions of pounds. Firms are required to record phone calls (though mobile phones are a more complex issue) and to keep e-mail and telephone records for review by the FSA (and police investigators). These technologies – as in other frauds and money laundering (and paedophile images) – create audit trails for investigators to follow.

The FSA has the power to bring prosecutions under the Financial Services and Markets Act 2000, but its use of this power is rare. It brought its first prosecution in 2005, when Carl Rigby, ex-chairman and chief executive officer of software company AIT, and Gareth Bailey, its former financial director, were found guilty of recklessly making a statement to the market which was misleading, false or deceptive. Rigby was sentenced to three and a half years' imprisonment and disqualified from being a director for six years while Bailey received two years' imprisonment and was disqualified from being a director for four years. An unauthorised stockbroker who stole over £350,000 from clients between 1997 and 2004 pleaded guilty in February 2008 to 15 offences and was sentenced to 15 months. He was also disqualified from being a company director for five years. One policing technique is to examine suspect price movements technologically, and (as with insurance claims) to review the interconnections between people to draw up potential offender network maps. However, to prosecute over misleading information, regulators need to prove, with e-mail or other documents, that the person in question was aware of the company's real state of health and to contrast this with what they told the market. Although the FSA has prosecuted some for market abuse – a very wide category – the most notable case was the 'City Slickers' affair, when tipsters working for the *Daily Mirror* were accused of using a newspaper column to misrepresent the value of certain investments. They were eventually found guilty of market manipulation. There was insufficient evidence to prosecute the then *Daily Mirror* editor, Piers Morgan, who had coincidentally purchased shares in some of the same companies.

The FSA can also bring criminal proceedings under the Banking Act 1987, a power that was transferred from the Bank of England in 1998. The regulator has taken a number of such actions, including the successful prosecution of a Birmingham chartered accountant in 2000: he was sentenced to nine months for defrauding 10 customers and one employee of £60,000, which he used to buy a nightclub in Birmingham. The FSA can proceed civilly for market abuse offences under the Financial Services and Markets Act 2000. However, despite surveys showing frequent price movements ahead of takeover bids and other price-sensitive announcements, very few formal actions occur, though there was a slew of arrests in 2008 which indicated a more active approach to enforcement by the FSA. One of the difficulties is of proving that sales or purchases were motivated by inside information rather than market rumour or judgement.

An important review of regulatory justice and penalties by Macrory (2006) recommended:

- that the government review the drafting and formulation of any criminal offences relating to regulatory non-compliance
- the design of sanctions in line with the penalty principles and characteristics outlined in the review
- giving criminal courts new powers to punish regulatory offences
- introducing new financial penalties as an intermediate sanction
- improving the system of statutory notices
- introducing a new type of sanction: enforceable undertakings and undertakings plus
- considering pilot schemes to gain restorative justice for regulatory non-compliance
- making available alternative sentencing options in criminal courts
- introducing new measures to improve transparency and accountability, including:
  - a working group of regulators to share best practice
  - enforcement activities on a regular basis.

The government accepted the report's nine recommendations in full, some of which were taken forward by the Regulatory Enforcement and Sanctions Act 2008.

- fixed monetary penalties
- discretionary requirements including:
  - variable monetary penalties
  - compliance notices
  - restoration notices
  - variable monetary penalties with voluntary undertakings
- cessation notices
- enforcement undertakings.

Regulators that have access to civil sanctions include the British Horseracing Authority, the Health and Safety Executive, the Financial Services Authority, the Gangmasters Licensing Authority, the Trading Standards Institute, the Office of the Rail Regulator, the Office of Fair Trading, Ofcom, Ofwat and Ofgem. More narrowly, an overall picture of the different public sector groups involved in consumer advice or protection, regulation or investigation of fraud would include those set out in Table 20.2.

Table 20.2 UK professional and public sector groups involved in fraud advice, prosecution and regulation

Civil Aviation Authority	operates the Air Travel Organisers' Licensing (ATOL) scheme. Most firms selling air travel and holidays are required by law to hold an ATOL, which protects consumers from losing money or being stranded abroad, should they go bust. The CAA also deals with enquiries from the public about air travel firms that do not hold ATOLs in order to ensure consumers are protected. For more information see www.caa.co.uk.
Crown Prosecution Service (CPS)	is the government department which prosecutes people in England and Wales who have been charged by the police with a criminal offence. There is a Fraud Prosecution Service at CPS headquarters that deals with the more complex cases. For more information see www.cps.gov.uk.
Financial Services Authority (FSA)	has powers to investigate in the financial sector and to prosecute, under the Financial Services and Markets Act 2000. For more information see www.fsa.gov.uk.
Insolvency Practitioners Association	aims to promote a better understanding of insolvency administration. The Association regulates and monitors its members' practices and works to maintain and improve the conduct and standards of performance of insolvency practitioners and their staff. For more information see www.ipa.uk.com.
Insolvency Service	administers and investigates the affairs of bankrupts and companies in compulsory liquidation and has a duty to establish the reasons for the insolvency and to report misconduct. For more information see www.insolvency.gov.uk.
Local Authorities	employ Trading Standards Officers who are responsible for the enforcement of consumer protection legislation and the investigation of complaints about goods and services. They will prosecute where necessary. For more information see www.tradingstandards.gov.uk.
Ministry of Defence Police (MDP)	is a fully constituted police force actinghttp://www.ltaf.org.uk/ under the MoD Police Act 1987. It provides civil policing across the MoD and operates independently of political or departmental influence in the maintenance and operation of the law. Its jurisdiction includes all those organisations and individuals with whom the MoD does business.
Office of Fair Trading	whilst not an investigatory body, is interested in receiving information regarding the conduct of companies and individuals holding consumer credit licences. For more information see www.oft.gov.uk. The Enterprise Act 2002 substantially changed the legal powers and environment for competition enforcement and the OFT and BERR have become much more proactive in dealing with scams.

Table 20.2 *Continued*

The Pensions Regulator	The predecessor of the Pensions Regulator was set up by Parliament in the aftermath of the Maxwell pension fund frauds to help make sure that occupational pension schemes are safe and well run. It investigates and takes action where there is carelessness or negligence that could put occupational pension schemes at risk. For more information see http://www.thepensionsregulator.gov.uk/
Organisation for Timeshare in Europe (OTE)	(formerly known as Timeshare Council) is the official trade association for the timeshare industry in Europe, representing companies and organisations with legitimate interests in the industry. All OTE members abide by OTE's code of ethics, ensuring that consumers' rights are protected. It also offers a free conciliation service for members' related queries and general advice about timeshare. For more information see www.ote-info.com
Police Forces	individual police fraud departments investigate corruption, fraud, theft and other apparent offences committed 'in' their areas.
The Serious Fraud Office	has powers under the Criminal Justice Act 1987 and the Enterprise Act 2002 to investigate and prosecute any case of suspected serious and complex fraud. For more information see www.sfo.gov.uk.
Solicitors Regulation Authority	The Law Society is the professional body for solicitors in England and Wales. Solicitors' regulation is dealt with by the Solicitors' Regulation Authority. For more information see http://www.sra.org.uk/. Scotland and Northern Ireland have their own governing bodies.

Regulation and the prevention of organised crime

Prevention rather than 'just deserts' law enforcement *per se* has long been the primary focus in financial services frauds and other areas of 'business regulation', but in recent years, there has been a shift in interest towards prevention in organised crime (Levi and Maguire 2004; Harfield 2006; Leung 2007). Without suggesting that businesses do not commit crimes, there is, however, one important difference between 'regulating business' and 'regulating crime'. Regulation is usually premised around some form of 'enforcement pyramid' in which direct pressure and enforcement action occurs only after statute-backed inspectorial persuasion fails (Ayres and Braithwaite 1992 and subsequent work). This normally entails the expectation that the regulated firm intends to stay in business and has an incentive to obey the law. However, this assumption applies neither to most professional fraudsters (other than those who need licences or who need to operate 'upfront' in public view) nor to other forms of 'organised criminal'. For some of the latter, it may be an *advantage* but seldom a necessity to have a licence to operate: in an ironic echo of the *Threepenny Novel* by Brecht (1989, originally 1934), which asked the question 'What is the robbing of a bank compared with the founding of a bank?', it was 'estimated' that in the free-wheeling heyday of post-Communist Russia, a third of banks were run by criminals, facilitating both fraud and money laundering. Whether they engage in 'market offences' or 'predatory crimes' (Naylor 2002), criminals normally represent mobile or indeed unidentified targets with little sunk capital and are seldom susceptible to the longer term persuasive models favoured by regulators in the business sector. Therefore, 'harm reduction' for organised crime (including self-liquidating frauds) must take a more actively coercive form.

One important aspect of preventative action is the use of powers in the financial and tax areas, where in essence the focus of the attack is upon the financial assets of organised criminals rather than on criminal prosecution as such. Banks, building societies and the professions have been required to report clients and customers whom they subjectively suspect and, increasingly, have reasonable cause to suspect of any kind of crime. It is rare in Europe to use tax prosecutions against 'organised criminals' and, for that matter, against wealthy individuals and corporations suspected of dishonestly evading large sums from the proceeds of otherwise legal activities.

Proceeds of crime confiscation is one strategic approach, the theory being: (a) to deter people from pursuing a life of crime for fear that their lifetime assets might be confiscated (almost like a game show in which one risks everything by carrying on to the next question); and (b) to deprive criminal firms of 'working capital', making it harder for them to build up their resources. There is some evidence that criminals and their families/'friends' care about asset deprivation (Levi and Osofsky 1995; Matrix 2007). However, the overall impact of such strategies remains uncertain, not only because the UK's Asset Recovery Agency – set up in 2003 to recover assets from criminals by civil as well as criminal process and abolished and integrated into SOCA from 2008 – recovered only £23m against expenditure of £65m, missing its target to be self-financing by 2005–06 (Public Accounts Committee 2007). For

financial prevention, most countries rely on post-conviction confiscation, often with a provision that after conviction, defendants must justify the legitimate origin of their assets if they are to avoid their confiscation. However some jurisdictions go much further. Thus, in the Irish Republic (Criminal Assets Bureau Act 1996) and the UK (Proceeds of Crime Act 2002), as well as in the United States, South Africa and Australia, *civil* law means and standards of proof are used to 'recover' for the state the assets deemed to be derived from crime, *irrespective of whether or not anyone is ever convicted or even prosecuted for those crimes*. This can be reinforced by extended powers to confiscate large cash sums inland for which a persuasive legitimate explanation is not given, as contained in the Proceeds of Crime Act 2002: the threshold for cash forfeitures has subsequently been lowered progressively to £1,000, which might catch middle market as well as 'serious organised' drug dealers, but not local user-dealers. Under the Serious Organised Crime and Policing Act 2006 and the Serious Crimes Act 2007, SOCA has been given the power to require periodic asset statements post-release from those subject to confiscation orders, and even to apply to the High Court for orders to restrict suspected serious offenders from going to, say, casinos and/or particular cities. If the offenders lie about their assets, they may then be imprisoned, and, as with confiscation orders, imprisonment does not expunge the debt, which still remains owed to the government.

A second, rather different, aspect is the use of the regulatory powers of local authorities, environmental and licensing agencies and the like, to disrupt the 'businesses' of organised criminals by making it more difficult for them to obtain necessary licences, find suitable premises, and so on. The most developed form of this model can be seen in the Netherlands, with experiments first in the Wallen 'red light' district of Amsterdam and later across the Netherlands as a whole. Tight controls are exercised over property ownership, with intensive reviews of intending and existing owners and their associates to 'keep organised crime out', though with moderate effects to date (Levi and Maguire 2004; van der Schoot 2005; Huisman and Nelen 2007). Since 1970, civil injunctions have been used under US Federal and State Racketeer-Influenced and Corrupt Organizations (RICO) laws to place corrupt unions and businesses under court-approved management, and quite apart from high-profile arrests that may accompany the civil measures, this appears to have had an impact on this highly visible form of structured organised crime, measured for example by garbage disposal and fish market prices (Jacobs 1999; Levi and Smith 2002), though there is less evidence of impact on other crime phenomena or on more loosely networked offending. Where otherwise legitimate businesses that would be profitable without crime engage in systematic patterns of crime facilitation, there seems no reason in principle why they should not be placed under public interest management or even forfeited as instrumentalities of crime, providing that proportionality under the European Convention is satisfied.

A role of growing importance is played by 'scambuster' teams working for local trading standards and more regional groups, sometimes with international co-operation. In 2006/7 and 2007/8, £1.5m per year was made available by the Department of Business, Enterprise and Regulatory Reform specifically

to fund Scambuster pilots in three areas and 11 Regional Intelligence Units. The Office of Fair Trading is also playing a more active role, sometimes in collaboration with American, Canadian and European bodies (http://www.oft.gov.uk/oft_at_work/consumer_initiatives/scams/).

The impact of anti-organised crime measures on *outcomes* remains insufficiently analysed, since there are few reliable data on the 'before' or 'after' (a) levels or (b) organisation of drugs and people trafficking, European Union fraud, etc. (Naylor 2002; Levi and Maguire 2004; Levi and Reuter 2006; Harvey, forthcoming). For example, the law enforcement agencies in EU and Council of Europe member countries are required to return annual counts of the number of organised crime groups, but quite apart from quality monitoring issues, it is not obvious whether a reduction in the number is a good thing (less harm has been caused or there is a lesser threat to society) or is a bad thing (it is an indicator of monopoly or oligopoly rather than of looser networking, and therefore a *greater* threat to society). Some approximations for illicit use can be made from self-report studies or from sophisticated techniques for estimating prevalence (Dubourg and Prichard forthcoming), but these do not explain or enable inferences to be made about how offending is *organised*. Very few financial institutions, even in offshore finance centres, will now accept strangers or even established clients bringing in briefcases full of cash. However, there is no evidence that fewer drugs or trafficked women and children have become available as a result of the sorts of measures discussed above (which is not to say there has been no effect). In the private sector sphere, industry and public sector fraud data suggest some impact from data matching and from the co-ordination of data at an industry-wide level (Levi and Handley 1998; Levi and Pithouse, forthcoming), but other forms of fraud data are too poor to permit easy inferences. Irrespective of whether or not 'organised crime' will truly threaten the state – and it is important to think about how one would recognise that condition if one came to it – one can and should try to anticipate shifts in serious crime activities (Williams and Godson 2002). One may also try to develop strategies to reduce market opportunities for 'hot products' (Clarke 1999) and disruption mechanisms for criminal markets by breaking up the prerequisites of serious crime for gain into their constituent parts (Ekblom 2001; and see Hicks 1998, for an attempt to examine links between local communities, police and organised crime prevention). Sutton *et al*. (2001) suggest that in both Commercial Fence Supplies and Commercial Sales Markets, investigative and preventive efforts should focus on thieves and purchasers of stolen goods – because here there are no 'innocent' consumers. Attention should be paid to business people who buy stolen goods, so that the 'crime facilitators' and the thieves who supply them will need to invest more effort and face greater risks if they want to convert stolen property into cash. This might involve identifying through systematic analysis which shops and businesses thieves visit in order to sell stolen goods, requiring traders to obtain proof of identity from and to keep records of anyone who sells them second-hand goods (and checking covertly whether or not they do so), and using administrative measures as well as criminal prosecutions to control misconduct. The police might use mobile close-circuit television cameras and surveillance teams to gather evidence by observing the

homes of known or suspected residential fences and might seek to close down bars and other places used for trading in stolen goods as well as drugs. The effects of such 'market intervention' strategies remain under-analysed, and it is important to differentiate between the 'charismatic' properties of particular entrepreneurs in particular places and the effects when implemented by 'national roll-outs' with less commitment and charisma.

Intelligence-led policing and 'sting' operations are more common to deal with 'organised crime' than fraud (Levi 1995), partly because the former command more resources and partly because a focus on 'usual suspects' and 'core nominals' (i.e. those identified as key 'organised criminal targets', though the term is supposed to have been superseded) is easier to implement for trafficking than for most frauds. However, to the extent that the same people who are or were involved in drugs are now involved in fraud (and/or the laundering thereof), similar police sources of intelligence will serve for both. In addition, regulatory investigators may pass on information to the police and to SOCA, for fraud and corruption in areas such as betting, tax frauds and money laundering. There has been a growth in data-matching, especially within the public sector but also within some private sector industries such as credit and insurance. The National Police Improvement Agency has also developed doctrine and protocols for financial and other crime investigations, though the extent to which they are followed remains uncertain.

Despite exhortations to shift practices towards crime reduction in the UK, it is not always obvious how much general policing has changed (Byrne and Pease, this volume): there has been little general police or (in the EU) investigative judge support for radical shifts in staff to financial investigation from the equally prized and media-supported areas of crime and disorder. But to supplement traditional law enforcement, alternative problem-solving approaches to complex social issues are being explored. For example, the strong recent focus on trafficking in women may cause us to think about better co-ordination between immigration and policing to encourage exploited sex workers to complain and give evidence rather than simply deporting them, and by 2008, this had begun to happen with a specialist unit based in Sheffield. (Though there remain tensions between deportation and help to abused and trafficked as well as to voluntary but illegally migrated women.[11]) The measurement of changes in organised crime and the assessment of whether these are beneficial or not are in their infancy, but it seems worthwhile to think of different strategies such as building in fraud and other technological prevention measures at the point of production and distribution, rather than waiting for crime to grow and then trying to police it. Whether the policing panopticon will ever extend to encompass all types of fraud, however, is extremely doubtful. For despite the growth in public concern about their direct and indirect (via pension funds, etc.) investments in the stock markets and about identity theft and other crime risks associated with the cyber-world, the iconography of fear of crime is more difficult to develop and sustain for 'white-collar' than for 'organised' crimes and criminals.

Notes

1 See Naim (2007) and Glenny (2008) for thoughtful if doom-laden analyses of the globalisation of crime. See Stille (1996), Jamieson (2000), Arlacchi (1986, 1998), Gambetta (1994), Paoli (2002) and Saviano (2008) for varied accounts of 'Italian' organised crime. This sort of phrasing hides an important set of ambiguities. Do we mean crime taking place in Italy (some of whose origins and impacts lie outside)? Or do we mean crimes involving Italians, no matter where committed? This is even without worrying ourselves about what is meant by 'organised crime' or about the considerable variation in ways in which crimes are organised in different parts of Italy. A certain amount of simplification may be necessary in order to make discourse comprehensible, but some simplifications become gross distortions.

2 Analytically, both of these trades are artefacts of criminalisation in the sense that if no artificial constraints were placed on demand, there would be no need for illegal businesses (Naylor 2002 – for a more general discussion of organised crime see Levi 2007a). However, though true, a similar argument could be made about property rights generally so it is not as profound a point as is often claimed.

3 There is a risk of statistical inflation from treating all deceptions as to who we are as 'identity theft'. See www.cifas.org.uk for some data on increased identity fraud, though the latter dropped in 2007 despite large-scale data losses by public and private sector sources.

4 I make this distinction because employees' risks of assault on the way to and from work is not their employer's legal responsibility. The extent of the duty of care is not always obvious where – as in the case of the police – the occupation is inherently dangerous and is known by employees to be so at the point of employment contracts. However, there is always an obligation on the employer to take reasonable care.

5 This consideration prompts new questions – such as whether victimisation surveys should be defined as a cost of crime. Using police officers to collate and report crime data is also expensive, although their costs tend to be hidden within general costs of criminal justice that might have to be paid anyway. Theoretically, one might add to the 'costs of crime' those costs of the intelligence and counter-intelligence services entailed in collecting hard-to-access information about threats to whichever nation-state is doing the analysis, in this case 'to the UK'. Of course, action taken in response to evidence about threats collected at t may have an effect on crime/harm rates at $t+1$, though not always in the way desired or expected.

6 Unfortunately, the examples selected by Spalek (2007), by Spalek and King (2007) and in the wider literature are hardly typical of the broader spectrum of fraud or even loss, though the absence of any transparent methodology in their work makes it difficult to discern this. The bigger question of whether Farepak and other 'scandals' constitute costs of *criminal fraud* rather than of business recklessness or misfortune would occupy too much space here. (There are also significant defamation risks in relation to identifiable cases.) However, such scientific line-drawing between fraud and loss plainly makes a huge potential difference to 'the costs of fraud' (see Levi and Burrows 2008).

7 In 2006/07, 1,141 offences were prosecuted by the Health and Safety Executive (HSE). The average penalty per conviction in 2006/07 was £15,370. If fines in excess of £100,000 (mostly to neglectful train and network operators) are excluded, this gives an average of £8,723. In addition to prosecutions, the primary focus was on advice and enforcement notices: in 2005/06, 13,363 enforcement notices were issued by all enforcing authorities to 'persuade' firms to take greater care of safety. (For further details, see http://www.hse.gov.uk/statistics/enforce/index.htm.)

Contrast with normal American approaches to violent crime the fact that in 30 years, of some 200,000 workplace deaths since the creation of the US federal Occupational Safety and Health Administration in 1972, OSHA has referred just 151 cases to the Justice Department. Federal prosecutors declined to act on more than half of those referrals; 11 people have been sentenced to prison (*New York Times*, 10 January 2003). For more extended discussion of workplace violence in the context of ordinary violent crime, see Levi *et al*. 2007). Only 8 directors have been disqualified for conduct in relation to health and safety offences since the Company Directors Disqualification Act 1986. All individual and corporate offenders prosecuted are logged on a publicly available database http://www.hse-databases.co.uk/prosecutions/case. Since then, the much-delayed Corporate Homicide and Corporate Manslaughter Act 2007 has been passed to facilitate prosecutions of companies (not individuals), but the forensic difficulties of proving a link to the 'directing mind' of the company is a heavy burden in complex corporate structures. See http://www.hse.gov.uk/foi/internalops/fod/oc/100-199/165_9.pdf for a discussion of the protocols involved.

8 The point at which financial services firms accused of 'mis-selling' by what is now the Financial Services Authority become defined as 'fraudsters' is intriguing, but it may be that this is the most sensible way of getting them to compensate clients so long as they have the capacity to do so: see Levi and Pithouse (forthcoming).

9 Outside the UK, countries vary in whether their FIUs are located in administrative or law enforcement units, creating some difficulties for liaison.

10 Interviews with participants: the author led an evaluation team for this experimental public-private policing project.

11 In a letter (*The Guardian*, 28 December 2007), Julia O'Connell Davidson nicely deconstructed former Europe minister Denis MacShane's assertion that there are 25,000 sex slaves in the UK.

> When 515 indoor prostitution establishments were raided by police as part of Operation Pentameter last year, only 84 women and girls who conformed to police and immigration officers' understanding of the term 'victim of trafficking' were 'rescued'. At this rate, the police would need to raid some 150,000 indoor prostitution establishments to unearth MacShane's 25,000 sex slaves. The fact that there are estimated to be fewer than 1,000 such establishments in London gives some indication of how preposterous MacShane's claim is.
>
> Abuse and exploitation undoubtedly occur in the UK sex sector, but only a minority of cases involve women and girls being imprisoned and physically forced into prostitution by a third party. More usually, those who are vulnerable are working to pay off debts incurred in migration, or to supplement paltry single-parent benefits. Their vulnerability is in large part a consequence of government action and inaction – its failure to regulate the sex sector, its immigration and welfare policies etc. And raids by police and immigration officials normally result in their deportation or prosecution for benefit fraud, not in their assistance or protection.
>
> The government's concern about sex trafficking appears to have helped immigration officers meet their targets for deportations without protecting sex workers.

Selected further reading

Useful textbooks are A. Doig, *Fraud* (2006) and A. Wright, *Organized Crime* (2006), and a good collection of essays may be found in A. Edwards and P. Gill (eds) *Transnational Organized Crime: Perspectives on Global Security* (2003). The special issue of *Criminology*

and Criminal Justice, Winter 2008, is devoted to organised crime and its control. Although it is light on policing, a good background for this chapter is M. Levi, 'Organised and terrorism', *The Oxford Handbook of Criminology* (M. Maguire, R. Morgan and R. Reiner (eds), 4th edn (2007). See also M. Levi, 'Covert policing and the investigation of ''organized fraud'': the English experience in international context', in C. Fijnaut and G. Marx (eds) *Police Surveillance in Comparative Perspective* (1995).

Official annual Threat Assessments by the Council of Europe, Europol, and the Serious Organised Crime Agency are available from their websites. There are also reports elsewhere, for example the International Narcotics Control Strategy Report.

The policing of organised crime has been examined mostly in the context of drugs, but useful reviews include contributions to M. Beare (ed.) (2003) *Critical Reflections on Transnational Organized Crime, Money Laundering and Corruption*; C. Harfield, 'SOCA: A paradigm shift in British policing', *British Journal of Criminology* (2006); and J. Sheptycki, *Issues in Transnational Policing* (2000). For criminal justice aspects, see for example N. Fyfe and J. Sheptycki (2005) *Facilitating Witness Co-operation in Organised Crime Cases: An International Review*.

For discussions of organised crime prevention, see, reviewing the Dutch experience, H. van de Bunt and C. van der Schoot (2003) *Prevention of Organised Crime: A Situational Approach* (2003), and C. van der Schoot, *Organised Crime Prevention in the Netherlands* (2005) and, more generally, M. Levi and M. Maguire 'Reducing and preventing organised crime: an evidence-based critique', *Crime, Law and Social Change* (2004). The control of money laundering is critically reviewed in M. Levi and P. Reuter (2006) 'Money laundering', in M. Tonry (ed.), *Crime and Justice: A Review of Research*.

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Chapter 21

Policing terror

Martin Innes and Darren Thiel[1]

> Secrecy gives the person enshrouded by it an exceptional position . . . Out of this secrecy, which throws a shadow over all that is deep and significant, grows the logically fallacious, but typical, error, that everything secret is something essential and significant. (Simmel 1906: 464–5)

Secrecy, as a value and set of attendant practices, is engrained into the conduct of both terrorism and counter-terrorism. As Georg Simmel writing over a century ago noted, secrecy affords both protection and power. Thus from the point-of-view of actors motivated to engage mass violence against non-combatants in pursuance of a political cause, secrecy is required to successfully plot, plan and prosecute their acts, and to circumvent those agencies and agents who might seek to interdict and intercept them (Black 2004).[2] Secrecy is also threaded through the methodologies and cultures of governmental agencies tasked to prevent, detect and disrupt acts and actors that are labelled 'terrorist'. Keeping key practices in the shadows, it is argued, is a necessary condition for sustaining the effectiveness of counter-terrorism measures. This shroud of secrecy amplifies the sinister power that is regularly assigned to both terrorist acts and counter-terrorist agencies. As will be discussed throughout this chapter, as a consequence of this a considerable amount of the effort of counter-terrorism agencies is devoted to trying to penetrate the secrecy of their adversaries in order that they may achieve tactical advantage. They are engaged in an ongoing and dynamic contest to render visible what their opponents do not want them to know.

Whilst terrorist organisations and the agencies arrayed against them employ a veil of secrecy to protect their members and operational methods, and to enhance their comparative symbolic power, how they are positioned in respect of one another depends in part upon a degree of public knowledge – albeit a highly manipulated and mediated form of knowledge. The enactment of secrecy by both terrorist and counter-terrorist organisations is thus essential, but also partial and contingent. Whilst tactically terrorists seek to perform clandestine operations, with their acts of planning and preparation being conducted 'invisibly', terrorism as a strategy is predicated upon generating publicity. So the attack itself is designed to accomplish a high level of public

visibility, in the belief that articulating an act of violence with a specific and politicised cause, will assist in the political ends sought being realised.

Likewise, aspects of the counter-terrorist apparatus also seek to manage their public appearances as a way of seeking to deter, infiltrate or capture would-be assailants. Deliberately creating the perception of a 'hostile environment' in the minds of their opponents, and intimating that their various assets are well positioned to thwart any attack, is a central consideration for counter-terrorism agents. However, any attempt at adversarial perception management has to be balanced with a need to reassure governments and the wider public about the protection they afford. Indeed, one of the central paradoxes of counter-terrorism practice is that in order to sustain public support for their work, agencies are increasingly required to reflexively counteract the ways in which their own operational secrecy negates levels of social trust and democratic accountability. This is particularly necessary in terrorist conflicts whereby levels of social support for both parties engaged in the conflict are shaped by the respective strengths and weaknesses of their moral claims and counter-claims. But it also reflects, at least in part, how critical public commentators and 'opinion formers' are frequently relatively uninformed about the detail and context of countering terrorism, precisely because of the secrecy imperative assumed by practitioners. This contest for legitimacy explains why, from time to time, counter-terrorism agencies deliberately illuminate aspects of their work as a form of 'perceptual intervention' designed to shape how governments and citizens think, feel or act about their role.[3] Establishing and sustaining trust in the moral standing of counter-terrorism agencies are critical for effective counter-terrorism.

In what follows we describe two principal modes of the contemporary counter-terrorism apparatus: one that remains comparatively invisible, operating under a veil of secrecy; and the other which functions through visibility. These modes are inter-connected and increasingly intertwined. Indeed, we suggest that nascent trends in the UK counter-terrorism apparatus, reflecting both changes in its object and in its broader historical context, are tending towards a third mode that collapses previous forms into one another. This movement is blurring the logics and practices of contemporary counter-terrorist policing, and, in the process, it is reconfiguring the broader conduct of policing and the governance of security.

Secrets and research

The prevalence of secrecy in this field also has implications in terms of researching and understanding the police role in dealing with terrorism. Difficulties associated with gaining access to empirical data, together with an overriding imperative to maintain operational secrecy on the part of practitioners, has meant that, contrasted with many other aspects of police work, scholarship on counter-terrorism policing is replete with ambiguity and conjecture, lacking theoretical sophistication and empirical validation. This reflects a broader problem concerning the dearth of empirical material and theoretical tools with which to understand terrorism itself (Silke 2004). Overall,

however, this leaves us in the somewhat paradoxical position that although a significant political imperative is placed upon the understanding, interception and interdiction of terrorism, and increasing amounts of governmental budgets have been directed to such tasks, there is very little independent research-based evidence in this area about what is done and whether it works.

As part of an attempt to redress the paucity of knowledge and understanding, our intention for this chapter is to map what is known about counter-terrorism policing and, in the process, to chart 'the known unknowns' for this area of scholarship. In so doing we are particularly concerned to set out a conceptual framing of counter-terrorism policing based upon the idea that it is intimately intertwined with conceptions of those activities and actors over whom control is sought. These conceptions are socially and historically contingent, permeated by broader changes in policing, trends in social thought and modes of governance.

We argue that the logics of situated counter-terrorism practices are ordered around a sequence of point and counter-point manoeuvres between those labelled as terrorists and those who seek to inhibit their violence. It is this series of actions and reactions that determines how counter-terrorism policing presents in particular social settings at particular temporal junctures. Consequently, counter-terrorism, like crime, cannot be studied in isolation from the constitution of the problems or people it is enacted to control (cf. Becker 1963). Likewise, it is myopic to view the complex and dynamic trajectories of terrorist campaigns over time without consideration of the counter-measures that are introduced by those targeted by terrorist violence.

On this basis, terrorism and its counter do not simply and unproblematically reflect one another. Rather, the arrangement is more akin to one of refraction wherein each acts and reacts towards the other on the basis of an organisationally mediated, partial and distorted impression of the other, owing partly to the clandestine nature of the operations of them both, but also the presence of other influences. Most saliently these include the distorting effects of ideological processes and the groups' perceptions of the reactions of the various social audiences that witness the events. For example, on the terrorist side, as Ganor (2005) posits regarding the circumstances in Israel and Palestine, several major terrorist groups are in competition with each other for support, legitimacy and visibility. Consequently, in formulating their lines of action, they must account for how their violent acts will be responded to by their potential supporters, the authorities they attack, and other terrorist groups. Likewise, as Crenshaw (2001) notes, how counter-terrorism agencies define, attend to and act towards a range of terrorist risks and threats that they encounter is mediated by a political filter emanating from the organisational and policy-making context at a particular moment in time. Moreover, due to the emotive and highly politicised nature of terrorist conflicts and, in the context of the scant nature of empirical information and intelligence, such filters tend towards seriously obscuring their view (Smelser 2007). Thus whilst recognising the influence of ideas and ideologies upon the conduct of both counter-terrorists and their opponents, it is important not to neglect the extent to which the actors involved adapt and shift their organisational methods driven by the interrelated but refracted impressions they form of the other, and

how they conceptualise the reaction of various strata of social audience. In this sense both terrorism and counter-terrorism are arranged in a mutually constitutive relationship framed by their reactions to the perceived relevant audiences that witness the events.

Outline

To establish this argument, the chapter starts by considering the label 'terrorist', its application and the ensuing general processes of terrorist conflicts. As terrorism tends to be a pejorative mode of classification, the capacity to apply it to a particular group is a precursor to constructing them as a suitable target for the implementation of counter-terrorism measures. This section is followed by an exploration of the social organisation of counter-terrorism and the division of labour that exists between different counter-terrorism agencies. Having discussed aspects of how counter-terrorism work is performed, we lead into a discussion of conceptions of state legitimacy, and conclude by discussing how policing and the governance of security is being fundamentally altered by the conduct of counter-terrorism.

Conceptualising terrorism

The concept 'terrorism' tends most frequently to be a pejorative label applied by powerful groups onto opposing political groups weaker than themselves. Perhaps unsurprisingly then, the term has been subject to a plethora of rarely agreed upon and competing conceptualisations and definitions (see Schmid and Jongman 1988; Smelser 2007: 229–50). Practitioners, policy-makers and academic commentators continue to engage in lengthy and vigorous debates on the subject as they seek to agree a formulation that both captures the variety of acts that they feel encompass terrorism and simultaneously excludes other acts that, whilst ostensibly similar, are not deemed as terrorism. Such disagreements might be sterile were it not for the fact that the application of the label 'terrorist' to a group or an act has consequences in terms of determining the implementation of counter-terrorist measures that shape the subsequent direction of the ensuing conflicts.

Although the label is subjective, there are common elements to what is generally perceived as terrorism. Those labelled terrorists tend to be politically motivated groups or individuals who utilise violence targeted at non-combatants in order to terrify publics and their leaders into effecting social change (Laqueur 2001; Wilkinson 2001; Hoffman 2006). Consequently, terrorist violence tends to be highly dramatic, attacking signal targets (people, places, events) to attract media attention to amplify its effect. Terrorists are in the business of fear, and their operating practices reflect this. For the purposes of this discussion, the term terrorism will be used to refer only to the combative tactics utilised by weak groups against their more powerful enemies, and will thus preclude consideration of state-sponsored terrorism.[4]

The process of terrorism

In seeking, as its tactical basis, to partially equalise power asymmetries between the terrorist group and those they attack, terrorism can be more effective where its targets are democracies. Democracies tend to be constrained in their counter-reaction capability owing to the presence of democratic ideals, open media and freedom of speech for their critics (see Wilkinson 2001). Indeed, where terrorist acts provoke a form of state reaction that contravenes such sensibilities or, where it can be portrayed as doing so, the tactical and moral bases of terrorism are rendered more effective. An act of terrorism pulls down power imbalances through the command of its violence to force open a 'space' in which moral claims can be voiced on a relatively equal platform, claims that are integral to the development and persistence of terrorist groups. In such circumstances, claims and counter-claims by powerful states and less powerful terrorist groups circulate in a 'mimetic war of images' (Der Derian 2002: 109), whereby each group attempts to de-legitimise the claims of its opponent in order to justify violent attacks and counter-attacks and to influence levels of social support for their position. In the process of so doing, the protagonists of violence will frequently seek to contest the imposition of the label of 'terrorist' onto their group or actions, instead seeking to invoke a self-definition of 'freedom fighter', 'guerrilla' or 'insurgent' (cf. Ganor 2005).

In this context, attempts to 're-frame' the definition of the situation in the eyes of the public audiences are a vital part of the overall struggle, because the direction of conflicts and the life-span of terrorist campaigns are contingent upon various levels of social support for terrorist groups and ideologies. Social support provides the 'oxygen' that empowers terrorism, supplying recruits and supporters, dissenters and outside political pressures (Sluka 1989; Richardson 2006). The trajectories of terrorist violence thus tend to be shaped by perceived trends in levels of social and political support for terrorists' claims and states' counter-claims. Consequently, counter-terrorism policing involves more than protection from terrorist threats and/or the subversion of terrorist groups, but is conceptualised as integral to the 'rhetorical battle of symbols' (Smelser 2007: 85) upon which the conflicts are contingent. Counter-terrorism policing thus prevents and frustrates terrorist activities whilst simultaneously engaging in a symbolic shoring up of state legitimacy in order to win over and/or maintain the 'hearts and minds' of various public and political audiences. Moreover, in helping to direct the application of the label 'terrorist' to particular groups and acts, the police perform a pivotal role in constituting that which they seek to counter.

Operational constructions of terrorism

An emphasis upon the social construction of terrorism and its implications is important when we consider that although popular conceptualisations of the terrorist problem at any one time tend to gravitate around whichever situation is seemingly pre-eminent at that moment, in reality the authorities will be grappling with multiple concurrent threats. For example, small single issue groups have been involved in contemporary small scale attacks within the West throughout the 1980s and 1990s that could be viewed under the label of

terrorism. These include, for example, the actions of anti-vivisection groups in the UK and the pro-life lobby in the USA, or the UK 'Nail Bomber', David Copeland, a lone attacker who targeted ethnic and homosexual communities in London in 1999. Such attacks, however, have done little to alter the organisational structures of counter-terrorism policing. Partly because of the small-scale nature of such groups or individuals, the traditional counter-terrorism apparatus tends to be effective in identifying, locating and containing them (Cronin 2006), as occurred with Copeland who was quickly apprehended and imprisoned. Further, the relatively limited nature of the damage that these groups and lone individuals tend to inflict, means that the collective public memory is inclined to decay quite fast beyond the communities and individuals directly affected by the violence (Smelser 2007). This does not mean, of course, that the groups pose no threat.

Concerns voiced about terrorist violence being undertaken by 'far-right' political groups, as well as the activities of certain 'extremist' individuals and groups campaigning for 'animal rights', are of especial importance to this disquisition on defining terrorism and its consequences as it helps to demarcate how definitions of terrorism are and are not successfully applied to certain acts and the ensuing counter-terrorism response. In the parlance of the UK police, the kinds of violence being undertaken by such groups tend to be officially labelled as 'domestic extremism' rather than terrorism. Whilst such distinctions may be justified on the basis that such acts are thought to have only a small effect on national security in the long-term, on any objective criterion, they seem hard to maintain. Moreover, if one looks across different political contexts, it is clear that the definitional frontiers in terms of which acts and groups are labelled as 'terrorist' or 'extremist' varies across space and time.

The organisation of counter-terrorism policing

Counter-terrorism as a form of state action exists, according to Steven and Gunaratna (2004), on a continuum. The two 'pure' poles of which are: a military model, wherein terrorist actions are defined and responded to as war-like forms of aggression; and, a criminal justice model, where violent transgressions are dealt with principally as criminal acts. The reality is that most states operate a blend of these two models, with the military offering a more 'offensive' posture, and the criminal justice system a more 'defensive' one (Steven and Gunaratna 2004). In this chapter we contend that an emergent nascent trend towards community-based counter-terrorism methodologies may further blend these two positions (see Figure 21.1), and, given the particular interests of this volume, in what follows, we are more concerned with the criminal justice mode of response than the militaristic one.

A short history of UK counter-terrorism policing

Orthodox 'liberal' histories of the establishment of the Metropolitan Police in England in 1829 have recognised that the emergence of the 'new' police system

Figure 21.1 The continuum of UK state counter-terrorism apparatus

Agency		*Action*	*Activity category*
Military		War; overseas interventions; domestic interventions in civil emergencies such as freeing hostages	**'Beyond policing' (violent control)**
Security services: MI5, MI6, GCHQ		Intelligence collection and application; disruption	
The Special Branch and Counter-terrorism specialists		Intelligence collection and application; disruption; arrest and prosecution	
Criminal Investigation Dept (CID)		Investigation, arrest and prosecution	**'High policing'**
Uniformed policing	Response	Intelligence collection; reassurance; and arrests	**'Low policing'**
	Neighbourhood	Community intelligence collection and reassurance; managing community tensions	
Multi-agency activity		Integration, empowerment, and de-radicalisation	
Civilian communities		Responsibilised empowerment; informal control, diversion and intelligence	**'Beyond policing' (disciplinary governance)**

and its subsequent evolution has been intimately entwined with the political development of liberal democracy (Reiner 1992). One particularly notable dimension of this was the establishment of a specialist 'high policing' function in the form of the Special Irish Branch as part of the Criminal Investigation Department at Scotland Yard in 1883. As intimated by the original nomenclature, the current Special Branch and the Anti-Terrorist Branch of the Metropolitan Police has its origins in providing a response to the risks and threats to the British polity that were posed by the Fenian terrorism of the period.

Subsequent to its inception, the remit of the Special Branch and its officers was rapidly expanded to encompass other forms of political violence. Importantly though, rather than representing a wholly new departure, as was the case for policing more generally, the establishment and embedding of Special Branch within the Metropolitan Police involved the formalisation of an already established state apparatus for dealing with crimes involving political violence (Bunyan 1977). Contrasted though with mainstream policing, which adopted an explicitly hierarchical and formal approach to role definition that accented its public visibility, Special Branch officers operated with reduced formality emphasising the importance of low visibility, informality and secrecy.

Drawing upon notions established in French political culture, Brodeur (1983) introduced a conceptual separation between 'high policing' and 'low policing' to Anglo-American policing studies. In so doing, his aim was to represent the two distinct organisational and operational characteristics of policing in liberal democracies described above. 'Low' policing tends to be concerned with classical notions of protecting the public from everyday volume crime and maintaining public order by preventing and solving crimes directed at individuals or small groups. It has, until recently, been primarily a reactive response to events whereby offenders are apprehended, usually through public reporting of events, after an event has taken place. 'High' policing, on the other hand, is less concerned with public order or volume 'micro' crime, but uses intelligence collection, infiltration and subversion of groups deemed at risk of involvement in 'macro crimes' that threaten the peace and security of an entire society (Bayley 2006). As terrorism is a 'macro' crime, counter-terrorism is thus predominately carried out by secretive high policing agencies that place significant emphasis upon their capacity to access covert organisations in order to develop pre-emptive intelligence with which to direct their operations.

Just as it is increasingly recognised that low policing involves agents other than the public police (Johnston and Shearing 2002), so too, high policing in liberal democracies engages multiple agencies working in partnership (Pickering *et al*. 2008). Most notably this includes those entrusted with the collection, analysis and dissemination of secret intelligence (Figure 21.1). The division of labour that exists between the police and these other agencies is thus an important aspect in understanding what police do, and how and why they do it. In a recent survey of this issue across a number of developed countries, Bayley and Weisburd (forthcoming) found that nearly all the nations surveyed maintained specialist intelligence collection agencies separate from the police. Such patterns notwithstanding, low policing is, however, involved in the performance of a number of key counter-terrorism functions. Most notably these include the management of community tensions that may arise in the wake of a successful terrorist attack (Innes 2006) and/or subsequent to counter-terrorism raids and operations (Thornton and Mason 2007), as well as highly visible target hardening and reassurance roles.

In keeping with our argument that terrorism and counter-terrorism are mutually constitutive, it is important to recognise that any clear boundaries in the division of labour between high and low policing have changed over time. For instance, whilst it has been claimed that the UK's counter-terrorism apparatus may have been relatively effective in containing centrally directed and hierarchically organised Irish Republican terrorism, following the attacks in America in 2001, it was quickly identified that it was ill-suited to cope with the increasingly de-centred nature of al-Qaeda-based terrorism (Omand 2007). For a confluence of historical reasons, the UK police's counter-terrorism assets had come to be focused through the Metropolitan Police's London-based anti-terrorist branch. Some counter-terrorism capability was available to regional forces through the auspices of their Special Branch offices, but this was fairly insignificant compared to the concentration of resources and personnel maintained in London. Consequently, when a counter-terrorism

operation or investigation had to be launched outside the capital, officers would be despatched from London to perform the tasks necessary, often much to the chagrin of the local staff.

Whilst it could be argued that there is a case for developing a core specialist cadre of expertise in dealing with terrorism by locating all one's assets together in one place, following the attacks on London's public transport system in July 2005, the mismatch between the location of policing's specialist assets and the genesis of the threat from geographically distributed non-hierarchical cells affiliated to al-Qaeda was made graphically clear (O'Connor 2007). Some resources were subsequently redistributed to those areas outside London that intelligence suggested were fertile ground for the recruitment of new terrorists from British Muslim communities. And, although maintaining a central presence in London at Scotland Yard, in 2007 three Counter-Terrorism Units were established in Greater Manchester, the West Midlands and West Yorkshire. Staffed with police officers and a smaller cohort of staff from the Security Services, these units were supplemented by an additional five smaller Regional Intelligence Cells. Overall, these structural reforms were intended to provide a policing response better aligned with the threats to be addressed. It was not only in the UK that the social organisation of counter-terrorism policing was reconfigured; similar processes of reform are also evident in Australia and the USA (Pickering *et al*. 2008). The introduction of Joint Terrorism Task Force groups in the US, for example, encourages local policing agencies in a number of areas to engage in ongoing collaborative working with regional and Federal agencies in particular areas where risks and threats are deemed to be present.

An even more radical innovation in police counter-terrorism methodologies was heralded by the establishment of the Muslim Contact Unit (MCU) within the Metropolitan Police's Special Branch in 2002. As described by Robert Lambert (2008) formerly head of the MCU, the approach adopted was to try and import some of the values and working practices more usually associated with community policing into a Special Branch context. Whereas Special Branch work has typically tended to be focused upon covert activities, the MCU's staff adopted overt positions to deliberately cultivate contacts with individuals holding radical Islamist viewpoints, but who crucially did not advocate the use of violence in achieving their politico-religious goal.[5] It was anticipated that connecting in this way with community members would build trust with key individuals in order to increase channels of communication through which to generate intelligence. Equally importantly, it was believed that propagating such relationships would afford a viable opportunity to establish a degree of influence and co-operation within these communities. This orientation to a more community-based form of counter-terrorism work can be read then, in line with our overall theoretical position being worked out in this chapter, as an adaptive response to the difficulties of getting covert human sources to penetrate the secrecy of terrorist cells. But as the MCU's approach has matured it has become clear that one use of such relationships is to assist in the 'de-radicalisation' of individuals deemed to be either at risk or already radicalised into violent extremism. In such circumstances, MCU officers have brokered contacts between these individuals and politically radical, but non-violent Salafist or Wahabist groups, so that they can attempt

to influence the radicalised individuals to adopt a perspective that stops short of supporting or enacting violence (Lambert 2008). Thus, aspects of their work have affinities with more established Special Branch methodologies, seeking to exploit the fissures and fractures permeating a groups' organisations and networks in order to de-stabilise them and inhibit their capacity for concerted action.

Lambert's account represents a shard of light into the murky and subterranean world of the methodologies employed by Special Branch, and it conveys some sense of the delicate and nuanced ways in which contemporary problems are beginning to be addressed. Perhaps even more so than the case of the inter-agency joint working that we describe below, the MCU's approach and achievement of some success in preventing and 'de-radicalising' susceptible individuals, has seriously questioned the assumption that all work connected to counter-terrorism needs to be shrouded in a veil of secrecy in order for it to be effective. It should be noted that the MCU, in 2007, had a staff of eight officers and was thus comparatively insignificant compared with more orthodox facets of counter-terrorism policing. Nevertheless, cast as one of a number of attempts in both the UK and USA to reconfigure the counter-terrorism apparatus by connecting aspects of 'high' and 'low' policing, simply by virtue of its presence it signals the extent to which the formerly clear distinctions drawn between them are being eroded. Certainly in the UK this more community-based counter-terrorism approach appears to represent a significant emergent direction. In April 2008, the Home Secretary announced £11million of new funding for 300 new counter-terrorism officers and staff in order to establish 'prevent teams' to connect neighbourhood policing teams more directly to the national security agenda.[6]

At the level of practice, the picture is more complex because the working practices and attendant occupational cultures of those involved in high and low policing may impede meaningful integration. High policing practices centre around observation, subversion, and disruption of groups deemed potentially transgressive, but traditional low policing practices and attendant cultures are oriented towards response, arrest and prosecution of those found to have transgressed. These two very different approaches may bring high and low policing into conflict with only partial co-operation resulting. There is also a risk that the efficacy of low policing could be harmed through its co-option of national security matters, with citizens interpreting the focus of police interest in counter-terrorism as overriding their neighbourhood security concerns (Thacher 2005; Bowling and Newburn 2006). As Bill Bratton (2007), Commissioner of the Los Angeles Police Department, has suggested, the accent upon Homeland Security in the USA is draining resources away from more routine policing and, in so doing, it may be harming the management of volume and major crime levels.

Doing counter-terrorism

Whilst it is important to attend to innovations in counter-terrorism practices such as those outlined above, it is equally vital to acknowledge the longer term

patterns that persist and dominate how the police go about preventing, disrupting and responding to terrorist threats.[7] These have remained largely wedged into traditional high policing or target-hardening strategies, and are reflected in the operation of the UK government's overarching, pan-departmental counter-terrorism strategy known as CONTEST (HM Government 2006), which is organised around four key strands:

- Prepare – for acts of terrorism by developing political, economic, social and technological resiliences.
- Prevent – acts of terrorism happening in the first place.
- Protect – the UK from terrorist attack through 'target hardening' measures especially where the potential target forms part of the 'critical national infrastructure'.
- Pursue – terrorists in order to bring them to justice.

Focusing more explicitly upon the role of policing within such a framework, Innes (2006) offers a more conceptually oriented classification system that also identifies four key dimensions to police counter-terrorism work. Incorporating Thacher's (2005) differentiation between the key 'offender search' and 'community protection' dimensions of counter-terrorism policing, Innes (2006) further distinguishes between its 'prospective' and 'retrospective' aspects, to arrive at a four-fold classification.

1. *Prospective offender search functions* – concerned with the pre-emptive identification of high risk individuals and groups. This includes: seeking to prevent the onset of processes of violent radicalisation; disrupting the activities of those planning attacks; and the prosecution of acts deemed to be preparatory to terrorism. As will be discussed in more detail below, for a number of reasons this aspect of counter-terrorism work has been deemed increasingly important.
2. *Retrospective offender search functions* – initiated following an actual or an attempted attack. These are concerned with the investigation, arrest and prosecution of individuals involved in enacting or supporting a particular incident.
3. *Prospective community protection functions* – both social and physical measures that are implemented in order to create a 'hostile environment' for those minded to engage in terrorist acts. This encompasses 'situational prevention' measures including target-hardening, and enhancing levels of social resilience and preparedness for terrorist attacks.
4. *Retrospective community protection functions* – interventions implemented in the wake of a terrorist incident that are designed to mitigate its effects by providing public reassurance and monitoring intra- and inter-community tensions. This is an aspect of the police's role in counter-terrorism that many accounts have tended to neglect, but is vitally important given how such

incidents can engender levels of fear and anxiety that undermine levels of community cohesion.

There is widespread agreement in some sections of the UK counter-terrorism community that, in the years following 2001 and the subsequent attacks in Madrid and London, most emphasis was placed upon the retrospective 'pursuit' of individuals and the prospective community protection functions (O'Connor 2007). More recently, there has been a significant shift in emphasis. Increasingly talk and activity has gravitated around the perceived need to establish a more effective 'prevent' strategy[8] – a pivotal but, until recently, relatively neglected aspect of CONTEST. This subsequent desire to 'get up-stream' was driven by a concern that the reliance on retrospective offender and prospective community protection strategies had not had any discernible impact upon the flow of UK citizens seemingly motivated to undertake terrorist violence (see, for example, MPA 2007).

The attempt to get further up-stream and enhance the preventative capability is grounded in the claim that the problem being confronted by UK counter-terrorism agencies has shifted from being one of quality, to one of quantity. By this we mean that, whereas previously, the central issue was how to deal with the threats posed by a relatively small group of highly trained al-Qaeda operatives, more recently it has become seen as more about how one should manage multiple shifting threats emanating from a larger, albeit less well trained, population of potential suspects. The nature of the peculiar difficulties that this poses for the police and other agencies have been implied by materials revealed in the aftermath of the 7/7 bombings in London, but also several subsequent criminal trials relating to thwarted plots. For it has transpired that a number of the suspects have at one time or another been 'on the radar' of the police or Security Services. However, because there were other apparently more viable threats present in the environment, the risk assessments conducted suggested that the expensive intensive surveillance assets should be directed elsewhere. This gives a flavour of how risk management, based upon imperfect and oftentimes uncertain intelligence information is a crucial aspect of how police and other agencies make decisions with regards to which individuals and which plots they should focus their finite resources upon.

Preventing terrorism: prospective offender searches

The capacity for the police and other agencies to inhibit or prevent the multifarious processes that lead individuals into becoming violent radicals are manifestly hindered by the fact that reliable empirical information and sophisticated theory about how radicalisation occurs, to whom, when, where and why, is very much in its infancy. Data that does exist on contemporary violent Islamists, suggests that they come from a range of socioeconomic groups, places of residence, national and ethnic backgrounds, and ages, rendering the notion of predictive offender profiling little more than an alluring fiction (Thiel forthcoming). Limited evidence suggests, however, that the process of radicalisation for British Muslims operates through networks of

radicalised friends and family members, often following personal crisis and/or feelings of alienation brought on by perceptions of discrimination (Wiktorowicz 2005). Radical proselytes utilise images and discourses on the suffering of the world's fellow Muslims to reinforce their message (Wiktorowicz 2005; Speckhard 2007), which plays out against a background of the contemporary rise in Western Islamic identity politics (Modood 2003) and has been found to be particularly influential upon susceptible individuals with low levels of religious 'literacy' (Wiktorowicz 2005; Chaudhury 2007). Those pulled towards violent Islamism increasingly withdraw from broader society whereby contact with mainstream media and critical others declines, and the group's radical ideology comes to dominate the member's entire life (cf. Post *et al*. 2002; Sageman 2004).

In a recent piece of empirical research sponsored by the Association of Chief Police Officers, Innes *et al*. (2007) synthesised the radicalisation process to construct a 'situational model of radicalisation'. A key point of this modelling is that the likelihood of an individual being radicalised is not constant but contingent; particular moments and spaces of vulnerability arise when the various 'drivers' of radicalisation come into alignment and the individuals' exposed to them drift closer to being 'radicalisable'. The implications for the 'prevent' aspects of counter-terrorism are that police and their partners will need to attune their radars differently to detect the indicators of radicalisation. This study has influenced the direction of UK counter-terrorism policy, significantly underpinning some of the manoeuvres described above. Conceptually, it also further bolsters our wider theoretical argument in this chapter that a significant aspect of counter-terrorism policing is driven by a mimetic and morphogenic process reflective of perceptions of contemporary problematisations of terrorism. As such, it is useful at this juncture to attempt to calibrate just what the extent and nature of the risks of the contemporary threat are thought to be that have triggered the increased accent upon the preventative dimensions of counter-terrorism work.

Visions of al-Qaeda

The recent organisational changes in counter-terrorism, both in terms of shifting the geographic location of key assets but, also the blurring of distinctions between 'high' and 'low' policing, can be understood as attempts by the police to align themselves more appropriately to a new set of risks and threats. Amongst senior figures there was a growing recognition that just because a particular approach was effective in containing the reach and impacts of Irish Catholic terrorism, this did not mean it would be equally propitious in tackling Islamist-inspired violence (Mottram 2007; O'Connor 2007). The level of official concern in this regard can be inferred from tracking the tenor of a series of recent public pronouncements, which also provide some insight into how the threat is being constructed.

The former Director General of MI5 stated in November 2006 that her organisation was monitoring 200 terrorist networks containing over 1,600 identified individuals engaged in at least 30 terrorist plots (Manningham-Buller 2006). In July 2007, the British Prime Minister, Gordon Brown, revised

the claim upwards stating that the number of individuals being tracked by the UK security services had risen to 2,000. Additionally, in April 2008, appearing before a Parliamentary Committee, Robert Quick, Assistant Commissioner Specialist Operations at Scotland Yard, stated that 15 Islamist terror plots had been intercepted since July 2005.[9] In the same month, a report by Europol revealed that in 2007, 203 people had been arrested on suspicion of terror offences in the UK, compared with 201 arrests for the entire rest of Europe, and, in the same year, 42 people were convicted of offences related to terrorism in the UK courts (half of whom pleaded guilty) in relation to 16 separate police operations (Europol 2008).

It is impossible to adequately interrogate these figures and estimations, but it is a basic truism of counter-terrorist work and the risk management optics built into it, that even a handful of highly motivated individuals have the ability to initiate significant mayhem. That the problem is being described by officials in terms of an increase, however, reflects a widespread belief that aspects of the counter-terrorism strategy are failing to deliver. Moreover, reforms in the counter-terrorism apparatus are not simply concerned with a quantitative problem, but reflect a qualitative shift also. It is now widely recognised that there is not one al-Qaeda to be countered but, in effect, three distinct, albeit inter-related, threats that have shifted in their relative salience over time. First there is the core AQ 'hub' comprising the leaders and core membership (Burke 2004); secondly, more loosely coupled affiliates joined to the al-Qaeda hub through personal acquaintance and family networks (Sageman 2004; Wright 2006); and, thirdly, 'AQ-inspired' terrorism, formed of cells and groups not linked to the hub, beginning as self-radicalising, but operating, for rhetorical and ideological reasons, under the name of al-Qaeda and attacking targets in Western countries where their members reside (Kirby 2007).

Part of the significance of understanding the terrorist threat in this way is that it points to how the kinds of problems the police are grappling with are, at least partly, the unintended products of more militaristic interventions initially intended to deal with states utilising and supporting terrorism. The point being that the counter-terrorism apparatus of Western states does not function as a tightly integrated, coherent and cohesive system. Rather, the reality is that there are tensions, ruptures and 'iatrogenic' effects generated by aspects of its operations, which occur frequently and have to be managed by other parts of the apparatus. For example, certain counter-terrorist interventions may be undertaken even though it is recognised that they may impact negatively upon perceptions of legitimacy amongst certain sections of the public and that propagandists for the terrorist cause may seek to exploit such opportunities. Likewise, the dispersal of many of al-Qaeda's operatives by 'allied forces' following invasions in Afghanistan and Iraq appears to have induced an iatrogenic effect inasmuch as it served to increase both al-Qaeda's power and significance by unintentionally providing their ideology with enhanced traction. This occurred partly through the seeming legitimation of al-Qaeda's claims about the intent of the USA to violently dominate the world's Muslims, and partly through the invasion transforming al-Qaeda from a hierarchically organised 'army' into more a virtual, morphogenic and

free-floating system of 'franchisees' and 'self-sub-contractors'. This decoupling from a geographic base and transformation into an ideology unconstrained by national borders and resistant to physical force, has rendered countering the potential threats posed by al-Qaeda fraught with difficulty and uncertainty.

The organisational reconfiguration and re-framing of the counter-terrorism paradigm described previously, represent attempts to construct a mode of response that articulates with an evolving understanding of the contours of the threats posed. From the point of view of counter-terrorism, it is the cells of predominately self-radicalising individuals that are especially difficult to track and interdict because they operate in relative isolation from other cells and central command structures under a cloak of tight small-group secrecy. This makes their methods ill-disciplined, creative, temporally and geographically unpredictable, and less constrained by the views of any one fixed community. In terms of the logistics of police and security services' pre-empting contemporary al-Qaeda-based terrorist operations then, these groups become, in operational terms, not one group to be countered, but many, all with a variety of constantly evolving *modus operandi*. Security agencies tasked with their counter, then, face a shape-shifting target, immeasurably difficult to predict, and one which camouflages itself within the predominately moderate Muslim diaspora communities, thereby becoming almost invisible.

Intelligence

In seeking to render a comparatively invisible series of threats visible, a pivotal role is played by 'intelligence'. Indeed, intelligence can be said to underpin all aspects of counter-terrorism work and is cast as its very 'lifeblood' (Wilkinson 2001). Intelligence is used to various extents in all forms of contemporary policing but it is of primary importance to counter-terrorism because of the need to illuminate the secret operations of opponents, and prevent and pre-empt the potential risk of the widespread damage of a terrorist attack. Consequently, the standard operating procedures of high policing agencies, notwithstanding some of the recent innovations outlined above, gravitate to a significant extent around the development of pre-emptive secret intelligence.

Given that intelligence is never 'black' or 'white' but always shaded in different hues of 'grey' (i.e. rarely certain and almost always provisional), all counter-terrorism is framed by a commitment to constant risk assessment (Lustgarten 2002). However, the uncertain quality of potential risks, compounded by 'grey' intelligence, and combined with the imperative to pre-emptively neutralise perceived risks, means that such procedures are prone to error (Kean and Hamilton 2004). Three principal types of error can be divined, relating to the collection, transmission and application of intelligence.

Collection

Due to the shroud of secrecy employed by terrorist groups, high policing agencies amass intelligence though a variety of predominately clandestine methods including: covert surveillance; infiltration and espionage; the

recruitment of covert human intelligence sources and whistleblowers;[10] and the monitoring and interception of communications. These methods are deemed vital in situations where intelligence is not voluntarily forthcoming from public sources and remain amongst the most closely guarded elements of the counter-terrorists' tool-kit.

A perceived lack of publicly volunteered intelligence can arise for two key reasons. First, terrorist cells and groups are able to maintain secrecy even from the fellow citizens with whom they engage in regular interaction and, consequently, the public may have no intelligence to volunteer. Second, various levels of social support for terrorist groups in surrounding communities dampens motivations to volunteer intelligence (Wilkinson 2001). In such circumstances, counter-terrorism agencies traditionally covertly monitor, infiltrate and subvert those surrounding communities. However, as terrorism is as much a battle of rhetorical symbols as it is a battle of violence and secrecy, clandestine methods of intelligence collection come under continual threat of becoming tangled in a negatively-reinforcing spiral whereby little intelligence emerges voluntarily from public sources, forcing increased reliance on clandestine intelligence collection, further alienating the public, and thereby becoming a disincentive for that public to volunteer intelligence (Innes 2006). This disincentive may be further exacerbated by the size at which the intelligence 'net' is spread over communities: too small a spread may miss the target, but too large a spread dilutes resources and alienates the communities whose co-operation the police require (cf. Spalek and Lambert 2007).

Despite these attendant risks, there remains a considerable emphasis placed upon the value of covert intelligence assets in countering the possible risks posed by terrorist organisations. Evidence to support such a viewpoint is often cited on the basis of the Northern Ireland case, where over a period of years the Special Branch, Security Services and Military Intelligence, variously established a range of covert intelligence assets, including 'Supergrasses', agents and listening devices, close to the central hierarchy of the IRA. This systemic level of penetration, it has been argued, was a critical factor in undermining the operational effectiveness of the IRA, protecting against immediate risks, and may have provided a lever for the leadership of the organisation to move towards a political solution (Omand 2007).

In many ways, therefore, the orthodoxy that has grown up about the value of covert sources in high policing activities has been grounded in the success they have had in combating particular types of terrorist and other political insurgents in the past. In circumstances where the terrorists have been hierarchically organised, Covert Human Intelligence Sources (CHIS) have proven of immense value. Yet, their utility is markedly less pronounced in relation to cellular modes of organisation because the broader network remains sequestered from that source. There is now a widespread acknowledgement that in attempting to neutralise the threats posed by violent Islamist terrorism, the authorities have not been very successful in establishing effective CHIS at all. In part this may be a symptom of over-investing in surveillance and data-mining technologies in the 1990s (that al-Qaeda-based operatives have frequently circumvented by eschewing electronically mediated communication) at the expense of human intelligence (cf. Treverton

2001). It may also be a result of a counter-terrorist organisation embedded in the construction of past risks, thereby initially impeding its adaptive capacity (cf. Manning 2006).

Transmission

As outlined above, key counter-terrorism roles and functions tend to be distributed between different agencies and organisations, only one of which is the police. This gives rise to one of the most frequently encountered problems in counter-terrorism work: that of effective intelligence transmission to ensure that the secret information is available to those who need it when they need it (cf. Kean and Hamilton 2004; Sheptycki 2007). Such problems have been compounded by the international nature of contemporary terrorism often requiring an international response. Multilateral European relations have enabled engagement in transnational intelligence exchange across Europe since the formation of the Trevi group in 1957, and, more recently, this has extended into the formation of Europol (Loader 2002). Some commentators argue that the current threats posed by international terrorism warrant going further and propose the development of a 'supra-national' intelligence clearing house that would work to effectively transfer data globally between security and policing agencies in different countries (cf. Jacobson 2006; Chandler and Gunaratna 2007). However, such accounts may underplay the practical and political difficulties that would accompany any such scheme. Moreover, there is a real danger that such reform proposals deflect the focus of attention away from the more difficult and fundamental concerns relating to how intelligence is collected and used.

Application

A third set of issues associated with the role of intelligence in countering terrorism arises when we turn to consider how it is applied. For, as indicated previously, intelligence deals in risks and probabilities rather than certainties and absolutes. Whilst good intelligence can enable the pre-emptive interception of a terrorist plot, decisions about when, where and in respect of who to intervene on the basis of intelligence are always set against a backdrop of uncertainty. When errors do occur, they tend to have a disproportionate negative impact on police and state legitimacy (cf. Skogan 2006), as occurred with the UK police shooting of two innocents in London in 2005 and 2006[11] (see Blick *et al*. 2006: 29). Indeed, it is precisely the difficulties with using intelligence that has led some commentators to suggest that there is a fundamental tension between how police and the Security Service seek to enact their counter-terrorism roles. According to Gearty (2007), the default police orientation towards securing evidence to support prosecutions of terrorist suspects frequently rubs up against the intelligence agencies' preference for disrupting plots and networks. However, we should not overstate such fractures, as, in many aspects of the low policing remit, police have become more risk-orientated, making increased use of intelligence-led modes of operation and becoming ever more comfortable with the logic of disruption (Maguire 2000; Innes and Sheptycki 2004).

Governance and legitimacy

Covert surveillance and disruption are activities relatively invisible to the public and comparatively impervious to the accountability demanded of criminal justice 'due process'. When interventions are based upon seeking to disrupt rather than secure criminal convictions, it cannot be known whether they are proportionate or accurate interventions. The use of strategies bound to a logic of covert surveillance and disruption, whether clearly evident or more subtle in their manifestations, can then have implications for maintaining police and state legitimacy, and citizens' conceptions of justice – conceptions which have been shown to be linked to the degree to which individuals follow the law and co-operate with the police (Tyler 1990, 2004). Some high policing methods, whilst deemed effective in furthering the pursuit of terrorists in the short term, can thus also be generative of specific problems for the prevention of terrorism in the longer term by their corroding of the legitimacy of the police, the state, and their counter-terrorist methodologies in particular. This brings us to consideration of the vexed issues of legitimacy and social support.

Hearts and minds

Social support is vital to the sustenance of any terrorist campaign. The establishment of what Louise Richardson (2006) dubs 'a conducive surround' is essential for effective political violence, affording both moral and material resources to terrorist groups. In an ethnographic study of community support in 'Divis Flats' in Catholic Belfast, Sluka (1989) provides an especially compelling and subtle analysis of the dynamics of social support and how it underpins the actions of both terrorists and counter-terrorists. Whereas most accounts bifurcate audiences into supporters and non-supporters of terrorism, Sluka demonstrates that in Catholic Belfast, whilst a proportion of the local populace exhibited 'hard-line' support for the Provisional IRA (PIRA) and Irish National Liberation Army (INLA), the majority were more ambivalent. For this latter group, their motivations and beliefs waxed and waned according to the actions undertaken by the active terrorists and their auxiliaries, and those interventions performed by the state-led Royal Ulster Constabulary and British military. The terrorist groups sought to provide a range of 'social services' as part of their efforts to try and sustain active or, at least, passive or ambivalent, social support within the Catholic communities. The PIRA, for example, focused upon the provision of social control in the absence of an effective order-maintenance presence by the police. As Sluka notes, engaging in such a role was fraught with problems and risks, and the fact that the IRA continued to perform it is indicative of how important the need to maintain social support was perceived to be. However, as Sluka concludes, the significance of any such efforts by the IRA paled into insignificance as a determinant of social support when compared with the influence of the actions of the British and Irish authorities. The application of highly coercive tactics and strategies by counter-terrorism agencies, particularly where these were interpreted as disproportionate, was one of the principal drivers of support for Irish-Catholic terrorist organisations.

In the context of moral claims and counter-claims to win over social audiences, one of the ways in which terrorists pursue their aims is by provoking states into a form of de-legitimising over-reaction. During the 'troubles' in Northern Ireland it became clear that decisions to instigate a system of detention without trial and the so-called 'Diplock Courts' (the suspension of jury trials) were strategic mistakes resulting in significant increases in popular support for the IRA's campaign. It was subsequently recognised that oppressive treatment of Northern Irish communities was counter-productive and the British government eventually withdrew the Diplock Courts. Yet, their retraction was of little consequence in terms of offsetting any claims to legitimacy that the British authorities had in the eyes of Irish Catholics. The cumulative impacts of the government's legislative innovations and a series of specific coercive operations, led to the perception by Irish Catholics that they were being collectively viewed as a 'suspect community' (Hillyard 1993). Indeed, in order to avoid constructing a false suspect community, the problem of how to differentiate active terrorists from the communities in which they are located is one of the most problematic aspects of counter-terrorism work. This is because a pivotal aim must be to establish a claim to legitimacy for one's position amongst those strata of the civilian population that terrorist groups see as being their natural supporters and on whose behalf they purportedly enact their violence.

Problems associated with falling levels of police and state legitimacy have partially inspired UK counter-terrorism policing to follow broader policing trends with the development of more visible community-based counter-terrorism policing styles as described in earlier sections of this chapter. It is in seeking to manage public perceptions of legitimacy for the counter-terrorism effort that the tensions and contradictions between different aspects of this role are brought into sharp relief. For at the same time as police need to inform the public about the active threats they perceive, in order to foster a degree of social resilience and preparedness, so too the authorities need to provide reassurance about their efficacy. Likewise, whilst police want to highlight their successes in thwarting plots, simultaneously they must be alert to the tendency of casting whole groups of the population as suspect.

These imperatives frequently pull in different directions and are all set against a backdrop of secrecy, and, as a consequence, some commentators have suggested that politicians and senior counter-terrorism officials have artificially inflated the levels of risk and threat that are posed (Simon 2006; Furedi 2007). There is probably an element of truth to such claims, but the picture appears much more complex than such stark depictions recognise. There are now so many cases of terrorist events and plots that have either been enacted, are going through the courts, or are scheduled to do so, that it seems difficult to deny that there is a real dimension to the threat. Although, without the transparency that counter-terrorism secrecy seemingly inhibits, it remains impossible to know how risky the risks are.

The claims of authorities do, however, become problematic when they stray into voicing fears of catastrophic forms of mass casualty terrorism involving chemical, biological or radiological weapons. Whilst this might be a possibility, with only the sarin gas attack on Tokyo's underground transport network in

1995, and a minor short-lived anthrax scare in the USA in October 2001, mass casualty high-tech terrorist attacks by non-state groups have, as yet, failed to surface as more than isolated aberrations of more orthodox forms of terrorism. Thus the propagation of fears of such risks may function as something akin to a 'misdirection', diverting focus from attending to the 'normal risks' that, although less spectacular in terms of their impacts, have a much greater likelihood of occurring.

Logics of governance

The foregoing discussion of the morphogenesis of the counter-terrorism apparatus leads us to a nascent development. Originally evolving as a response to Feinan terrorism, and later the various manifestations of the IRA, the UK counter-terrorism apparatus has mimicked the changing nature of terrorist threats to become al-Qaeda's shadow. Through an increasing emphasis upon community-generated intelligence and community-based multi-agency working, the ensuing structure of UK counter-terrorism collapses divisions between 'high' and 'low policing' and blurs the boundaries between traditionally distinct state agencies, shifting administrative power both 'upwards' and 'downwards' (cf. Loader and Walker 2001). The conceptual propellant for this approach is the changing nature of terrorism, but also a wider historical backdrop driven by governmental fears about declining trust and legitimacy, a perceived need for better management of crime insecurities and poor police–community relations. The underlying logic of this form of counter-terrorism can thus be seen as enmeshed in broader social trends towards deep and subtle community forms of governance. As Nikolas Rose (1996) points out, late modern states face a crisis of control in governing their pluralising and globalising populations. States thus shift out power further and deeper into the social body, and the emergent methods of counter-terrorism are not sequestered from such momentums.

It is important, however, not to overstate such nascent patterns because more traditional forms of counter-terrorism continue to dominate police resources and energies. Counter-terrorism measures located in the frames of invisibility and visibility remain at the core of the state's response. These include, on the one hand, the expansion of 'invisible policing' in the massive and rapid accretion of resources to the Security Services and Special Branch where both have doubled in size since 2001 (with even more pronounced trends in the USA), accompanied by, on the other hand, increased 'high visibility policing' at 'signal' areas deemed at risk (ports, political centres and business districts), including, increased public and private security patrols, state-directed technological surveillance (CCTV, biometric and data-mining capacity) and ensuing public screening measures.[12] The underlying logic of such practices is bound into neo-classical forms of both governance and transactions between citizens and states (cf. Shearing and Stenning 1984; Deleuze 1990; Garland 2001). The developments blend state power into private security provision driven by commercial interests (cf. Christie 2000), and into transnational security agencies organised through virtually non-accountable policy networks (Loader 2002). This aspect of the counter-terrorism strategy

both articulates with and animates broader trends towards modalities of governance predicated upon a 'crime control complex' (Garland 2001), tied into a popularist politics of fear of immigration, the dynamics of party politics and ensuing symbolic reassurance policing (see also Mythen and Walklate 2006). However, such measures will ultimately fail to prevent terrorism as the number of potential targets to harden is endless and terrorist motivations are simply not driven by an individualistic calculus.

Populist fears about terrorism, and states' oligarchic necessity to publicise and quell such fears, increase the likelihood of counter-terrorism's tendency to drift towards austere legislation and the extension of clandestine high policing practices. The threat constructions and moral claims that circulate effectively create pressures to raise the counter of terrorism above considerations of civil liberty, whereby the ends of preventing the potentially atrocious outcomes of terrorism form powerful moral justifications for the deployment of clandestine means (cf. Klockars 1980; Ignatieff 2005; Bobbitt 2008). Nevertheless, the overall trajectory of development is unsettled at the current time and it is not at all clear how it will proceed. On the one hand, some groups argue in favour of deliberately widening and deepening 'the social control net' so as to better manage the risks that are presenting. At the same time though, others remain vocally resistant to any such claims or reforms, arguing, with some justification, that the undermining of state legitimacy that is likely to accompany any such moves, is actually in accord with the desires of the terrorists themselves (cf. Zedner 2005).

Conclusion

Policing performs a multifaceted role in counter-terrorism work, a role that has been undergoing significant and rapid reform in recent years. Police involvement now routinely stretches from activities designed to try and prevent young men at risk of violent radicalisation from becoming subject to the influence of extremist groups, through to trying to manage post-attack situations and the consequences that such violence can have for domestic community tensions and cohesion. The connectivity that local policing provides into neighbourhoods, and the greater 'situational intelligence' this potentially affords about what is happening to and within particular communities, means that it is increasingly being enlisted into attempts to identify possible terrorist activities in their planning. We seem to be moving from a setting in which this aspect of the police mission was defined as a purely specialist task, to one where, particularly in respect of the prevention of terrorism, local policing is deemed to have an important role to play. This is not to say that the more specialist policing agencies are having their power and mandates reduced, in fact the reverse is the case. Indeed, in some settings, it is the high policing apparatus that is 'colonising' practices more traditionally associated with the delivery of low policing.

On this basis we would contend that counter-terrorism policing can be conceptualised as operating through three distinct conceptual frames and associated modes – all of which, however, are rooted in the prevention of

potential risks of terrorist attack. The first is a clandestine approach, governed by an imperative for operational secrecy and deliberately shielded from public view in order that it should be to all intents and purposes invisible. Such an approach is, though, accompanied by a second modality that is intentionally overt in order to make it more difficult for potential terrorists to carry out their operations and to seek to differentially manage the perceptions of social audiences deemed relevant for effective counter-terrorism. More recently though, we have seen the emergence of a third mode that is akin to a community-based counter-terrorism methodology, blending and blurring the previously distinctive features of high and low policing, visibility and invisibility.

As counter-terrorism agencies and terrorist groupings are mutually constitutive of each other, developments in counter-terrorism strategy and the deployment of these modes can be understood as a series of adaptations as the authorities seek to understand the nature of the problem to be confronted, and then to secure both tactical and strategic advantages over their adversaries. The logic and tenor of any such adaptations are shaped by the dominant constructions of the enemy, the problems of maintaining co-operation and legitimacy from the surrounding social audiences, and the fact that they must be drawn from a limited array of organisational options.

This emerging and evolving situation has implications for some of the key issues we have addressed in this chapter. Most obviously, it appears that in some respects the emphasis upon absolute secrecy is being lessened. Of course, the performance of secret and covert actions remains central to how counter-terrorism agents enact their roles, but in certain areas a more visible community-oriented approach may be gaining traction. This recognises how the contemporary conflict between terrorists and counter-terrorists has increasingly come to be defined as a situation that is as much about winning the hearts and minds of the various audiences, as it is about performing or preventing the next attack. Yet, adjoining coercive high policing practices with local, multi-agency based approaches aimed largely at generating legitimate relations, might be a case of adjoining ill-fitting logics prone to organisational drift into extra-legal practices. For the transition to be effective will require careful engineering of quite resistant police working practices and cultures, which will inevitably take re-socialisation, time and close monitoring of a mechanism paradoxically requiring immediacy and a certain level of autonomy. These are movements with the potential to profoundly alter the position of policing in society.

Notes

1 The authors would like to thank Paul Rock and Tim Newburn for their insightful and incisive comments on an earlier draft of this chapter.

2 For example, in the 'Jihad Manual' recovered in March 2000 by British police from the computer hard-drive of a suspected Al-Qaeda member, a section on tradecraft is explicit about the need for operational secrecy. It states that only the leader of an attack should know the full details and that they should release these to other cell members only at the last moment.

3 The concept of perceptual intervention was introduced by Ditton and Innes (2005) in an effort to capture how the conduct of social control is frequently based upon deliberate attempts to alter how people, situated as potential offenders, victims and bystanders, perceive their social environments.
4 This omission is not meant to downplay the effects of state terrorism, which has, throughout the twentieth century in particular, led to innumerably more death and destruction than non-state terrorism (see, for example, Cohen 2001), but it lies beyond the focus of this chapter.
5 A precedent for this way of thinking and acting can be traced back to the British Army's use of 'Hearts and Minds' strategies in Malaya, and later applied to a lesser extent in places such as Ulster and Oman.
6 'Smith invites moderate Imams to the UK to help Muslim communities fight extremism', *The Guardian*, 17 April 2008.
7 More detail on the historical backdrop to the police role in counter-terrorism can be found in Matassa and Newburn (2003) in the first edition of this volume.
8 See, for example, ACPO press release, 16 April 2008: www.acpo.police.uk.
9 'Since July 2005 police have foiled 15 terror plots', *Daily Telegraph*, 23 April 2008.
10 Human intelligence sources can be recruited illegitimately by force, bribery or trickery (cf. Dunnighan and Norris 1999), but they can also be more legitimate 'organisational informants' that volunteer information out of duty (cf. Ericson 1981).
11 Respectively, the fatal shooting of Jean Charles de Menezes on a South London tube train, and the wounding of Mohammed Abdul Kahar in his East London home.
12 See Gordon Brown's statements on both 25 July 2007 and 19 March 2008, respectively: http://www.number-10.gov.uk/output/Page15102.asp; and http://www.number-10.gov.uk/output/Page12678.asp.

Selected further reading

What has been dubbed the 'new' terrorism has generated an almost exponential number of publications from across the range of humanities and social sciences, seemingly regardless of quality or content. Texts that rise above the ever-expanding morass include Louise Richardson's accessible and learned introduction to terrorism and its counter, *What Terrorists Want* (2006), and Neil Smelser's scholarly sociological analysis, *The Faces of Terrorism* (2007), although the first part on understanding the patterns of terrorism is considerably better than its second part on counter-terrorism. Paul Wilkinson's (2001) *Terrorism Versus Democracy* remains an accessible introduction to, in particular, the response to terrorism, and Bruce Hoffman's *Inside Terrorism* (2006), is an accomplished and balanced general introduction to terrorism. For those wanting to understand al-Qaeda, Jason Burke's *Al-Qaeda* (2004) and Mark Sageman's *Understanding Terror Networks* (2004) are both clear, influential and well-researched books. No adequate monograph on the contemporary manifestations of al-Qaeda-based terrorism has yet been published, but Aidan Kirby's article 'The London bombers as ''self-starters''' in *Studies in Conflict and Terrorism* (2007) is useful start.

In terms of understanding counter-terrorism policing, Matassa and Newburn's (2003) chapter for the first edition of this volume gives an accessible historical introduction to the issue, and Jean-Paul Brodeur *et al*.'s *Democracy, Law and Security* (2003), provides a good introduction to European 'high' policing and security services. The special edition of *Policing: A Journal of Policy and Practice* (2007, 1(1)), devoted to UK counter-terrorism, contains a number of quality commentaries on contemporary counter-terrorism policing issues, and Innes' article for *Annals of the American Academy of Political and Social Science* (2006), 'Policing uncertainty',

provides a theoretical analysis of community-based counter-terrorism policing. Finally, Thiel's review for the Police Foundation, *Policing Terrorism* (forthcoming), is an accessible and practical guide to understanding the policing of contemporary UK-based terrorism.

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Chapter 22

Policing cybercrime: emerging trends and future challenges

Yvonne Jewkes and Majid Yar

Introduction

This chapter examines some of the unique challenges facing the police in their attempts to tackle cybercrime. At the present time the Home Office does not compile statistics on cybercrime[1] and, in any case, figures on the precise scale and breakdown of computer-mediated crime are notoriously unreliable as they are invariably out of date by the time they are published. This chapter therefore steers clear of quantitative measurements and discusses some of the offences that – within a generally low-visibility category of crime that has no specific reference point in law – are (in the broadest sense) 'policed'. It then explores the factors which impede effective policing of cybercrime (in the narrower sense of proactive law enforcement and intelligence gathering by the state-funded public police) and considers the particular case of child pornography and Operation Ore which, it argues, has paradoxically both accelerated and hampered the police's commitment to combating cybercrime. Finally, the chapter reflects on emerging trends and priorities in policing cybercrime and considers the challenges for the future.

'Official' responses to the challenge of cybercrime

In April 2001, the National Hi-Tech Crime Unit (NHTCU) was established amid a fanfare of publicity and optimistic predictions concerning its future impact on cybercrime. Part of a wider £25 million strategy funded by the UK government, the NHTCU was a multi-agency organisation comprising representatives from the National Crime Squad, the National Criminal Intelligence Service, HM Customs and Excise, the Ministry of Defence and seconded police officers. In addition to offering advice and technical assistance to local police forces, and liaising with non-UK police forces, it also conducted its own

investigations and developed intelligence about computer crimes. However, just a few months later the NHTCU was reportedly 'creaking at the seams' (*Guardian*, 12 November 2002) and 'unable to cope' (*BBC News*, 13 January 2003) with the volume of intelligence it was receiving about users of child pornography on the internet. In the words of a spokesman from the NHTCU, Operation Ore – a police investigation of over 7,000 UK subscribers to an American child pornography portal – had 'hammered' the unit and 'crippled' their capabilities to investigate other high priority cybercrimes (telephone conversation, 8 April 2003, cited in Jewkes and Andrews 2005). By April 2006, the NHTCU had effectively been wound-down, absorbed into the new Serious and Organised Crime Agency (SOCA) which, as the name suggests, has a very broad remit, but includes the investigation of 'cyber' offences such as online frauds and scams. Meanwhile, the European Union has established its own agency to tackle cybercrime; ENISA (the European Network and Information Security Agency). Operational since May 2005, it aims to 'enhance the capability of the European Union, the EU Member States and the business community to prevent, address and respond to network and information security problems' (ENISA 2008). Yet, with a paltry budget of 6.9 million euros for 2007 (about £5 million), it remains to be seen how much impact it can have upon computer crime across the 27 member states (Yar 2006: 16–17).

Underlining the UK police's commitment to stemming the global internet trade in child pornography, the Child Exploitation and Online Protection (CEOP) Centre was launched in 2006. CEOP consists of specially trained police officers working with dedicated professionals from organisations such as the NSPCC and Childnet, and secondments from IT providers such as Microsoft and AOL. The Centre has implemented a range of initiatives: investigators employ powerful face recognition software to match images and trace abusers, victims and locations; it aims to establish a permanent presence in countries with problems such as sex tourism; fake websites are set up with undercover officers posing as children in chat rooms to lure paedophiles; and the Centre works with the computer industry to develop new products and services that prevent children from being exposed to abuse.

The establishment of initiatives such as NHTCU, SOCA, CEOP and ENISA may seem attractive to those who are alarmed by recent moral panics concerning the apparent expansion and increased visibility of cybercrimes and may, superficially at least, appear to fulfil prophesies of international law enforcement agencies patrolling the electronic beat and hunting down paedophiles, pornographers and criminal masterminds. But, as the NHTCU's brief life demonstrated, expectations of these kinds of organisations can be wildly ambitious and unrealistic, at least within the context of the finite resources within which they must operate. The sheer size and scope of the internet, the volume of electronic traffic it facilitates, the varying legal responses to cybercrime in different countries and other inter-jurisdictional difficulties combine to ensure that the police feel they remain in a perpetual game of 'catch-up' with the vast numbers of criminally minded individuals who lurk in the shadowy corners of cyberspace. For example, the fact that ENISA's 'mission' places it at a considerable remove from the day-to-day operational business of policing should come as little surprise, as it is perhaps

a recognition of the overwhelming nature of the demands faced by any supposed 'internet police'.

Policing cybercrime

Before discussing the characteristics of cybercrime, and the specific role of the police in combating the problem, it should briefly be noted that much of the monitoring, regulation, protection and enforcement related to cybercrimes is not the responsibility of state-controlled public police forces. Governments, the police, internet service providers (ISPs) and internet users all broadly agree that the latter two groups – ISPs and users – must bear the primary responsibility for cleaning up cyberspace. For example, individual internet users can monitor their own use and that of others, evict offensive participants from chat rooms or report harmful or illegal material on websites. Parents and teachers of young internet users can utilise 'filtering' software that denies access to material containing sexually explicit words, or restrict children's use of the Net on the basis of rating systems provided by independent regulatory bodies such as the Internet Watch Foundation (IWF). ISPs can draw up codes of conduct which their members and subscribers must follow, monitor the content of their sites and remove offending content or take other appropriate action. In addition there are a growing number of interest groups – such as Women Halting Online Abuse (WHOA), Internet Hotline Providers in Europe (INHOPE) and Cyberangels – who support a particular cause or aspect of regulation. There also exist numerous organisations that support specific business interests, such as the Business Software Alliance (BSA) that represents many of the big software companies and works closely with law enforcement agencies to enforce copyright laws and investigate cases of software theft. Finally, in recent years there has been a proliferation of private security firms set up to protect corporate data for commercial businesses who place a premium on discretion and privacy when it comes to their computerised records and data systems. These developments may be symptomatic of a situation in which the scope, scale and structure of the internet outstrips the capacity of any single enforcement or regulatory body (Wall 2007: 167–77; Yar 2008b).

The police themselves are becoming part of a more diverse assortment of bodies with policing functions, and the array of activities we term 'policing' is becoming increasingly diffuse within and between nation-states (Reiner 2000). Just as the policing of terrestrial space has demanded a 'joined-up approach' between individual citizens, private sector agencies and the police, so too has the policing of cyberspace become a pluralistic endeavour. In some countries 'policing' functions have been awarded to other state-funded organisations. For example, in New Zealand, the Censorship Compliance Unit within the government's Department of Internal Affairs has responsibility for regulating and detecting some cyber offences. Because the CCU investigates a relatively narrow range of offences, including the policing of internet child pornography, it has developed a proactive strategy based on specialist intelligence and technical expertise and claims higher success rates than comparable police units (Jewkes and Andrews 2007).

So, when commentators talk of 'cybercops', they may be referring to a wide range of different bodies or strategies, from those whose primary aim is to 'protect', for example, authorities who use encryption and digital 'fingerprinting' techniques to protect copyrighted material, to those whose primary aim is to 'enforce'. The international police co-ordination body, Interpol, and its European equivalent, Europol, also support cross-border investigation and act as conduits for the pooling of intelligence and expert knowledge. However, although Interpol and Europol have put themselves forward as the most effective organisations to establish a global cyberpolice force, in reality such a move is some way off (Glick 2001). Co-operation between member states is undoubtedly desirable, but in reality it is hard to achieve and investigations can be held up for months while law enforcement agents from different countries struggle to find compatible *modus operandi*.

While a review of the literature on policing cyberspace reveals that much of it is not concerned with 'the police' at all, but is about non-police regulatory bodies, a great deal of discussion that *is* explicitly concerned with the police service's role in combating cybercrime (even from within the police's own ranks) is cynical about their commitment to the task (Goodman 1997; Hyde 1999; Jewkes and Andrews 2005). Yet, great strides have been made in recent years and it is certainly not the case that all police officers are Luddites seeking to thwart progress within the force. Since the first police operation targeting paedophiles using the internet for networking purposes – codenamed Starburst – took place in 1998, there have been a number of successful investigations including Cathedral (an international operation targeting the notorious 'Wonderland Club' in 2001); Artus (in which an international paedophile network known as the 'Round Table' was uncovered in March 2002); Magenta (in which 27 people were arrested in the UK in April 2002); Amethyst (a nationwide swoop by Ireland's Sexual Assault and Domestic Violence Unit in May 2002); as well as Twins and Ore. Furthermore, the government has provided funding for a minimum complement of two officers in every force to carry out proactive investigations of online criminality and forensic examinations of seized computer hardware. However, attempts to harness new technologies for tackling crime are frustratingly uneven and prone to amendment and reversal. For example, a national police website was established permitting minor, non-emergency crimes to be reported online, but by 2007 it had been discontinued, and visitors were directed to contact their local force.

What is cybercrime?

Throughout this chapter the term 'cybercrime' is used to describe what, elsewhere, might encompass 'computer crime', 'internet crime' and 'high-tech' crime; terms that tend to be used interchangeably despite their differences.[2] So what are 'cybercrimes' and what kinds of challenges do they pose for the police and other law enforcement agencies? Broadly speaking, cybercrimes can be classified in two categories: crimes that cannot be committed in any other way or against any other type of victim (in other words, where the computer

is the target of the offence – for example, unauthorised access to systems, tampering with programs and data, planting of viruses and so on); and familiar or conventional crimes that are facilitated by computer and information technologies ('cyber' versions of fraud, identity theft, stalking and so on) (Yar 2006: 9–11). In some cases, criminal activities may encompass both categories. For example, acts of terrorism can involve qualitatively new offences enabled by computer technologies or, alternatively, may integrate cyberspace into more traditional activities such as planning, intelligence, logistics, finance and so on (Goodman and Brenner 2002). Finally, there are a number of activities that are not illegal but may constitute what most people would consider harmful to some users (such as some forms of pornography, gambling, unsolicited e-mail, unregulated sales of medicines and prescription drugs and so on). The following section provides an outline of some of the crimes unique to, or significantly enhanced by, computer technologies, together with a brief consideration of policing strategies relating to these offences.

Pornography

The most high-profile form of 'policing' aimed at the internet to date has been targeted at pornography, especially material which exploits children. The specific case of Operation Ore, a police investigation targeting UK subscribers to child pornography sites, will be examined in detail later in the chapter. However, while the trade in abusive images of children has dominated debates about the potentially subversive role of the internet, the issue of pornography generally (i.e. the kind of 'adult' pornography that in pre-internet times was to be found on the top shelves of newsagents) is rather more ambiguous. It is a subject that provokes fear and fascination in equal measure and, while online pornography was the force that propelled the rapid growth of the internet and demonstrated its commercial potential, equally it was pornography that precipitated the establishment of some of the most high-profile organisations which police the Net. 'Adult' cyberporn has democratised sexual gratification and provided greater freedom of access to women, as well as its traditional customers, men (Jewkes and Sharp 2003), yet at the same time it has reignited debates about the exploitation of women and the relationship between pornography and rape (Aitkenhead 2003). Most recently, controversy has been ignited over the UK government's plans, announced in 2005, to criminalise viewing and possession of violent internet pornography, in part precipitated by the case of Jane Longhurst, who was sexually assaulted and murdered by an acquaintance who reportedly downloaded images and accounts of necrophilia and asphyxiation to fuel his deviant sexual desires. The case was reported in the UK under the sensational headline 'Killed by the Internet' (*Daily Mirror*, 4 February 2004; see Jewkes 2007).

Despite such alarmism, which invariably reinvigorates debates about greater self-regulation, tougher legislation, and even censorship of the internet, reported cases involving adult victims are extremely rare and the most intensive focus continues to fall upon pornography (sometimes imagined,

rather than real) featuring children. It will be argued later that child pornography constitutes *the* moral panic of our age with all the attendant implications that moral panics tend to have on government and policing priorities. In common with broader news values (Jewkes 2004), the issue is largely kept in the public eye through cases involving high-profile 'offenders', including celebrities, e.g. rock star, Pete Townsend and actor, Chris Langham, and newsworthy 'victims', e.g. four-year-old Madeleine McCann whose disappearance while on holiday with her parents in Portugal in May 2007 led to intensive and frequently voyeuristic media speculation concerning the motivations of her abductor(s).

Hate crime

The promotion of racial hatred is widespread and the internet is a relatively cheap and accessible means of connecting similarly minded people across the world and coalescing their belief systems. The Net is a sophisticated tool for recruitment and unification, providing links between hate movements that were previously diverse and fractured, and facilitating the creation of a collective identity and empowering sense of community (Perry 2001: 177).

Various groups on the political far right – neo-Nazis, skinheads and groups with ties to the Ku Klux Klan – use the Net to target a youthful and impressionable audience with racist, anti-semitic and homophobic propaganda with little fear of the kind of legal sanction that might accompany the circulation of such material in more 'traditional' forms (Whine 1997; Zickmund 2000). Although Germany and many other European countries have criminalised the publication and distribution of hate propaganda, the internet remains largely unregulated and there is little the police can do unless a specific crime is reported. Moreover, the constitutional protection afforded to 'free speech' in the USA makes it difficult to challenge the global dissemination of messages of hate. A study by UK-based internet security company SurfControl claims that the number of 'hate and violence' sites increased 300 per cent over a four-year period between 2000 and 2004 (*The Register* 2004). But more insidious than sites that attract those who are already involved in, or predisposed towards, acts of crime and violence, are those which purport to be 'mainstream' and are used to target the 'unconverted'. For example, in an effort to change the demographics of hate movements by recruiting young students and professionals, many sites feature audio excerpts of CDs, downloadable album covers and online lyrics –a blatant appeal to the 'MTV generation' (Perry 2001: 178; Yar 2006: 102).

The use of the internet to promote hatred is not confined to racially motivated attacks. In July 2001 the ISP, Demon, won a change to the injunction protecting the killers of two-year-old James Bulger when they were released from custody and given new identities. The original form of the injunction, designed to prevent the mass media from publishing or broadcasting details of the offenders or their whereabouts, was deemed 'inappropriate' for the internet because of the risks of a service provider inadvertently providing access to material about the pair and consequently being found in contempt of court. ISPs are now compelled to take all reasonable measures to prevent this

from happening. A similar order was imposed on behalf of Maxine Carr following her release from prison in 2005 (the first time a lifetime injunction to protect identity has been awarded to someone not convicted of murder). Her QC made the case for his client's anonymity on the basis of serious threats and allegations made in internet chatrooms and their linking to unfounded press reports about her (*Guardian*, 25th February 2005).

Electronic theft and intellectual property rights

One of the most obvious consequences of the new information and communications revolution is its creation and distribution of unimaginably more information-based products which force us to re-evaluate traditionally held ideas about crime and criminality. For example, theft has commonly involved one person taking something belonging to another person without his or her permission – the result being that the first party no longer has possession of the property taken. Investigation of this type of offence is usually relatively straightforward in so far as it involves property that is tangible, visible and atom based (Goodman 1997). But in a virtual context, it is quite possible for one person to take something that belongs to another person without permission and make a perfect copy of the item, the result being that the original owner still has the property even though the thief now has a version as well (Goodman 1997; Yar 2008a). Such acts challenge conventional and legal definitions of offences and render traditional copyright laws irrelevant.

Electronic reproduction of data can take many forms. One of the most common is 'peer-to-peer' file-sharing, which has arguably returned to the internet a sense of the liberal, collective ethos and benign anarchy that characterised its early days in the 1960s and 1970s. But for the film and music industries who are losing millions of dollars in lost sales, this form of 'digital piracy' taking place in teenagers' bedrooms the world over is every bit as unlawful as the knowing and criminal use of the internet to market or distribute copyrighted software (Yar 2005). The industry has been slow to respond to the problem of file-sharing, and broadband technology has made it even quicker and easier to download music and movies illegally. However, some CDs are now being manufactured in such a way as to make it impossible to play them (and copy them) on a PC. Meanwhile, the Record Industry Association of America (RIAA) is taking legal action against individuals it alleges offer file-swapping services on university campuses, and the Motion Picture Association of America is attempting to close down sites that distribute films online. But many believe that big corporations are being forced into playing cat-and-mouse games they can't possibly hope to win because – as the RIAA's infamous closure of Napster demonstrated – when the illegal business of one outfit is terminated, numerous others will appear in its wake. Most recently, legal controversy has arisen around the Sweden-based website 'Pirate Bay', which directs searchers to media files available across the internet, but does not store or offer any content itself, as a way of circumventing anti-piracy laws. While copyright-holders claim it is a major source for piracy, its operators claim they are acting within the law, and the case remains ongoing.

Invasion of privacy and theft of identity

The entitlement to security of the person is regarded as a fundamental human right, yet the scope and pervasiveness of digital technologies open up new areas of social vulnerability. Invasion of privacy takes many forms from 'spamming' to online defamation, stalking and violence. Spamming has thus far been considered little more than an extension of conventional junk mail, although it is increasingly being recognised as an insidious and frequently illegal activity. It can encompass electronic chain letters, links to pornographic sites, scams claiming that there are extensive funds – for example, from over-invoiced business contracts or a deceased relative's will – available for immediate transfer into the target's bank account, fraudulent pyramid investment schemes, phoney cancer cures and bogus test kits for anthrax. One increasingly prevalent crime, originating particularly in countries in West Africa, and targeting women in Europe and the US, is online dating scams, whereby fraudsters post bogus photographs and establish relationships with vulnerable victims (sometimes over several months) before persuading them to send them money. In addition, the past few years has seen a massive rise in incidents of so-called 'phishing', in which communications purporting to come from legitimate organisations such as banks and building societies target internet users, inducing them to voluntarily surrender sensitive financial information which can then be used to defraud them. The extent of such fraud solicitation has reached such levels that the EU has recently launched the Consumer Protection Cooperation Network in an attempt to tackle cross-border internet scams (Espiner 2007).

The law also offers protection to individuals whose reputation is slurred by defamatory internet content. Teachers and lecturers seem particularly vulnerable to such attacks. In 2000, Demon paid over £230,000 to a British university lecturer who claimed that the ISP had failed to remove two anonymous internet postings defaming him, while in America a 'teacher review' site set up by students at the City College of San Fransisco resulted in one teacher filing a lawsuit against the site, denouncing it as a 'disgusting, lie-filled, destructive force' (Curzon-Brown 2000: 91). Teachers themselves have to be cautious; in 2006, a former Conservative Party politician successfully sued Tracy Williams, a college lecturer, who had accused him of being a 'Nazi' in an online discussion forum relating to the Iraq war; Williams was ordered to pay a total of £17,200 in damages and costs (Gibson 2006).

The current ubiquity of social networking sites such as MySpace and Facebook further blurs the boundaries between private and public identities, as some students have discovered when fined by their universities for 'breaking the rules' on post-exam celebrations and posting photographic 'evidence' on their sites. In addition, staff at some universities have checked personal profiles on such sites to make decisions about whether or not to admit individual students. However, the dangers of assuming that one's 'private' identities are protected in cyberspace were most graphically illustrated in the case of Amanda Knox and Raffaele Sollecito, accused of the sexual assault and murder of Leeds University student, Meredith Kercher, in Perugia, Italy in November 2007. Before the couple were even arrested and formally charged,

the press reproduced text and images from their MySpace pages (including pictures of them individually posing with weapons) and linked this content to the police allegations against them.

Another cybercrime related to privacy is the theft of personal identity, a practice that has dramatically increased in the last few years. In 2007, the US Federal Trade Commission reported that 8.3 million Americans had been victims of identity theft over a 12-month period. Meanwhile, the UK credit-checking agency Experian reported a 69 per cent increase in identity theft over the same period. According to UK government figures, identity theft now costs the British economy £1.7 billion per annum (Home Office 2006). Identity theft encompasses a full range of offences from the appropriation and use of credit card numbers to the wholesale adoption of someone else's persona. It can be mundane and opportunistic; for example, many identity thieves rummage through dustbins for discarded credit card statements or pick up receipts left at bank ATMs. However, more high-tech versions include hacking into an individual's personal computer in order to steal his or her bank and credit card details, using software programs designed to work out or randomly generate PIN numbers, and 'skimming' credit cards in shops and restaurants to produce a near perfect copy of the original card. Apart from financial fraud, identity theft has come to be viewed as an important 'precursor' enabling a range of further offences, including illegal immigration and human trafficking using stolen identities (see http://www.met.police.uk/op ... maxim/). Concern over the growth of identity theft has inspired initiatives such as the UK government's Identity Fraud Steering Committee, which brings together police, government and financial bodies in an attempt to develop a co-ordinated response. Meanwhile, financial services providers such as banks and credit card companies now routinely offer customers 'identity theft insurance' intended to protect individuals against the consequences of having their identity stolen and used to defraud them. Police responses have included the London Metropolitan Police's Economic and Specialist Crime Command that now investigates identity theft alongside other financial crimes.

Information security, personal security and cyber-trespass

Collectively known as 'hackers', individuals who seek to infiltrate computerised information systems can be driven by a wide range of motives including a relatively benign belief in freedom of access to information for all or, even, simply, a desire for mastery for its own sake (Taylor 2003). But it is those who perpetrate acts of vandalism, incapacitation, espionage or terrorism (who more accurately should be termed 'crackers') that receive most attention.

Three acts of trespass commonly occur in cyberspace. First is the deliberate planting of viruses which either act immediately to disable systems ('denial-of-service' attacks) or are 'sleeping viruses' to be activated or neutralised at a later date when ransom negotiations have taken place or when the virus originator has long since disappeared from the organisation targeted. An example of the former was the denial-of-service attack targeting eBay, Yahoo, Amazon and

CNN, among others, which effectively shut down their websites for hours at an estimated cost of $1.2 billion. The culprit was found to be a 15-year-old hacker from Montreal, dubbed Mafiaboy, who eventually served an eight-month sentence in a Canadian detention centre. An example of a sleeping virus concerned the case of Timothy Lloyd, a senior programmer for defence contractor Omega Engineering, manufacturers of sophisticated measurement and control systems for, among others, NASA and the US Navy. Anticipating his imminent dismissal, Lloyd exacted his revenge by planting a software time bomb that was detonated 20 days after he left the company, deleting critical computer programs at a cost of over $10 million to the company and 80 job losses. The second form of cyber-trespass concerns the deliberate manipulation or defacement of presentational data, e.g. home pages. Such website defacements were occurring at a rate of over 5,000 per week at the start of 2008 (Zone-H.org 2008). One case involved the identification by Italian police of six members of a hacker group (aged 15–23) who attacked over 600 websites in 62 countries, replacing official home pages with anti-globalisation slogans. The case was notable for the number and significance of the targets, which included the Pentagon, NASA, the Chinese government, US law courts, universities, media organisations, ISPs, political parties and celebrities.

Thirdly, trespass can involve acts of extortion, spying or terrorism whereby computer systems are infiltrated and access gained to companies' classified information, or the systems of the armed forces, police, defence or intelligence agencies. The scope and anonymity afforded by the internet – together with the fact that increasingly money only exists in electronic form – are attracting organised gangsters to turn to computer fraud. In an article entitled 'Hacker hit men for hire', *Business Week Online* reports that internet mercenaries are now offering their services in destroying 'your Web enemy' (Blank 2001). In countries where wages are low and opportunities are limited but computer literacy is advanced, the internet has spawned an enterprise culture involving the sale of various services. For the right price, internet outlaws will steal information from a rival company, obtain credit card details of thousands of customers at a time in order to hold a business to ransom or bombard the chosen target with tens of thousands of e-mails in a single day thus jamming computer networks and disrupting normal business. In 2007, transatlantic fashion retailer TK Maxx was targeted by hackers who stole the details of 45.7 million customer credit cards, thought to be the largest such theft of its kind to date (Clark 2007).

The penetration of any security system may be damaging enough, but the risk of harm increases exponentially with the size of organisation targeted. Among the potential consequences of deliberate acts of sabotage are the capacity to disrupt or damage water, gas and electricity supplies, close all international communications, manipulate air traffic control or military systems, hack into a hospital's computer system and alter details of medical conditions and treatments, tamper with National Insurance numbers or tax codes and paralyse financial systems. Although 'cyberhomicide' has not yet been reported many of these activities suggest that it may only be a matter of time (Goodman and Brenner 2002). Nevertheless, most commentators believe that, while these kinds of possibilities are terrifying to contemplate, the

likelihood of such calamitous events occurring through human error is far greater than the chance of malicious hackers, mercenaries or terrorists bringing down a country's infrastructure and, for the time being at least, they remain hypothetical possibilities rather than perpetrated acts of aggression. To illustrate the vulnerability of supposedly secure systems to human frailties, in 2007 and 2008 a number of computer discs were lost (mostly, according to press reports, by 'junior' personnel) from various government departments that were said to be worth billions to potential criminals. One of the most notorious and newsworthy cases concerned HM Revenue and Customs who mislaid two CDs containing the personal and financial details of 25 million people, including protected witnesses who had been given new identities.

Industrial espionage and workplace sabotage

A great deal more prevalent than the incidents described above are the acts of sabotage perpetrated by employees on their employers; indeed four out of five of all known internet-related crimes are committed from within an organisation (McGibbon 2001). Although some of these infiltrators might define themselves as hackers, and many will be disgruntled employees who have a grudge against the company, many more are 'ordinary' office workers who disrupt the rhythm and routine of work by sabotaging their computers. Often, the sabotage will be unwitting, the result of carelessness or ignorance of security procedures (as when viruses are spread by people opening corrupted e-mail attachments). But damage to company computer systems may also be the result of more knowing acts of resistance as office workers assert their agency in the face of depersonalised and routinised systems by disrupting the flow of organisational communications and work (Jewkes 2003b). Management are usually fully cognisant of the damage caused by their workforce, which accounts for infinitely more computer downtime and information loss every year than is caused by the demonised figure of the hacker. But corporations who are dependent on digital systems of communication and information storage are understandably reticent to admit the extent to which they are vulnerable to such attacks and many cases are not reported to the police (Ross 1991). Most companies do not wish to publicise that sensitive information has been accessed from within, but privately admit that access to passwords, confidential data and knowledge of an organisation's information systems can make it relatively easy for employees to exploit their security loopholes (McGibbon 2001).

Specialist units for policing cybercrime

The crimes outlined above pose significant challenges for the police service. Although many are familiar offences, their context and scope, and the technical expertise required to investigate them, have compelled the police to examine their capacity to respond. In addition to the two specialist officers in every force provided by government funding as part of its national high-tech crime initiative, several forces have gone much further and now have specialist units

concentrating expertise in computer-related crime. However, it is not the case that each force has its own distinct and easily identifiable 'cybercrime unit' dedicated to investigating only computer-mediated crimes. Some forces have established departments that deal solely or predominantly with cybercrimes; others employ one or two specialist personnel with 'high-tech' expertise within the much broader context of, for example, a serious crime unit.

The names and precise operational remits of specialist units dealing with cybercrime vary, then, from force to force (and in some forces will differ from the examples given below). In the main, however, they fall into four categories. First, there are scientific support units or forensic investigation units which carry out forensic examinations of seized computer equipment and data recovery, as well as investigating cases involving DNA, fingerprints and so on. Secondly, there are departments which gather intelligence on major crimes, usually in support of a force CID or fraud squad. Variously called (among other names) the 'Force Intelligence Bureau', 'Crime Squad', 'Specialist Investigations Department', or 'Intelligence and Specialist Operations', personnel in these units tend to work on major, cross-boundary investigations such as terrorism and fraud, and they gather intelligence on persistent, known, 'career' offenders. The third group of specialist units are those with a broader remit to investigate offences committed against computer systems as well as to investigate traditional crimes that have a 'high-tech' element. These include force hi-tech crime units, computer crime units or telecoms and computer crime units. Finally, there are units that deal with obscene images of children and/or investigate paedophile networks. These include child protection units or child protection and investigation units, paedophile units, abusive images units, obscene publications units and vice squads. The names of these departments indicate some of their differing functions but, while all may have a duty to investigate sexual images of children on the Net, not all of them will include within their remits the safeguarding of children in chat rooms or the more general welfare of children in the community. One of the most high-profile units dealing with children's welfare is the Metropolitan Police's Paedophile Unit based at New Scotland Yard. It is charged with carrying out proactive and reactive operations against those who manufacture and distribute paedophile material, including via the internet. But it also carries out operations against high-risk predatory paedophiles operating within the 'real' (as opposed to virtual) community and is part of a wider group, the Child Abuse Investigation Command which has a far wider range of responsibilities in relation to child welfare than only computer-related offences and, in addition to the Paedophile Unit, incorporates 27 child protection teams and 4 major investigation teams who work in partnership with professional agencies such as social services, and health and education authorities.

Most forces have at least one specialist unit which falls into one of the four categories outlined above, although in some forces one department will be responsible for all the offences mentioned, albeit in conjunction with officers from other, more 'traditional' departments such as CID or special branch. The picture is further complicated by the fact that some police forces have complex structures, with departments containing numerous specialist units with overlapping responsibilities. An example is Hampshire Constabulary whose

CID contains the Specialist Investigations Department, which includes a Financial Investigation Unit, Fraud Squad, Computer Crime Unit, Child Protection Unit and Paedophile Unit. Kent Constabulary, on the other hand, has a Central Operations Unit that incorporates Intelligence and Specialist Operations, Major, Serious and Organised Crime, Forensic Investigation, Tactical Operations and Special Branch, any or all of which might be called upon to investigate cybercrime. Although the lack of consistency in structure across police forces reflects the 'local' nature of the history of policing and justice, it is still somewhat surprising that such a 'micro' approach prevails in the boundless and borderless sphere of cyberspace. It is arguable that a more consistent and compatible structure could improve co-operation between forces dealing with crimes that cross boundaries (local and national, as well as global). This suggestion brings our discussion to the problems associated with policing cybercrime. The section that follows explores the particular challenges facing the police with regard to investigating cybercrime, and the internal and external factors that are preventing them from carrying out their work in this area as effectively as they might.

Problems with policing cyberspace

The volume and scope of cybercrime and the problem of jurisdiction

The main obstacles to the effective policing of cybercrime are the sheer volume of material generated, the global scope of the problem and the difficulty in applying laws to criminal activities across geographical boundaries. All three aspects are illustrated by the 'Love Bug' virus which took two hours to spread around the world destroying computer files and data. Assessments of the financial cost of the Love Bug virus vary, but are thought to be at least $2 billion (and potentially as high as $10 billion), while an estimated 45 million users in 20 countries were victims (Goodman and Brenner 2002). Virus experts from the FBI traced the Love Bug to a computer science student in the Philippines, but their investigation was thwarted when it became apparent that the Philippines had no cybercrime laws, which meant that Love Bug's creator had not committed a criminal offence in that jurisdiction. The suspect was charged with theft and credit card fraud on the basis that the virus was designed to steal passwords that, in turn, could be fraudulently used to obtain internet services and goods, but the charges were dismissed as inapplicable and unfounded. He could not be extradited to the USA that does have laws governing cybercrime because extradition treaties require 'double criminality'; in other words, they require that the act for which the person is being extradited is a crime in both the extraditing nation and the nation seeking extradition (Goodman and Brenner 2002). Although the Philippines has since adopted new legislation which would result in heavy fines and/or a custodial sentence for the creator of a computer virus, the legislation came too late for the investigators of the Love Bug, and no one was ever brought to trial.

The Love Bug case illustrates why efforts to police cyberspace have, to date, been considered largely futile. Two points are germane here. First, as Lenk

(1997: 129) points out, the mindset related to jurisdiction has always been somewhat parochial: 'letting foreign police tread a square metre of their soil in hard pursuit of criminals is still anathema to . . . national governments'. Lack of co-operation or compatibility between forces *within* a country can also be an obstacle to investigation, as mentioned in the previous section. In Canada, Operation Snowball, the country's largest child pornography inquiry, has resulted in the arrest of less than five per cent of suspects in over two years, and one of its leading investigators, Detective Sergeant Paul Gillespie, underlined the problems inherent in investigations that rely on collaboration between federal, provincial and municipal forces saying: 'International co-operation is a dream – national co-operation is a nightmare' (cited in Akdeniz 2003: 3). Secondly, the difficulties facing internet regulators are compounded by different moral codes and divergent legal responses in different countries. In many countries it is a criminal offence to publish 'hate speech' or otherwise incite racial hatred, including via the internet. Yet in the USA, for example, such activity may be protected by the First Amendment. Similarly, material that is considered mildly pornographic in the UK and Ireland may not be censured at all in Sweden or the Netherlands but may be subject to much stricter regulation in the Middle East. Diversity of definition is brought most sharply into focus in relation to communications between countries with a tradition of freedom of speech and those that are more repressive. For example, in China all ISPs have to register with the police and all internet users must sign a declaration that they will not visit forbidden sites (among those routinely blocked are news, health and education sites, yet pornography sites are virtually unregulated), while in Saudi Arabia the government has approached the problem of harmful content by allowing only one state-controlled provider of internet access (Yar 2006: 109). But perhaps most punitive of all countries is Burma where the authorities are so hostile towards the internet (because of its potential for political dissidence) that even owning a computer with a network connection constitutes a criminal act.

The internet's capacity to allow individuals and organisations to evade authorities 'by slipping into anonymity and by retreating beyond the bounds of their jurisdictions' (Slevin 2000: 214) has made it attractive to organised criminals, who have been quick to exploit legal loopholes exposed within countries that have relatively relaxed attitudes to cybercrime. For example, the Safer internet Campaign reports that Russia has become a major source of child pornography because it has no specific laws governing the production or circulation of such material. Thus, while numerous criminal groups from other countries use Russian internet sites to broadcast child pornography around the world, it is estimated that less than one per cent of the content is actually produced in Russia. Illegal trading also originates from former eastern bloc countries and predominantly involves the sale of counterfeit goods (perfumes and other toiletries, alcohol, cigarettes and designer-label goods) and the illegal distribution of 'genuine' cut-price drugs, tobacco and alcohol. Online casinos are also proliferating on the internet; unsurprisingly since gambling is illegal in many jurisdictions.

Under-reporting of cybercrime

Global statistics, though unreliable, indicate that cybercrime is dramatically increasing in scale and severity. Despite evidence that people are becoming more willing to report offences to the police and other authorities, it is estimated that still only 10 per cent of computer-related crime is reported and fewer than two per cent of cases result in a successful prosecution (www.intergov.org; see also discussion in Wall 2007: 17–20). The reasons for the under-reporting of cybercrime are complex, but there are three predominant reasons for its low visibility. First, there may be a failure on the part of some victims of cybercrime to recognise that a crime has taken place, or alternatively that an act to which they have been subjected is illegal. Offences such as cyberstalking and identity theft may be carried out over a relatively long period of time before the victim realises that something is amiss and, in some cases, crimes and their perpetrators remain unknown and their effects are not felt. Thus, although the notion of any crimes being 'victimless' has been vigorously challenged, especially in the criminological literature on white-collar crime, locating cyber-victimisation can be problematic because victims can remain as anonymous as offenders. This was sensationally illustrated in a case of stolen identity in 2003 when Derek Bond, a 72-year-old British tourist on a wine-tasting holiday in South Africa, was arrested and held in custody for three weeks after being mistaken for a fraudster wanted by the FBI. It transpired that the conman had been using a duplicate passport for 14 years without Mr Bond's knowledge. Locating victimisation is further problematised in cases of virus propagation because the numbers of victims affected may be simply too large and dispersed to identify, and because viruses can continue to create new victims long after the virus was created and – hypothetically speaking, given the rarity of successful investigations and prosecutions – long after the offender has been caught and punished.

The second factor in the under-reporting of cybercrime is the reluctance on the part of some victims to involve the police or make public their misfortune. As noted earlier, businesses and corporations may be especially unwilling to admit the extent to which they are vulnerable to attacks on their systems, either by their own workforce or by outsiders, for fear of damaging their credibility or embarrassing their shareholders. Anxiety about negative publicity and future loss of revenue as customer confidence is damaged makes many in the business community turn, not to the state-funded police service, but rather to privately operated security services; an arrangement that has multiple benefits for the victimised company. For example, not only can an investigation into cybercrime against a business or corporation be conducted in secret in order to avoid damaging relations with consumers and shareholders, but there may also be a perception that dedicated security services will have a better understanding of the problems caused by cybercrime and the most effective ways of combating it than the police who deal with an infinitely more diverse range of criminal activities. It has even been suggested that private security companies have an advantage over the police in so far as they are uninterested in bringing the culprits to justice –merely in thwarting their criminal activities in relation to a specific company. The hacker is not

only stopped in their tracks but also can be thrown 'back into the marketplace, hopefully to attack their competition down the street' (Goodman 1997: 16).

Finally, the whole subject of cybercrime (with the notable exceptions of child pornography and financially-motivated, personal identity theft) tends to be met with public apathy. Like the more general category of white-collar crime, cybercrime seems remote and intangible, especially when compared to offences such as interpersonal violence, street crime, domestic burglary, car theft and sexual assault. To paraphrase Box (1983: 31), the public understands much more easily what it means for an old lady to have £5 snatched from her purse than to grasp the global financial significance of cybercrime. Public indifference to such crime is mirrored in the attitude of many senior police personnel who rarely view crime involving corporate victims or even corporate offenders (as much cybercrime is) as 'real' police work; a viewpoint that may be understandable given the reluctance of many corporations to involve the police in investigations of internal wrong-doings.

Police culture

The need for the police to 'raise their game' is not simply an issue about inter-force co-operation, public priorities or even resources (see below), but one that highlights the need for a change of attitude on the part of the police. The police have been variously characterised as professional crime-fighters (Manning 1997); action heroes with a strong sense of mission (Holdaway 1983; Reiner 2000); pragmatic conservatives suspicious of technological experimentation (Crank 1998; Reiner 2000); or a thin blue line safeguarding social order and protecting the public they serve (Goodman 1997). Many officers develop expectations about the police well before joining up, possibly influenced by media representations (Goodman 1997; Leishman and Mason 2003; Jewkes 2004) which tend to stress action and adventure as opposed to any desk-based activity. Their tardiness in responding to computer-mediated crime is therefore unsurprising. The culture of the police is one in which machismo and heroism co-exist with an aversion to innovation, particularly if it makes officers more office bound than they are already. Goodman (1997), though referring to American law enforcement agents, outlines an argument that relates equally to the police in the UK and elsewhere:

> Uniformed patrol officers and personnel assigned to high-risk duties such as the Special Weapons and Tactics ('SWAT') team . . . are perceived to be the *real* cops . . . Since the internal culture of police departments places a lower value on catching non-violent offenders, it should come as no surprise that officers are not clamouring to investigate computer crimes. (Goodman 1997: 11)

However, the problem may be wider than simply a reluctance to investigate cybercrime. While technophobia may be no more prevalent within the police than it is in the public at large (itself a point of debate for many commentators), a lack of computer savvy *is* a serious problem for the police and is compounded by insufficient training on either computer usage or computer

crime (Goodman 1997; Hyde 1999; Woods 2002; Jewkes and Andrews 2005; Wall 2007). Although the police are routinely trained in the use of criminal database systems, the skills required are rudimentary and they do not prepare officers for tackling cybercrimes. Quite simply, for some critics, the under-utilisation of computer resources within local and regional police stations illustrates how far the police have to go before they can adequately tackle sophisticated computer crime. The potential impact of new technology on the criminal justice system – including training, funding, co-ordination and consistency – was one of the tasks granted to the Foresight Panel, a Department of Trade and Industry initiative (Pease 2001). Their report, *Turning the Corner* (Foresight 2000) calls for the establishment of a national e-crime strategy including the formulation of a specialist hi-tech crime-reduction training academy for both law enforcement and business.

It is conceivable, then, that the initiative likely to have greatest impact on the culture of policing cybercrime will be the drive towards a national e-policing strategy which, although in its infancy, is already changing perceptions of information technology within local police forces. Several forces are currently developing e-policing projects which, in part, derive from recommendations made in a report commissioned by the Home Secretary who was concerned at the amount of time officers spend in police stations completing paperwork (Home Office 2001). It emerged that 250 different types of form are in regular use by police officers who spend approximately half their working hours filling them in. But as an alternative it has been suggested that officers could be issued with palmtop computers (PDAs or personal digital assistants) which would enable them to complete electronic forms at a crime scene, check information 'remotely' and write up reports without the need to return to the station. At the time of writing (February 2008) use of PDAs is being piloted by three of Scotland's eight forces and, if successful, there are plans to roll out the scheme nationwide by 2010. Electronic forms could also be simplified to eliminate errors and could be 'intelligent' in order to cut out irrelevant questions or unnecessary information (e.g. asking a male his 'maiden' name). Furthermore, it has been calculated that reducing its paper burden by just one per cent would save the police £200,000 and 16,000 hours of officers' time (http://news.bbc.co.uk 12 March 2002). Overall, it has been estimated that the cost of police paperwork in the UK is £625 million a year (*Sunday Telegraph* 4 December 2006).

Of course, e-policing is different from policing cybercrime, though many police officers believe that the two issues are intrinsically related, and that the police service cannot be expected to respond with eagerness to the problems of cybercrime when individual police officers are not encouraged to employ technology to improve their service nor even routinely given an e-mail address. For this reason, many police personnel believe that e-policing cannot happen too soon, although it is conceded that one of the barriers to an effective e-policing strategy may be the culture of an organisation resistant to change. A report compiled by HMIC admits that not only might forces experience difficulty in recruiting and retaining staff with the skills needed for e-policing but also that in the wider culture of police forces, the very existence of an e-policing vision and strategy may 'unsettle staff' (HMIC 2001: 158). Moreover,

while the recommendations of the Foresight Panel may have been adopted in a piecemeal fashion by some forces, and to varying degrees, the more sweeping recommendations for a co-ordinated, national strategy for tackling e-crime have yet to be acted upon. As we note below, issues relating to resource availability, in addition to resistance within policing cultures, may play a significant part in slowing the implementation of far-reaching changes.

Limited resources

The lack of consensus regarding definitions of cybercrime and the difficulties associated with compiling accurate statistics on such a rapidly evolving area of crime make it difficult for the police to formulate a coherent response to the commission of such offences and deploy their resources accordingly. The 'fuzziness' surrounding the concept of cybercrime is, according to Goodman (1997), exacerbated by the fact that many of today's police managers have risen up through the ranks of a force they first joined in a pre-computer age and they continue to think that they can 'get by' without having to devote additional resources to cybercrime because that is what has been done in the past. In addition, the fact that the physical distance between offender and victim might cross countries or even continents means that the co-ordination required between different police authorities (which may necessitate individual officers making trips around the world to liaise with their overseas counterparts) can be an expensive undertaking. In these times of fiscal constraint and public demands for more localised community policing programmes, chief constables are arguably unlikely to direct precious resources into a type of crime that is costly, difficult to investigate and low down on most people's priorities for their police service. Yet one crime – and one specific police operation – has precipitated widespread media interest in the allocation of police resources and presented a unique challenge to investigators.

The challenge of Operation Ore

Given the obstacles to investigation and prosecution highlighted in this chapter, it is hardly surprising that, in general, the police aim for what Goodman (1997: 14) calls the 'low-hanging fruit': those criminals who commit 'ordinary' and serious crimes but may require fewer resources and less complicated investigations in order to secure an arrest and conviction. Of course, police priorities are inevitably linked to government-set performance targets which are themselves frequently a reaction to public anxiety following high-profile criminal cases. Yet while cybercrime has, on the whole, failed to cause public consternation, the figure of the paedophile preying on victims in chat rooms and on dedicated porn sites *does* haunt the public imagination, and it is arguable that Operation Ore has done more to propel the British police towards computer literacy and technological expertise than any other factor. Paedophilia – in the broad sense in which it is increasingly used, encompassing those whom the police informally term 'lookers' as well as 'doers' (Silverman and Wilson 2002) – is undoubtedly the moral panic of our age and dominates debates about the internet.[3]

Ore was launched in the UK in May 2002 after the FBI passed to the UK authorities details of 7,272 British subscribers who had accessed a Texas-based subscription website called Landslide, a gateway to pornography sites whose names (e.g. Cyber Lolita and Child Rape) indicate their content. The seizure of Landslide's database by police and the US Postal Inspection Service yielded the names and credit card details of some 390,000 subscribers in 60 countries, including around 35,000 subscribers in the USA, and 7,272 in the UK. As of February 2008, approximately 6,500 individuals have been investigated and 1,200 of these have been charged with child pornography offences. While Ore remains incomplete, attention has perforce turned to other cases, such as the Russian website discovered by Austrian police in 2007, said to involve more than 2,300 people worldwide.

Ore, and operations like it, typically take many years and a great deal of police time and energy to investigate. It goes without saying that the volume and scope of child pornography are vast, and growing exponentially as the internet itself expands its global reach. Yet arguably, more debilitating than any of the other factors highlighted above is the problem of limited resources. Despite the fact that child protection is listed as a national policing priority, the government's unwillingness to provide adequate resources to the investigation of online child exploitation raises questions about the substance of this commitment. John Carr, an adviser on internet safety for children's charities, notes that the prospect of over 7,200 names arriving in one hit to any intelligence-based environment presents a significant challenge, and that such an unprecedented task requires an unprecedented level of response from the police (Carr 2002). Yet when the police requested extra resources to enable them to carry out preliminary routine work (estimated at £2 million) the Home Office turned them down, saying that it was a matter for the police to manage within existing budgets. Of course, the government's frugality on this issue might be justifiable in the sense that cybercrime is potentially as limitless as cyberspace itself, and any funding strategy may rapidly start to resemble a bottomless money pit that can never be satisfactorily filled. But reticence at government level adequately to resource the policing of cybercrime inevitably has a bearing on the decisions made by managers at a local policing level. Every single police force in the country received names from the list passed on by the FBI, but Carr believes that some chief constables have done little or nothing with those names and consequently that the ability of local police officers to deal effectively with cybercrime depends largely on which force they are in. And although the government has set down as a minimum criterion that every force should employ two specialist staff to deal with computer-mediated crime (one network investigator and one forensic examiner), some forces report that they are struggling to recruit suitable applicants. The problem is not restricted to the failure of the police to offer salaries to computer graduates that are commensurate with other sectors. As a spokesperson at the now defunct NHTCU commented, it is relatively easy to take good police officers and give them adequate training in computer technologies, but it is much more difficult to take computer 'whizzkids' and turn them into good police officers; it requires a 'different mindset that can be difficult to reach' (Jewkes and Andrews 2005).

It might be argued, then, that the problem of under-funding is inherently related to police culture – 'cop culture' even. But, perversely, Operation Ore has nonetheless benefited cybercrime investigation. Prior to Ore, the national policing units struggled to persuade some divisional commanders that their beat now extends beyond traditional boundaries to a cyberbeat which can encompass anywhere in the world and that this makes the problem of internet paedophilia a local, as well as global, concern. No force has been left untouched by Operation Ore, and every police probationer now receives training in high-tech crime (as do detectives, child protection officers and others). But it is still early days. Silverman and Wilson (2002: 86) note with some incredulity that the Paedophile Unit within the 'largest and best-resourced police force in the country', the Metropolitan Police, was set up as recently as 1994, and that the first conviction for downloading child pornography via the internet was in 1996 (2002: 88). Specialist units such as the Met's are among those that have been criticised for their concentration on low-hanging fruit which yields results; in this case, individuals who download and pass on abusive images of children, or who use internet chat rooms to prey on young victims. Meanwhile, the more difficult task of policing the producers and distributors of child pornography is still woefully under investigated. Comparisons with the drugs trade are obvious here, but for Silverman and Wilson the analogy is misguided as it implies that 'users' should be treated with compassion rather than punishment. As they point out, 'photographs of child sexual abuse are photographs of a crime in progress' (2002: 90) and, by definition, no child can give consent to his or her involvement in this trade.

In any case, the notion that any investigation in this area is straightforward is a fallacy. It might be assumed that the only problem facing the officers involved in such operations is following up the names and credit card details of the Landslide subscribers; few paedophile investigations have benefited from such a visible electronic trail from supplier to user (members of the clandestine Wonderland Club, by contrast, used sophisticated encryption to mask their activities). But, of course, the sheer numbers involved make it a daunting task for investigators, and some subscribers will have used stolen credit cards to make their transactions. Furthermore, the growing capacity of computer hard drives to store increasing amounts of data means that police investigators are facing an ever-ascending uphill struggle. The spokesperson at the NHTCU said that it could take one officer the whole of his working career to investigate thoroughly the contents of a 10 Gb hard drive. Computers are now routinely available with a hard drive capacity of 250 to 500 Gb.

Policing cybercrime: emerging trends and challenges for the future

There are clearly no easy solutions to the problems of policing and prosecuting cybercrimes, but, as an initial step forward, progress could arguably be made in three areas. The first is legislation.

An area of legislation that requires continued attention in the UK and elsewhere is the modernisation of substantive *and* procedural laws so that not only is there international agreement on what constitutes criminal activity in

cyberspace but there is also an adequate legal framework in place for its investigation. Significant strides have been made in this area, with legislation such as the Regulation of Investigatory Powers Act (RIPA) in 2000, the Terrorism Act (2000) the Anti-Terrorism, Crime and Security Act (2001), and the Terrorism Act (2006) enhancing the capacity of authorities to collect and use electronic communications data. At the international level, the ratification of the European Convention on Cybercrime has laid the groundwork for harmonising legal definitions and sanctions regarding such offences (as of January 2008, the Convention has been signed by all EU member states, 39 member states of the Council of Europe, along with the United States, Canada and Japan).

While governments need to review existing laws, they also need to avoid drafting hasty and ill thought out legislation on the back of media campaigns and public anxiety. One law, brought into force in 2004, which criminalises the 'grooming' of children for purposes of sexual abuse, has caused concern among civil liberties groups because it is designed to target adults who meet a child after contact has been made on the internet but *before* any offence has taken place. This raises the question of whether *thinking* about sexual acts is the same as committing them and – even if a case reaches court – proving intent is notoriously difficult for the police and prosecutors. Similarly, concerns have been raised about the erosion of privacy rights and the lack of judicial review in measures for internet surveillance included in the raft of recent anti-terrorism legislation.

Secondly, in addition to reviewing and updating their legal statutes which will help the police build a case for prosecution when cybercrimes are committed, governments must also do more to prevent such offences occurring in the first place. Their collective failure to do so is part of a wider neglect of the potential scope and costs of cybercrime and the harm that it can cause. Thus far, governments have been considerably more adept at introducing *reactive* measures (those that provide for the the prosecution of offences after they occur) than pioneering *preventive* initiatives. Somewhat belatedly in March 2003 the UK the Department of Trade and Industry announced a new 'Foresight' project on Cyber Trust and Crime Prevention. In a statement, John Denham, then Minister for Crime Reduction and Policing, claimed that the initiative would 'help ensure that technology is used to benefit society and . . . [that] police officers have the latest tools and technology to protect and police our communities and to minimise criminal misuse' (www.foresight.gov.uk). Many critics will be wary of a government initiative designed, as its press release states, to ensure that 'long term financial information is held in a consistent and compatible format that allows its retrieval in 20 years or more'. And while few would question the need for the police or Customs and Excise to 'protect and detect in the virtual world as in the real' (news release, www.foresight.gov.uk), especially in their efforts to counter terrorist and cyber-terrorist threats, more may be troubled by the use of technology to hold sensitive or confidential information about individual citizens.

Thirdly, greater attention needs to be paid to the information and computer literacy skills of police officers at all levels of command and in national, regional *and* local contexts. The raising of competence levels may seem a

completely different issue from that of policing cybercrime but, for many critics, the problems are inter-related. If the police are to be considered competent in tackling cybercrime, they must present an image of a technologically savvy force of cybercops, rather than a disunited band of 'technoplods' struggling to play catch-up with organised criminals and computer-literate deviants. The imperative on the 43 forces of England and Wales to get up to speed in their approach to cybercrime has been brought dramatically into focus by what must be seen as the ultimate failure of the NHTCU initiative. This case illustrates that police forces which assume cybercrime is not part of their remit cannot necessarily rely upon some national-level agency to intervene and relieve them of the burden of cyber-policing. Goodman (1997) calls for police managers to think strategically about computer crime in terms of recruitment, education, training and allocation of resources, and advises that officers should be encouraged to think about how technology might help them improve operations. He also suggests that computer science graduates should be targeted in police recruitment campaigns and further implies that the appointment of officers with qualifications in computing and related areas will help to change the culture of an institution in urgent need of modernisation. Unfortunately, at the present time, the police cannot easily offer attractive salaries to recruit skilled staff in what is a very competitive market, nor bear the costs of ongoing training in a fast-moving, constantly evolving environment.

Each of the forces in England and Wales has its own individual site which are all almost exclusively 'first generation' sites; that is, sites primarily designed as a public relations tool to promote that force and to disseminate public information, as opposed to 'second generation' interactive or transactional sites, or 'third generation' sites which adjust dynamically to individual user requirements. The lack of interaction between the public and police is, according to Superintendent Woods, a missed opportunity:

> [I]t is not just information that 21st century citizens want from the police via the internet. They also want to use everyday police services, just as they could if they called a police officer to their home address or visited a police station . . . there is a significant demand for interactive online police services that the police service are not yet satisfying. (www.e-policingreport.com)

While there is a danger that the police could become the victims of information overload, there is no doubt that computer technologies could improve both the accessibility of police services and communication with the public. This is a major issue in relation to child abuse. As with many other areas of criminal activity, the perpetrators of such crimes using the internet are often protected by the fear and shame felt by many of their victims. It may take years for allegations to come to light, if they ever do, and given the numbers of internet child porn sites alone – estimated by US Customs at over 100,000 sites worldwide (Cullen 2003) – promises that the law will eventually hunt down offenders seem optimistic. But the facility to report sexual abuse online might alleviate some of the fear and stigma experienced by some victims and offer

them a familiar and non-confrontational means of reporting an offence – certainly one which, in the initial stages at least, gives them a feeling of control. In support, it can be noted that the arrest and conviction of music mogul Jonathan King in 2001 for sexual assaults on children going back to the 1970s was precipitated by an e-mail sent to investigators by one of King's victims. The Child Exploitation and Online Protection Centre are now claiming similar success having set up a website allowing victims of paedophiles to report their experiences. The initiative led to their first successful prosecution in June 2006 when a Nottinghamshire man who had groomed several young girls in chat rooms was sentenced to nine years in prison.

The problem of child abuse generally, and Operation Ore specifically, has proved to be a double-edged sword for the specialist police officers and other investigators who are charged with tackling cybercrime. It has undoubtedly brought cybercrime to public attention, raised awareness among police managers of the scale and depth of the problem and enhanced the profile of the regional and national squads that have been set up to deal with it, but at the same time Ore has highlighted the inadequacy of the current funding strategy, caused other serious cybercrimes to slip down the investigation priority list and resulted in the diversion of resources from, for example, child protection units with the result, some maintain, of actually putting children at risk (Cullen 2003). And Operation Ore is by no means the last nationwide investigation of its type that the police service in England and Wales will have to face. It is estimated that up to 250,000 British subscribers are currently using sites like those linked to Landslide (Cullen 2003). Even if this figure is overestimated, the challenges for the police and criminal justice system look set to continue in future years.

As a final thought, it is not out of bounds that the sheer scale and scope of internet offending might outstrip the capacities of local and national police forces, alongside those trans-national bodies whose role it is to inform, advise upon, and co-ordinate such activities (at least if they wish to simultaneously maintain their commitment to providing the array of 'terrestrial' law enforcement, crime prevention, detection, public order and reassurance activities that they are already called upon to perform). We have already noted that much of what passes for 'policing' of the internet does not actually involve the police to any great extent, but is instead left to a wide array of public, quasi-public, commercial and individual actors. Perhaps the future of cybercrime policing lies precisely in such a devolved 'network' of actors that will share responsibility for regulating, ordering, reporting and investigating cybercrimes. If this is the case, then one of the most significant challenges for the police is to find ways of co-operating productively with this range of actors, and the challenge for government is to ensure that such 'pluralised' provision is subject to proper accountability.

Notes

1 The UK government's (2003) *Crime and Justice Survey* did question respondents about their participation in a broad category of 'technology offences', including

within this some cybercrimes alongside other non-internet related offences – see Budd *et al*. 2005. However, systematic official data about specific cyber-offences remains largely absent to date.

2 Goodman and Brenner (2002) note that computer crimes differ in type and scale from cybercrimes and date back to the origins of computer systems in the 1960s when the first cases of computer manipulation, sabotage, espionage and illegal uses of computers were reported. They state that the size of early computers and their restricted access meant that virtually all computer crimes were committed by 'insiders': legitimate computer users with authorised access to the hardware and software. Strictly speaking, then, computer crimes are offences that target computers, while cybercrimes are offences committed with the assistance of or by means of computers, computer networks and related information and communications technologies. 'High-tech' crime had traditionally related to the theft of computer parts, although the Home Office Research and Statistics Directorate refer to 'hi-tech' crime in a broader and more nebulous way (www.homeoffice.gov.uk/rds). 'Internet crimes' are offences that take place via the network that supports e-mail, the World Wide Web and Internet Relay Chat.

3 We have used the term 'paedophilia' in a deliberately broad and uncritical sense. This chapter is not the place to discuss definitions of paedophilia or to enter into the debate about whether pornography use and child molestation are intimately related. For an insight into this subject, see Silverman and Wilson (2002), Bell (2003) and Jenkins (2001 2003).

Selected further reading

There is still relatively little written about policing cybercrime compared with other areas of criminality. As the references indicate, much of the most useful material is to be found on the internet, and it is worth visiting police websites to monitor the progress of individual forces' e-policing strategies and their approaches to crimes involving computers. Among books on cybercrime, the authors of this chapter have published several; see Y. Jewkes (ed.) *Crime Online* (2007), Y. Jewkes (ed.) *Dot.cons: Crime, Deviance and Identity on the Internet* (2003), M. Yar *Cybercrime and Society* (2006) and 'Computer crime control as industry', in K.F. Aas *et al*. (eds) (2008) *Technologies of Insecurity*. Also recommended are D. Wall (ed.) *Crime and the Internet* (2001) and *Cybercrime* (2007). On child pornography and the internet, two texts are particularly worth reading, not least for the oppositional views they take on those who download and trade in abusive images of children. They are Jenkins' *Beyond Tolerance: Child Pornography on the Internet* (2001) and Silverman and Wilson's *Innocence Betrayed: Paedophilia, the Media and Society* (2002). Finally, the journal *Crime, Media, Culture: An International Journal* (http://cmc.sagepub.com) regularly publishes articles about aspects of cybercrime.

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Part IV

Themes and Debates in Policing

Tim Newburn

By its very nature much of policing is controversial and conflictual. This section of the Handbook examines some of the major themes and debates in contemporary British policing. Thus, for example, from the Scarman Report in the early 1980s to the Macpherson Report in the late 1990s, race and racism have been a major issue both for the police service as an organisation and in understanding and framing how particular communities are policed. The opening chapter by Ben Bowling, Alpa Parmar and Coretta Phillips explores the key theoretical, professional and policy issues in this area. As they argue, there is considerable evidence that the 'service' provided by the police is experienced as being much less satisfactory by some minority ethnic communities than others. The authors explore the nature of this, and potential explanations for it, together with possible methods of reform. They are particularly critical of what they take to be the trend toward a more 'military' crime-fighting orientation in British policing, something at odds with the democratic forms of policing they identify as holding out the greatest hope for positive change in the area of racism, crime and justice.

Staying with diversity issues, Frances Heidensohn's chapter considers women's experiences of law enforcement, both on the inside and the outside. How are we to understand the role and experiences of policewomen? What are the implications of this for the police organisation and for the delivery of policing as a service? How is domestic violence and other forms of violence against women policed and how is this changing? Is there a female cop culture and to what extent does it differ from the dominant masculine ethos in policing? Policing, as she concludes, remains highly gendered, though women are now far more visible in policing – and increasingly so at the most senior levels. The traditional model of policing was organised around a highly masculine, macho cop culture. Not only is this being challenged by a gendered agenda but, Heidensohn, suggests it also looks and feels increasingly out of step with the priorities of policing in a modern (or postmodern) world 'where new priorities, new styles and new technologies are employed'.

In thinking about policing practices for a complicated, diverse and challenging world, in my view the most useful recent addition has been the increased attention that is now being paid to questions of ethics and the possibility of something akin to 'ethical policing'. The challenge of exploring the nature of the relationship between policing and ethical considerations is taken up by Peter Neyroud, currently chief executive of the National Policing Improvement Agency. He sketches a brief history of police ethics and offers a guide to the principles of policing. In this context he examines the nature of police professionalism, covert policing and the use of force, the nature of performance ethics and the possibility – indeed, he argues, the necessity – of greater public participation in policing. Without this, he suggests, even the most ethical, professional police service will lack the legitimacy it requires to police communities successfully.

The area in which there has historically been the most prolonged, and occasionally heated, debate about participation has been in connection with issues of police governance and accountability. For as long as there has been a police service there have been concerns about who guards the guardians. Trevor Jones' chapter explores issues of police governance, how it is best to be understood and how it works in practice. As he notes, this is an area that has, in recent years, lost some of its political bite. We live in managerialist and technocratic times, with many policing debates being dominated by fiscal and administrative concerns. Like Neyroud, Jones explores the fundamental values in policing, and considers how these might most appropriately inform a system of governance and accountability – particularly in the context of the increasingly complex environment of the multi-faceted policing division of labour that now exists.

Delivering policing effectively and ethically poses considerable challenges for police leaders. Bob Golding and Stephen Savage examine questions of leadership and performance management in the police service. They chart the shift toward the current emphasis on managerial forms of performance assessment and outline the current regimes, including Best Value and the related systems of auditing and inspection. Recent years have seen the beginnings of a major overhaul of senior police officer training and Golding and Savage outline the emerging arrangements for education and training at all levels of the police service and, in an echo of the arguments advanced by Neyroud earlier, explore the idea of 'ethical leadership'.

One doesn't have to be a particularly assiduous observer of late-night television to see how important forensic science is becoming to the image, and increasingly the reality, of much policing. In a new chapter, Robin Williams explores the relationship between policing and forensics, from what are now traditional techniques such a finger-printing through to emergent areas of activity such as offender profiling and the use of DNA. As he implies, one the great dangers in focusing on such new 'technologies' lies in assuming or presenting policing as somehow radically altered by these activities, when, in reality, though they may have quite profound implications, as yet they haven't altered the fundamental structures and practices of policing.

Nevertheless, policing practices and 'technologies' are being challenged in many ways. One of these concerns the interest in restorative justice (RJ) which

has been burgeoning in recent years. Carolyn Hoyle explores the police role in RJ developments. In particular she explores the development of restorative cautioning in Thames Valley, together with other initiatives which aim to improve the relationship between the police and victims of crime. The chapter examines not only the current realities of such RJ practice, but also considers what 'restorative policing' might look like. Though RJ has substantial potential it is in constant tension with other strategies, approaches and priorities in criminal justice. Indeed, Hoyle's slightly pessimistic conclusion is that 'it is hard to envisage how RJ can become a permanent and regular activity of any one of [the existing criminal justice agencies]'.

The book concludes with a look at the future of policing. Predicting the future is notoriously problematic, yet Tim Newburn suggests that there are a number of trends, already identifiable, that look set to exert considerable influence over the likely shape and style of policing in the near future. These are: the continuing commodification of security and pluralisation of policing; the growth of responsibilisation and citizen involvement; the pressures toward both centralisation and regionalisation; the growing visibility of transnational policing bodies and activities and the consequent problem of transnational democratic governance; and the demand for local responsiveness in a climate of managerialism. In such a context, it is hard to deny that policing in the near future faces some fairly dramatic challenges.

Chapter 23

Policing minority ethnic communities

Ben Bowling, Alpa Parmar and Coretta Phillips

Introduction

The delivery of policing – whether in the form of 'force' or 'service' – should not be greatly inferior for some social groups than others. And yet, the research evidence shows that, in general, people who are seen as 'white' tend to have a more satisfactory experience of the police than people whose ancestry lies in Asia, Africa and the 'islands of the sea'.[1] The so-called 'colour-line' that the pioneering sociologist W.E.B. Du Bois (1901/1989: 13) predicted would be the 'problem of the twentieth century' can be discerned clearly 100 years later in the relationship between police and ethnic minority communities in numerous countries around the world.[2] Furthermore, recent shifts in migration patterns have demanded a reconceptualisation of the perception of those who might belong to 'ethnic minority groups' and indeed, it is the question of 'difference' that has become salient in contemporary societies (Hall 1991, 2000). Such conceptual shifts have implications for the relationship between the police and citizens from minority ethnic communities. In this chapter, we examine policing practices, making comparisons between the policing of 'white', 'black' and 'Asian' communities in Britain.[3] We also review some of the research that has assessed Post-Lawrence reforms and consider the implications of recent events on contemporary policing.

Discrimination in policing: police culture and its context

The experience of black and Asian communities in British society has undergone a fundamental transformation in recent years. Until well into the 1960s while there were a few people from minority ethnic communities represented in sport, business, politics and the civil service, there were no black and Asian police officers whatsoever. Now, while they are much under-represented, they make a significant contribution to the social, economic and political life of British society and are slowly forming a more representative part of the criminal justice system.

Nonetheless, racist beliefs, xenophobic attitudes and racial prejudices remain widespread in British society. Research evidence over the past three decades has found that specific stereotypes are commonly used by police officers to classify people on the basis of their ethnic origin. Studies found that Asians tended to be regarded as devious, liars and potential illegal immigrants (Cain 1973; Graef 1989: 131; Jefferson 1993). The pliability of stereotypes of Asian and particularly Muslim people has been documented in recent research, which has suggested that perceptions of Asian, and particularly Muslim, people have undergone a transformation. Stereotypes, which assumed that Asian people were conformist, are now thought to be less applicable and rather, the very stereotypes assumed to explain law-abiding behaviour (e.g. family pressures, tight knit communities and high levels of social control) are now thought to promote criminal and deviant activity amongst Asian youth (Hudson and Bramhall 2005; Hudson 2007; Parmar 2007). The shift in the perception of such groups has been located in both local and global notions of Asian youth as increasingly involved in gangs, violent, disorderly, riotous and, more recently, as potential terrorists (Webster 1997, 2007; Alexander 2000; Goodey 2001).

Stereotypes of black people have been more consistent in that they are thought to be more prone to violent crime and drug abuse, to be incomprehensible, suspicious, hard to handle, naturally excitable, aggressive, lacking brainpower, troublesome and 'tooled up' (Graef 1989; Reiner 1991). These findings have not been restricted to constables but have been found throughout the ranks (see Reiner 1991: 44). A 1997 inspection of community and race relations policies and practices within the police service concluded that even 'if the majority of the accounts are dismissed as either the products of third party articulation or even exaggeration, a picture still emerges of pockets of wholly unacceptable racist policing' (HMIC 1997: 18). Improvements have been noted in subsequent inspection reports. However, there is a concern that these are occurring in isolated pockets rather than across police force areas, with some frontline supervisors still not intervening in challenging inappropriate behaviour and language, and with key issues such as the prudent use of discretion in stop and search marginalised in police training, or actively resisted (HMIC 1999, 2000, 2003).

We have reached the view that although the links are complex, racially prejudiced attitudes do affect the way in which people behave (Hall *et al*. 1998; Bowling and Phillips 2002: 161–2). Discrimination is most likely: where there are no clear guidelines or criteria for decision-making; where decisions depend on subjective judgements rather than (or in addition to) objective criteria; where decision-making criteria are not strictly relevant to decisions and have a disproportionately adverse impact on certain groups; where there is considerable scope for the exercise of individual discretion; where there is no requirement to record or monitor decisions or decision-making process; and where local and organisational cultural norms (rather than the requirements of service delivery) strongly influence decision-making (FitzGerald 1993).

Police targeting: the criminalisation of minority ethnic communities

Stuart Hall *et al.*'s (1978) seminal work, *Policing the Crisis*, shows clearly how, on the basis of pre-existing beliefs about their supposed criminality, black people were subject to extraordinary policing, and portrayed by the media, politicians and criminal justice agents as a 'social problem' and demonised as 'folk devils'. For some commentators, policing British minority ethnic communities was merely an extension of colonial policing which had existed for decades in the Caribbean, India and Africa, and which had now been turned inward to police the 'domestic colonies' (Sivanandan 1982; Fryer 1984; Howe 1988). In light of the Northern England civil disturbances which involved young Asian (predominantly Pakistani) men and the London terrorist attacks in 2005, some scholars have suggested that Muslim men in particular are the new 'folk devils' or the ultimate 'enemy within' (Alexander 2004; Webster 2004; Hudson 2007: 163). It is too early to ascertain whether such notions have permeated police practice, but statistics on the stop and search of Asian people may provide some indication. Correspondingly, it is also important to recognise that the view of minority ethnic communities as internally homogeneous no longer reflects the realities of the intersections of gender, generation and class that make the experience of young Muslim men qualitatively different from those of people from other Asian groups (Parmar 2007).

One of the most controversial areas of police targeting relates to the policing of immigration and the people who are defined as 'immigrants'. During the 1960s and 1970s 'coloured immigration' was not only a potent political issue but also one that framed black and Asian people's experiences of policing. Many research studies uncovered evidence that ordinary policing often involved checking immigration status (asking, for instance, for passports) when people from ethnic minorities reported crimes of which they had been the victim. The Immigration Act 1971 gave the police and immigration authorities considerable powers to detain and question those people who were suspected of being in breach of immigration law, such as entering illegally or overstaying terms of entry (see Gordon 1984). Gordon (1984) suggests that the Immigration Act 1971 began to shift the control of immigration from external border controls to internal controls, or 'pass laws' for people of African, Caribbean and Asian descent resident in Britain (Sivanandan 1982: 135). In the months following the implementation of the Act, numerous high-profile passport raids were conducted, amounting to a 'witch hunt' of African, Caribbean and Asian communities, according to Gordon (1984). Research also suggested that there was little regard for the civil liberties of black and Asian people and this was manifested in persistent foot and vehicle stops, racially abusive questioning, arbitrary arrest, forced entry and violence, and provocative and unnecessary armed raids (IRR 1979: 2). Similarly, it was suggested that there was continuous intelligence gathering and surveillance of 'symbolic locations' – coded language for the centres of Britain's black and Asian communities (see also Newham Monitoring Project 1985, 1988; Keith 1993).

'Race', riots and the police: public order policing in minority ethnic communities

The increasingly strained relationship between black communities and the police collapsed vividly in the public disorder of Bristol in 1980 and then in the London neighbourhood of Brixton in April 1981, followed by Manchester, Liverpool, Birmingham and other towns and cities in July (Solomos 1993: 154). The Brixton riots were triggered by 'Operation Swamp '81'. For a week, 120 plain-clothes and uniformed police officers patrolled Brixton with specific instructions to stop and question anyone who looked 'suspicious'. In all, 943 people were stopped over the course of four days. Of these 118 were arrested, more than half of whom were black. Among the 75 who were charged, only one was for robbery, one for attempted burglary and 18 for theft or attempted theft. People familiar with the experiences of black Britain had predicted disorder for some years (see Pryce 1979). The images of riot, burning, looting and the threat of a 'collapse of social order' were brought home as scenes of pitched battles between police and rioters were beamed on to television screens across the country. In Brixton more than 300 people were injured, while many vehicles and 28 buildings were destroyed, some by fire.

For Lord Scarman (1981: 45), appointed to chair the public inquiry into the riots, these were 'essentially an outburst of anger and resentment by young black people against the police'. Although he noted that not all the people involved in the disturbance were black, Scarman identified a problem of policing 'a multi-racial community in a deprived inner city area where unemployment, especially among young black people, is high and hopes are low' (1981: 15). Scarman recommended identifying racial prejudice among police recruits, efforts to recruit more minority ethnic police officers, improving community relations and handling public disorder, closer supervision of frontline police constables, improvements in the management training of inspectors and sergeants (especially in conducting stop and search operations), and making the display of racially prejudiced behaviour a dismissal offence. To increase public confidence in the police a greater degree of consultation with the public was recommended, introducing lay visitors to make random checks on police stations, and an independent element in the system for considering complaints against the police.

The Scarman Report was welcomed by the political mainstream, but the right-wing *Daily Mail* thought it was 'telling the police to turn a blind eye to black crime' and dismissed what it considered a 'call for positive discrimination' (Kettle and Hodges 1982). Critics on the left thought Scarman's analysis fundamentally flawed, echoing racist pathologies of black people (Gilroy 1987) and failing to explain properly why people were so angry with the police and its roots in their experiences of oppressive policing. Most fundamentally, Scarman failed to 'grasp the nettle' in relation to the key issues of stop and search, the investigation of complaints against the police and police accountability (Bridges 1982; Howe 1988). For these commentators, unless the police could be brought under democratic control, continued frustration and anger were inevitable and further disorder a clear possibility. As predicted, disorder flared again in 1985. The riots in September in the Lozells Road area of

Handsworth in Birmingham resulted in the deaths of two Asian men and the injury of more than 100 people. The value of the damaged property was put at £7.5 million. A month later riots on the Broadwater Farm were triggered by the death of Cynthia Jarret in Tottenham, north London. During the disorders, a community policeman, PC Keith Blakelock, was stabbed to death. More than 250 people were injured and there was widespread damage to property. The media portrayal of the 1985 riots served to confirm media images of black communities as inherently and pathologically deviant and disorderly (Gilroy 1987). However, many of the conditions which had commanded attention five years earlier – such as unemployment, housing and welfare provision – had steadily worsened (Scarman 1981; Solomos 1993: 160). In the inner cities in 1985, levels of unemployment were up to two or three times higher than in the 1980–81 disorders (Cross and Smith 1987). Moreover, nothing had been done to tackle the problems of racial discrimination and inequality (Scarman 1981: xvii; Solomos 1993: 160).

After the mid-1980s, disorders involving black people were less frequently reported in the media and were either rarer or considered less newsworthy. Anxiety about 'race' and crime was displaced to a large extent by a concern with 'youth' in general. The 'Poll Tax riot' in Trafalgar Square on 31 March 1991 – arguably *the* most serious peacetime disorder in London in the twentieth century – symbolised both the end of the Thatcher era and the myth that riot was a 'black thing'. Keith (1993) argues that after the mid-1980s, disorder in England had become 'naturalised'. When white youth rioted in the 1990s – most spectacularly in Oxford and the north east of England – there was relatively little surprise, compared with the shocked and outraged response a decade before.

Among the few outbreaks of public disorder to merit official attention in the mid-1990s were the riots in the Manningham area of Bradford on 9–11 June 1995 (Bradford Commission 1996). These disorders erupted when two police officers challenged group of young Asian men playing football in the road. After a struggle, three young men were arrested, a crowd gathered, accusations and counter-accusations ensued, leading to the intervention of a large number of police officers. Although the official report of the inquiry argued that 'the direct cause of the disorder . . . was the unacceptable behaviour of those relatively few people who behaved so anti-socially', a community organisation report concluded that the riots occurred in the context of a 'severe loss of confidence in the police' because of police action that was 'highly questionable, extremely provocative and unreasonable' (Foundation 2000 (1995): 11).

The summer months of May, June and July 2001 saw a spate of civil disturbances in Burnley, Bradford and Oldham, former mill towns in the north of England. The riots – dubbed by numerous media reports as the 'worst on mainland Britain for 20 years' – started on 26 May after a series of attacks by white youths on Asian homes in Glodwick, an area of Oldham with a significant Asian population. By the end of the riot two days later, 15 officers had been injured, pubs and offices had been damaged and 17 people had been arrested (Ritchie 2001). The small Lancashire town of Burnley saw rioting on 23 June after reports of attacks by racist groups in the Stoneyholme area

(Clarke 2001). The riots were finally calmed down by the police presence on 24 June. The Manningham district of Bradford (scene of the 1995 riots) erupted on the 7 July when the National Front reacted to an Anti-Nazi League rally of around 600 people, resulting in 200 police officers injured, two people stabbed and 36 arrested. Once the initial destruction and uncertainty had passed and calm was restored, the soul-searching began. The initial responses remarked on the presence of white extremists, the increase in attacks by Asians on whites and the view that this was merely an example of 'mindless criminality', or stemmed from a failure to respond to local drug dealing. The wider issues of policing a society divided along the lines of class, faith and culture and in the context of segregation, deprivation and social exclusion were examined in the numerous official reports (Burnley Task Force 2001; Cantle 2001; Denham 2001; Ousley 2001; Ritchie 2001). The official Home Office reports promoted the agenda for community cohesion within which there was a call for more minority ethnic police officers and better communication to tackle distrust between police and community (see also Waddington 2001; Webster 2002). The reports also identified the potentially negative consequences of community policing which can focus too much on the involvement of 'community leaders' who are perhaps unrepresentative of the wider constituency that they are thought to provide a voice for (Cantle 2001; Webster 2004; Parmar 2007).

Incidents of disorder also occurred in summer 2005 between Asian and black youth in Birmingham, the flashpoint of which was a false rape allegation (Vuilliamy 2005). The tensions involved 200 youths over the course of two nights and culminated in the murder of a young black man by three Asian men. The role of the police in these disturbances was notably subdued compared to previous tensions, and the events perhaps typify the newer challenges faced by the police in contemporary multi-ethnic societies where clashes not only occur between minority ethnic and majority communities but can also occur between minority ethnic groups.

Excessive force: police violence and deaths in custody

It is an axiom of the liberal tradition in policing that the police use of force must be *essential* (used as a tactic of last resort), *minimal* (no more than needed to prevent anticipated harm), *legitimate* and *accountable* (Uglow 1988; Morgan 1989, 1992; McLaughlin 1991). There is a considerable amount of material which questions the extent to which the police have adhered to the principle of the 'minimum use of force' in their dealings with African, Caribbean, Asian and other minority communities. There is convincing evidence that racist assumptions about 'dangerous', 'out-of-control', 'drug addicts' or 'schizophrenics' can lead police officers to overlook signs of physical illness which remain untreated and lead to tragic fatalities (IRR 1991; Kappeler *et al*. 1994; Chigwada-Bailey 1997).

For the UK as a whole, in 2001–02, 70 people died in police custody or 'otherwise in the hands of the police', an increase of 32 per cent on the previous year. In addition, ethnic minorities make up the bulk of those who have died as a result of physical force (other than guns) by the police or the

use of restraints (Inquest 1996). Until recently, the numbers of minority ethnic people who died whilst in police custody was between 7 and 12 each year. However, the figures for 2002–03 indicated a significant increase, from 7 in 2001–02 to 23 in 2002–03. The majority of the 23 who died were black (11) and Asian (7) men (Home Office 2004). The Home Office analysis of the increase of minority ethnic deaths concluded that there was little evidence to suggest that racism and stereotyping were directly linked to the deaths, nevertheless it also stated that 'the issue of racial discrimination has not yet been adequately addressed by the police service' (Home Office 2004: 2).

Proactive policing: the use of stop and search powers

The use of stop and search powers by the police has been the most controversial issue in debates about policing minority ethnic communities. As the late Bernie Grant, formerly MP for Haringey, said:

> nothing has been more damaging to the relationship between the police and the black community than the ill judged use of stop and search powers. For young black men in particular, the humiliating experience of being repeatedly stopped and searched is a fact of life, in some parts of London at least. It is hardly surprising that those on the receiving end of this treatment should develop hostile attitudes towards the police. The right to walk the streets is a fundamental one, and one that is quite rightly jealously guarded. (NACRO 1997: 3)

The power to stop and search is primarily an *investigative* power used for the purposes of crime detection or prevention in relation to a specific individual at a specific time (Lustgarten 2002). In practice, however, police officers frequently use stop and search powers for other purposes, such as 'gaining intelligence' on people 'known' to the police, to break up groups of young people and for 'social control' more generally (FitzGerald 1999; cf. Waddington *et al*. 2002). The police and government argue that the police need to use stop and search tactics to identify criminals, even though Home Office research concluded that the tactic has an extremely limited impact on crime – including its role in detection, disruption and deterrence (Miller *et al*. 2000; see also Bowling and Foster 2002).

Young (1994) argues that the legal regulation of stop and search powers does not prevent the abuse of discretion. Police officers have to interpret legal rules for which no amount of guidance could cover every eventuality. The concept of 'reasonable suspicion' is vague and police officers differ widely in their understanding of it (Quinton *et al*. 2000). Moreover, searches 'consented' to by suspects invoke neither PACE powers nor protections and this is very problematic since the concept of 'consent' is slippery because suspects may be ignorant of their rights to refuse to be searched (Dixon *et al*. 1990). Finally, stops and searches, like many aspects of police work, are largely invisible to supervisory officers and, therefore, 'the norms and working practices of the street level police officer take priority over outside regulation' (Young 1994: 14).

Disproportionality in the use of stop and search

One of the most consistent research findings in this field is that people from minority ethnic communities – and black people in particular – are far more likely to be stopped and searched by the police in comparison with white people. Comparing numbers of stop and searches with the resident population of an area enables the calculation of the number of stops and searches per capita. In England and Wales in 2005–06, the rate for white people was 15 stops per 1,000 population, while the figure for black people was 90 and for Asian people 27 per 1,000. These figures show a slight reduction in the disproportionality evidenced in previous years, for example in 2001–02 black people were eight times and Asian people three times more likely to be stopped and searched in comparison to their white counterparts. More recent s. 95 Criminal Justice figures from 2005–06 suggest that black people were six times and Asian people nearly twice as likely as white people to be stopped and searched.

Data from the 1999 British Crime Survey (BCS) showed that white respondents and those of Indian origin were less likely to have been stopped in a car (12 per cent) during 1999, compared with black, Pakistani and Bangladeshi respondents (15 per cent), with little differences between ethnic groups for foot stops. More recently, BCS figures for 2004–05 indicate that disproportionality in stop and search statistics persist, with people from mixed (16 per cent), Asian (13 per cent) and black (15 per cent) ethnic groups more likely to have been stopped in a vehicle by the police in comparison to people from the white group (9 per cent). In addition, of all those stopped by the police, minority ethnic people were more likely to have been searched (Jansson 2006).

Stops and searches under s. 60 of the Criminal Justice and Public Order Act 1994 can be authorised by a senior police officer (of the rank of inspector or above) based upon 'a reasonable belief that incidents involving serious violence may take place or that people are carrying dangerous instruments or offensive weapons' within any locality. These powers were introduced to prevent violent offences at sporting and other large-scale events, but are now being used extensively in minority ethnic communities with figures nearly tripling between 1998–99 and 2001–02. In England and Wales, the police conducted 36,248 stops and searches under s. 60 of the Criminal Justice and Public Order Act in 2005–06. Sixty three per cent of these were of white people, 20 per cent of black people and 13 per cent were of Asian people (Ministry of Justice 2007). Despite an overall reduction in the use of this power across all ethnic groups compared to previous years, black and Asian people were nevertheless disproportionately targeted if their demographic profile in England and Wales is taken into account.

The manner in which stops and searches are conducted is important for community relations between the police and citizens and specifically the public's perception of, and confidence in, the police service (Home Office 2005b). The 1999 BCS found wide ethnic differences in the extent to which a reason was given for vehicle stops and whether the reasons given were thought to be acceptable. Of those stopped in a car, 93 per cent of white

respondents stopped were given a reason, compared with 86 per cent of black respondents and 88 per cent of Indian, Pakistani and Bangladeshi respondents. While 80 per cent of white respondents felt that the reason given for the stop was adequate, this was true of 61 per cent of black respondents, 68 per cent of Indian respondents and 67 per cent of Pakistani and Bangladeshi respondents (Clancy *et al*. 2001: 59–60). This evidence is consistent with earlier research that indicated that stops and searches involving black people were more likely to be speculative (Norris *et al*. 1992). Recommendation 61 of the Lawrence Inquiry (Macpherson 1999) stated that people should be given the reason for why they were stopped or searched and that a copy of this record should be given to the person stopped. The most recent BCS thus indicates that all people sampled were given a reason for being stopped or searched. Minority ethnic groups were slightly more likely to be stopped for routine checks (e.g. tax discs) compared to white people, and the former were slightly more likely to feel angry and embarrassed at having been stopped (Jansson 2006).

Disproportionate use of stop and search powers has also been found in the use of ss. 13A and 13B of the Prevention of Terrorism Act 1989, designed specifically to combat terrorism from the Provisional Irish Republican Army. Of the 13,760 people stopped under these powers in 1997–98, seven per cent were black and five per cent Asian (Home Office 1998: 14). Section 44 of the Terrorism Act 2000 allows an officer to stop and search persons and vehicles to look for articles that could be used in connection with terrorism whether or not there are reasonable grounds to suspect the presence of such articles and thus perhaps legitimates an increased amount of discretion on the police officer's part. The ethnic breakdown of stop and searches under s. 44(1) or 44(2) of the Terrorism Act 2000 indicates that Asian people were more likely to be stopped and searched using this power in comparison to black people. Of the 32,062 stops and searches carried out in England and Wales 2004–05 using anti-terror legislation, 23,389 were of white people, 2,511 of black people and 3,485 of Asian people. Notably, of the stop and searches carried out under terrorist legislation, very few resulted in an arrest that was connected to terrorism – in 2004–05 of the 21,121 stop and searches in England and Wales only 35 arrests fell within this category (Home Office 2006).

Explaining disproportionality

In attempting to explain ethnic disproportionality in stop and search, some commentators, such as FitzGerald and Sibbitt (1997), have noted the importance of taking account of different ethnic groups' 'availability'[4] to be stopped and searched, according to time spent on the streets and other public places. Two recent studies which have explored availability have found that ethnic minorities have a higher presence on the street than suggested by resident populations. This means that *per capita* measures of the use of stop and search may be overstating the extent of ethnic disproportionality. In the two studies which together covered six police force areas, stop and search patterns based on available street presence indicated that at an aggregate level, white people tended to be stopped at a higher rate than would be expected, while black and Asian people were largely under-represented or proportionately represented

among those stopped and searched on foot or in their vehicles (MVA and Miller 2000; Waddington *et al*. 2002).

While this research emphasises the problems with *per capita* measures of stop and search, it should be remembered that the legal principles which govern the use of police stop and search powers require officers to have reasonable grounds for suspicion that a person is in possession of stolen or prohibited articles. It is of particular concern that research by FitzGerald (1999) and Quinton *et al*. (2000) suggests that many police officers are unclear about the concept of 'reasonable suspicion', and the extent and limitation of their powers. Being a member of a group who are stereotypically assumed to be more likely to be involved in crime cannot be used as grounds for suspicion. Yet there is some evidence of the use of 'racial profiling', described by minority ethnic officers interviewed by Cashmore (2001: 652) who reported being advised to stop 'black kids with baseball caps, wearing all the jewellery', in order to boost their recordable activities and enhance their performance. Other officers were said to 'subscribe to the philosophy that, if you see four black youths in a car, it's worth giving them a pull, as at least one of them is going to be guilty of something or other'.

This type of thinking is consistent with patterns of selective enforcement by police officers, based on stereotyping and their heightened suspicion of ethnic minorities. In 1981, Lord Scarman (1981: 64) noted that 'some officers . . . lapse into an unthinking assumption that all young black people are potential criminals', and the more recent research evidence also indicates such stereotyping among police officers (see, for example, FitzGerald and Sibbitt 1997; Quinton *et al*. 2000).

Asian communities are likewise finding themselves in similarly problematic, if slightly fewer, stop and search situations, especially since the disorders of 2001 and 2005 and the London terrorist attacks of 2005. As Webster (2004) highlights, this is perhaps connected to a growing anti-Muslim feeling and until studies and statistics begin to disaggregate 'Asians' it is difficult to ascertain whether there is disproportionate treatment of Pakistanis and Bangladeshis in particular or towards all Asians. Direct discrimination may also play a part in disproportionality. MVA and Miller (2000: 87) note that, in some of their research areas, 'stops and searches were targeted at some areas where there [were] disproportionate numbers of those from minority ethnic backgrounds, yet where the local crime rates did not appear to justify this attention'. Additionally, such forms of discrimination may be embedded in the reasons for which ethnic minorities are stopped and searched, including a lack of cultural awareness, a lack of understanding and the operation of culturally insensitive assumptions. The most common reason for stopping and searching all ethnic groups (on foot) was for suspicion of drugs, and black and Asian people were more likely than white people to be stopped and searched for this reason. The BCS 2004–05 showed that the figures were 38 per cent for white people, 51 per cent for black people and 55 per cent for Asians (Home Office 2006).

In reviewing the evidence in relation to police stop and search, it is fair to assert that discrimination is in operation in the use of stop and search powers (Bowling and Phillips 2007). In particular, the negative impact on black people

in society and the corresponding lack of public confidence in the police service call for a necessary challenge to the regulation of police coercive powers, particularly given the low impact of the post-Lawrence reforms with regard to stop and search. Alongside the limited gains with regard to crime detection and prevention (discussed below), stop and search powers should be used only when there is genuine and reasonable belief of wrongdoing rather than as the exercise of speculative intrusions (Bowling and Phillips 2007: 961). In the view of these authors, such powers should 'be repealed if they cannot be more closely regulated' (2007: 961).

Arrest and the decision to charge

Arrest marks the first stage of the criminal justice process and the initial decisions about whether an individual enters the formal criminal justice system. Only a small minority of stop and searches – 13 per cent of all minority ethnic groups in 2001–02 – led to an arrest, and only seven per cent of arrests for notifiable offences have followed a stop and search (Home Office 2003). Similar rates of attrition were reported for 2004–05 (Home Office 2006). Although both proportions are slightly higher for black and Asian people, it is clear that most arrests result from reactive behaviour by the police following notification of an offence by a member of the public (see Phillips and Brown 1998). This means that stop and search makes a significant but rather modest contribution to the representation of white and minority ethnic people in the arrest population. Statistics for England and Wales from 2005–06 suggest that the number of arrests of Asian and black people have increased by 11 per cent and 10 per cent respectively, compared to under 5 per cent for white people (Ministry of Justice 2007). Official statistics showed that, in 2001–02, the number of black people arrested was on average five times higher than white people, relative to their proportion in the general population. The arrest rate for Asians was two times higher than it was for whites (Home Office 2003). Statistics for 2005–06 showed that the arrest rate for a notifiable offence for black people was 3.5 times the arrest rate for the white population and that of Asians was slightly higher than the rate for whites (Ministry of Justice 2007).

The ethnic background of people continues to be inconsistently recorded in both Magistrates and Crown Courts in England and Wales (although the latter's records have been improving significantly in recent years). Nevertheless, this means that comprehensive national statistics with regard to ethnic differences are difficult to ascertain. Previous research tended to suggest that the police were 'overcharging' some ethnic minorities following their arrest. Phillips and Brown (1998), for example, reported that the Crown Prosecution Service (CPS) terminated proportionately more cases involving ethnic minorities compared with white defendants, largely because of insufficient evidence. Research findings to support overcharging practices by the police in some cases involving minority ethnic suspects comes from a review by Her Majesty's Crown Prosecution Service Inspectorate (2002). The higher termination rates for minority ethnic defendants suggest that the police may be presuming guilt in the case of some black and Asian suspects as a result of

negative stereotyping where there is insufficient evidence to proceed against them. Official statistics for 2005–06 suggest increased parity in the proportion of charges terminated early across ethnic groups – white (21 per cent), black (22 per cent) and Asian (22 per cent) – although these are unable to ascertain any disproportionality in case termination once legally relevant factors have been taken into consideration.[5] Black and Asian defendants were, however, more likely to be committed to the Crown Court for trial (Ministry of Justice 2007).

Attitudes towards the police

Survey data provide a 'consumer's perspective' on policing. The overall picture shows that black respondents are somewhat less satisfied with police action and they perceive the police to be unfair to certain groups and, therefore, not surprisingly, are less willing to co-operate with the police than white respondents (see Skogan 1990, 1994; Mayhew *et al*. 1993; Chigwada-Bailey 1997; Spencer and Hough 2000; Clancy *et al*. 2001). The findings with respect to Asians are more mixed, with less disapproval of the police than black and white respondents reported in some studies, whereas in others Asians tend to hold views that put them between black and white respondents. The general pattern has been confirmed by the 2000 BCS which reported that twice as many black respondents (38 per cent) as white respondents (19 per cent) could recall being 'really annoyed' by the behaviour of a police officer in the last five years; for Asian respondents the figure was 23 per cent. The main reasons cited by those interviewed were that the police had been rude, unfriendly, behaved unreasonably or had failed to do anything (Sims and Myhill 2001). More generally, while 54 per cent of white respondents saw the police as doing a good or excellent job, this was true of only 40 per cent of black respondents and 42 per cent of Asian respondents (Mirrlees-Black 2001).

In the 2000 BCS, only 20 per cent of white respondents found that their local police do a very good job, compared with 19 per cent of black respondents, 16 per cent of Indians and 15 per cent of Bangladeshis. The figures for 2000 suggest a positive trend in the responses of black people to local policing while the Asian figure has dropped by three per cent, and that of the white community by a further two per cent. In recognition of the need to improve public confidence in policing services following the Macpherson Report (1999), the Home Office's Public Service Agreement incorporated the need to raise confidence and trust, particularly within minority ethnic communities. Figures from the 2006 BCS reveal positive perceptions towards the police with 56 per cent of black, 53 per cent Asian and 48 per cent of white respondents suggesting that the police were doing an excellent job in 2004–05 (Jansson 2006). Interestingly however, a different pattern was revealed when minority ethnic respondents were asked about how much they *trusted* the police in the 2003 Home Office Citizenship survey in England and Wales. According to this measure, 80 per cent of white people trusted the police 'a lot' or 'a fair amount' in comparison with 69 per cent of mixed and 79 per cent of Asian people (with Bangladeshis and Pakistanis indicating slightly lower levels of trust if the

category Asian was disaggregated). Black people indicated the lowest levels of trust at 65 per cent (Home Office 2005a).

Contacting the police

Among all ethnic groups the most common reason for contacting the police is to report a crime, but white respondents are significantly more likely than any other group to call the police in order to give information, to report suspicious circumstances, a disturbance or nuisance (Clancy *et al*. 2001). The generally lower opinion of the police among minority ethnic communities does not at first sight appear to affect the extent to which black and Asian people call on their help when they are victimised. Evidence from the 1988, 1992 and 1996 BCS (Skogan 1990; FitzGerald and Hale 1996; Bucke 1997) found that black, Indian and Pakistani victims were, if anything, *more* likely to report household crimes to the police. For personal offences, only the Indian group was more likely to report than whites, while black people had reporting rates that were somewhat lower than similar white victims once the seriousness of the offence had been taken into account (Skogan 1994; FitzGerald and Hale 1996). According to figures from the 2004–05 BCS, Asian (11 per cent) and black (12 per cent) people were slightly less likely to initiate contact with the police to report a crime, compared to white (14 per cent) and mixed (16 per cent) victims of crime (Jansson 2006).

Victims from minority ethnic communities who report crimes are generally less satisfied with the police response than white victims (see Clancy *et al*. 2001: Figure 4.7). Clancy *et al*. found that 33 per cent of black, 43 per cent of Indian, 27 per cent of Pakistani and Bangladeshi and 47 per cent of white individuals, in the 16–29 age group, felt they were satisfied by their experience with the police.

The police response to racist violence

Although minority ethnic communities have been the targets of racist violence throughout their history in Britain, it was only in 1981 that the British government and police officially recognised the problem and started recording it (Home Office 1981; Bowling 1999). By the mid-1980s, racist violence was established as an 'urgent priority' for a range of governmental agencies – including the Home Office, police and local authorities – although numerous reports suggested that the police on the ground were still not taking the problem seriously enough (Bowling 1999). The research evidence suggests that, until recently at least, rank-and-file police officers saw 'lower level' racist incidents as 'rubbish' and not worthy of investigation and officers were unwilling to ascribe a racial motive to an attack even if this was the victim's belief (Bowling 1999: 246).

Victims of racial incidents are much less likely to be satisfied with police service than victims of crime in general. In Bowling's (1999) study in east London, for example, the most common complaint among those who were dissatisfied with the police response was that the police did not 'do enough',

that they failed to keep the victim informed and that they seemed not to be interested. Only a very small minority felt generally very satisfied with the way in which racist harassment was dealt with in their area and less than one-third were at all satisfied.

The racist murder of Stephen Lawrence in 1993 and the subsequent public inquiry set up in July 1997 focused public attention on the issue of racist violence as never before. The report recommended improvements in the recording, investigation and prosecution of racist incidents. In response, the Home Office produced a *Code of Practice on Reporting and Recording Racist Incidents* in April 2000 which applied to all statutory, voluntary and community groups, and the Association of Chief Police Officers (ACPO) drafted its own guidance, *Identifying and Combating Hate Crimes* (ACPO 2000), which is now used by all police forces. The Metropolitan Police Service (MPS) implemented a number of changes in addition to those recommended by the Lawrence Inquiry, including the creation of a Racial and Violent Crimes Task Force and the establishment of community safety units (CSUs) in all boroughs across London in 1999, with officers specially trained to investigate 'hate crimes', and similar specialist units have also been created in other forces. These policies have had some impact on police practice. It is clear, for example, that there has been an increase in the willingness and ability of the police to record racist incidents and to file intelligence reports, with some cases referred to the Racial and Violent Crime Unit for more intensive investigation. There remains the risk, however, that if racist violence remains the preserve of specialist departments it will continue to be seen as separate from the 'real business of policing and an isolated caricature of what [the police] should be doing in respect of all crime problems' (Baggott 2000: 15). The police response to racially motivated incidents clearly remains an important aspect of the nature of the relationship between the police and minority ethnic communities. The invidious nature of crimes motivated by racism requires a response that engenders trust and which appears legitimate to citizens (Rowe 2004). Although a reduction in the number of racially motivated incidents and crimes when comparing 2002–03 and 2004–05 BCS figures may suggest a positive trend, the number of both household and personal crimes that were perceived to be racially motivated nevertheless remains high amongst minority ethnic groups, as evidenced by the total of 87,100 such incidents in 2004–05 (Jansson 2006). However, evaluations of service provision post-Lawrence have been broadly encouraging. Docking and Tuffin's (2005) examination of police practice found well-developed systems for supervising police investigations of racist incidents, with somewhat higher levels of victim satisfaction, although this varied by police force, and was more common among victims dealt with by specialist rather than operational officers (see also Burney and Rose 2002).

A multi-ethnic force? Black and Asian officers in the British police

As people from ethnic minorities struggled to join the police service in the 1970s and 1980s, their treatment by their colleagues was often hostile as well as their being hostile towards minority communities in general. Reading today

Smith and Gray's (1985) study of 'the police in action', it is staggering to recall the language police officers used in speaking about black and Asian people. The centrality of racism in the subculture of the police served – and still does in some places – to alienate, marginalise and discriminate against minority ethnic officers. Even the most recent evidence shows that some supervisory and senior police officers fail to discourage and discipline racist comments and actions by police officers (HMIC 1999).

Increasing the recruitment of minority ethnic police officers was on the agenda of the Home Office and senior police officers even before the Scarman Report. There has been an increase in the proportion of serving police officers who are from ethnic minorities, from 0.7 per cent in 1986 to 3.4 per cent in 2005 (Ministry of Justice 2007). This means that they remain considerably under-represented given that around seven per cent of the economically active population are from ethnic minorities, and this was also below the target of 4 per cent proposed in 2004 (Ministry of Justice 2007).

Experiences in the job

The overwhelming majority of black and Asian police officers interviewed by Holdaway (1993) reported that racist comments and jokes were routinely part of officers' conversations (see also Holdaway and Barron 1997). Even in the post-Macpherson policing climate, minority ethnic police officers have referred to abuse by colleagues as a way of testing their commitment to the job (Cashmore 2002). Until relatively recently, senior officers appeared not to be concerned with challenging and changing this aspect of the police culture (HMIC 1997, 1999). As HMIC reported, 'there were still too many accounts of distressing behaviour, or at best, managerial indifference towards minority ethnic staff'. Holdaway notes that the choice between tolerating or challenging racist remarks affected working relations because 'stereotypical thinking and team membership go hand in hand' (1996: 158). Thus, it is unsurprising that some black and Asian officers may find themselves marginalised from work and social networks because they fail to collude with negative representations of ethnic minorities, or where in the case of some Asian officers, religious observance prevents socialising that revolves around drinking. A recent study that aimed to assess the impact of the Lawrence inquiry found that although overt racist language had been excised from the police service, the changes could be described as cosmetic and other forms of discrimination remained largely unchecked. The cultural change towards the unacceptability of racism was also questionable given that 'awareness about explicit language was not necessarily reflected in awareness about discriminatory practice more broadly or in the provision of services to minority groups' (Foster *et al*. 2005: 49). Additionally, the intangible nature of the discrimination experienced resulted in some officers suggesting that they found it difficult to complain.

Retention

The retention rate for minority ethnic police officers is predictably lower than for white officers and worsened in the period 1994–98. Holdaway and Barron (1997) studied the reasons for resignation among a sample of 28 former

African-Caribbean and Asian police officers in comparison with a group of 18 white resigners. Holdaway and Barron note that the resignation decision was not something taken lightly; typically, resigners said that they thought about resigning for more than five months. The most common specific reasons for the resignation of black and Asian officers were poor management within the police service, domestic/personal reasons, the difficulties of integration into the occupational culture and frustration with the way supervisory and senior officers dealt with everyday racist banter, and the aggressive policing of ethnic minorities. The proportion of minority ethnic recruits leaving the police force remains high, with 52 per cent resigning voluntarily in 2005/06 in comparison with 23 per cent of white officers deciding to leave (Ministry of Justice 2007). Since HMIC (1997) recommended that police forces should have mentoring, informal networking and welfare support as part of their retention policies, various support groups and forums for minority officers have come to the fore. These groups provide support networks, a forum for officers and also serve campaigning and lobbying functions. Foremost among the professional organisations is the National Black Police Association and the Black Police Associates in the Metropolitan Police Service. In support of these organisations, a recent study by Phillips (2007) suggested that in a post-Macpherson climate in which challenging institutional racism has been somewhat usurped by 'embracing diversity', black and Asian professional associations are increasingly essential for providing a safe space for discussions of occupational experiences, and for offering emotional assistance, advice and advocacy for minority ethnic police officers (see also Holdaway and O'Neill 2007).

Promotion

In 2001–02 only 16 per cent of minority ethnic officers were to be found in the promoted ranks within the police service compared to 22 per cent of white officers. Seven per cent of white officers were in ranks above sergeant, whereas this was true of five per cent of minority ethnic officers (Home Office 2003). Minority ethnic officers (HMIC 1995) have reported that due to constant threats to their status and the subsequent need continually to reassert their position, seeking promotion was sometimes too large an endeavour or something to be delayed (Bland *et al*. 1999). Where promotion is sought, the time to promotion is longer for ethnic minorities. Bland *et al*. (1999) found that minority ethnic police officers take an average of around 12 months longer to be promoted to the sergeant rank (five months longer for Asian officers and 18 months for African-Caribbean officers). It was suggested that this reflected selection bias once officers had passed the sergeant examination that made them eligible for promotion. The time taken by ethnic minorities to reach the rank of inspector was also longer than for their white counterparts (Bland *et al*. 1999). The data for specialist police officers are more encouraging. HMIC data for 1997–98 indicate an adequate representation of minority ethnic officers as detectives (this did however tend to come later in the career of minority ethnic officers). White officers were much more likely to have been posted to a traffic department or planning/performance posts and national secondments than their minority ethnic counterparts (Bland *et al*. 1999). The numbers of

ethnic minorities at the higher ranks of the police service unfortunately continue to be low – only 45 ethnic minorities were ranked at Superintendent and above in 2006 in comparison to 1,634 white people (Ministry of Justice 2007).

Meeting recruitment targets

In 1998, the Home Secretary published local and national targets for the increased recruitment, retention, career progression and senior level representation of minority ethnic staff in the Home Office, police, prisons and probation services (Home Office 1999). Positive action aims to achieve equality of representation over a given time and has a symbolic value in demonstrating the commitment to recruiting police officers who reflect the community they serve. Research shows that a higher success rate for complainants, greater understanding and sympathy for those alleging discrimination, and more effective procedures and remedies will enhance the credibility of the law in the eyes of ethnic minorities both within and outside the force (Rotterdam Charter 1996). Practical efforts to encourage local people from minority ethnic backgrounds to join the police service, such as conducting targeted recruitment campaigns with the assistance of community organisations and contacts, running familiarisation and access courses, placement schemes and providing application forms in minority languages, are all positive ways forward. However, these efforts are hindered by the fact that applicants will also carefully consider their likely experiences of racism and discrimination. Indeed, HMIC (1995) reported that minority ethnic officers were sometimes unwilling to recommend the police service to potential recruits because of the difficulties they would face in the job. Clearly, the negative perception that ethnic minorities have of the police has hindered police forces' efforts to recruit minority ethnic police officers (Stone and Tuffin 2000; see also Cashmore 2001). Levels of ethnic diversity amongst community support officers is high, in 2006 15.2 per cent were from a minority ethnic background (Ministry of Justice 2007). This appears to be a positive development given that a significant number of community support officers intend to become sworn police officers (Cooper *et al*. 2006).

Linking equal opportunities with equality of service

Even if the numbers of minority ethnic police officers increased very dramatically, it will remain important to consider the working practices of white staff who will inevitably form the overwhelming majority, comprising, as they do, 92 per cent of the working population. The literature on the criminal justice professions highlights the importance of the relationship between equality of opportunity for employees *within* a service and the quality of service that it provides to the public. According to the Commission for Racial Equality, a police service that reflects the population arguably increases the chances that the services provided will be appropriate, relevant and accessible to all members of the community. As Brown (1997) points out, including groups previously excluded can have the effect of transforming the organisation; just by 'being there', women inevitably bring new and different

perspectives and become catalysts for change within the organisation. Similarly, the presence of black officers affects some features of the organisational culture. It seems clear, for example, that the increasing presence of black and Asian officers within the organisation has reduced the willingness of all police officers to use racist 'banter' or engage in other more overt forms of racial prejudice and discrimination within the service. Furthermore, the actual positions that minority workers hold is crucial to maximising their contribution to the change process. To have any real effect on service provision, they must be able to contribute to decision-making. It should not be thought, however, that, in service delivery terms, representation of minority ethnic groups in the higher ranks of the service will achieve more than the goal of equal employment opportunities. Policing needs to do more than simply accommodate women and minority ethnic officers, but make them a 'visible feature of the policing landscape' (Brown 1997).

Discrimination and police governance

In a democracy, structures of police governance should reflect the demographic characteristics of the community being policed. However, minority ethnic communities are under-represented among chief police officers, middling or senior ranks of the Home Office and in police authorities that make up the three elements of the tripartite structure of police governance (Jones and Newburn 1997). The idea of policing by consent is compromised if systems of accountability fail to reflect the ethnic diversity of the population. This 'democratic deficit' has long been recognised and attempts have been made to increase the responsiveness of the police to minority communities. Specialist 'community relations departments' have existed since African, Caribbean and Asian populations were first perceived to present a 'community relations problem' for the police from the late 1950s onwards (see Pope 1976). Scarman specifically cited a failure to consult and inform communities as a cause of the 1981 riots. However, the police community consultative groups[6] recommended by Scarman are widely viewed by police and public alike as being ineffective (Morgan 1989; see Jones, this volume). Changes under the Crime and Disorder Act 1998 require community consultation in co-operation between local authorities and the police. This also requires consultation of the 'hard to reach' groups under s. 6 of the Act, which may include some of the ethnic minorities. Hearing and reflecting the voices of minority ethnic communities accurately is of course a challenging task. Indeed, whilst appreciating the common experiences of minorities, it is nevertheless important to also recognise the internal heterogeneity *within* minority ethnic communities and to appreciate the stratifying factors of gender, generation and class.

Independent monitoring is important because it offers the opportunity to provide transparency, openness and accountability in policing. In practice, however, such processes face great challenges to their effectiveness. In many instances, consultative arrangements have offered few opportunities for local communities to exert any control over the police organisation because

consultation does not amount to accountability (Bridges 1982). Reviews of such mechanisms in England have concluded that they are of marginal importance to the principal areas of police activity (Morgan 1989; CRE 1991: 3). Moreover, the deficit in legal and political accountability is not fully redressed by the creation of new systems of consultation. Despite the sometimes disappointing experience of mechanisms to enable police accountability, we are of the view that this is one of the most important spheres for future work. In the UK, the police have historically thought of independent monitoring groups as obstructive and unhelpful. It may also be naive to assume that difficult relations between minority communities and the police can be resolved simply by improved dialogue without challenging the structural dimensions of policing (Rowe 2004). However, in recent years senior police officers have become increasingly conscious of the fact that such organisations provide information about crime and policing that can be gained from no other source. Independent advisory groups, if they can work to overcome some of the problems set out above, can also play a role in creating a greater visibility of policing practices (by using the media and public meetings, for example) and challenge stereotypical, narrow and discriminatory thinking among police officers.

Complaints procedures

The process by which the public can formally complain about instances of error and misconduct is the touchstone of police accountability. The Police Complaints Authority (PCA) was the original body that handled complaints against the police. Although it did not provide breakdowns of complaints against the police by ethnic origin, since 1990 it has collected separate figures for complaints of racially discriminatory behaviour by police officers. In the first full year of recording in 1991, there were 49 such complaints, which increased twelve-fold in a decade to 579 in 2000 (PCA 2000: 18). The substantiation rate for all complaints was about two per cent, while that for allegations of racially discriminatory conduct was much lower. The PCA noted that there were difficulties in substantiating the complaints, many of which alleged incivility or the misuse of stop and search powers: 'in the former case, officers are unlikely to use offensive or racist language in the presence of independent witnesses. In the latter, it is difficult to prove beyond reasonable doubt that the complainant was picked out specifically because of his or her racial origin' (PCA 1997: 52).

Under the Police Reform Act 2002 (PRA 2002), a new body was established – the Independent Police Complaints Commission (IPCC). This replaced the PCA in April 2004 and was created by the Home Office in response to numerous calls from aggrieved members of the public and politicians alike. The IPCC enables members of the public to complain about allegations of police misconduct, adverse consequences through police misconduct, witnessed events of misconduct and for members of organisations to complain on behalf of public citizens. The ethos of the IPCC was to offer a much more independent and proactive role to build a system in which all sections of the community, and the police service, can have confidence. However, the new system applies only to members of the regular force, excluding special

constables and civilian employees. As Bowling and Foster (2002) argue, the problems of investigating the police, such as the 'blue wall of silence' (internal policing cover-ups) (Kappeler *et al*. 1994), political interference (Manby 2000; Gordon 2001) and insufficient resources (Melville 1999), are unlikely to be solved by the IPCC. In particular the structural aspects of policing may remain unchallenged amidst the narrow focus of the IPCC (McLaughlin and Johansen 2002; Rowe 2004). Perhaps indicative of the practical difficulties faced by the IPCC is that in 2006–07 the ethnicity of 22 per cent of complainants was unknown, thus making it difficult to draw firm conclusions of patterns of complaints made by minority ethnic people. In 2006–07, 61 per cent of complainants were white, 7 per cent black, 5 per cent Asian and 2 per cent belonged to 'other' minority ethnic groups (Gleeson and Grace 2007).

Redress through civil litigation

Perceived and actual ineffectiveness in the police complaints procedure and 'fear of themselves being criminalised or harassed' (IRR 1987: 45) have meant that victims of alleged police misconduct have increasingly forgone the official complaints procedures and have instead taken civil court proceedings for damages against the police (though this has all happened within a general context of increased litigiousness). The use of the civil courts has increased dramatically over the past two decades. In London in 1979, only seven cases against the Metropolitan Police were heard, resulting in damages of £1,991 being paid; in 1986, there were 126 cases heard, resulting in damages to victims of £373,000 (IRR 1987: 86). By 1994–95 in the Metropolitan Police this had leaped to 731 threatened actions, and 1,000 in 1996–97 (Metropolitan Police 1997: 83), while damage payments tripled from £1.3 million in 1994–95 to £3.9 million in 1999–2000 (Metropolitan Police 2001). The primary difficulty with compensatory litigation is that in some respects it deflects attention from the root of the problem. While damage payments have tripled from 1994–95 to 1999–2000, the quality of service perceived by sections of the black and Asian community has shown some improvement, as discussed earlier, but perhaps not to a significant extent. This leads to the conclusion that while funds are being spent on costly litigation – which clearly provides some remedy for the victims of police wrongdoing – the necessary changes in structure and attitude are not being made.

The Lawrence Inquiry and beyond: reflecting on the new agenda

The questions of policing, racism, inequality, fairness and justice raised more than two decades earlier in the Scarman Report leaped again to centre stage at the turn of the twenty-first century. The *cause célèbre* which acted as 'lightning rod' for these issues was the murder, on 22 April 1993, of Stephen Lawrence, a black teenager stabbed to death in south London in a completely unprovoked racist attack by five white youths (Macpherson 1999). The Macpherson Report concluded that the fundamental flaws in the conduct of his murder investigation resulted from 'professional incompetence, institutional racism and a failure of leadership by senior officers' (1999: 137). This was

seen to be partly the result of a failure to respond properly to racist violence, but also a more widespread concern about the inequitable use of stop and search powers, deaths in police custody, racial discrimination and a lack of openness and accountability. The report concluded that the black community was 'over policed . . . and under protected' (1999: 312).

The report made 70 recommendations, almost all of which were accepted by the government, amounting to the most extensive programme of reform in the history of the relationship between the police and minority ethnic communities. It recommended a 'ministerial priority' to 'increase trust and confidence in policing among minority ethnic communities' by demonstrating fairness in all aspects of policing, more vigorous inspections and the application of freedom of information and anti-discrimination legislation to the police service. It recommended improvements in the handling of racist incidents, first-aid training, family liaison and the handling of victims and witnesses. It also recommended improvements in training, recruitment and retention policies; handling discipline and complaints; and the regulation of stop and search powers.

In the years since the Stephen Lawrence Inquiry, the primary difficulty has been in assessing whether or not real changes have occurred. Bourne (2001: 13) argues that 'the promise the report appeared to hold out is not being met', a view shared by Doreen Lawrence, the murdered teenager's mother, who said that 'nothing has changed' and that 'black people are still on the outside looking in' (*The Observer* 24 February 2002). As critics like Bourne (2001) and Bridges (2001) point out, the government is attempting to eradicate racism with one hand, but entrenching it with the other. They argue that legislation such as the Immigration and Asylum Act 1999 and the Criminal Justice Bill 2002 will disproportionately affect ethnic minorities because of strongly engrained institutional racism. The Anti-Terrorism Act 2001 likewise is argued to be discriminatory towards Muslim people in particular, and is perceived to be eroding many basic rights on the grounds of national security (McLaughlin and Murji 1999: 382; McGhee 2005; Woolf 2005).

One area which may be taken as the litmus test of progress 'post-Lawrence' is in the use of stop and search powers. In the immediate aftermath of the publication of the Macpherson Report, levels of recorded stop and search fell from an all-time high in 1998 of around 1 million to around three quarters of a million in 2002. This reduction has many causes, but it was probably at least partly attributable to the criticism that the use of the power was frequently unlawful and unjustified. It was also argued by some police critics that officers were afraid of using the power against black people in case they were accused of racism. However, police statistics show that while the number of stops of white people dropped very sharply, the numbers for black and Asian people fell to a much smaller extent. As a consequence, the racial disproportionality in the use of the power actually increased from a black/white ratio of 5 to 1 in 1999 to 8 to 1 in 2002, suggesting that black people are now more likely to be unfairly targeted than at the time of the Lawrence Inquiry. At the same time there is growing use of other powers, such as s. 60 of the Criminal Justice and Public Order Act 1994, which are even more extensively used in minority ethnic communities.

The Lawrence Inquiry was heralded as a watershed in race relations and it was undoubtedly significant in its recognition of institutional racism and the measures that were subsequently implemented to respond to it. Of these, the most important legislative change was the Race Relations (Amendment) Act 2000 which applies the Race Relations Act 1976 to public authorities, including the police, who had hitherto been exempt. In principle this represents a very significant step forward because it makes unlawful both direct and indirect discrimination in the provision of police services and in the use of coercive powers. The question now is whether the courts will be willing to find in favour of plaintiffs alleging discrimination in such spheres as stop and search, arrest, the use of force and so on. We can anticipate test cases in the courts in the coming years.

While the Lawrence Inquiry was welcomed by many people, there were also individuals and groups both inside and outside the police service who objected strongly to its conclusions and recommendations. Some saw its finding of 'institutional racism' as unjustifiably 'tarring all police officers with the same brush' while others saw it as letting individual officers 'off the hook', by drawing attention away from individual responsibility. Those who rejected Macpherson's definition of the problem also rejected the solutions – such as diversity training, regulating police powers and increasing accountability. At the time of the Lawrence inquiry, senior officers described what they saw as a 'push back' by rank-and-file officers against the reform process (see also HMIC 2003). Many were resistant to change and morale declined as a consequence. There is also evidence of a more powerful 'backlash' where minority ethnic officers and those white officers who have taken an overt anti-racist stance have been targets of hate mail and malicious complaints.

Since the publication of the Lawrence Inquiry, the problem of crime within black and Asian communities has been the focus of increased public anxiety and media attention and this has also highlighted the role of the police. In the months following the Lawrence Inquiry, there was a large rise in recorded robbery, particularly involving the theft of mobile phones, and police statistics pointed to an over-representation of black youth among those suspected and arrested. The so-called 'race riots' in the north west of England in 2001 involving young Asian men led to suggestions that 'Asian gangs' and 'Asian criminality' were growing problems. At the same time, some police officers have expressed anxiety about increasing levels of inter-ethnic tension and violence. Most significantly, perhaps, the attacks of September 11 in the USA in the same year, the July 7 London bombs and subsequent panic about 'Islamic terrorism', have fundamentally changed the nature of debates about ethnicity, crime and terrorism with some pundits making a direct link between migration and insecurity. Most recently, increases in drug-related shootings across the country (but especially the deaths of Letisha Shakespeare and Charlene Ellis in Birmingham in January 2003) have once again focused public attention on crime within black communities.

There is a view that 'black on black' crime and 'Asian criminality' have been exaggerated by police and media as a means to renew police legitimacy. On the other hand, it can be argued that it is now minority ethnic communities themselves that are demanding police action to restore peace and safety. These

developments underscore the central paradox of policing that, in their efforts to protect the public, the tactics most frequently used involve the use of intrusion, coercion and force against the very people crying out for protection. This has been vividly typified by the policing response to potential and perceived threats of terrorism and the tragic death of Jean Charles de Menezes in July 2005 who was mistaken for a terror suspect. The crucial question is how community safety is to be achieved without repeating the mistakes of the past 25 years and how notions of security and risk are effectively balanced both conceptually and practically. Examples of the steps taken to achieve a conceptual and practical balance over the years are evidenced by initiatives including Operation Trident – an anti-gun campaign launched in 1998 to tackle gun crime amongst young black people in London. Trident has since expanded while aiming to raise awareness through media campaigns, and focuses on drug-related shootings through collating intelligence on suspected gunmen, firearms suppliers and gun convertors (www.stoptheguns.org).

Conclusion

In similarity with experiences in many parts of the world, the relationship between the British police and minority ethnic communities has not been a happy one. Today's controversy about the abuse of police power, the failure to properly investigate crimes against people from minority ethnic communities and the view that the police are unresponsive and unaccountable to the communities they serve, echoes this long and troubled history. This is not to say that nothing has changed. On the contrary, the face of the British police service has been changed radically by the recruitment of police officers from minority ethnic communities. Racism is less overt and changes in police culture have occurred as the 'field' of policing and its social and political context have changed (Chan 1997). None the less, discrimination, xenophobia and intolerance persist in the British police. Indeed, although the Lawrence recommendations and policies to promote diversity may have engendered a reduction in overt expressions of racism, the undercover BBC documentary *The Secret Policeman* provided a portal into the reality of the virulent forms of cultural racism expressed by some police recruits towards Asian and black people.[7] Racism has contributed to unnecessary deaths, physical and psychological injuries, as well as disaffection and frustration within black and Asian communities. Racism strikes at the very core of the idea of democratic policing. Because the police are guardians of liberty and the gatekeepers of the criminal process, discriminatory policing has the effect of criminalising entire communities and denying them justice.

In recent years, the British police have drifted further towards a 'military model' of policing that emphasises crime fighting, the pursuit of 'enemies within' and adopts practices such as stop and search 'swamps', surveillance and proactive intelligence gathering (Bowling and Foster 2002). It is perhaps understandable that police commanders and hawkish politicians fearing the 'soft on crime label' would opt for this approach in the face of stubbornly high rates of crime and violence. However, this shift to a 'law and order society' is

likely to be both counterproductive and undermine fundamental human rights. Paramilitary policing is part of a vicious circle that contributes to the criminalisation of marginalised communities and undermines not only 'confidence and trust' in the police but also the legitimacy of the state itself. This undermines voluntary compliance with the rule of law and fails to reduce violence in the community.

There have been a number of attempts to reform policing through legal changes as well as attempts to transform police culture and restructure systems of police accountability. In our view, reform should begin with a clear commitment to democratic policing based on responsiveness, accountability to the community and adherence to internationally recognised human rights standards (see Neyroud, this volume). These provide us with the basis to ensure the maintenance of peace and the protection of the rights to life, liberty and security of the person. It is crucial that the police service is internally democratic, reflects the demography of the communities served and is accountable to them. The challenge for the future is to envision effective ways of reducing crime and disorder by including young people in the social life of the community. Part of this process must be through defining a new role for the police away from the resort to military-style, intelligence-led coercion and towards positive policing where officers are guardians of public peace and co-producers of community safety.

Notes

1 Categorisation by 'race' or 'ethnicity' is deeply problematic (see Bowling and Phillips 2002: 23–35). We reject the idea that humanity can be divided into fixed biological or cultural categories and yet there are clear differences in experience among groups defined on the basis of physical appearance. We acknowledge the difficulties inherent in rejecting essentialism while retaining ethnic categories to illuminate racialised patterns of human experience (Bowling and Phillips 2002: xvii; Phillips and Bowling 2003).
2 We have restricted our analysis to the extensive British policing literature. This should not be taken to imply that the relationship between the British police and minorities is uniquely troubled. Elsewhere, we have compared policing in the USA, Australia and South Africa with that in Britain (Bowling *et al*. 2001) and found similar issues and problems in each country.
3 This chapter focuses largely on communities with origins in the Indian subcontinent, Africa and the Caribbean whose experiences of policing are the most extensively documented. We also refer to the statistics for people who belong to the category 'mixed' where data allow.
4 For a critique of the concept of 'availability', see Bowling and Phillips (2002: 144–5).
5 Caution should be exercised when interpreting these statistics as they are only based on the results of five police force areas.
6 Police community consultative groups (PCCGs), or 'Scarman committees', were formalised in s. 106 of PACE and consolidated in s. 96 of the Police Act 1996.
7 Screened in 2003, the *Secret Policeman* was based on covert recordings made by Mark Daly, a BBC journalist who had joined the police service. The film documented extreme racism among recruits at the National Police Training Centre in Warrington, including officers' expressions of admiration for the murderers of Stephen

Lawrence, the use of extreme racist language to describe black and Asian people, and declaring an intention to stop and search people from ethnic minorities out of spite. Daly also recorded a serving police officer boasting about the abuse of discretion in the use of stop and search powers against people from minority ethnic communities.

Selected further reading

This chapter draws on Bowling and Phillips' book *Racism, Crime and Justice* (2002), which sets the research on the policing of minority communities in the broader social context of ethnicity, inequality and racism, in the fields of social policy, criminology and criminal justice. The first major sociological study of racism and British policing is Hall *et al*.'s *Policing the Crisis* (1978), which inspired other theoretically informed studies including Gilroy's *There Ain't No Black in the Union Jack* (1987) and Keith's *Race, Riots and Policing* (1993). Gilroy's more recent *After Empire: Melancholia or Convivial Culture* (2004) provides an excellent analysis of multiculturalism and multi-ethnic citizenry in Britain today. Empirical research conducted during the 1980s and 1990s specifically on policing and minority ethnic communities, and on 'race' and racism within the police service is very extensive – and most of it is cited in the present article. Among the few other books in this field are Holdaway's *The Racialisation of British Policing* (1996) and Cashmore and McLaughlin's edited collection, *Out of Order? Policing Black People* (1991). More recent books include Britton's *Black Justice? Race, Criminal Justice and Identity* (2000), which explores the meaning of 'race' in the custody process, FitzGerald *et al*.'s (2002) *Policing for London* and Marlow and Loveday's (2000) edited volume, *After Macpherson*, the latter two of which consider policing minority communities in the post-Macpherson period. Rowe's *Policing Beyond Macpherson: Issues in Policing, Race and Society* (2007) provides an important collection of insightful papers which reflect on the contemporary policing context. Statistical data on policing practices such as stops, searches, deaths in police custody, arrests and cautioning are published in the Home Office Section 95 publication, *Statistics on Race and the Criminal Justice System* (1998 and annually thereafter). Readers looking for a broader international perspective are directed towards Chan's *Changing Police Culture* (1997), which analyses 'race' and policing in New South Wales, Australia, and Dulaney's readable and fastidiously researched *Black Police in America* (1996). *The Many Colors of Crime*: *Inequalities of Race, Ethnicity and Crime in America* (2006) edited by Peterson, Krivo and Hagan provides a particularly nuanced collection of the current debates about 'race' and crime.

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Chapter 24

Gender and policing

Frances Heidensohn

Gender has been a key issue in criminology and criminal justice for decades. As a result of feminist work and of major shifts in emphasis in public policy, significant challenges have been mounted to theories, research and criminal justice systems (Heidensohn 1996; Heidensohn and Gelsthorpe 2007). Debates continue about how effective and widespread these paradigm changes have been, but the central questions raised and the conceptual framework initially developed by pioneers of gendered perspectives remain relevant and robust (Heidensohn 2000, 2006). Key issues debated in the modern dialogue centre on *equitable* treatment and recognition of *difference and diversity*.

These themes have also been addressed in relation to law enforcement, but with important differences: police and studies of policing are distinctive in that the importance of gender had been accepted, albeit in a very different way, almost from the earliest studies of policing. Reiner saw 'The police world [as] one of old-fashioned machismo' (1992) citing, in a researcher's war story, a very macho episode involving police officers he observed in a local drinking club (2000: 107). He is more appreciative than analytical of this key aspect of cop culture. In this he follows in the footsteps of the pioneer US police researchers who acknowledged and described the existence of a highly masculinised core to policing. Danger, authority and the need to achieve results were the three key factors which Skolnick identified as forming the 'working personality' of the urban police officer. Drawing on empirical studies (originally carried out in the 1940s and 1950s by Westley and himself) Skolnick argues that when faced with public hostility, officers responded with aggression and violence. This situation then escalated into more threats and tension and led to a secretive and self protective reaction (Skolnick 1966). In trying to define the distinctive nature of the role of the police, another pioneer scholar insisted on 'their capacity for decisive action ... The policeman and the policeman alone, is equipped, entitled and required to deal with every exigency in which force may have to be used, to meet it' (Bittner 1974a).

In sum, these authors are emphasising aspects of policing which are clearly gendered; unlike, however, the later feminist-influenced work in criminal justice studies, it is *masculine* gender to which they draw attention, and especially to what Connell calls the 'emphasised' masculinity of the use of

force, the assertion of authority and the unquestioned loyalty of bands of brothers, bound to each other by the nature of the dangers they confront and their consequent needs for solidarity and protection. Yet, while this is a *recognised* theme in all early projects on the police, it is not one which is subject either to serious discussion or deconstruction. Rather it is a taken-for-granted assumption that policing is a *male* occupation which inevitably means that it must have a *masculine* culture, and, because of threats and powers unique to it, this culture will even take an extreme and exaggerated form.

Studies of gender in policing thus began, somewhat unusually, with a focus on men and masculinity. However, as the examples cited above indicate, these themes have not been explored in any great depth in the literature. Despite the urgings of Newburn and Stanko (1994), masculinity has been treated as a single, homogeneous phenomenon which does not have to be explained. There are few academic insider accounts by men involved with policing (e.g. Holdaway 1983; Young 1991) which show awareness of difference and complexity in this area, although the notion of simple, one-dimensional cop culture has been widely discredited (see Westmarland, this volume). One article which does present a challenge to academic researchers to provide an appreciative account of police subculture, emphasises that 'the core of the police's oral tradition lies in the glorification of violence over which they hold the legitimate monopoly ... this celebration is generalized to a ''cult of masculinity'' ' (Waddington 1999: 298). This approach allows for no variation in ideas of masculinity, nor in the varied experiences of male officers. There is still a gap in the literature, although studies of police culture have begun to address this.

It is of course true that for most of the first 75 years after the founding of the 'new' police in London in 1829, all British recruits were male, as required by the Police Acts that 'fit men' be appointed, as indeed they were in law enforcement worldwide. However, the period at the turn of nineteenth and twentieth centuries saw the emergence of a police women's movement, whose supporters advocated the employment of female officers and, within a few years, the recruitment of the world's first policewomen. The twentieth century witnessed a series of major shifts, based on this first key development and, in the twenty-first century, women officers are widely established in law enforcement, albeit still as a minority. Their presence has been the focus of considerable discussion regarding their role and has opened debates about the gendered nature of policing. These raise questions not only about law enforcement as an *occupation* for women (and men), but also about the experiences of women as the *subjects* of policing activities, indeed the aims of the supporters of the policewomen's movement were to improve performance and transform action in those areas. These themes will form the main topics of this chapter. First, though, I want to reflect briefly on the ways in which the initial, unquestioning stance on the inevitability of a macho cop culture has been modified.

In an influential article published in the early 1970s, Egon Bittner developed his 'theory of the police' around the need to use force in some circumstances. He suggests that the police are caught in a time warp and contaminated by their association with the 'so-called dangerous classes' and thus 'in the efforts

to control violence, depredation and evil, police work took on some of the features of its targets and became a tainted occupation' (Bittner 1974b). With what almost sounds like nostalgia, he argues that there has been

> a profound shift of values, away from virtues associated with masculine prowess and combativeness, and toward virtues associated with assiduous enterprise and material progress. There is still some glamour left in being an adventurer or warrior, but true success belongs to the businessman and to the professional. (Bittner 1974b)

Bittner here shows sympathy for those he always refers to as police*men* and claims 'I have written as a spokesman of these officers' (1974b). He sees neither militarisation nor increased educational or recruitment standards as having improved policing and insists that only honest recognition of the proper tasks of policing will do so.

A study of relations between the police and public in London and of the Metropolitan Police as an organisation was completed within a decade of Bittner's work, but tackles the issue of the sub-culture in a very different way. Smith and Gray carried out extensive fieldwork for their project and illustrate their views with numerous examples, concluding that:

> the dominant values of the Force are still in many ways those of an all-male institution such as a rugby club or boys' school – in the emphasis on remaining dominant in any encounter and not losing face ... on masculine solidarity and on backing the other men in the group especially when they are in the wrong ... the importance given to physical courage and the glamour attached to violence. This set of attitudes and norms amounts to a 'cult of masculinity'. (Smith and Gray 1985: 372)

Smith and Gray's Study for the Policy Studies Institute (PSI) did not find universal acceptance of these values, but they were quite pervasive. However, they suggest that some of the men's talk was fantasy and the result of the officers' own insecurities. Smith and Gray recognised the presence of female officers, clearly sought them out for private interviews and recorded their own observations of gendered interactions as well as various examples of 'bawdy talk' which they, as male researchers, heard. The PSI study has amongst its recommendations that more women should be recruited and that they should be more fully integrated into the organisation (they formed about nine per cent of the strength of the Metropolitan Police at the time of this study). At the time an informal – and illegal – quota on recruitment existed.

While this major report has a great deal to say about sub-cultures within the Metropolitan Police, its main focus is on their racist rather than their sexist aspects. As the authors make clear, their work was carried out during a time of great strain and suspicion between the police and people from ethnic minorities in London, with the New Cross fire in Deptford (where 13 young black people died) and the Brixton riots as crisis events which had impact then, and long afterwards, on policing in London. Other studies which analyse the problems caused by the predominance of a gendered and gender-based

'canteen' culture have also been undertaken where racial incidents and alleged police racism have led to highly publicised crises. In March 1991, a video camera recorded on tape the beating by Los Angeles Police Department Officers of a black man, Rodney King, who had been arrested after a car chase. An official report, the Christopher Commission, inquired into the incident and into the culture of the LAPD, pointing to its macho character, its use of excessive force and its marginalising and ridiculing of black and female officers. In a wide-ranging review of police use of excessive force in the USA in cases such as those of Rodney King, Skolnick and Fyfe conclude that:

> where police brutality has been a significant issue in recent years, it has generally involved departments . . . led by strong charismatic officials who have adhered to and espoused a style of policing informed, influenced, and reinforced by the kind of blue-collar macho one hears in cops' bars late at night. (1993: 240)

A similar, if much less brutal, event led to Janet Chan's study of police culture in New South Wales. A documentary, *Cop It Sweet*, showed the New South Wales police as 'racist, sexist, ignorant, insensitive and hypocritical' (Chan 1997: 3) despite the fact that they were supposedly on their best behaviour and knew they were being observed and filmed by TV cameras. Chan, whose purpose is to dissect the nature and sources of police sub-cultures, rejects the functionalist argument that the ways in which police sub-cultures develop are a response to the constraints of the job and are inevitable. On the contrary, she maintains, police officers construct their own culture for policing.

> Instead of thinking of police officers being 'socialised' into all encompassing, homogeneous and unchanging police culture . . . a new framework for understanding police culture . . . emphasises the active role played by police actors in developing, reinforcing, resisting or transforming cultural knowledge and institutionalised practice. (Chan 1997: 225)

Chan insists, as many recent authors have done, on the diversity and choice possible within occupational culture and thus the scope for change. She is in no doubt that change is possible and necessary, given the harmful scandals which affected police forces in Australia and which she describes. She also stresses that 'researchers who emphasise the importance of police occupational culture considerably underestimate the power of the field, i.e. the social, economic, legal and political sites in which politics takes place' (Chan 1997: 232). Chan contrasts cultural explanations of racism and corruption with institutionalised racism (1997: 38) and sees the former as more compelling. Newburn and Reiner are carefully neutral on the link (2007), whereas Bowling and Foster (2002) had noted the continued influences of these features on police work, the barriers to change and accountability which can be mounted and the sometimes disastrous and costly results, as manifested in the findings of the inquiry into the death of Stephen Lawrence (Macpherson 1999). A contradictory note is struck in a challenging article by Waddington (1999) who

argues that 'canteen culture' is just that, a rhetorical device, a 'defensive solidarity of the lower ranks' which they use protectively because of their 'recognition of the precariousness of their position' (Waddington 1999: 302). They are in danger, he insists, not so much from physical threats or closeness to crime, but because they work on the margins of society and can have their key activity 'the exercise of coercive authority' challenged at any time. Waddington seeks to reach an appreciative understanding of police sub-culture and to reinstate, in revised form, the argument that police sub-cultures are primarily functional, for the police themselves. He does not address in any way questions as to whether society can afford, or should morally accept, the high costs caused by the impact of these defensive forms. These issues are beyond the scope of this chapter. What is relevant is how all contemporary authors, even those like Waddington who write positively of machismo, have to engage with issues of gender and acknowledge how they form part of the problems to be tackled in law enforcement today. This is a significant shift and is an important background to the central themes of this chapter to which we now turn.

Women in policing and policing of and for women

Women were not among the recruits to the modern police, as launched in London in the early nineteenth century and developed in its much discussed format in both Britain and the USA as Anglo-American policing (R.I. Mawby, this volume). The foundations of the movements which ultimately led to women's entry into policing were nevertheless laid down before the middle of the nineteenth century. They had their origins in campaigns to improve the lot of their unfortunate sisters in prisons, reformatories and 'rescue' missions. One side-effect was the opportunities presented to fulfil career ambitions for individual, mostly middle-class women. Elizabeth Fry advocated wholesale prison reform, insisting that, at all times, women in prison should be segregated from men and, because of the dangers of exploitation and abuse, supervised only by women (Fry 1827). Prison matrons were appointed in 1823, but her other aims were not achieved in Britain for a long time. In 1845 in the USA, the Women's Prison Association and the American Female Moral Reform Society succeeded in having matrons hired to supervise women in gaols. Their aim was to eliminate prostitution and they argued that matrons were needed to protect vulnerable women from abuse by policemen, male prisoners and other hardened female offenders (Feinman 1986). Parallel steps were taken in Britain, with the forming of the Society Promoting the Return of Women as Poor Law Guardians in 1861, which aimed to bring the influence of women of feeling and education to counteract that of men. By the turn of the century, there were groups which advocated the introduction of policewomen in the USA, Britain, Europe (especially Holland and Germany) and Australia. The aims of these advocates were the moral reform and rescue of their less fortunate sisters.

Dorothy Schulz (1995) has noted that the policewomen's movement (which saw its first result in the hiring of Alice Stebbins Wells in 1910 by the Los Angeles Police Department as America's first female officer) overlapped with

the prison matron and police matron movements. Neither of these causes had ever gained the same strength in Britain, yet in 1915, Edith Smith was sworn in and given powers of arrest in Grantham. By this time, particular circumstances existed in this country which gave shape to, and still in the twenty-first century, affect, the pattern of policing by women. These were: the effects of the First World War, the aftermath of the struggle for women's suffrage and the aims of the pioneers who led the British movement (Carrier 1988).

Several key figures, including Margaret Damer Dawson, Mary Allen and Nina Boyle, who had all been associated with first-wave feminism, pressed for volunteer policewomen to patrol British cities. They argued that the upheavals caused by large-scale movements of troops and of refugees was putting both vulnerable women *and* innocent soldiers at risk. Independently wealthy and very well connected to the heart of the British establishment, they got their way (Lock 1979) and the first Women Police Volunteers went on patrol. Later, after internal conflicts, they became the Women Police Service and mainly worked at policing the women workers in ammunitions factories. Significantly, and unlike their American counterparts, they wore uniforms and, while their work was distinctively specialised, directed at women and juveniles, they aimed at a very early stage at attaining the full status of sworn officers. However, the pioneer days in Britain were marked by sharp rivalries between the various volunteer groups, rivalries vividly illustrated by the evidence given by many of the witnesses to the Baird Committee (1921) who recorded their differing claims to the territory of policing by women. The winners in this turf war were the Voluntary Women Patrols, who provided the leader for the Metropolitan Police Women Patrols.

The cause of women in policing was very much reinforced by the success of the wartime patrols – Baird Committee members as well as independent witnesses refer to this frequently – but there was a lengthy and hard fought campaign to maintain the women in post and to give them police powers. Public and elite support was widespread, as it had been before 1914, and now included the first women MPs, notably Nancy Astor, as well as bishops, politicians and senior policemen converted to the cause. Their case was aided by the Savidge Inquiry, a report into a scandal in which an interview of a young woman at Scotland Yard was badly mishandled by senior, male officers generating much adverse publicity. The cause of full, sworn status was finally achieved in 1931.

Until after World War II women's position in policing remained a limited one. The 'victory' of attested status was gained by intense lobbying, but what was achieved was a separate sphere for female police. They had their own distinctive duties and specialised tasks, for which they received additional training. Providing escorts for female prisoners, interviewing and searching women offenders, dealing with female victims, juveniles and at-risk and vulnerable girls and youths were their tasks. They worked in their own departments, had their own hierarchy, including senior officers, but were accountable to all-male upper ranks. Their pay was lower, their uniforms different, and they were never armed; their numbers stagnated, not least since they were subject to the twin constraints of a ceiling on recruitment numbers and the marriage bar which applied to all public services at this period.

These formative early years cast long shadows even when, with little preparation or training, UK police forces integrated women officers into the mainstream following the passing of the Sex Discrimination Act in 1975. Although that step led to fundamental changes in the role of women in policing, some of the legacy of its distinctive origins persists The lasting impact of key aspects of the pioneer days can be summarised thus:

1. The *moral*, especially the save-rescue-control, *basis* of the policewomen's movement, which differentiated it markedly from the origins of the new police and the ways in which their mission had evolved.
2. *Volunteers*: Britain's first women police were volunteers, they modelled themselves on the numerous philanthropic bodies which women had founded, run and through which they achieved some entry into public policy space during the nineteenth century. In this again they were quite different from the male police who joined for the job and typically came, when they had outside experience, from the military.
3. *Class and education*: the first British policewomen were middle or upper class, well educated and with training as nurses or teachers. Male constables were only expected to have the most basic skills when they joined the police.
4. *Specialisation*: pioneer policewomen were specialists, carrying out for themselves a distinct mandate and emphasising unique skills and responsibilities. They worked within the existing police organisations and, by the post-World War II era were informally expanding their role (Lock 1979), but their numbers were still subject to restrictive quotas and their tasks limited.
5. *The mission*: supporting the entry of women into policing and sustaining them in their role was a significant cause in Britain, as it was in several other countries. Most of this support lay *outside* the main law enforcement agencies. In the early part of the twentieth century, alliances linked to the cause were successful, but their influence faded and became something of a liability (Schulz 1995).
6. *Opposition*: one of the main reasons for the growth and maintenance of policewomen's movements was the strength of the opposition they encountered. This was much more marked in Britain than in the USA and came chiefly from within the police themselves, both lower ranks and senior levels. (Though there were always some keen individual believers and converts.) Lilian Wyles, one of the first women sergeants to serve in the Metropolitan Police, later recalled 'To a man, they deprecated this utterly foolish experiment' (1951).
7. *International alliances*: the policewomen's movement was notably international, with its main protagonists using many of the networks which had been built up to promote other feminist and welfare causes. The strongest links were between English-speaking nations, where shared allegiance to the movement was promoted, but it also included two 'missions' from Britain to Germany after each world war (Heidensohn 2000).

What the first, long phase after women's entry into policing had achieved was paradoxical. There were female officers with powers of arrest, wearing uniforms, having their own ranks and establishment. Their numbers had grown considerably, almost doubling during World War II from 282 to 418 and reaching almost 4,000, nearly four per cent of total national strength, before integration in 1971 (Jones 1986: 4–5). Yet, despite formal and informal expansion of their roles, they did not carry out the full range of police duties, were paid only about 90 per cent of male pay, were subject to recruitment quotas and were still working in what was a distinct and separate sphere of policing.

Integration and afterwards

British police forces were integrated rapidly in the 1970s when, despite concerted resistance, the Labour government decided that the police should not be exempted from sex discrimination legislation. Similar developments occurred in the USA as a consequence of Title VII of the Civil Rights Act 1964 and in most agencies around the world. In Britain, as in the USA, the pressure came from *outside* the police, from equality legislation imposed on them. Social changes in what Chan calls 'the field' also meant that public expectations of the police had changed (Jones 1986). The consequences of integration can be seen everywhere, in numbers, deployment, promotion, etc. One of the chief differences is that there is now a substantial body of research and of official reports which demonstrate and analyse these changes. In reporting on this era below, I draw on this material illustratively; it is now too extensive to include it all. My focus is primarily on Britain and I have therefore used British or comparative studies which cover Britain as widely as possible. Other studies are used where they have been especially significant and/or influential.

Four themes stand out from the records of the decades since integration was enforced:

1. models of equality
2. coming to terms with police culture
3. career issues
4. new agendas.

They do not exhaust all the topics and debates which have flourished in this period but a considerable range of issues fit into this framework.

Models of equality

The models of equality for women (and other minorities) when they joined the post-1970s police were based on the assumption that they should emulate their male colleagues' duties as far as possible. The earlier roles taken by

policewomen were put aside or marginalised, often causing much concern (Heidensohn 1992). In the 1970s, following the deployment of women officers on patrol for the first time in the USA, a series of evaluative studies was carried out to ascertain whether policewomen 'can . . . perform the duties traditionally assigned to men and as effectively as the men?' (Feinman 1986: 95). I was able to trace 11 such projects and observed that they generally found only slight differences between male and female officers (Heidensohn 1992: 94–5). In an evaluation of these performance studies, Morash and Greene point out how heavily male-stereotyped the items evaluated were and how far they lend 'credence to the idea that the underlying dimension . . . is conformity with the masculine values of dealing with danger, and hostile citizenry, aggressiveness in action and physical powers' (Morash and Greene 1986: 243–5). Studies undertaken in the decade or so after integration found that despite this body of evidence, 'male officers' attitudes to their female colleagues and their *subjective* appraisals of performance were almost universally negative' (Jones 1986: 170, emphasis in original). Striving to achieve equality in performance is a repeated theme in accounts given by women, both in the early years of adjustment and more recently. Thus I found a senior woman who described how she had first convinced male colleagues in the CID of her value by 'sheer involvement'. In one post, this meant that she stayed in a chair in the office night and day until her male colleagues agreed to her joining them on a case.

My comparative study of how female officers in Britain and the USA handled public order situations, traditionally regarded as the defining test of sex differences in competence, showed that the women managed in reasonably similar ways to men, but that they were conscious all the time of what they were doing.

> Women interviewed in this study had developed ways to construct 'presences' and demonstrate them in challenging situations. All officers must do this to some extent; females differ in that they know that the 'proper' presence for their role was masculine for a very long time. *They have to adjust to this without losing their potential to be effective in policing*. (Heidensohn 1994: 300, emphasis added)

In this same era I also observed a series of what I called 'transformation scenes' in the professional lives of policewomen where 'they described events in which they proved themselves in some way, thereby earning the respect of their colleagues . . . the women themselves felt their confidence strengthened and their male colleagues granted them admission of a kind to the fraternity of real police' (Heidensohn 1992: 142). All these women were only too aware that each such admission was *conditional*, a provisional licence to police which had to be regained with every job move or promotion.

Over the next 10 years, numerous reports, reviews and recommendations considerably raised the profile of equal opportunities and questioned many practices (e.g. HMIC 1992, 1996). Nevertheless, in the study which Jennifer Brown and I undertook in the late 1990s, a new generation of younger women were reporting almost identical episodes 'I chased three and arrested three on foot . . . then the shift were completely different towards me . . . ''yeah, you've proved yourself now, . . . one of the boys, you can get involved'' ' (Brown and

Heidensohn 2000: 140). Marisa Silvestri (2000, 2003) also found that her sample of senior women officers had to emulate male models, some of which, such as the 'smart macho' formula, were themselves innovative adaptations to the new public management.

There are in the twenty-first century, some signs of a few modifications to the male-based notion of equality, a respray, perhaps, rather than a brand new, gender-neutral model. An extensive review of police training (HMIC 1999) and government proposals to reform its content and structure in the UK (Home Office 1999) are notable for their emphasis on gender-neutral curricula and characteristics. Research on the results of the OSPRE™ Part II exam (this is the Objective Structured Performance Related Examination, designed to select sergeants and inspectors nationally) showed that women consistently outperform men in the Assessment Centre used to test candidates (Hartley *et al*. 2002; McGuigan *et al*. 2002). The authors conclude that they can find no bias *against men* in the tests, although they do recommend further research; they suggest their findings indicate 'that women candidates have shown a greater potential to perform as inspectors (managers). Ultimately these differences should translate into comparative levels of on-the-job performance' (McGuigan *et al*. 2002: 25). The organisation, British Association of Women Police, or BAWP, has commented on proposed changes to the OSPRE™ and other policy developments as well as launching their *Gender Agenda* with its sub-heading of 'women officers clearing hurdles together'. BAWP states as their first long-term aim for the twenty-first century 'For the Police Service to demonstrate consistently that it values women officers' and put at the top of their list as causes of the failure of the equality of opportunity so far 'the perpetuation of dated stereotypes and myths' (BAWP 2001, 2006).

They have also commissioned a research study which aims to 'establish whether there is a gendered dimension to policing in terms of officers' styles and public preferences. What do the public prefer in a police service and what qualities are desirable in officers when undertaking specific duties?' The authors sought as well 'to establish from police officers themselves . . . the attributes the officers assign to a variety of deployments and how much of the attributes male and female officers claim to possess' (Blok and Brown 2006: 20). Some of the findings of this project followed conventional gender stereotypes: the public preferred male officers to deal with fights at football matches, but wanted to see women officers deal with child abuse and female victims of domestic violence and sexual abuse. There was a neutral group of offences, such as traffic and missing persons, and what Blok and Brown call 'equivocal cases' where training and experience count: e.g. burglary, car theft and delivering death notifications (Blok and Brown 2006). The research found that these preferences do appear demarcated along traditional gender lines, so women are thought to be more compassionate while men were deemed better able to handle conflict situations. The officers themselves showed fewer differences in their responses, both groups rated burglary as their highest priority crime, but women gave domestic violence high ranking, whereas men put road traffic accidents and sexual offences further up their lists. The officers in this study approached policing in three common and 'distinct ways, emotional labour; task orientation and performance delivery'. Nevertheless,

the authors suggest that women do adopt a different way of working within the occupational culture.

As these authors point out, their work contradicts some earlier findings where differences emerged from comparative research. Herbert (2001), for instance, noted the 'gendered dynamics' of the Los Angeles Police Dept, where masculinist officers subverted community policing goals and marginalised women police. Another, more recent, US analysis suggests that the Compstat model developed in New York City leads to an aggressive, crime fighting style of law enforcement and even to illegal behaviour, especially by male officers, while females are more likely to obey the law (Eterno 2006). This appears to be a particular feature of American law enforcement. Garcia (2003) argues that gender difference is the price women paid to enter the police, but it has served to keep them in subordinate and more limited positions.

Coming to terms with police culture

While *The Gender Agenda* 'recognises and credits the [police] organisation for the positive progress it has made over the last ten years' (BAWP 2001, 2006: 3), it also rates the 'failure to recognise the impact and consequences of the predominant and dominating culture on minority groups' (BAWP 2001, 2006). It refers too to the need for 'macho' culture to be acknowledged and itemises some of the 'barriers to progress' caused by the 'dominating male culture' (BAWP 2001, 2006: 16). They have challenged, and seen altered, physical fitness entry requirements as well as promotion tests and exams. Numerous sources attest to the persistence of various forms of traditional cop culture, often manifested in harassment and in a range of strategies and resources employed by female officers to cope with these.

In the USA, legal challenges to police departments, based on allegations of discrimination and harassment have been fairly common (Heidensohn 1989, 1992). There have been far fewer of these in the UK, although one very high profile claim of sexual discrimination brought by Assistant Chief Constable Alison Halford against Merseyside Police, highlighted a very florid version of machismo flourishing at the highest levels (Halford 1993). Apart from such autobiographical accounts and legal cases (where settlement terms sometimes include 'no comment' clauses), evidence for continued harassment and machismo comes from research sources. One of the first and most cited is Martin's (1980) Washington DC study in which she sought to understand how women adapt to the male occupational culture when they:

> are excluded from the information exchange network and informal social life . . . Policewomen's behaviour is circumscribed by the stereotyped roles in which they are cast . . . which reminds women that as females they are sex objects, vulnerable to harassment, yet held responsible for the outcomes of the interaction. (Martin 1980: 85)

Having carried out a participant observation study on the capital's police department, Martin described the women's responses to police culture as

falling along a continuum, from 'defeminized' women, super-professionals whose competence masks their femininity, to 'deprofessionalized' women who use feminine wiles to gain protection and concessions. She called the first POLICEwomen and the second policeWOMEN and although only seven of her sample of 28 were at either of the two extremes, her typology is often cited solely in that form. Jones (1986) describes the 'ritual arguments' from male colleagues against their presence with which women officers had to cope. She found a predominance of POLICEwomen in her sample, and it does seem that the 'traditional' response, similar to that of the policeWOMEN, disappeared as an option with integration. (Indeed in Britain, women who wished to do so were allowed to leave the force in 1975.) In my first study of *Women in Control?* (1992) I found that female officers in Britain used a range of strategies and techniques for managing their encounters with the occupational culture. Two predominated: first, their profound sense of '*mission*', a belief in the values of law and order and their roles as peace officers. Several of these subjects were at a senior level and had joined before 1975, often having had to put formidable efforts into getting in. Second, they also stressed *professionalism* and their personal commitment to very high standards (Heidensohn 1992: ch. 4). It was apparent that these strategies could be successful, but that they came at great cost and were essentially loner/challenger solutions to being so constantly treated with scorn and hostility and as out-of-place in the police.

In our later study Jenny Brown and I drew on a wide range of sources both to analyse the forms in which scorn and hostility, and indeed acceptance, were expressed in the dominant culture and to explore the ways in which policewomen were coping with all of these at the end of the twentieth century. One fascinating representation of stereotypes of policewomen came from cartoons from police journals which we traced, noting how very much more explicit, sexual and belittling they became as the equality agenda advanced (Brown and Heidensohn 2000: ch. 3). We also carried out surveys and interviews to assess levels of discrimination and harassment in an international sample. About one-fifth of all women officers in our sample felt they were not accepted by some or a few of their male colleagues, over half had experienced discrimination in deployment and 74 per cent had been sexually harassed by male officers at some time, though only seven per cent reported this as 'often' (Brown and Heidensohn 2000: 110–12). While these data are from a multinational sample, they mirror results from other work done in the British Isles (Brown 2000). We tried to establish various features of the ways in which women coped with these issues. These included:

- the range of such strategies
- the types of support they used
- the relationship, if any, between levels of discrimination and numbers of women, type of force and the date at which women entered (Brown and Heidensohn 2000: ch. 5).

Briefly summarising some complex findings, we concluded that 'women officers use a range of support and coping mechanisms and many use a

combination'. Many relied on their own resources; one pattern seemed counter-intuitive, suggesting that 'greater activation of support and coping strategies is associated with *higher* levels of reported discrimination and harassment' (Brown and Heidensohn 2000: 113–15) which we take to be an effect of greater awareness and higher standards in forces where women had the earliest dates of entry.

Time proved to be a key comparative dimension in measuring police-women's experiences of dealing with various aspects of discrimination, again in a way which may seem unexpected. Women from the forces we called the 'elders' (i.e. the ones which were the first to admit women) 'were almost twice as likely to report being discriminated against and to experience sexual harassment than those from fledgling forces only recently recruiting women' (Brown and Heidensohn 2000: 123). We tested out a typology of different models of policing as experienced by women, using our subjects' reports of their own contacts with police cultures as the classifying material. This provided us with some interesting distinctions. Our proposed framework, derived partly from other comparative work, included

- cops
- gendarmes
- transitionals
- colonial history.

We found that policewomen from two English-speaking nations, Australia and Northern Ireland, proved empirically to be, respectively, more similar to jurisdictions having a shared former colonial history and to European gendarmeries with their militaristic origins. These were significant results, helping us to see that, while women encounter a common core of police culture globally, their experiences and responses are likely to be affected by historical stages and distinctive police cultures.

Our study also tried to explore the link between the gender ratio and rates of discriminatory behaviour. Kanter has argued that when the percentage of females, or of members of another visible minority group, rises above 25 per cent or so, that discriminatory behaviour will decline (see Brown and Heidensohn 2000). We found no such distinct relationship. 'In general, it did appear that as a gender balance was achieved, this was associated with lower levels, although not elimination, of discrimination' (Brown and Heidensohn 2000: 124). Our overall and somewhat discouraging conclusion was that 'the impacts of the occupational culture are hugely potent and can override an individual's efforts' (2000: 125).

The PSI report cited above (Smith and Gray 1985), while providing a good deal of material on the gendered nature of the culture of the Metropolitan Police in the late 1970s and early 1980s, gave more emphasis in its analysis to the racism of the officers who were observed and interviewed, even though the authors argue that racist *attitudes* do not automatically translate into racist *behaviour (*Smith and Gray 1981). It has become a notable feature of Inquiries,

policy reports and other key statements about policing that gender as an issue takes second place behind, sometimes a long way behind, race. There are clear and urgent reasons for race and ethnicity becoming such a vital topic; they are covered in other chapters in this text. The Morris Inquiry, for example, into employment and other matters in the Metropolitan Police, devoted much of its time, and space in its report, to discipline, complaints and related topics with a strong focus on ethnicity. One of its own conclusions was 'the evidence we have received suggest that, for many in the MPS, diversity equals race, rather than respect for difference of every kind . . . In addition, it now seems to be generally accepted that issues of gender have been somewhat neglected in recent years' (Morris *et al*. 2004: 101–2). One of the high-profile discipline cases which they review concerned a senior woman officer who was eventually cleared of the allegations brought against her. This document includes several assertions of the importance of pushing the concerns of women officers, especially about the worst aspects of harassment and chauvinism, to the fore again. There have also been many initiatives aimed at promoting equality, such as the Metropolitan Police's campaign to encourage more women to undertake training as firearms officers. *The Times* (3 April 2008) showed that between 2002 and 2005, 1,083 males but only 50 females applied to learn this skill; during this period 81 men and just one woman qualified.

Careers

Despite the lower profile enjoyed by gender as a policing issue, there is an overall trend for more women to choose policing as a career. In England and Wales the numbers of women police almost doubled in the 1990s, from under 11,000 to 20,000 in 2000, reaching over 33,000 in 2008, representing 23 per cent of the total. Women are now more than a third of recruits and, while promotion rates varied after integration, they picked up again by the end of the twentieth century, with three female Chief Constables and 12 Assistant Chiefs in post. Female Chief Constables are no longer an extraordinary phenomenon. Nevertheless, women still cluster in the lower ranks and supporting roles (see Table 24.1).

Table 24.1 Women in policing: England and Wales 2007

	% police force
Total	23
Joiners	35
Leavers	15
ACPO rank	13
Special Constables	33
PCSOs	43
Staff	58

Source: Bullock and Gunning 2007.

Westmarland (2001: 21) argues that women may now have relatively better promotion chances than men. She examined the deployment of women in a provincial force, where she found that women were 'working in specialisms linked particularly to child victims' but argues that this is likely to be their choice rather than the effect of gendered coercion, as is the male preference for 'guns, cars and horses' (2001: 21). This is not borne out in the Blok and Brown study cited above (2006).

Despite the stronger legislative framework in the USA, in which affirmative action and class actions are permissible and there are confident, positive attitudes towards equality, in 2001 women accounted for only 12.7 per cent of sworn law enforcement positions in large agencies. One report (Lonsway *et al*. 2002) suggests that numbers there have stagnated and even declined, from 14.3 per cent in 1999 to 13.0 per cent in 2000 and 12.7 per cent in 2001. The US authors attribute this fall to both internal matters – harassment and discrimination – as well as external factors such as the removal of formal legal pressures. Under so-called 'consent decrees' the city of Pittsburgh reached a high of 27 per cent of women in the police department, a share which fell rapidly when the decree was removed – consent decrees 'lapse' after a period of conformity to their requirements (Lonsway *et al*. 2002). In Britain, career issues have included flexible working practices, part-time working, support for networking and better equipment (BAWP).

Research by Marisa Silvestri (2000, 2003) has highlighted a number of critical aspects of the careers of very senior women officers. She found that many of them felt themselves to be 'inside the sisterhood with no sisters', i.e. that their promotion out of the ranks had placed them in relatively isolated positions. Her subjects often claimed not to have planned their careers, but she suggests that they had devised their own routes to success, but they could easily be outsmarted by their 'smart macho' male colleagues.

Silvestri concludes her path-breaking study of senior women officers who have cracked the glass ceiling by warning that her respondents focused on 'representation and retention issues rather than changing the culture'. This 'together with a continued emphasis of success based on merit and competence fosters a continuing myth that if women work hard they will succeed' (Silvestri 2003).

New agendas

Policing has been markedly affected by major changes in the social and political climate; many of these closely linked to questions of gender. Thus issues with which the police have to deal as priorities have shifted towards a gendered agenda. Domestic violence, rape, sexual assault, physical and sexual abuse of children all have a very much higher public profile today than they did 15–20 years ago. In most of these cases too, there are explicit government targets to be met. Paradoxically perhaps, the 'new' agenda topics which may be used to enhance the position of women police are often presented as being 'gender neutral' rather than say 'feminine'. Yet, compared with older styles of policing, with their emphasis on physical strength, rather than intellectual

ability, or athletic prowess not investigative powers, the new subjects and styles are much more 'feminine' and resemble the original mission of the pioneer policewomen.

The next section will briefly cover aspects of these developments as they have affected policing of and for women and here I wish to highlight those that affect the gendering of policing, though there is some overlap. Jones *et al*. (1994: ch. 3) present a detailed account, based in part on research in four provincial UK police forces, of 'new policing responses to crimes against women and children'. They examine the policing of three areas: sexual assault, domestic violence and child abuse. They note various common features – the setting up of *specialist teams* primarily for cases of child abuse, but also units dealing with rape and sexual assault, though 'domestic violence generally came fairly low down on the agenda' (Jones *et al*. 1994: 118), creation of *new facilities* such as 'rape suites', following the lead of the Metropolitan Police, *improved training* and *written force guidelines*. The most significant changes they observed were in the new inter-agency procedures set up to deal with child abuse (Jones *et al*. 1994: 127). On balance they found that 'policing (accepting . . . that practice has not always kept pace with policy) has changed in a direction which emphasises sympathetic treatment of victims of rape and sexual assault, of domestic violence and of child abuse' which reflect a wider cultural shift in which the needs and concerns of women and children have, albeit slowly, moved progressively centre stage (Jones *et al*. 1994: 159). Their analysis identifies several key players in producing these major changes: ACPO and senior Home Office officials were very influential, but Jones *et al*. record that public opinion, affected by scandals such as the Cleveland Inquiry and the plight of rape victims, and, in particular, organised feminist opinion, all 'produced pressure for something to be done' (Jones *et al*. 1994: 164).

These changes have still not been fully embedded into police practice. The Report into the death of Victoria Climbié (Laming 2003) gives a harrowing account of the murder of an eight-year-old girl from the Ivory Coast at the hands of her carers; almost 50 of its pages are devoted to a detailed and devastating critique of the actions and accountabilities of two of the Child Protection Teams of the Metropolitan Police in 1999 (Laming 2003: 295–343). Lord Laming observes the inadequacy of the training and experience of the officers involved (Laming 2003: 296, 309), and records

> I was very concerned to hear from a large number of officers who gave evidence before me, that child protection teams (CPTs) within the Metropolitan Police Service (MPS) were considered to be somehow 'different' from other police units. In particular, several officers told me that CPTs were the 'poor cousins' or 'Cinderellas' of the force. (Laming 2003: 331)

While evidence to the Inquiry was 'unclear' on this, Laming found that child protection training had actually been stopped completely by the MPS training department in 1996. Low status for CPTs still appeared to be an issue in 1999 in the MPS: one senior officer told the Inquiry,

> there was a significant amount of 'macho nonsense' in the force concerning the work of CPTs, which were sometimes referred to in a derogatory way such as 'cardigan squads'. One of the consequences of this low status was that the best detectives would be put off from applying to join these teams. (Laming 2003: 334)

This led to them also having very low priority with regard to numbers of staff, to accommodation, vehicles, equipment and management attention. One Met Commander even stated 'Anecdotal information would suggest that following the Macpherson Inquiry into the death of Stephen Lawrence, *child protection teams were plundered* in order to increase the numbers of personnel on murder investigation teams' (Laming 2003: 333, my emphasis).

The Climbié case is one tragic episode, which involved two CPTs; it may not represent typical practice, although Laming makes all his recommendations applicable to constabularies and their authorities in general and not just to London. His Report depicts a situation (in 1999) where a key priority was a 'service' rather than a 'control' agenda (Stephens and Becker 1994) was formally acknowledged but failed to be implemented because it was still not taken as seriously, despite some 30 similar cases since the 1970s, as other 'real' crime issues.

Somewhat remarkably, and contradicting the findings of research in this area, Laming was told that Haringey (the Social Services Department responsible for the child at the time of her death) was dominant in the relationship with the police – 'they are extremely powerful within the protection network and some social workers work hard to actually prevent police involvement'. He concluded, 'there appeared to me to be no sense of equal partnership between the two agencies . . . I heard enough evidence from other witnesses to conclude that the police in Haringey allowed themselves to be ''led by the nose'' by Haringey Social Services' (Laming 2003: 312–13). Clearly, a new gender agenda, in which women officers and suitable male officers (the frontline officers assigned to the Climbié case were women) play a leading role and influence the agenda can only be achieved through good multi-agency working. Fielding and Conroy had found, like Jones *et al*., that where this was happening 'the differences in perspective of those police and social workers directly involved [in child sexual abuse cases] proved to be mild'. They observed genuine culture shifts in both organisations: 'The practice of joint investigation better reconciled social services to control and made the police alert to welfare considerations' (Fielding and Conroy 1994: 209). The Climbié Report identifies numerous failings of management at the highest levels in several organisations. The authors of *The Gender Agenda* argue that to improve conditions for women officers and thus to ensure the police service is 'the best deliverer of service to the public, its policies *must be gender proofed*' (BAWP 2001, 2006: 3). The failures identified in the case of Victoria Climbié seem to combine a downgrading of the protection of children, arguably a 'traditional' gender issue, with an inadequate, amateurish approach to criminal investigation, surely a central part of the core mandate of policing.

In her study of the deployment of women police in two British forces, Westmarland found evidence of differential deployment of women in CPTs.

In one of them, 14 of the 17 members of the CPT were women, the other was more 'balanced' with 17 females out of 32, although all nine supervisory posts were filled by men (Westmarland 2001: 35, table 21). She observes that 'as the officially designated experts, women are back in their ''policewomen's'' departments and, worse, they are now supervised by men so even the autonomy of self rule is lost to them' (Westmarland 2001: 35). However, she cautions that this pattern is not necessarily caused by 'paternalistic male structures' (Westmarland 2001: 45) but instead probably by women officers' preferences for 'clean', indoor environments. When considering sexual offences, she found that

> women are dealing with most of the sexual offences which are reported, and in some cases this is because their male colleagues are leaving this work to them. *As the trained experts*, women are perceived to be the 'safest' officers to cope with the often complicated and distressing aspects of sexual assaults. (Westmarland 2001: 85)

When researching departments with very low numbers of women officers serving in them, Westmarland found them 'strongly ''anti-women'' ' with an exaggerated ' ''cult of masculinity'' ' (2001: 186–7). Unlike some other studies, she did not find such marked gender differences in patrol work and suggests that 'the traditional image of the high adrenaline, ''macho cop'' arrest being made only by men now seems unsupportable' (2001: 85).

American researchers and activists argue that 'community-oriented policing' is a particularly 'feminine' approach to law enforcement and that 'the structure of community policing capitalizes on the skills that have been actually designated as feminine, and therefore undervalued' (Miller 1999: 226). Indeed, in Miller's study of 'Jackson City' she found that when neighbourhood officers were first introduced in the 1980s, only female officers and two black males took these posts. Only later did white males become interested and Miller documents what she describes as the 'dramatic' move from patrol to neighbourhood policing and how these two had the images of crime fighter and social worker respectively (Miller 1999: 101), images strongly linked also to masculinity and femininity respectively. Since in the USA 'community policing represents a new approach to modern law enforcement, emphasizing communication and cooperation with citizens as well as informal problem solving' (Lonsway 2000: 4), it is arguably an item there on the gendered agenda. However, the situation is somewhat different in the UK where the promotion of community policing came via a different route. Policing in Britain has, in any case, generally been seen as having remained closer to this model of 'service' (Bayley 1994). Nevertheless, this is an aspect of policing where, as Miller suggests, there is a need for ' ''women's work'' to-day [to be] reconceptionalized and reframed as a new approach to police work involving gender-neutral job skills' (Miller 1999: 225).

One final, and contentious, aspect of US research in this arena should be noted, which, so far, has no British parallel. Studies by the National Centre for Women and Policing assert that male officers use excessive force much more than their female colleagues and that, as a result,

> the average male officer on a big city police agency costs taxpayers somewhere between two and a half and five and a half times more than the average woman officer in excessive force liability lawsuit payouts. He is over eight and a half times more likely to have an allegation of excessive force sustained against him and . . . more likely to have a citizen name him in a complaint of excessive force. (NCWP 2002)

This data is used by the NCWP to promote 'the importance of hiring more women as a strategy' (NCWP 2002), but it can equally support arguments in favour of adopting styles of policing other than the traditional macho style and moving towards less confrontational and more subtle ones – more androgynous, even more feminine styles perhaps?

Policing women and policing for women

At the beginning of this chapter, I outlined the origins of women's entry into policing and showed how they grew from the determination of a number of women (and some men) to chaperone female and juvenile victims and offenders, to control the disreputable activities of their own sex and generally to promote the moral reform of society. Indeed, it is possible to argue that the focus of this era for women in policing was on 'vice' and protection. They did succeed in their aims of introducing new areas and new styles of policing into the traditional world which confronted them, but they did not alter the police organisation in very significant ways.

Reports by the pioneers of the twentieth century's 'new' policing, by women, for women, girls and children, stress how welcome their activities were to their clients and how grateful they could be (e.g. *PoliceWoman's Review* 1927–1933, *passim*), but no systematic reviews of consumers' views were undertaken. What is clear is that several achievements can be credited to this era and to those who promoted the gendering of policing in a new way. First, another career opportunity was opened up in a public service for women. The women who took up this opportunity were generally, and are still today, better educated than their male colleagues and have more professional or vocational qualifications (McGuigan *et al*. 2002). Since the activities of some working-class women were the focus of their surveillance and control, they could be said to have *disadvantaged* them, although others may have gained some support.

It was women and children, not men, whom the first policewomen sought to police, although their focus on 'vice' led them to intervene when 'public indecency' was occurring or when they believed unwary soldiers might be led astray (Lock 1979). Ironically, one of the main concerns of nineteenth-century crusaders in this area was the rejection or removal of the state regulation of women. The key issues here were the campaigns to repeal the Contagious Diseases Acts which forced medical examination and treatment on prostitute women in garrison towns (Bolt 1993). Instead of the public regulation of women's behaviour, feminist campaigners of this era proposed private and welfare based solutions – rescue homes, girls' clubs, city missions.

There is a marked contrast with the concerns of the modern phase, when, as Jones *et al*. point out, there have been successful campaigns to relocate 'certain forms of violence and aggression within the public sphere . . . with consequent increasing pressure on the police to recognise the pervasiveness of male violence and intervene in ways which ensure women's and children's safety' (1994: 154). In short in the pre-integration era there was a major translation of the *private concerns* of groups of (mainly female) moral reformers into *public causes*. This in turn led to the *policing of private behaviour which had public consequences*: this could be soliciting or enticement – almost any 'waywardness' in children or young women could be targeted.

In the late twentieth century it was gendered violence, rather than 'vice' which became the major issue and once again one which impacted on policing from *outside* its organisation. Domestic violence, sexual assault, rape, the physical and sexual abuse of children have all been raised, both together and separately, as vital, indeed crisis issues. As we saw above, there has been some considerable, if varied response to all of these, including major shifts in policies and procedures.

Space does not allow me to cover all these topics in depth, but there are key points to pick out which relate to the central themes of this chapter. The policing of domestic violence has, for instance, been the subject of extensive reviews and major changes in policing procedures. The most discussed issue has been the pro-arrest policy introduced in some US jurisdictions and also advocated in the UK. Even the evaluative research programmes on this topic are contentious. What they do appear to show is there is 'a consistent reduction in the incidents of victimization due to arrest [thus supporting] the continued use of arrests as a preferred law enforcement response for reducing subsequent victimization of women by their intimate partners' (Maxwell *et al*. 2002: 69). Nevertheless, 40 per cent of the women in this study continued to be victimised (2002: 71) so this solution does not work for every case. Moreover, there are many other complications. In a British study of the Thames Valley Police Force's policing of domestic violence, Hoyle found that 'only a third of the victims in the study wanted the officers to arrest the suspect and many of these did not want the police to proceed any further'. She suggests that many women who called the police only wanted 'immediate help to halt a particular incident rather than an attempt to get the perpetrator prosecuted' (Hoyle 1998: 214). Another note of caution is introduced by Chesney-Lind who argues that an unintended consequence of mandatory arrests in cases of domestic violence is to increase the arrest rates of women and girls, especially those from minority ethnic groups (2002: 82).

Police responses to rape victims have also been the subject both of extensive critiques and major changes. Temkin (1997, 2002) has been a severe critic of the treatment of rape victims. She notes the various formal changes in procedures which had been introduced by the late 1990s but observes that 'old police attitudes and practices, widely assumed to have vanished, are still in evidence and continue to cause victims pain and trauma'. Of her sample of 23 rape cases in Sussex, the majority were positive about their experience, but 10 were not (Temkin 1997: 527).

Gregory and Lees in their study of victims of sexual assault in London were more positive.

> Over the past decade the facilities for dealing with victims have improved . . . rape examination suites are available in all areas. Most complainants . . . were on the whole satisfied with the way they were personally dealt with by the women police . . . There was, however, much less satisfaction with the way the case was investigated and followed up. A quarter of the women were still not satisfied with attitudes of the male police officers investigating their case and pointed to the unsympathetic way they had been treated. (1999: 165)

A study in New Zealand which aimed to find out if Temkin's conclusions were reflected there, concluded that police and victims were 'worlds apart' and that a seismic shift in attitudes was needed. Even so, 64 per cent were satisfied with their treatment at the reporting stage (Jordan 2001: 687) but 32 per cent were dissatisfied. Overall ratings were very polarised – 20 per cent very positive, 20 per cent were very negative. One result of Jordan's project has been a shift to new police procedures in New Zealand.

Police and policing remain gendered in the twenty-first century. The macho culture is still alive in some forces even now, although it is also a source of embarrassment. The majority of officers are male, especially at the most senior levels. Nevertheless, there have been, and continue to be, changes. Policing as an institution is notable for having changes imposed upon it from the outside, rather than generating them from within. Twice in the twentieth century, law enforcement has been affected by the introduction of contentious issues to do with gender. The first time involved a small group of women storming this stern, male bastion and bringing with them new styles and subjects to the police realm. The second, in a still incomplete revolution, sought to change policing priorities and procedures to a more gendered agenda. Although somewhat battered, the institution of the police remains intact, and at the same time some of the aims of the pioneers and campaigners have been achieved.

Gender perspectives provide powerful lenses for focusing on policing in the twenty-first century and its future development. There are, still, the issues which they highlight in the nature of police culture and how to change it. So much has already changed in modern law enforcement in the mission of policing, its recruitment, training and even its legal framework. If the traditional model of policing was one based on a macho cop culture, this is surely no longer a fit for a modern (or postmodern) version where new priorities, new styles and new technologies are employed.

As far as the roles of women in policing are concerned, while these have expanded enormously since the early twentieth century, there are still signs of some of the original issues of the pioneer era persisting. The first policewomen had a protective mission in mind when they sought entry into policing. They wanted to shield their own sex, juveniles and children and to intervene to remoralise the society of their day. At the same time, they also saw law enforcement as another area of opportunity for the newly emancipated women of the period, although this was originally a secondary aim for the movement.

The first half century of policing by women was focused on this specific, specialist task; the next phase was marked much more by an emphasis on opening up opportunities and achieving equality. However, the protective agenda has not disappeared and indeed has gained new importance in the twenty-first century with concerns about domestic violence, child abuse and sexual assaults. How these matters should be policed, who should do it, and how offenders should be dealt with, are high-profile topics for all law enforcement agencies. For women officers, the tensions between the mission of protection and progress remain to be resolved.

Selected further reading

On the history of women in policing Joan Lock's (1979) *The British Policewoman: Her Story* and John Carrier's (1988) *The Campaign for the Employment of Women as Police Officers* are classics. Susan Martin's (1980) *Breaking and Entering* was the first major modern research study. Frances Heidensohn (1992) *Women in Control? The Role of Women in Law Enforcement* was the first international comparative study and provides comprehensive coverage of the research and issues. Jennifer Brown and Frances Heidensohn's (2000) *Gender and Policing: Comparative Perspectives* is a multinational study and analyses key themes in the literature. Frances Heidensohn's (2000) *Sexual Politics and Social Control* contains chapters on the international policewomen's movements. Websites with reports and useful links are bawp.org and acwap.org.au.

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Chapter 25

Policing and ethics

Peter Neyroud

Introduction

In the introduction to the Council of Europe's European Code of Police Ethics published in September 2001, the Committee of Ministers identified a number of factors that highlight the importance of such a code of ethics for policing. First, that criminal justice, within which they include policing, plays an essential role in safeguarding the rule of law. Secondly, that police activities are 'performed in close contact with the public and police efficiency is dependent upon public support'. Finally, public confidence in the police is 'closely related to their attitude and behaviour towards the public and in particular their respect for human dignity and fundamental rights and freedoms of the individual as enshrined in particular in the European Convention on Human Rights'. The Ministers recognised the importance of police ethics, an importance that has been increasingly highlighted in a number of studies through the last 10 years (Kleinig 1996a; Neyroud and Beckley 2001).

The creation of such an international code for police ethics highlights not just the importance of the issue politically but also the growing complexity and challenge of ethics for policing in Europe. 'Ethical policing' is no longer a matter for negotiation with reasonably homogeneous local communities defined by geography, but now has to be mediated with national governments and supra-national bodies and take account of communities that are increasingly diverse. With diversity come seemingly irresolvable dilemmas for law enforcement. This chapter will focus on how police forces seek to cope with these dilemmas and on what ethical policing might look like in the twenty-first century, drawing primarily on the UK perspective but also pulling in comparisons from the USA and worldwide experience. It will seek to show why ethics in policing have become so much more important and consequently so much more debated, to set out the changes that the growth of human rights philosophy has made to policing and to show where ethical policing might be heading.

It is important to start by sketching in some of the national and international context of policing which impacts on ethics. Indeed, some form of interna-

tionally recognised standard of ethics has become essential as transnational policing has become ever more a reality with the globalisation of trade and politics. With international peace-keeping missions, that need not just military personnel but police officers, has come a need for global standards and indeed global definitions of policing. This in itself is not easy because, in national terms within the UK and a number of western democracies, the monopoly of the 'public police' or the nineteenth-century model of policing – carried out by local police forces who had a monopoly both of powers and patrol – has, if it ever did exist, now most certainly ceased to (Jones and Newburn 2002). The new 'mixed economy of policing' and patrol which was highlighted in the Labour government's White Paper, *Policing a New Century: A Blueprint for Reform* (Home Office 2001) has formalised the broadening of the concept of policing from the uniformed police to a welter of wardens, accredited security personnel, civilian support staff within the police and partly empowered community support officers (Savage 2007). This parallels developments elsewhere in both the USA and Europe (Johnston 2000). All these could reasonably, for the purpose of policing ethics, be said to come within the ambit of policing. They pose new challenges for both the professional standards and the accountability of policing: challenges that are recognised in the European code.

Alongside the structural changes, the national and international debate about criminal justice policy has become highly politicised. Policing and the reduction of crime have, both in America (Giuliani 2002) and in Europe, risen to the top of the political agenda (Duffy *et al*. 2008). The 2002 Street Crime Initiative driven by the Labour government was the first crime initiative to be personally headed by a Prime Minister within recent political memory and was paralleled by a similar initiative in a number of European countries such as France. These initiatives highlight, as Philip Bobbit (2002) observes, that the modern 'market' state is driven not by the paternalist welfare agenda of its modern predecessor but by a more fragile and turbulent desire to satisfy popular demand and create the conditions for people to enjoy themselves. Equally, events such as the terrorist attack on the World Trade Center on the 11 September 2001 and the embedded sense of living in a high crime society (Garland 2001) have created an unsettled society concerned and increasingly demanding about crime and the quality of its policing, safety and security (Neyroud 2002).

The product of these changes within the UK and their impact on 'ethics' can be seen in a number of ways:

- There has been a see-sawing of the definition of the role of policing over the last decade. Kleinig (1996a) suggested that the purposes of policing provide the 'moral foundation' of policing. The see-sawing has certainly disturbed those foundations, shifting quite dramatically between order maintenance and crime fighting as the predominant role. The 1962 Willink Royal Commission (Critchley 1978) defined a broad role for policing, ranging from crime reduction to assisting the public. Twenty years later, the Scarman Report emphasised that order maintenance must take precedence over crime fighting (1982). In stark contrast, the 1993 White Paper issued by the then

Conservative government shifted that towards crime fighting. The pendulum swung again and the new Labour government in 1997 produced the 'overarching aims and objectives', recreating the Willink mandate but adjusting it to include human rights and a broad definition of the outcomes in terms of 'safer society'. Furthermore, in the Crime and Disorder Act 1998, Labour formally recognised that the police role in reducing crime and disorder was interdependent with other parts of local and central government. *Blueprint on Policing*, the 2001 White Paper (Home Office 2001) and the subsequent National Policing Plan have re-emphasised the 1993 emphasis on crime fighting into crime reduction and crime detection. There was also a new stronger emphasis on the prosecution of offenders with targets to increase the number of offenders brought to justice – targets that are dependent on much closer co-operation between the criminal justice agencies. This has been counter-balanced by an increasing pressure to put protecting the public at the front of the policing mission (HM Treasury 2007). In each case, there have been implications for police officers and police leaders as to what the 'right choices' are in policing and how to make those choices jointly with leaders in local government and fellow managers in the criminal justice agencies. This last point has presented a fundamental challenge to cherished concepts of constabulary independence – a challenge that was recognised by Patten's new formula of 'operational responsibility' (Patten 1999; see Jones, this volume).

- Connected with the shifts of role, there has been a gradual change of structure in policing and with it major shifts in the methods of accountability and balance of local and central control. The 1994 legislation brought in national objectives and an increased managerial focus. The 2001–2 police reform programme less than a decade later tightened that central control to include new powers of intervention and a National Policing Plan. The plan itself created a comprehensive framework of plans and targets to be required of every local police force. As with the see-sawing of role definition, the changing balance of stakeholder influence has a profound effect on decision-making, particularly if influence is supported by powers of dismissal. The new interventionist and managerialist approach of government paralleled approaches taken by Giuliani at a municipal level in New York (Giuliani 2002).
- There has been an increasing pressure for 'performance' (Neyroud 2006) and this has had an increasingly quantitative focus, despite well recognised concerns about this (Fitzgerald *et al*. 2002). Initially defined as value for money through the 1980s, then seen in terms of a small number of national objectives, in 2002 the managerialist framework for policing was tightened into a Treasury based linkage between a set of performance targets and the revenue budgets for police forces (Home Office 2002a).
- There has been a pressure for modernisation which is not unique to the police service but a general trend in the public sectors, and that pressure has included not just the performance agenda but also new pay and reward structures, civilianisation and the use of auxiliaries and a demand for

increased responsiveness both to central government and to local 'citizen' focus (Home Office 2001, 2002a).

These changes have come at a time when there has also been an increasing focus on evidence-based practice or the 'best' ways (or in ethical terms, the 'right' ways) to police, both in the UK and the USA (Sherman *et al*. 1997; Sherman 1998). One of the first things the Labour Home Secretary did in 1998 was to publish a compendium of evidence-based practice on reducing crime (Home Office 1998). This strong steer towards what works in policing has been re-emphasised in the UK by the introduction of the National Policing Improvement Agency (Home Office 2004).

These changes are an important context for ethics, which are about 'how police officers and police leaders make the right judgements and do the right things, for the right reasons' (Neyroud and Beckley 2001: 37). Ethics have also been described by Honderich (1995) as the theoretical basis for the 'principles of moral behaviour' and, as such, they provide both the boundaries for morality and the pathways for proper thinking about real-life choices. As the Ministers agreeing the Council of Europe Code of Ethics set out, ethics are important in policing because of the nature of the powers and the position that police officers have in the citizen's life. Ethical standards are important in policing not only because of the adverse impact of corruption but also because we know that perceptions of fairness and high standards in the way the police do their job are an intrinsic part of reducing crime and affecting criminal behaviour (Tyler and Huo 2002).

What follows in this chapter is not a comprehensive discussion of police ethics, for that would be impossible in the space (see Kleinig 1996a; Neyroud and Beckley 2001), but a focus on some of the key aspects: personal ethics and police professionalism, performance ethics, participation in policing and policing in action – in particular, the use of force. The conclusion will outline where and how ethical policing is being and can be approached.

A brief history of police ethics

Neyroud and Beckley (2001) suggested that policing is in both transition and crisis at the start of the twenty-first century. As I have already indicated, it is certainly in transition. A good indicator of whether it is in crisis would appear to be, from past history, the level of publication of books on police ethics. For, with every apparent crisis of police professionalism, conduct or corruption, there comes a generation of literature identifying a different angle on police ethics. We can divide the main themes of these debates as follows.

Police professionalism

A twentieth-century drive towards police professionalism can be typified by August Vollmer's, the 'father of modern policing', and his disciple, O.W. Wilson's vision of the police service as a highly trained core of officers independent of politics and acting with impartiality and integrity (Fogelson

1977). This vision provoked criticism by Westley (1970) and Skolnick (1975) who looked at the differences between the prescribed conduct and what they found in terms of the reality of day-to-day police work, particularly the conflict they saw between the use of coercive force and respect for the law and upholding individual rights.

Police discretion

At a time when a series of high-profile cases in the USA, including *Miranda* v. *Arizona*, were questioning the extent of police discretion and its potential for adversely impacting citizens' rights, Goldstein (1977) and Muir (1977) looked at police discretion in a more optimistic light. For Goldstein, discretion could be properly exercised through proper training and guidelines and for Muir it was an essential component of good street policing. For others, like Skolnick, and, in the UK context, Jefferson and Grimshaw (1984), solutions lay in severely limiting it and reducing the free will of police officers to exercise judgement.

Covert policing

Through the 1980s the increasing use of covert methods of policing raised questions both about police intrusion on privacy and about the police use of deception. Elliston and Feldberg (1985) highlighted how complex were the ethical judgements that needed to be exercised by police officers using covert techniques and how simple 'means and ends' utilitarian approaches simply failed to meet the needs of decision-makers. The complexity of the issues was also highlighted by Gary Marx (1988) who documented the delicate balance between 'ethical deception' authorised by the citizenry and controlled by the law and 'deceptive ethics' or the less appropriate or proportionate use of covert approaches which he felt damaged the privacy, trust and freedom of expression of citizens. The key difference between the two was the right framework of ethics, control systems and accountability.

Police corruption

There have been several waves of concern about police corruption and, in turn, several approaches to dealing with the problem in literature. For Edwin Delattre (1989) the problem and the solution lay in the character of the individual police officer. For Lawrence Sherman (1974, 1978) it was more about the environment of temptation, the systems of control and creating a framework that clearly articulated the boundaries between ethical practice and the slippery slope from small gifts to major graft. In a UK context, Michael Zander (1994) looked at the issue of miscarriages of justice and 'noble cause corruption'. He argued that it was the outcome orientation of police officers that had led to many of the miscarriages and that a reliance on corrupt means could never be justified by the outcome. Crank and Caldero (2000) developed the 'noble cause' theme in a US context following continuing concerns about the intractability of 'noble cause corruption' problems in US police departments. More recently, Fitzgerald *et al*. (2002) and Neyroud (2006) have

highlighted how an outcome orientation applied in a managerial context carries the danger of administrative corruption.

The UK debate on police ethics has rarely focused specifically on ethics as a topic but rather on culture (Reiner 1978), on accountability and the democratic deficit in policing (Reiner 1985), on the exercise of discretion and its relationship with community support (Scarman 1982), on corruption (Punch 1985; Newburn 1999), on the treatment and rights of suspects (see Sanders and Young, this volume) and on policing and human rights (Crawshaw *et al*. 2007).

While each of the works have come at police ethics from a different angle and looked at it through a different lens, both the books and their context were neatly summarised by Waddington (1999) when he commented that policing is always waiting for the next scandal because it 'operates in a netherworld just beyond the limits of respectability'. Waddington, like Skolnick and others before him, appeared to doubt the possibility of the police realising any aspiration towards ethical policing, because of the very nature of the work and the 'irresolvable' (Bauman 1993) choices that it presented. It is certainly possible by looking at the literature both in the USA and the UK to see a series of cycles of concern about crime and disorder, followed by pressure on the police to produce short-term results, and emerging concerns about corruption – whether it be economic graft (Sherman 1978), noble cause corruption (Crank and Caldero 2000) or administrative corruption (Fitzgerald *et al*. 2002) – followed by a rule-tightening reaction and possibly reorganisation with then new rules and a commitment to new norms. This vicious cycle can be seen in both UK and US contexts (Crank and Caldero 2000; Neyroud and Beckley 2001: 10). Part of the problem with each turn of the cycle is an overemphasis on one aspect of policing. Whether it be a push for crime fighting or a demand for increased detection, these demands have rarely been seen in a context of a wider, more authoritative framework of policing ethics but, then, does such a framework exist?

The principles of policing

Identifying those areas where police officers have clearly acted unethically, over-reaching their discretion, failing to meet the professional standards, acting corruptly or following poor professional practice, is relatively straightforward. To attempt to describe a scheme of ethics that fits across policing and which copes with the wide variety of policing contexts is far more difficult and far more controversial. There are several major philosophical approaches to ethics that have been applied to policing. They are fundamentally different in their approach to describing ethical behaviour. Most obviously in respect of policing, these are the Kantian ethics of duty with their presumption of a universal law of right and wrong, which are often contrasted with the consequentialist ethics of utility with their overriding concern with positive outcomes. Classically (though not necessarily accurately), these two approaches are seen as juxtaposed and reduced to a debate about 'right means' versus 'right ends'. But then there are also the ethics of virtue, most ably set

out by MacIntyre (1981) and adopted by Delattre (1989) in which it is the inner goodness of character that will produce good ends and good actions. Finally, the ethics of care derived from the works of authors such as Gilligan (1982) and Baier (1985) focus on relationships and needs, rather than rights and universal laws. There are important connections between the ethics of care and the restorative justice approaches which have become very significant alternatives to traditional approaches to the criminal justice system (Braithwaite 1989). Each of these classical theories of ethics provides dilemmas and contradictions which they themselves cannot overcome (Bauman 1993). For instance, policing frequently provides the police officer with choices between an individual's needs and that of a wider community.

Each theory would provide a different rationale and, often, outcome for such a choice. The choices provided by classical theory can also be ambiguous and uncertain. In a profession where choices need to be made rapidly and may have potentially far-reaching consequences – including, literally, life or death – officers cannot afford the luxury of ambiguity in decision-making. This suggests a need to search instead for a best fit between the mission of policing, the character of the good police officer and the practice of good policing. For a number of authors (Ross 1930; Gillon 1994; Lawton 1998) this fit can be better found by looking for *prima facie* principles and applying them in a practical way. Lawton, whose analysis was designed for public service generally not just for policing, saw this as a chain linking value to virtues to principle and practice. Neyroud and Beckley drew from ethical theory, Lawton and Gillon and their professional experience to suggest such a set of principles that might be used as a framework for policing (Box 25.1).

Principles that are very similar to these can be seen running through a number of key publications through the 1990s, which examined standards and

Box 25.1 Principles of policing

Respect for personal autonomy: this is derived from the ethics of duty and in policing would include respecting the rights of citizens, showing dignity and respect for them and to colleagues and not using either as a means to an end.

Beneficence and non-malificence (Ross 1930) require police officers to help people without harming others.

Justice, including, above all, respect for people's human rights and for morally respectable laws.

Responsibility, which would require police officers to justify their actions and take personal ownership of them (Mulgan 1997).

Care, emphasising the interdependence of police officers and the individuals they deal with and the communities they serve.

Honesty, which is, as McIntyre (1981) identified, a key virtue and one that is central to policing and the authority and legitimacy of individual officers.

Stewardship, which emphasises the idea of trusteeship over the powerless and over police powers.

Source: Neyroud and Beckley (2001).

integrity in public service, notably, in a UK context, the Nolan Report on standards in public life (1995), the HMIC integrity inspection of police forces (HMIC 1999), the Macpherson Report on the death of Stephen Lawrence (Macpherson 1999) and the Patten Report on policing in Northern Ireland (1999), which itself proposed the creation of an ethical code to underpin policing in Northern Ireland.

However, as with the debate about ethical codes, so with principles, we still end up with the question as to how principles should be used, how they might be applied and how they might impact upon policing. Here it is important to link the principles with another dimension of police ethics, that of the 'new agenda' in the UK policing – human rights (Neyroud and Beckley 2001). While there has been a UN Declaration of Human Rights since just after the Second World War, human rights had not been an explicit component of police training within the UK until the late 1990s, and the application of a human rights approach to law enforcement has been a relatively recent addition into the international protocols (Crawshaw *et al*. 2007). The reasons for this are complex but at least partly related to the globalisation of late twentieth-century trade, politics and crime (Mulgan 1997) and the emerging need for an internationally recognised body of law.

The introduction of the Human Rights Act into UK law in 1998 brought both a new language to policing and a new decision-making calculus that links closely with the ethical principles that have been set out above. Critical to this calculus is the concept of proportionality or, as Starmer puts it, 'the need to find a fair balance between the protection of individual rights and the interests of the community at large' (1999: 169). Proportionality requires a police officer to balance the means proposed against the outcome intended and to ensure that any action is proportionate to the legitimate aim pursued (*Handyside* v. *UK* 1976). Moreover, proportionality requires a balance of means and ends so that not only does the outcome desired have to be sufficient to justify the means taken but also the means themselves have to be procedurally fair and linked with the concepts of legality, necessity and accountability. This provides a rough-and-ready reckoner between the ethics of duty and utility and has fundamentally shifted the way in which police officers not only make their decisions but also set out their justifications (Neyroud and Beckley 2001).

The British police service has responded to human rights with a significant shift in training, a comprehensive process of auditing of policies and practices against an ethical and human rights framework (Neyroud and Beckley 2001) and codification of decision-making and decision logs. This has turned the theory of human rights into a routine day-to-day practice. The removal of police immunity (*Osman* v. *UK* 2000), the creation of a legal duty to act in a human rights compliant way and the ability for complainants to challenge compliance have all served to reinforce this (Starmer 1999). So much so that a major review of policing in the UK (Flanagan 2008) suggested that the police service had become 'risk averse'. Flanagan's analysis suggests that ethical policing is not just a matter of following rules or theory but requires an active balancing of these with public perceptions and policing outcomes.

It can, therefore, equally be argued that human rights, like classical ethical theory, provides no firm base for police ethics. Certainly, there are few

absolute rights (such as the right to life or freedom from torture), and qualified rights such as privacy and freedom of expression can be seen as complex and subject to considerable flexibility of interpretation. Indeed, the European Court of Human Rights itself recognises a 'margin of appreciation' which allows rights to be interpreted within local, national traditions. The threat of terrorism and organised crime has been seen by some commentators as shifting the legal framework very significantly away from individual liberty (Justice 2002). In each of the areas of policing which will now be examined, the legal, society and professional context will be shown to be extremely important. Policing is, after all, an extremely significant manifestation of government and a very significant touchstone of the nature of the relationship between government and the governed.

The police as professionals

Although long desired by senior police officers and clearly central to the creation of the USA-based International Association of Chiefs of Police and the changing role of the Association of Chief Police Officers in the UK (Savage and Charman 1996), the 'gospel of professionalism' (Fogelson 1977: 155) or the desire of the police service to be an independent profession working to high ethical standards deploying a recognised body of professional knowledge is an aspiration that remains to be achieved. On a strict taxonomic approach policing falls short of many of the elements necessary to qualify for full professional status (Friedson 1983). Kleinig's (1996b) assessment of the police service against the traits of a profession confirmed this judgement. On the first point, the provision of a public service, there is no doubt that policing is and should be a public service, but some (Waddington 1999) have argued that the coercive core of policing, the deployment of the use of force, sits uneasily with the concept of service and this has contributed to a long-standing debate about the nature of policing (Stephens and Becker 1994). Secondly, policing is neither a graduate profession nor is there a well established culture of life-long learning and reaccreditation. This situation is changing in the UK with the establishment of the National Policing Improvement Agency, which has already provided a new leadership strategy for policing, in which both accredited learning and mandatory requalification will be a critical component to future police training (NPIA 2008a). Thirdly, the police service in the UK has no code of ethics. There are a number of ethical statements such as the Oath of Attestation, the Association of Chief Police Officers' (ACPO) 1990 Statement of Common Purpose and Values and the Police Code of Conduct. However, the latter is much more of a discipline code than a statement of ethics. ACPO's draft statement of ethical principles, which dates back to 1992 and was endorsed by the Patten Report (1999), has never been issued as a recommended statement within the British police service. Even the European Code of Ethics was sent to police forces with a gentle ministerial note inviting chief officers to take account of it. ACPO did not formally adopt it.

On the remainder of Kleinig's points, policing is not self-regulating and, while police officers have considerable discretion within the law, there is a

substantial legal framework of accountability which restricts the exercise of discretion. Last but not least, the body of knowledge in policing and its codification into standards of professional practice is unfinished business. The White Paper on policing (Home Office 2004) and the creation of the National Policing Improvement Agency have signalled a strong intention to embark in that direction with codes, regulations and the development of a coherent strategy for policing improvement (NPIA 2008b). Furthermore, there is a push from some professionals and academics to develop 'evidence-based policing' and systemise the evaluation of police strategies (Sherman 1998). However, this is qualitatively different from a self-regulated profession such as the medical or legal profession where the professional organisations themselves have taken responsibility and have been entrusted by the state with the role of developing the body of knowledge.

It is arguable that moves towards greater professionalism are not essential to achieving a more ethical practice. Indeed some would argue that the drive to be professional is more about securing a monopoly and a market than it is about achieving better standards of ethical practice (Parry *et al*. 1979; Anderson *et al*. 1981). Others would also argue that professions have had a decidedly mixed reputation in their ability to cope with diversity and to be inclusive in the way in which they encourage both employment of minorities and service provision towards minority communities (Dale and Foster 1986; Edwards 1989; Bowling 1999). From a different angle, Waddington (1999) has argued that the rise of the managerialist culture within not just policing but the wider public service, has compromised professional development by substituting for professional skills and knowledge a new command structure in the form of a performance culture. This we will return to in the next section.

However, none of these are convincing perspectives placed against the prospect of a police service investing in better training, understanding better what works and ensuring that good practice is mandated, developing and re-enforcing standards of professional practice and behaviour and being able to signal those developments to the public they serve. This applies whether the authors are advocating community policing professionalism in the case of Rosenbaum (1994) and Skogan and Hartnett (1997) or a more professional approach to crime investigation.

Where a number of authors have been critical of the police profession has been through analysis of its occupational culture. Authors such as Reiner (1992) and Skolnick (1975) have characterised the police culture as in conflict with the formal values of the police mission. Through work with frontline police officers, they have identified a cynical, suspicious, isolated, conservative, macho, prejudiced and above all pragmatist culture which they have contrasted with statements such as Wilson's about a new professional mission. A more positive slant – the commitment to a 'noble cause' – still, according to Crank and Caldero (2000), has potentially difficult consequences when harnessed to 'outcome orientation'. However, as Chan (1997) identifies, the culture of the police service is far from being monolithic or immutable. Many of the negative qualities identified by Reiner and others are paralled by positives, as Small and Watson (1999) have demonstrated in a small study of the core-level values of policing. Similarly, Westmarland's (2003) study of

frontline officers' integrity suggests high levels of consensus around many types of improper behaviour. This study, above all, illustrates the need for those debates around the boundaries of ethics to be more fully exposed within policing and more openly debated. It is particularly important, as a number of studies, but in particular Chan (1997), have shown, to note how changes in the external framework such as the legislative changes in the Human Rights Act combined with and underpinned by leadership recruitment, education training and a focus on the decision-making processes in the police service can have a substantial impact on the occupational culture. This suggests that, far from police culture being an impassable barrier, a concerted drive towards a more professional model of policing can potentially edge the service nearer a more professional occupational culture.

A critical component of a more professional culture must be the way in which officers exercise discretion or their professional judgement. Police discretion has had a mixed reception in academic circles, being hugely controversial in the 1970s (Davis 1975) because of it being regarded as usurping judicial functions. Yet from another perspective (Pollock 1998) police discretion is a vital part of balancing the strict enforcement of the law with respect for human beings and care for communities. Indeed, Davis (1996) considered discretion the essence of informed professionalism in policing and has argued strongly against those who would bind the police professional. Discretion, professionalism and human rights policing dovetail together in a clear requirement for individual officers to be personally accountable for decisions that adeptly balance competing rights and to be able to demonstrate clear and justified decision-making. However, replacing rule-bound bureaucracy with flexible professional practice still requires the systematic body of professional knowledge against which the practitioner can be tested.

Key components of any police professional practitioner's decision-making will be their personal and professional integrity. Police officers have both responsibilities and rights. They have as individuals the right to be protected and also the rights to privacy and family life and freedom of expression. However, both by human rights law and by the nature of the role, their freedom to be members of groups and associations, to be involved in politics and to accept gifts, gratuities or sponsorship are properly limited. The extent of that limitation has been a subject of considerable debate, notably around the issue of freemasonry, where public concern about the perception of partiality and secrecy has remained problematic and has raised just the questions that Lord Nolan sought to answer in his report on public standards in public life (1995). He suggested that public servants, including police officers, should avoid real and apparent conflicts of interests. Conflicts of interest can be difficult, however, when they are matters of religion, as they are in Northern Ireland, or of sexuality or gender. The extent to which a police officer's personal morality can conflict with his or her professional office has been given starkly contrasting treatments by, on the one hand, the USA-based International Association of Chiefs of Police Code of Ethics which clearly allows intrusion into private life and the censoring of private behaviour, and the European Court of Human Rights whose judgements have clearly underpinned the values of pluralism, tolerance and broad-mindedness. This is just the

sort of fundamental difference in values which is increasingly facing police leaders in their choices in policing diverse communities (Guyot 1991).

Perhaps the most hotly debated boundary of virtue and professional integrity has been that of gifts and gratuities. In Westmarland's (2003) survey, accepting free meals and gifts at Christmas was not seen as particularly serious by the majority of officers, although a substantial number recognised that both were contrary to force procedure. However, accepting a free drink for not reporting a landlord for transgressing licensing law was seen as very serious by the vast majority. This is one area where the applications of the principles that we debated above can provide a reasonably clear guide on professional practice. Gifts whose purpose and outcome are the cementing of good relationships in the community (the principles of beneficence and care) and whose net value is trifling may well be appropriate and may not be seen as impacting on the perceived impartiality of the organisation or the officer (stewardship). Furthermore, that rule must be universally applicable and preferably formally sanctioned, otherwise, as Sherman (1985) has suggested, gratuities could be the beginning of a psychological process that would gradually lead the officer to self-identify with less ethical practice and could create obligations or credit for future legal or illegal favours, quite apart from delivering an inequitable service. This could be a powerful argument in the debate around sponsorship which can, however well handled, create the impression of partiality even if the substance may be different.

All in all, the striving towards professional status is an important component of modern police professional ideals. In the UK, all three staff associations, ACPO, the Superintendents Association and the Police Federation, have put developing professional practice at the top of their agendas. It is, as the above has identified, not a simple passage. The ideal is an important signal of intent but, as yet, not underpinned by the sort of professional infrastructure – such as ethical codes and established professional standards of practice – which might underpin discretion and develop integrity. Without the professional status, there is little to distinguish the fully empowered police officer from the partly or unempowered patroller and in the world of the mixed economy of policing, such distinctions are increasingly important.

Performance ethics

Ethics has been described above as making the right judgements and doing the right actions for the right reasons. Performance management could be described in a connected way as being the process by which police leaders and stakeholders consider those judgements and the resulting performance. Performance management in the police service is a complex matter. As has been described above, the purpose and expectations of what police services should deliver have see-sawed and remain unclear. Apparently straightforward approaches such as published league tables of detection and crime levels not only fail to exemplify what really concerns the public (Fitzgerald *et al*. 2002) but also, because what gets measured has a very significant effect on what gets done and what is prioritised, create consequences with considerable

ethical implications (Neyroud 2006). Collier (2002) has described in detail the relationship between the inputs, outputs and outcomes of policing and the control system of new public management in the UK. He has argued persuasively that the perceived rationality of the existing system does not hold up to detailed analysis, leaving managers bridging the gaps between a ritualistic system of accountability based on targets that bear little relationship to the capacity and capability of the organisation, and the public's expectations of policing.

However, there is a case to be made for the managerialist approach to performance management and one that can probably be linked to ethical practice. A key development in this field has been the Compstat system credited to New York and to the New York Police Department. Its development is set out by Jack Maple (1999), Deputy Commssioner, and by his Commissioner, Bill Bratton (1998), and the principles they enunciate as its core are far removed from the managerialist interpretation placed on it by Giuliani, the Mayor, in his autobiography (2002). Compstat (and its impact on falling crime rates in New York) has been hotly debated. However, a strong argument can be sustained that the creation of clear aims linked to clear targets and clear responsibilities for each layer in the organisation creates both a clarity of expectation and of responsibility within the organisation that both advantages public accountability and assists the performance of the organisation. There are, however, downsides to this approach. First of all, as Fitzgerald *et al*. (2002) have argued, as soon as the police role is framed through a managerialist lens, there is a danger that crime fighting will sit high on the list of quantifiable indicators. Crime-fighting objectives have the appearance at least of being easily quantifiable. Cracking down on crime is a straightforward populist slogan and the police are strongly linked in the public's minds with the reduction of crime. However, that causal linkage is often complex and the effective tactics that police can deploy (Sherman *et al*. 1997) need partnership with other wider community strategies to effect long-term change. A simplistic expectation of a close coupled relationship between policing tactics and operations and reductions in crime makes no sense at all, particularly when it appears to hold the police 'directly' accountable for the level of crime (Fitzgerald *et al*. 2002).

For the managerialist approach to performance management to meet the standards of ethical practices a number of tests would have to be satisfied. First, the data produced by the means of collection would have to be clear and verifiable – a key component of Maple's approach to Compstat (1999). This is far from unproblematic in the case of police-recorded crime statistics (Maguire 2002) or, indeed, incident statistics, which are strongly related to the quality of public–police interaction and organisational practice. Secondly, the outcomes and the targets which measure their achievement would have to be clearly linked to national and local public requirements of the police. Arguably the targets in National Policing Plans (e.g. Home Office 2002a) have been drawn from priorities identified by the British Crime Survey and from public surveys. However, as *Policing for London* (Fitzgerald *et al*. 2002) identified, the existing UK targets do not adequately describe the public expectations of the service they want from the police, but are, instead, over-focused on a small number

of narrow crime reduction targets. Thirdly, the setting of the targets would need to be done in a way that protected properly those areas of policing service (such as child protection, the policing of family violence, dealing with bereavement and the myriad of requirements for assistance from the public) which are not easily measured and where the quality of the service delivered, in professional and emotional support, is often far more important than the narrow performance outcome. Without these types of work being properly ring-fenced and protected in taking into account the requirements to meet a target, managers are left with irresolvable dilemmas in prioritisation. This dilemma was strongly highlighted in the HMIC review of such 'protective services', *Closing the Gap* (HMIC 2005), which suggested that some forces which were meeting the crime reduction targets were simply incapable of providing adequate public protection from more serious risks.

Finally, the targets would need to engage and be owned by the officers who are endeavouring to achieve them. Without this last requirement, it is debatable whether performance targets and professional practice will ever meet. The impact of Collier's (2002) observations about the unrealistic and ritualistic nature of much target setting and performance management is, as Fitzgerald *et al*. (2002) demonstrate, a high degree of cynicism about the performance framework from frontline officers and an unwillingness to be held responsible for what is not within their capability to achieve. The conclusion of *Policing for London* was that 'performance monitoring is not about the setting of targets for goal achievement, but about monitoring police practice against professional and ethical standards' (2002: 141). Therefore, the Metropolitan Police Service needed to be able to develop ways of managing performance that placed greater emphasis on achieving professional standards and less emphasis on hitting numerical targets. The emphasis placed on quantitative measures distorted performance and reduced the quality of service, which was the gold standard by which the people of London actually measured the police.

Public participation in policing

One potential way of improving the linkage between performance management in policing and professional practice is through public participation in policing (Fitzgerald *et al*. 2002). Participation can be divided into four different aspects: consultation; lay oversight and inspection; active citizenship; and complementary policing (Neyroud 2001). These four areas share a common theme of taking part or having a share in policing. Each approach can have important benefits for policing. For instance, research evidence suggests a strong association between effective policing and effective crime reduction and local ownership and participation (Puttnam 2000). Secondly, policing in a democratic society is firmly grounded in the concept of policing by consent and the legitimacy and public support for the police being dependent on both a broad consensus and a series of 'rights of renewal' such as local consultation meetings (Neyroud 2001). Thirdly, lay oversight and audit can provide not just a critical challenge to professional practice (vital in its development) but can

also, as Scarman pointed out, open up controversial areas of policing to community scrutiny (1982). Finally, public participation in an active way in policing such as through Neighbourhood Watch, local patrolling schemes and crime reduction initiatives can provide just the sort of linking or 'interpenetration' of the public and voluntary sector that has been identified as a vital part of the social capital of communities, building trust and communication, which may in the context of crime and fear of crime be a vital part of reassurance (Maloney *et al*. 2000; Puttnam 2000).

Public participation can be seen as a challenge to police independence and, in the eyes of some police leaders, their impartiality. However, while police operations need to be independent of partisan politics they also need to be seen as encompassing the needs of diverse groups. This mediation of contradictions (Larsen 2000) needs opportunities for critique or, in Larsen's words, multiple competing public spaces ensure that different interpretations have the opportunity to be expressed. The police service in the UK has for 20 years relied largely on a formulaic approach of police consultative committees for which there is mixed evidence of success (Jones *et al*. 1994). More recent approaches to consultation about policing plans have had a similarly mixed reception (Jones and Newburn 1997). Through the 1990s and beyond 2000 the direction of initiatives in UK policing has become more and more centralist (see Jones, this volume). The Police Reform Act 2002 provided a renewed framework of central control in the form of a National Policing Plan and new powers of intervention for Ministers in failing local forces. As such, the right things that the police should be doing have become increasingly nationally defined and nationally prescribed. Just as there are challenges for policing in local participation, so there are disadvantages to being seen to be closely aligned to the political will of central government. The latter and their central framework can limit the opportunity for the police to be locally responsive and also for local needs to influence the priority of those 'right things' and, equally crucially, to be perceived to be doing so. The more that the agenda is set by the National Policing Plan, the less that the consultation locally about local policing plans has any real content. It can become a process of explaining what the police are going to do, not seeking the views of local people about what they should be doing.

The shift towards 'neighbourhood policing' as a national philosophy underpinned by national standards can be seen as a rebalancing of the central–local balance. A commitment to a 'name for every neighbourhood', linked to funding for 16,000 community support officers, came just as evidence suggested that a focus on national crime reduction targets was not creating a virtuous circle between reduction and public confidence. Research by Innes *et al*. (2002) and the Home Office (Tuffin *et al*. 2006) identified that it was crucial for police to listen to local concerns and tackle the right problems – those that were having a disproportionate impact on public perceptions of safety and confidence.

Neighbourhood policing also sought to build on more open and responsive local approaches such as those Patten (1999) set out in his report on the policing of Northern Ireland. In seeking to define a solution to the policing of a divided community, Patten proposed not just a police board at force level

but also local partnership boards that had a non-executive role in holding local commanders to account and contributing to local policing strategies. Similar approaches to that suggested in the Patten Report have been adopted in West Mercia and Thames Valley. Area partnership boards at local command level have been established. They provide local oversight of the policing strategies in each command area and assist local commanders in planning the delivery of local resources (Neyroud 2001). As Flanagan has emphasised, documenting the progress made through neighbourhood policing, very local beat meetings with local officers and developing neighbourhood management which engages the wider responsibilities of local authorities, can ensure that local police forces are more responsive and more engaged with the different communities they police (Flanagan 2008). This sort of multilayered approach seems to offer a reasonable balance between local independence and responsiveness, local accountability and national direction (Neyroud 2001).

Lay or independent oversight of policing has developed in the UK since the Scarman Report in which lay visitors to police custody centres were proposed. Initially a voluntary scheme with no statutory authority, this has now developed into a statutory scheme with a significant track record of performance. Following the Macpherson Report and its criticisms of the police relationship with minority communities (1999), independent advisory groups have been created in order to open up police policy-making and operational decision-making in critical incidents to lay and particularly lay minority scrutiny. Such oversight does not resolve problems of itself. It can still offer conflicting advice and it does not solve the complexities of dealing with restricted resources, plural communities and, therefore, plural priorities. Nor, above all, does it shift the responsibility for taking decisions because these remain with the police officers. As Goldstein (1977) has argued, being responsive to lay advice should never be confused with being accountable. However, for a senior commander managing a complex operation, for a senior investigator dealing with the delicate critical incident or a local community officer policing a complex plural community, lay involvement close in to the decision-maker can enhance the personal responsibility for decisions by providing personal challenge and visibility of both the decisions and the decision-maker (Kleinig 1996a). Furthermore, public and media involvement in processes like Compstat, as has been developed in Philadelphia, cannot but improve public understanding of the operational challenges for policing and encourage less insular practice by the police themselves. Ethical practice in policing requires both challenge and transparency (Jones *et al*. 1994).

There is a further significant attraction to public participation in the context of ethical policing and that is that participation implies a philosophical shift in the police role from leading or controlling towards 'enabling' (Neyroud and Beckley 2001) or, perhaps, put more simply, an acceptance that good policing is interdependent with the community and many other agencies. This philosophical shift encourages senior managers to give their local officers considerable flexibility and autonomy to work with partners towards local outcomes. It also argues for a greater emphasis on very local priority setting within a broad framework. It has a strong resonance with the UK Labour government's agenda for modernisation (Cabinet Office

1999) which highlighted the need to deliver high-quality public services which are clearly focused on the results which 'matter to people', and within that a strong emphasis on the 'right to choose' services. This approach implies a knowledgeable and informed public, which will be difficult to achieve without significant levels of participation: an element of public choice would be impossible to achieve without participation, and a participative approach has considerable scope to achieve a process for monitoring and reporting progress. Furthermore, without effective transparency through public participation it is particularly difficult to see how police in a democratic society can negotiate the right choices for controversial areas of policing, such as covert policing, the use of force or the policing of diverse communities, in which conflicts of rights – for the suspect, victim, police officer or community – are most clearly exposed. It is to the first two of these that we now turn.

The police in action

A great deal of the literature about ethics in policing has, somewhat naturally, been focused on police operations and particularly on covert policing and the police use of force. Intrinsically, both these present significant ethical problems. In the first, covert policing, the police can be portrayed as using deceptive means in order to detect crime and prosecute offenders and, furthermore, those deceptive means can create significant intrusions on the rights of citizens, notably through electronic or physical surveillance or the deployment of informants. The problem, as Marx (1988) has stated, is not the use of such techniques but the question of how to control the use to which they are put, particularly as 'covert policing' is not in the public view. Covert policing has become significantly more important within the last 20 years. It is vital in detecting invisible or consensual offences such as drugs, drug dealing, corruption and vice. It is important in allowing the investigation of secret, organised and, particularly, terrorist groups and essential in the detection of robbery and volume crime such as burglary (Neyroud and Beckley 2001). There are some categories of crime and criminals which are clearly beyond investigation without the use of covert methods (Vahlenkamp and Hauer 1996). This in itself raises the ethical concern about any law enforcement system which could only investigate simple cases or offenders lacking the sophistication or wealth to cloak their crime in privacy (Clutterbuck 1997). On the other hand, there are clearly significant concerns about the boundaries of deception. Skolnick (1975) drew a distinction between the investigation where deception can be acceptable, and the interview and trial where it cannot. Furthermore, the boundaries between circumstances in which covert policing could have been considered to have inspired the crime rather than prevented it have been proved highly controversial (*Teixeira del Castro* v. *Portugal* 1998).

The complexity and sensitivity of covert policing argue for a model of compliance that deals with both the internal controls and the external oversight. In Table 25.1 such a model is set out. It incorporates three linked layers of compliance: the tactical and operational requirements of day-to-day

Table 25.1 Framework for ethical covert policing

	Compliance requirement	*Source of compliance*
Tactical/operational The day-to-day implementation and management of covert policing operations	• Manual of standards on covert policing • Trained staff (such as informant handlers and controllers) • Record-keeping and audit trails • Leadership, supervision and support	• ACPO manuals of guidance on covert policing • National Intelligence Model • ACPO manuals and RIPA codes of practice
Strategic Chief officer management and control of covert policing	• Intelligence/covert policing strategy • Nationally agreed standards • National training standards • Control and audit systems • Leadership	• National Intelligence and Covert Policing Standards
Legal and societal The legal and societal control systems	• Clear and comprehensive legislative provision with supporting guidance • Independent oversight/ audit of applications and operations • An independent complaints system • Public consultation about the nature and extent of covert policing • Democratic oversight of covert policing	• RIPA 2000, the Police Act 1997 and the accompanying codes of practice under both Acts • The commissioner system (RIPA) and Her Majesty's Inspectorate of Constabulary inspections • Tribunal system (RIPA) and police complaints system • PCCGs set up under s. 106 Police and Criminal Evidence Act 1984 • Parliamentary scrutiny of the commissioner (RIPA) and the police authority
Ethical principles The ethical principles which must underpin covert policing	• Respect for personal autonomy • Beneficence and non-maleficence • Justice • Responsibility • Care • Honesty • Stewardship	• As set out in this chapter

Source: Neyroud and Beckley (2001).

management; the strategic responsibilities of the chief officers for leadership and control of covert policing; and the legal and societal control systems along with the ethical principles that must underpin covert policing. It can been seen that a model of compliance in such a difficult area of policing needs to operate at not just a series of different levels but also through managerial systems, political and citizen oversight and professional standards. Internally, there are six main areas of control: the quality of frontline supervision; internal practice guidelines; authorisation procedure; budgets; performance management of the practice; and the results of operations and review. Externally, these are complemented by the legislative framework, democratic control through the role of police authorities and, in the case of the Regulation of Investigatory Powers Act (RIPA) 2000, the Surveillance Commissioner reporting to Parliament. On top of these are inspection and audit by the Police Inspectorate and by the Office of the Surveillance Commission, judicial and commissioner oversight of warrantry and serious intrusion decisions and the complaints procedure. Several aspects of this framework were illustrated by the Rose Report, a report by the Chief Commissioner of Surveillance, Sir Christopher Rose into an allegation that police had broken rules in respect of covert surveillance of Members of Parliament (Rose 2008). The framework in itself will not produce an ethical approach to covert policing, but if it is underpinned by effective training, a careful appreciation of the risks involved in particular operations and an interventionist and engaged style of management with a performance management framework that does not overemphasise the outcomes of operations against their process, then there is an opportunity for professional covert policing standards to develop into professional covert policing practice. As the furore that led to Ministers commissioning the Rose report illustrated, when covert policing becomes 'overt', it casts a very sharp light on the balance between intrusion and liberty.

A further aspect of covert policing that has come more to the fore over the last few years has been the scope and capability of the science and technology that supports policing (Neyroud and Disley 2008). As police have striven for more and better performance and have been confronted by more diverse and mobile communities, technologies of identification – DNA, fingerprints, facial mapping, Automatic Number Plate Recognition and sophisticated relational databases – have become more crucial to effective policing. It has not been the individual technologies so much as a widely expressed concern about the development of a 'surveillance society' that has been the centre of the public debate. Given the intimate link between the identification technologies and more traditional approaches to covert policing, the framework suggested above remains relevant, but, given the public sensitivity to police retention of biometric samples (Nuffield Council 2008), there is a need for the police to go further, providing evidence of effectiveness and transparent governance of key systems (Neyroud and Disley 2008).

The position with the use of force is not dissimilar, for, like covert policing, it starts with a difficult moral dilemma. The potential for the use of force is at the core of policing (Bittner 1975) but it can be argued to be intrinsically wrong in that from a Kantian perspective it conflicts with the duty to accord dignity and personal autonomy to every individual. On the other hand, the police

officer also has a duty of beneficence towards any individual threatened with force, quite apart from a human rights duty to preserve life. The use of force and, at the extreme, the taking of life by a police officer must therefore be ethically justified as being proportionate to the threat and absolutely necessary in the terms of Article 2 of the European Convention on Human Rights.

Added to the complexity of the ethical dilemmas about the use of force is the experience of the linkages between the use of force and police misconduct. In Westmarland's (2003) study of police officer integrity, while officers were clear where the boundaries of dishonesty lay, and clear as well that they would be prepared to report colleagues crossing that boundary, there was far less clarity about the boundaries of the use of force and far less willingness to report colleagues who crossed it. For Waddington (1999), the use of force exposes officers to the repeated potential to cross the limits of respectability.

Those boundaries between the acceptable use of force and misconduct become ever more critical as the use of force moves up the continuum towards the lethal options, such as firearms, and the less lethal alternatives to them. If minimisation is the aim of the ethical use of force by police as Kleinig (1996a) has argued, then there is a strong moral imperative on the police to look for alternatives to lethal force albeit one that is not easily accomplished. After significant concern in the UK about a number of police shootings, the ACPO[1] embarked on a programme of research together with the Police Scientific Development Branch at the Home Office (Home Office 2002b) to look for alternatives to firearms and, in the context of public order, to the plastic baton round. The latter was particularly pertinent because of the recommendations of the Patten Report (1999: recommendations 69 and 70). The research started with a careful gap analysis of the operational effectiveness of existing equipment. This was used to identify an operational requirement and to test the existing available equipment within the policing market. The third hurdle was the medical impact of the weapons and a comparison between that and existing equipment and, finally, an acceptability matrix was devised which included the parameters of human rights compliance, community acceptability and consultation with a number of non-governmental organisations. This approach produced a range of options for deployment.

In itself, such a structured approach to police use of force goes only so far. What it does not do, as Rappert (2002) has pointed out, is deal with the operational deployment of the equipment. Rappert's research on the use of CS highlights the problems with the guidelines for the deployment of CS and their interpretation by officers operating in uncertain and perhaps volatile conditions. Even with the latest comprehensive less lethal research programme, it is unlikely that any of the weaponry or approaches available will be appropriate in all the conditions in which they are utilised. Rappert suggests 'the disparity between the working and presentational rules surrounding the sprays is evidence of what Ericson (1981) has called the organisational hypocrisy of the police' (2002: 702). This seems a rather harsh judgement given that, in the case of both CS and the latest research on less lethal weapons, much of the research and medical evidence has been placed in the public arena. Moreover, the

police service performance in the use of force, including the use of CS, new batons and firearms, has been openly subjected to public scrutiny by the Police Complaints Authority (2000). However, Rappert is right in arguing that safety, in purely medical terms, is not a sufficient yardstick for the adoption of any less lethal technology or use-of-force technique. Acceptability – itself a complex construct – is a much more important assessment. As with covert policing, acceptability has to be seen at a variety of levels.

It can be seen from Table 25.2 that, as with covert policing, at a tactical and operational level, training tactical standards, a range of equipment and proper records are essential to ensuring that officers are confident in the way they use and deploy force and also to properly monitor and take responsibility for their deployments. At strategic level, a clear policy framework and standards, together with a proper monitoring and review process, are essential to ensure that the outcomes of the use of force both in terms of civilian and police injuries and complaints and misconduct is properly analysed on a regular basis. And, finally, there needs to be an effective consultation and complaints system which allows the proper sharing of information about the use of force, a proper debate about its acceptability and an effective independent way of dealing with misconduct. As with covert policing, the framework, whilst a starting point, is not sufficient on its own. The events of July 2005 in London and, in particular the shooting of John Charles de Menezes at Stockwell tube station, demonstrated that when police tactics designed to prevent a suicide bomber lead to a death, the whole conduct of the operation, context, command, intelligence, risk management and, above all, leadership will come under intense and international scrutiny (McLaughlin 2007).

Towards ethical policing

Several times it has been argued in this chapter that ethics in policing is about police officers doing the right things for the right reasons. What the preceding sections of this chapter have sought to demonstrate are the ways in which policing can achieve that standard and work towards the principles that were identified earlier. Following on from the initial discussion of the context of policing, the 'history' of police ethics and the potential principles of ethical, human rights compliant policing, four areas were debated:

1. *Policing as a profession*: here the message must be one of unfinished business. The service's clear desire, particularly in a UK context, to achieve a more professional status has yet to be achieved. However, the significance of achieving that aspiration for a more ethical approach to policing was clearly endorsed.

2. In *performance ethics*, some dilemmas in achieving the right balance of holding individuals to account for their performance and doing so in a way that does not so skew that performance as to present potentially unethical choices to officers and their leaders were debated. Here, above all, a greater

Table 25.2 Framework for the ethical use of force

	US Supreme Court	Geller and Toch (1996)	ACPO
Tactical and operational	• Kind of weapons available to the officer • Operational tactics on deployment, engagement and warnings • Training and recertification	• Conflict management training • Intervention training of officers to reduce 'bystanderism' • Coaching and mentoring of officers to make them 'highly skilled'	• Training which is accredited and maintained in conflict management and each specific weapon tactic deployed • A manual of operational tactics • Individual record-making
Strategic	• Reporting and review systems for the use of force • A clear framework of policy designed to minimise the use of force	• An 'officer safety' initiative • A departmental style that emphasises 'community policing' and 'peace-keeping' rather than 'crime fighting' • A clear policy emphasising minimal use of force • A national reporting system on the use of force	• An 'officer safety' strategy • Monitoring of use of force locally and nationally • Review of tactics and equipment in the light of monitoring • A clear command and control structure, with a cadre of trained commanders
Societal/legal	A legal framework that emphasises 'reasonableness' in balancing the 'intrusion' of force with the necessity of action	• Public consultation about the use of force, including sharing data • Effective complaints system with an independent element	• 'Legality': a clear framework of accessible and available law governing the use of force • 'Remedy' for the citizen, including an independent remedy in serious cases

Source: Neyroud and Beckley (2001).

emphasis on measuring professional practice rather than simply measuring a limited number of quantitative performance targets was suggested as a critical development of performance management frameworks.

3. *Participation in policing* was outlined as a key component of ethical policing – above all in terms of ensuring the police are responsive to their community and in providing challenge to police practice and decision-making and critical stimulus to the learning cycle about good professional standards.
4. Finally, in *policing in action* the role of the police in covert policing and the police use of force were discussed, and a multilayered framework for creating ethical compliance was set out for both areas, but a framework that is equally applicable in other controversial areas of policing. The framework was constructed with elements of professional practice, performance management of professional practice and public participation incorporated to form a credible whole.

It is with participation and a strong sense that, for policing to be ethical, it must be negotiated with the policed, that I must conclude. The police could become superbly professional, technically proficient and display sparkling integrity, but they would still lack legitimacy without negotiating their mission, strategies and tactics with local and national communities. Furthermore, there has to be recognition that the commitment to such negotiation is a central part of the mission, a complex and enabling one, not a simple one-line fight against crime. The unsettled and diverse communities of the twenty-first century need a leadership in policing which listens, learns and delivers services that meet their widely differing needs.

Note

1 The author was one of those leading this research as the Secretary to the ACPO's Police Use of Firearms Committee from 2000 to 2002.

Selected further reading

There are a number of good treatments of ethics in policing, of which the most accessible are Delattre's *Character and Cops* (1989), Kleinig's *The Ethics of Policing* (1996) and the companion volume of essays (Kleinig's *Handled with Discretion* – 1996), Neyroud and Beckley's *Policing, Ethics and Human Rights* (2001) and Crank and Caldero's *Police Ethics* (2000). Pollock's *Ethics in Crime and Justice* (1998) and Lawton's *Ethical Management for the Public Services* (1998) put the issues into the wider context of criminal justice and the public services. On more specific issues, Sherman's *Police Corruption* (1974) and *Scandal and Reform* (1978) and Newburn's *Understanding and Preventing Police Corruption* (1999) provide good coverage of corruption, Marx's *Undercover* (1988) and Justice's *Under Surveillance* (1998) provide excellent treatment of covert policing, and Geller and Toch's *Police Violence* (1996) of police use of force. The *Oxford Journal of Policing* has provided a special edition (2007, Vol. 3) on the use of force.

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Chapter 26

The accountability of policing

Trevor Jones

Introduction

In the first edition of the *Handbook of Policing*, this chapter began by commenting upon the marked de-politicisation of debates about police accountability in England and Wales over the previous two decades. Since then, a number of important developments have contributed to a significant re-emergence of political debate about the institutional framework of police accountability. The government's unsuccessful attempt in 2005/06 to restructure policing in England and Wales into a smaller number of large 'strategic' forces gave rise to a campaign of opposition that played heavily on the importance of maintaining locally accountable policing. The Neighbourhood Policing programme, introduced from 2005 onwards, was based on the premise that policing is delivered most effectively by locally responsive policing teams at the level of the neighbourhood. More recently, both opposition and government announcements have suggested that, whatever the outcome of the next General Election, reforms involving some form of increased local electoral input into policing policy are highly likely. In the Queen's Speech of May 2008, the Prime Minister announced plans to make policing more accountable to locally elected representatives. We therefore find ourselves on the threshold of some highly significant decisions about the future structure and accountability of policing in England and Wales.

This chapter is divided into four main sections. The first section considers the term accountability in the context of policing, distinguishes between the 'individual' and 'organisational' dimensions, and explores the relationship between accountability and democratic policing. The second section outlines the most important legislative developments in organisational accountability of policing since the 1960s and discusses longer term trends in the framework of police governance to which these have contributed. The third section provides an overview of developments in individual accountability, in terms of complaints mechanisms and the legal regulation of policing. The final

section provides a brief review of the 'democratic' content of the current policing system in England and Wales.[1]

Accountability and democratic policing

Accountability has been described as a 'chameleon' term denoting a range of meanings, including 'answerability, responsiveness, openness, efficient estate management, not to mention participation and obedience to external laws' (Day and Klein 1987). Not surprisingly, this complexity extends to its use in the context of policing. An important distinction arises between organisational and individual dimensions of accountability. The former denotes the direction and control of organisational policing policies concerned with overall priorities, resource allocation and policing styles (Reiner 1995). The latter refers to the accountability via legal rules or complaints mechanisms of individual policing agents as they go about their day-to-day activities. Of course, these two dimensions are not completely distinct in practice, since the behaviour of individual policing agents is influenced by broader organisational policies and practices, and vice versa. However, although they are clearly linked in important ways, they are analytically distinct categories and are thus considered separately. Organisational accountability concerns the constitutional and institutional framework for the framing and monitoring of policing policy – the traditional focus of studies of police *governance* (Lustgarten 1986). This chapter continues with this usage of governance, though we should note that the term is now more generally associated with the work of political scientists highlighting the complexity and fragmentation of contemporary government. In particular, the 'new governance' literature has studied the emergence of governmental strategies originating from both inside and outside of the state (Rhodes 1997; Edwards 2005). These trends are reflected in contemporary policing, which is now authorised and delivered by complex networks of public, private and community bodies. Recognition of this 'pluralisation' has led to calls for the replacement of the term policing by the less state-centric notion of 'governance of security' (Johnston and Shearing 2003; Crawford, this volume). The particular challenges to accountability that are raised by a pluralised policing landscape are considered below.

Neither policy accountability nor individual accountability mechanisms can be fully effective in isolation from each other, and from the internal mechanisms of monitoring and control. Over-reliance upon external controls may actually be counterproductive if they foster indifference or resistance within policing organisations and weaken internal monitoring systems (Stenning 1995). So, although the focus of this chapter is upon *external* mechanisms of accountability, these can only be effective if they complement well developed internal forms of control. The framework of police governance and accountability is part of a range of processes and institutions that shape 'democratically accountable' policing. The extent to which this framework is effective depends crucially upon its relationship with the variety of other mechanisms, at both individual and organisational level, and within wider society. There are other factors outside of the immediate sphere of policing that

form a vital part of the broader web of accountability. These include the watchdog function of the media, and the general openness and visibility of political processes and institutions.

There is a unique relationship between policing and the institutions of democracy. The police are provided with formidable powers to enable them to preserve order and protect fundamental liberties. However, these powers also provide opportunities for severe abuse of individual and collective rights. The way in which society regulates and controls the organisation and powers of the police is a crucial indicator of the nature of the political and social order. There are a number of reasons why policing should be held accountable to democratic (ie. collective representative) institutions. The first concerns the normative and essentially contested nature of policing. While issues of performance may appear superficially to be value-neutral technical matters, policing remains inescapably and inevitably political. It concerns the expression of fundamental values and, ultimately, involves the exercise of raw power by authoritative intervention in social conflicts (see Waddington and Wright, this volume). It also involves choices, given limited resources, between policing priorities and policing styles. Democratic policing requires that these choices should reflect the wishes of citizens, as well as the views of professional experts. Whilst much rhetoric in debates about accountability stresses the need for policing to reflect 'community' wishes, this is inherently problematic. For policing there are 'many publics' (Smith 1987). There are sharply conflicting views between different groups of people about what the police should do and how they should do it. Even within small localities, a diverse range of views about policing can exist. In heterogeneous societies that are increasingly differentiated in terms of ethnicity, age, culture, religion, social class and sexuality, the possibilities for conflict over policing policy are increased. Under such conditions, direct forms of democratic accountability can produce stalemate, or worse, tyranny of the majority and the persecution of relatively powerless minorities. The challenge for effective accountability mechanisms is not simply to reflect the 'community view', but to provide a genuine conduit for expression, negotiation and ordered compromise. Community opinions are important, but these must be weighed against the effective protection of minority rights and the protection of policing from capture by partisan interests. Different democratic countries have developed contrasting institutional means for realising these difficult objectives. While accountability of policing to the local electoral process is a strong feature of policing systems in the USA, the influences of electoral politics are quite openly and deliberately restricted in European countries such as France and the Netherlands. Although once again the issue of electoral control of policing is looming large in debates in England and Wales, it is important to remember that this is neither a necessary nor a sufficient condition for democratic policing. Indeed, under conditions of rampant populism such mechanisms could constitute a serious threat to what we would regard as democratic outcomes.

There are also more instrumental links between police accountability and democracy. Police managers have very extensive public resources provided to them and it is important that they are held to account to the providers of those

resources (or their representatives) to ensure that policing services are delivered as effectively and efficiently as possible. Given the very high proportion of police funding that comes from national taxation revenue, it is hardly surprising that central government has become a dominant influence in the promotion of effective use of resources. However, much crime and disorder (and related anxieties) is rooted in the particular characteristics of localities, and police effectiveness in addressing such problems is related strongly to the level of information and co-operation provided by local citizens, and other agencies. This in turn depends upon the degree to which the police service is viewed as legitimate and worthy of trust and co-operation. Effective mechanisms of local accountability can play an important part in promoting such legitimacy.

What is clear from the above brief discussion is that the relationship between accountability and 'democratic policing' is multi-faceted and complex. Previous work has explored the multiple meanings of democracy in the sphere of policing and highlighted 'democratic criteria' that might be used to assess frameworks of police governance (Jones *et al*. 1994). These were as follows:

- *Equity*: policing services should be distributed fairly between groups and individuals. When the police are enforcing the law, the pattern of enforcement should be fair and not targeted unjustifiably on particular individuals or groups.
- *Service delivery*: the police should deliver the appropriate services (determined on other criteria) as effectively and efficiently as possible.
- *Responsiveness*: as long as it is consistent with equitable policing, the police should be responsive to the views of representative bodies in determining priorities, the allocation of resources between different objectives and the choice of policing methods.
- *Distribution of power*: power to influence and review policing policy should not be concentrated but should be distributed across a number of institutions and agencies.
- *Information*: there should be clear and accurate information available to relevant bodies and community groups about funding, expenditure, activities and outputs of policing.
- *Redress*: representative bodies should have the power to dismiss an incompetent or corrupt police officer. There should be effective means of redress for the unlawful or unreasonable behaviour of individual police officers.
- *Participation*: as far as possible, citizens from all social groups should have the opportunity to participate in discussions of policing policy and have real influence over policy choices. Again, participation must not overrule the commitment to equitable policing.

Whilst all these elements are essential to a democratic framework of police governance, various models place different weights on each. In England and

Wales, recent decades have seen an overwhelming concern with the second element, service delivery, at the expense of concerns with factors such as participation and distribution of power. This balance may be about to change, with a growing interest in new forms of local electoral accountability of policing that emphasise participation and responsiveness.

Organisational accountability: police governance in England and Wales

The legislative framework

There are now a number of detailed and authoritative accounts of the historical development of the system of police governance since the founding of the 'new police' in 1829 (Lustgarten 1986; Reiner 2000; Walker 2000; see Walker, this volume). The focus here is upon the more recent historical period. This section provides an overview of the key legislative developments over the past 40 years or so that have shaped the 'tripartite structure' of police governance.

The Police Act 1964

The formal basis of the current system of police governance in England and Wales remains the Police Act 1964, although significant reforms were made from the mid-1990s onwards. The Act (and the 1962 Royal Commission that preceded it) attempted to address a number of problems that had arisen over previous decades. In particular, it tried to resolve tensions between national and local influences, to unify the fragmented nature of the policing system and to clarify the relative powers of local authorities, national government and chief constables in the framing and implementation of policing policy. The Act contained much studied ambiguity as to the relative influence of the different parties within the police governance system. It was described aptly by Morgan (1986: 86) as a ''gentlemen's'' agreement to gloss over the ambiguities and contradictions concerning the responsibilities for framing, monitoring and financing policing policy'. As Walker (2000) points out, this 'under-specification' of legal powers and responsibilities was quite deliberate and designed to allow enough flexibility for the negotiation of pragmatic compromises between parties with different roles in the system.

Prior to the 1964 Act, there was a dual system of police governance outside London. In urban areas, the chief constable was accountable to 'watch committees' (consisting entirely of local councillors) who in many cases took an active role in the development and monitoring of local police policy-making (Lustgarten 1986). By contrast, in rural areas, the chief was in theory responsible to a committee of local magistrates who tended in practice to allow him a considerable degree of autonomy. The 1964 Act provided for a unified system of local government involvement in policing in both rural and urban provincial forces of England and Wales and established the 'tripartite structure' of police governance. For the 41 provincial police forces, the Act divided responsibility for policing policy between local police authorities (consisting of two-thirds elected councillors and one-third magistrates), chief constables and the Home Office. However, in London the police authority for

the Metropolitan Police was the Home Secretary, a situation that prevailed until the Greater London Authority Act 1999, which introduced a statutory police authority for London including local government representation. The 1964 Act gave police authorities the duty to secure the maintenance of an 'adequate and efficient' force, and to offer advice to the chief constable about the policing of the area. While the police authority had responsibility for appointing the chief constable (and other senior command posts within the force), this power was subject to the approval of the Home Secretary. Other police authority powers were also subject to Home Office and/or chief constable co-operation. For example, the police authority power to call upon the chief constable for a report on any aspect of policing the local area could be resisted if the chief constable could convince the Home Secretary that such a report was not in the public interest.

The 1964 Act placed each force under the 'direction and control' of its chief constable. The mode of accountability to external bodies established by the Act was, in Marshall's (1978) terms, 'explanatory and co-operative' rather than 'subordinate and obedient'. That is, chief constables were required to *give account* for their decisions to various authorities, but were under no legal requirement actually to *take account* of any critical response (Reiner 1995). The Act also provided the Home Secretary with an array of powers and established in statute the increasing dominance of central government within the framework of police governance. As noted above, the Home Office was the police authority for the largest and most influential police force – the Metropolitan Police. With regard to provincial forces, the Home Secretary had a number of key powers. For example, he could require the chief constable to resign in the interests of efficiency, could call for reports into any aspect of the policing of an area and set up a local inquiry into policing matters. In addition, the Home Secretary was provided with a number of powers of approval over police authority appointments. A vital aspect of central government influence under the 1964 Act concerned the system of funding of the police service. Until 1995, the Home Office provided 51 per cent of police expenditure and directly controlled police staffing levels and capital spending in the provincial forces. In practice, the proportion of centrally provided funding was much higher, since only a relatively small percentage of the revenue provided by local authorities actually came from local taxation. However, since the mid-1990s the proportion of police funding paid for by local council tax has been increasing, although this varies considerably between different force areas.

The Police and Criminal Evidence Act 1984

Following the Scarman Report into the 1981 disturbances in Brixton (Scarman 1981), a Home Office circular recommended the establishment of 'local consultative committees' in order to improve discussion and communication between local police commanders and the people in their areas. These became a statutory requirement under the Police and Criminal Evidence Act 1984 (PACE). Research on these committees suggested that they tended to be rather unrepresentative and lacked any real input into local policing policy (Morgan 1992). However, arrangements of this type continue under the present system

and many forces still see them as a significant vehicle for local consultation. PACE was of much greater significance in the arena of individual police accountability in the form of legal regulation of policing powers. It introduced a system of regulation of police powers relating to criminal investigation and stop and search, which will be discussed in more detail below (Maguire 2002).

The Police and Magistrates' Courts Act 1994

The Police and Magistrates' Courts Act 1994 (later consolidated under the Police Act 1996) introduced a number of major reforms to the tripartite structure within a framework of national planning and performance management. The Act attempted to clarify some of the previous ambiguities and overlapping responsibilities in the powers and duties of all three parties in the tripartite structure.

Police authorities became independent bodies set apart from the local government structure. Their duty under the Act was to provide for an 'efficient and effective' police force. An important part of this was via contributions to police funding from local taxation. As independent bodies, police authorities were now to raise these funds by levying a precept on Council Tax Collection Authorities – District Councils and Unitary Authorities – to be added to the council tax bills of local citizens. Since this change, the proportion of police funding paid for by council tax precepts has risen substantially, from 13 per cent in 1996/97 to 21.5 per cent in 2006/07 (Home Affairs Committee 2007). The Act restricted the size of most authorities to 17 members (with a small number of exceptions), consisting of nine councillors, three magistrates and five 'independent' members. These independent members were to be appointed according to a complex process but with significant local involvement (rather than appointed by the Home Secretary as was the original intention). The local police authority was given responsibility for publishing an annual local policing plan including specific national and local policing objectives, and associated performance targets. The Act allowed the chief constable to draft the plan for his or her area in consultation with the police authority, although the latter body ultimately owned the plan. Under the reformed system, chief constables were given responsibility to 'direct and control' their police forces. They took over from the police authority responsibility for detailed management of staffing and budgets and became the responsible employer for civilian police employees. As well as drafting the local policing plan, the chief constable was given the responsibility for setting the annual budget. The Act also introduced fixed term contracts for chief officers, and provided the Home Office with a number of additional powers. It allowed the Home Secretary to set annual national objectives and direct performance targets for forces. The Home Office was also given the power to issue codes of practice and give directions to 'failing' police authorities. In addition, the Home Secretary could now set a minimum budget for a police force and require a police authority to meet its commitments within this. The Act also gave greater power to the Home Secretary to amalgamate police forces. Finally, under the new system, the Home Office relinquished detailed controls over staffing and capital spending budgets within police forces and henceforth simply provided an annual cash-limited grant to police forces. This provided for greater control of

overall spending but less detailed control over the details of what the grant is spent on (Newburn and Jones 1996).

The Crime and Disorder Act 1998

This Act placed a statutory duty upon local authorities for crime and disorder reduction, and required the establishment of local multi-agency Crime and Disorder Reduction Partnerships (CDRPs) in England (Community Safety Partnerships (CSPs) in Wales). Under the Act, 'responsible authorities' have a statutory duty to work with other local agencies and organisations to develop and implement strategies to tackle crime and disorder, including antisocial and other behaviour adversely affecting the local environment as well as the misuse of drugs in their area. The responsible authorities as set out in the Act are the police, police authorities, local authorities, fire and rescue authorities, and local health authorities. The 1998 Act required responsible authorities to ensure that the key agencies come together to work in partnership in a CDRP/CSP, and carry out an audit of local crime, disorder and misuse of drugs every three years. Using the data from this audit and based on consultation with local communities, partnerships then had to formulate a strategy for combating crime, disorder and the misuse of drugs including substance misuse (in Wales) in the local area. The responsible authorities are required to work in co-operation with probation boards, parish councils, health service trusts, educational institutions and work with different kinds of local council. They are also expected to invite a range of local private, voluntary, other public and community groups including the public to become involved in the auditing and development of strategies (Byrne and Pease, this volume).

The Police Reform Act 2002

The appointment of David Blunkett as Home Secretary in 2001 signalled a renewed vigour in approaches to police reform. In his first year as Home Secretary, Blunkett introduced a radical Police Reform Bill including proposals that led to a storm of protest from all levels of the police service. Some of the more radical provisions of the bill (as in previous eras) were subsequently shelved following strong police lobbying. However, when the Act was passed in 2002 it still retained some highly significant provisions in terms of police governance, including the following:

- The introduction of an Annual Policing Plan setting out the government's strategic priorities for policing and requiring police authorities to produce a three-year strategy plan consistent with the National Policing Plan.
- Provision of powers to the Home Secretary to ensure consistent application of good practice across the country through statutory codes of practice, plus the power to make regulations governing policing practices and procedures.
- Provision of powers to the Home Secretary to require a police force to take remedial action where they are judged by Her Majesty's Inspectorate of Constabulary (HMIC) to be inefficient or ineffective.

- Strengthening police authorities' powers to require the early departure of, or to suspend, a chief constable in the public interest.

The Act also had significant implications for the 'pluralisation' of policing (see Crawford, this volume). It enabled chief constables to designate police authority support staff as 'community support officers', investigating officers, detention officers or escort officers in order to support police officers in tackling low-level crime and antisocial behaviour. It also introduced arrangements for the accreditation of neighbourhood and street wardens and embraced the concept of the 'extended police family'. As will be discussed in more detail below, the Act also introduced important developments with regard to individual accountability, by establishing the Independent Police Complaints Commission (IPCC).

The Serious Organised Crime and Police Act 2005

The Serious Organised Crime and Police Act 2005 introduced a number of important changes to policing powers, including expanding police powers to deal with public protest and disorder. For our purposes here, however, the key change was the establishment of the Serious and Organised Crime Agency (SOCA) which brought together the National Crime Squad, the National Criminal Intelligence Service, the part of HM Revenue and Customs that dealt with drug trafficking and associated criminal finance, and the part of the UK Immigration Service that dealt with organised immigration crime.

The Police and Justice Act 2006

The Police and Justice Act 2006 introduced important amendments to the composition of local police authorities with the general aim of enhancing their democratic legitimacy. In particular, the Act abolished the separate category of magistrate membership on police authorities (although magistrates can still apply to become independent members). Most police authorities now consist of nine elected councillors, and eight independent members. The Act also introduced more localised procedures for the appointment of independent members who are now selected by an entirely local appointments panel following central competency-based guidelines. The Act also amended the powers available to police authorities by introducing a new overarching duty to hold the chief constable to account for the exercise of his/her functions, and those of persons under his/her control (Newburn 2008). In addition, the Act introduced a number of other important functions relating to community safety and crime and disorder reduction partnerships. Following a major Home Office review of the work of CDRPs, the Police and Justice Act 2006 introduced a number of significant changes including the removal of the requirement to audit communities every three years, and the additional requirement for local community safety plans to be refreshed or updated annually. In 2007, the Home Office introduced national standards for CDRPs/CSPs, along with national performance measures and the replacement of crime and disorder audits with 'local strategic assessments' (Home Office 2007a). National performance targets for partnerships have more recently been combined with policing performance assessment (see below).

Trends in the framework of police governance

Professionalisation

The twentieth century saw a growing emphasis on the professional autonomy of police officers that increasingly set them apart from other public servants. The most important aspect of this relates to the idea that policing *policy* decisions must be insulated from political interference and left to the professional judgement of senior police officers. This doctrine of 'constabulary independence' is 'central to contemporary attempts to understand – and to change – the world of police governance' in England and Wales (Walker 2000: 44).

Up until about 1920 there was no legal tradition preventing politicians from directing chief police officers in general policy matters. In fact, during the late nineteenth and early twentieth centuries, urban police forces outside London and the Metropolitan Police were given detailed policy direction by watch committees and the Home Secretary respectively (Lustgarten 1986). However, the role of politicians in the framing of policing policy was increasingly challenged during the first half of the twentieth century. The case that is widely perceived to have first established the doctrine of 'constabulary independence' is that of *Fisher* v. *Oldham Corporation* ([1930] 2 KB 364). Fisher had been arrested and released following a case of mistaken identity, and sued Oldham Corporation and its watch committee for wrongful imprisonment. The judge found against Fisher on the basis that there could be no 'master–servant relationship' between the arresting police officers and the watch committee (and local authority). The Fisher case came to be used as the primary legal justification for limiting the liability of local police authorities for the actions of their officers and for arguing that local police authorities cannot direct law enforcement activities (Walker 2000). Over time, the notion of constabulary independence became extended to protect the autonomy of chief constables' policy-making as well as the discretion of constables in individual cases. Lustgarten (1986) provides a comprehensive legal critique of this development, arguing that the threat of partisan control over policing has been used to prevent full democratic scrutiny of policing policy. Nevertheless, despite the dubious legal basis of 'constabulary independence', the notion became deeply entrenched in the minds of senior police officers, politicians and judges. Recent legal developments show that the courts remain reluctant to challenge chief constables' professional autonomy. The 1995 case, *R* v. *Chief Constable of Sussex ex parte International Traders Ferry (ITF) Ltd* ([1995] All E.R. 364; [1997] 2 All E.R. 65) involved the applicants applying for judicial review of the chief constable's decision to scale down the police response to demonstrations against the company's role in the export of live animals from Shoreham. The courts ruled that they could not interfere under domestic law, (thus confirming the principle of constabulary independence), but did hold that the decision amounted to a restraint of trade between European member states. However, the Court of Appeal reversed this ruling, finding that the chief constable was acting proportionately in the pursuit of the legitimate public policy objective of providing adequate levels of policing across the entire force area. Thus, the famous Blackburn ruling (*R* v. *Metropolitan Police*

Commissioner, ex parte Blackburn ([1968] All E.R. 763)) that in matters of law enforcement the chief constable was responsible 'to the law and to the law alone' remains 'pre-eminent as an authoritative statement of the constitutional status of the police in domestic law' (Dixon and Smith 1998: 422). Dixon and Smith (1998) outline how judicial uncertainty about the exact nature of the police function serves to preserve a broad interpretation of 'constabulary independence' and to hamper effective legal forms of organisational accountability. The lack of a statutory definition of the general duty of the police in England and Wales means that the courts find it difficult to hold the police to account for alleged breaches of that duty.

Although recent case law has supported 'constabulary independence', two significant threats have emerged to its central position within the system of police governance. The growing nationalisation of policing and the application of market-based reforms have constrained the autonomy of senior police, as discussed in the next section. A further significant development was the Patten Commission on policing reform in Northern Ireland which critically analysed the doctrine of constabulary independence and proposed replacing this with the notion of 'operational responsibility' (Patten 1999). This would protect the professional autonomy of senior police officers to take operational decisions but open those decisions to rigorous *post hoc* review by representative bodies. This combines prospective direction by the police with retrospective answerability to external bodies (Walker 2000). Although subsequent legislation did not explicitly recognise the concept of 'operational responsibility', it is highly significant that the recommendations of the Patten Commission were accepted in principle (Northern Ireland Office 2000).

Nationalisation

The decline of local influences within the tripartite structure has been a well documented feature of police governance in England and Wales (Jones *et al*. 1994; Jones and Newburn 1997; Johnston 2000; Loveday 2000). In fact, it was argued that by the early 1990s the balance had tipped so far towards the centre that England and Wales had a *de facto* national police force (Reiner 1993). Since this time, centralisation of control over policing has expanded considerably.

Perhaps the key aspect of the nationalisation of police governance has been the growing influence of central government, visible in a number of ways. First, there was a significant reduction in the total number of police forces over the twentieth century, and successive reforms have made it progressively easier for the Home Secretary to require forces to amalgamate for reasons of efficiency. In 2005/06 a major push began toward restructuring policing into a much smaller number of large, regionally-organised 'strategic' forces (O'Connor 2005). These plans became mired in controversy and were shelved in 2006, but the pressures that led to their emergence still remain and it may be that police force numbers are reduced at some point in the future (Flanagan 2008). There has been a marked increase in the number and specificity of policy circulars from the Home Office since the early 1980s (Jones *et al*. 1994). Case law has supported the trend of centralisation. Although the 1964 Act gave police authorities the primary duty for providing resources and equipment to their chief constables, the central provision of services has increasingly

impinged upon this. In the late 1980s, Northumbria police authority sought judicial review of a Home Office circular that offered to supply CS gas or plastic bullets centrally to chief constables whose police authorities refused to provide such equipment. The Court of Appeal judgement in *R* v. *Secretary of State for the Home Department, ex parte Northumbria Police Authority* ([1988] 2 WLR 590) ruled that the Home Secretary had the right to provide plastic bullets to a chief constable in the face of opposition from the police authority. Another important aspect of increased central government influence concerns the fact that the Home Office has been increasingly able to shape the broader outlook of senior police officers through control of the central training institutions (Reiner 1995). These trends were consolidated and extended by reforms during the 1990s and after, most particularly via the reforms of the Police and Magistrates' Court Act 1994 and the Police Reform Act 2002, and the ongoing development of a national performance framework as discussed below. Both of these Acts increased substantially the powers of the Home Secretary over local policing. In 2004, the Home Secretary David Blunkett used powers given to him by the 2002 Police Reform Act to require Humberside Police Authority to suspend their chief constable. This followed criticism in the official report into the Soham murders (Bichard 2004). Both the chief constable and the police authority had refused to comply with the Home Secretary's decision, which was upheld in a High Court ruling. The situation was eventually resolved in a compromise that allowed the chief constable to return to work for a time before taking early retirement, but provided further evidence of the nationalisation of control over policing (Sharp 2005).

An important lever of central government influence over policing has been the inspection process. During the 1980s, the role of the Her Majesty's Inspectorate of Constabulary (HMIC) was enhanced (Weatheritt 1986). Inspections were standardised and strengthened, and younger chief constables were seconded to the Inspectorate (along with senior 'lay' inspectors from outside the police service). HMIC reports were published from 1988 onwards and increasingly monitored the extent to which local forces were following national policy guidelines (Reiner 1991). In tandem with the work of the Audit Commission (see next section), this has served to increase external scrutiny of policing and encourage forces to adopt standard practices and approaches.

The enhanced role in national policy-making of the Association of Chief Police Officers (ACPO) has been a further centralising influence. During the late 1980s, ACPO transformed itself into a more effective policy-making and lobbying body, appointing a full-time secretariat and establishing a number of policy committees each chaired by a chief constable. At about the same time, ACPO began to promote a collective 'national' voice on policing issues. Under the 'presumption in favour of compliance' (Savage *et al*. 1996), it was agreed that once a common policy is ratified by ACPO it is assumed that all chiefs are bound by it, unless they provide specific reasons for doing otherwise. The enhanced policy influence of ACPO was confirmed by research during the 1990s suggesting that the association was effectively the 'joint author' of many Home Office policy circulars (Jones *et al*. 1994).

A final aspect of nationalisation has been the emergence of new policing institutions at the national level. The National Criminal Intelligence Service

(NCIS) was established in April 1992 (although not formally recognised by statute until the Police Act 1997). This incorporated a number of previously existing national units providing criminal intelligence reports to local police forces on matters such as football hooliganism and drug trafficking (Johnston 2000; see chapters by Mawby and Wright and by Levi, this volume). The Police Act 1997 also established the National Crime Squad (NCS). The Serious, Organised Crime and Police Act 2005 made this a reality establishing the Serious and Organised Crime Agency (SOCA). The Agency, established initially with 4,200 staff, amalgamated the functions of NCIS and NCS, together with the investigative branches from the Immigration Service and the Revenue and Customs Service. SOCA has a number of other important characteristics that set it apart from the main constabularies in the UK. SOCA is a non-departmental public body (NDPB), not a police force, and its staff is civilian not police officers, although they have considerable designated powers. As a NDPB it is governed by a board with a majority of non-executive members and, unlike the majority of police forces is answerable directly to the Home Secretary rather than to a police authority (Harfield 2006). It has been argued that the creation of these national policing institutions may be 'another step towards the eventual nationalisation of policing in the UK' (Uglow with Telford 1997: 36). However, others argue that the establishment of such institutions may be an inevitable and even welcome development in practical policing terms, the challenge for the future being to find more effective accountability mechanisms at the national level (Morgan and Newburn 1997; Johnston 2000).[2]

The flip-side to the growing importance of institutions at the national level has been the continued withering of the influence of local police authorities. The early 1980s saw Labour-led police authorities in many of the metropolitan county areas of England challenge their chief constables' autonomy and attempt to assert local elected control over policing policy. In every case, the Home Secretary or the courts ruled in favour of chief constables. Active attempts to influence policing policy were further curtailed in 1985 when metropolitan police authorities were replaced with more compliant 'joint boards', consisting of magistrates and councillors appointed from the constituent district councils within the metropolitan areas (Loveday 1991). A number of factors lay behind the apparent lack of influence of local police authorities within the tripartite structure. It was now clear that the *de jure* and *de facto* statutory powers of police authorities were extremely limited. Although many chief constables did seek to consult with their police authorities in local policy-making, this was more a matter of 'wise statecraft' than of acknowledging any real influence for local representatives (Reiner 1991). In addition, prior to 1995, many police authorities were too large, and hampered by a lack of information and expertise (Jones *et al*. 1994). Whilst on one level, reforms since the 1990s have sought to give police authorities some additional powers, in practice this has largely involved incorporating them into a nationally-determined performance agenda.

Whilst centralisation has been the dominant theme in British policing for many decades, in recent years commentators have detected a 'new localism' in official approaches (McLaughlin 2007). In 2005, the government introduced

the 'Neighbourhood Policing' (NP) programme to develop neighbourhood policing teams that work closely with local communities (Home Office 2005). By the end of 2008, all local areas will have a local team consisting of police officers and police community support officers (PCSOs), possibly together with special constables, local authority wardens, volunteers and partners. The NP programme represents a significant attempt at reorienting British policing, and on the surface at least, appears to offer something of a counterpoint to longer term trends of centralisation (Savage 2007). However, at this stage new localism remains largely aspirational. Only time will tell whether NP actually delivers new forms of accountability to local communities or whether, by contrast, it becomes another in a long line of reform promises which are undermined by the overriding influence of broader and deeper centralising tendencies.

Another possible countervailing development to the theme of centralisation has been the establishment of CDRPs in England and CSPs in Wales by the 1998 Crime and Disorder Act. The establishment of these local partnerships, and the statutory responsibilities for crime and disorder reduction that the Act conferred on local government, were seen as having the potential for enhancing local influence over policing and crime prevention. Recent government reforms (again, predicated on the idea of improving effectiveness) have imposed increasing central controls over the activities and priorities of local partnerships. As Hughes (2008) has stated, 'local CDRP strategies have thus remained driven by a centrally imposed performance management agenda in which cost-effective measures for the realisation of (largely central government) reduction targets are prioritized' (see Byrne and Pease, this volume). In 2007, the Home Office introduced national standards for CDRPs/CSPs, along with national performance measures and the replacement of crime and disorder audits with 'local strategic assessments' (Home Office 2007a). National performance targets for partnerships have more recently been combined with policing performance assessment. Thus, the expansion of local influence implied by the developing influence of local partnerships for community safety and policing is tempered by the fact that these developments have thus far occurred within a clear *national* framework of priorities and targets.

Marketisation

The term 'marketisation' is used here in a general sense to denote the drive to improve cost efficiency and performance effectiveness via the imposition of market disciplines on the police service. There are two main aspects to marketisation. The first involves the application of similar reforms to those witnessed in other major public services, including managerialist organisational reforms in conjunction with the development and monitoring of detailed performance measures. This is closely tied to the long-term trend towards centralisation of control discussed above: 'In the absence of a conventional market in policing ... the fashioning of a common police product and the supply of methods of assessing its quality and cost effectiveness necessarily presupposed a high degree of central decision-making and standard-setting' (Walker 2000: 102). The second aspect involves the subjection of public

policing to competitive pressures, via privatisation and contracting out of policing functions, and by the official encouragement of a competitive 'market' in local patrol provision (Crawford and Lister 2006).

The marketisation of policing began in earnest in 1983, when the government's 'Financial Management Initiative' (designed to promote the economy, efficiency and effectiveness of public services) was extended to the police service. From the mid-1980s, the Audit Commission[3] subjected a number of areas of policing to increasing scrutiny, and in particular applied private sector organisational and management principles to the police service, and published the first of many suites of performance indicators and targets for policing (Collier 2006). In 1993, these market reform principles were extended with the publication of two key reports – the Sheehy Inquiry into police responsibilities and rewards, and the White Paper on police reform (that subsequently became the Police and Magistrates' Courts Bill). Despite significant opposition and revision, the 1990s reforms established principles of marketisation that were to be confirmed and expanded under later governments. Of particular importance were the following:

- the purchaser–provider split between police authority and force
- national policing objectives and key performance indicators
- costed business plans for policing
- reduction in size of local police authorities and the appointment of independent members
- sponsorship and charging for police services
- devolution of budgetary controls.

These themes accelerated under New Labour. Indeed, the centrally-driven 'micro-management' of performance has become a hallmark of Labour administrations since 1997. From April 2000 the 'Best Value' framework was applied to police authorities and forces. The legislation required them to review their service delivery over a five-year cycle and apply what are called the '4Cs': 'challenging' whether a particular service is required in the first place, 'consulting' about service provision, 'comparing' the service with other providers and reviewing 'competitive' alternative providers (Leigh *et al*. 1999). The Police Standards Unit[4] was established to intervene actively in local BCUs or even entire police forces that were deemed to be under-performing, and the managerialist drive continued with the Police Reform Act 2002. This laid out an even more stringent national planning framework, accompanied by an ever more strident rhetoric on the part of government ministers. The Street Crime Action Group, established in March 2002 in response to the Prime Minister's public undertaking to render street crime 'under control' by September, required senior officers in 10 selected force areas to report regularly to government ministers about progress towards targets (Home Office 2002a).

Between 2004 and 2008, the focus on centralised performance management was extended further as performance indicators for the police were organised

within the annually-published Policing Performance Assessment Framework (PPAF), the first of which was published in October 2005. In 2006/07, seven headline assessments were made including 23 qualitative baseline assessments alongside 32 quantitative performance indicators (Home Office 2007b). The published PPAF presents diagrams to illustrate comparisons of performance between groups of 'most similar forces', and comparisons of performance attract national and local media attention. This has continued the pressure upon police forces to follow central government targets obediently. Loveday and McClory (2007) noted that until recently all police forces were assessed on a monthly basis according to 37 performance indicators. This was the latest stage in the development of increasingly forensic micro-management from the centre. HMIC can report 'under-performing' BCUs (and forces) to a Home Office Performance Review Committee which can refer them to the Police Standards Units (now the Policing and Crime Standards Directorate) for intervention. From April 2008, the PPAF was replaced by a broader framework of performance assessment called Assessments of Policing and Community Safety (APACS). This has been developed by the Home Office and various community safety partners, including, the Association of Chief Police Officers (ACPO), the Association of Police Authorities (APA), Communities and Local Government (CLG), the Audit Commission, the Local Government Association (LGA) and Her Majesty's Inspectorate of Constabulary (HMIC). APACS has paid little or no attention to the fact that in Wales most of these community safety partners fall under the devolved Welsh Assembly Government (WAG). WAG had little involvement in the development of APACS which has serious implications for the ability of Welsh police forces to meet their targets. The intention is that APACS will set a reduced number of measures by which the police and others are evaluated with regard to their effectiveness on crime and community safety.

The degree to which all this frenetic activity in the sphere of performance measurement has actually improved police effectiveness remains contested (Home Affairs Committee 2007). Some authors have argued that – as a result of police performance management – policing in England and Wales has experienced a number of negative developments. These include a simplistic focus on enforcement and arrests, rather than more complex (but less measurable) problem-solving, with resulting negative effects on relationships with the publics that the police serve (Fitzgerald *et al*. 2002). Others have noted the tendency of performance measures to encourage a disproportionate police focus on relatively minor – but easy to solve – crimes such as minor thefts between schoolchildren or very minor assaults, to the detriment of more complex cases where it is comparatively difficult to demonstrate a positive 'result' (Chatterton 2008). For example, many critics have pointed out that the overwhelming contribution to improvement in 'offences brought to justice' statistics has been from fixed penalty notices issued for minor offences. Finally, increasing concern has been expressed about the level of effort and resources being devoted to the 'performance of performance' (Talbot 2000). On this view, far too much police activity is wasted on the rituals of target-meeting – sometimes involving imaginative ways of manipulating the figures – rather than focusing on achieving real improvements in service delivery. What is

uncontested, however, is that in terms of organisational accountability, everyday policing in many parts of England and Wales has become driven by concerns about meeting national targets rather than local priorities. In summer 2008, a group of chief constables announced that they were going to stop paying so much attention to national targets and performance league tables, and return to what they called 'common sense policing'. It may be that the era of slavish devotion to central targets is coming to an end.

The second aspect of marketisation concerns privitisation and the development of a real market in policing services. Direct privatisation – in the sense of hiving off public police functions to commercial providers – has had limited impact in the field of core policing services to date (see Home Office 1995). However, the recent drives towards workforce 'modernisation' have once again raised the prospect of privatisation and extended civilianisation into some core police roles (HMIC 2004). Some police forces, for example, have contracted out their detention officer function to private security companies, and are considering extending civilianisation into core areas such as crime investigation. A more significant development has been the development of market competition in the provision of visible patrol. The government has introduced a range of provisions relevant to this 'market' for policing services. This includes a system of national regulation for the contract security industry (Button and George 2001), the funding of other kinds of policing auxiliaries such as neighbourhood wardens and PCSOs, and official recognition of an 'extended police family' (Crawford, this volume). The growth of contracted provision of additional patrol resources to local bodies by police forces means that a real market for patrol services is developing in some local areas. Although developments are not even across England and Wales, recent research has suggested that local markets in security provision are expanding and becoming more complex. The public police are increasingly participating in local markets by contracting with bodies to provide additional police resources (Crawford and Lister 2006), and a small but growing proportion of police funding is now accounted for by charging fees for policing services and obtaining private sponsorship. These market-driven developments may provide some room for enhanced local influences in shaping 'policing', both in its broader sense (of diverse security networks) and its narrower sense (of making the public police contractually responsive to paying customers at the local level). But all aspects of market-style reforms contribute to a focus upon the 'calculative and contractual' forms of accountability and work to circumvent or even undermine more traditional 'political' modes of accountability (Reiner 1993).

Pluralisation

A number of commentators have highlighted a 'pluralisation' of policing visible in many western countries (Johnston 2000; Shearing 2000; Jones and Newburn 2006). This includes: the expansion of the commercial security sector (Jones and Newburn 1998, 2002; Johnston 2000); new forms of public sector policing provision such as local authority patrol forces, wardens, PCSOs and

municipal police forces (see Crawford, this volume); the hiring of commercial security by local authorities (Loader 2000); the increase in reported examples of informal policing such as vigilantism (Johnston 1996); and the emergence of new transnational policing forms above the state (Sheptycki 2000; see Walker, this volume). Criminologists have also drawn attention to the policing roles played by a host of regulatory agencies attached to national and local government such as environmental health officers (Johnston 1992). The pluralised provision of policing services poses significant challenges for those concerned to bring policing (as a whole) under the direction and control of democratic influences. As Loader (2000: 324) has argued, 'the questions . . . that have long vexed discussions of police policy and (mal)practice in liberal democratic societies press themselves with renewed force under the altered conditions of plural policing'. Plural policing raises four problems in particular for accountability. First in terms of transparency, the emergence of a range of providers and authorisers of policing raises the problem of identifying the various policing bodies, and rendering visible the activities they undertake. Second, in terms of effectiveness, the complex patchwork of overlapping agencies and activities present problems of duplication and highlight the need for effective co-ordination of policing bodies. Third, with regard to equity, pluralised provision threatens to exacerbate unequal provision of policing services both in terms of over-coercion and under-protection of disadvantaged groups. Fourth, in terms of responsiveness, it is more difficult to bring fragmented policing provision within the remit of collective political organisations and ensure that it is 'congruent with the values of the community in which it works and responsive to the discrepancies when they are pointed out' (Bayley 1983). It has been argued that current trends towards greater social diversity and inequality, accompanied by a growing fragmentation of policing, risk bringing about the 'worst of all possible worlds' that combines ineffectiveness with inequity. The challenge is to develop a framework of security governance that pays full regard to the pluralised conditions of contemporary policing, that is neither quantitatively excessive nor qualitatively invasive, and that meets the requirements of public accountability, justice and effectiveness (Johnston 2000).

The government's response to concerns about accountability and regulation has been, first, to introduce statutory regulation of private security, and second, to give the public police central responsibility for control and monitoring of these increasingly complex policing networks. The 2002 Police Reform Act gives the police the power of accreditation of warden schemes, and other community safety bodies. However, the Act also facilitates greater possibilities for the police to compete with the commercial security sector (and other bodies offering patrol services) via the expansion of employment of PCSOs. This has been criticised as creating a situation in which the police are given the power to regulate the groups with whom they are in competition (Crawford *et al*. 2005). Some commentators have recommended the creation of 'policing commissions' at national, regional and local levels with a statutory responsibility to monitor and direct *policing* policy as exercised by a wide range of 'policing' agencies and institutions (Loader 2000; Crawford *et al*. 2005). More generally, an influential body of work has argued strongly for a 'nodal' conception of police governance which shifts our attention away from

'state-centric' notions of policing, and towards broader ideas about the governance of security (Shearing 2000; Wood and Dupont 2006). An example of institutional reform that embodies some of these ideas was the creation of the new Policing Board – not a Police Board – in Northern Ireland following the recommendation of the Patten Commission. It may be that some similar principles are brought to bear on developments in local policing accountability in England and Wales in the not too distant future. Whatever the eventual shape of local accountability arrangements, however, it is vital that they take full account of the changed landscape of policing, and recognise the full range of agencies involved in the authorisation and delivery of policing.

Individual forms of accountability: complaints mechanisms and legal redress

Complaints against the police

It has been argued that 'the operation of effective complaints systems is fundamental for the survival of accountable and democratic public bodies' (Smith 2005). There is now a substantial literature about the mechanisms used to regulate and control the activities of individual police officers and the systems of complaint and redress against them (Goldsmith and Lewis 2000). A formal system for dealing with complaints against the police in England and Wales was introduced by the Police Act 1964, though it lacked any independent element in the investigation and adjudication of complaints. This independent element in the overseeing of the complaints process (if not the investigation) was gradually introduced with the establishment first of the Police Complaints Board in the 1970s, and then the Police Complaints Authority (PCA) in 1984. The PCA supervised the investigation of more serious incidents referred to it by the police. It also provided regular official comment on certain police policies and practices. Research has cast doubt on the effectiveness of this complaints system, from the viewpoint both of police officers and of those who made complaints (Maguire and Corbett 1991). A key source of criticism concerned the fact that those undertaking the investigation were still police officers, albeit from another division or force. The PCA was abolished by the Police Reform Act 2002, and replaced with the Independent Police Complaints Commission (IPCC) which became operational in April 2004.

Unlike its predecessors, the IPCC has its own independent investigators, enabling it to oversee police investigations into serious complaints or alternatively investigate them itself. The IPCC covers all 43 provincial police forces in England and Wales, as well as special police forces such as the British Transport Police, the Ministry of Defence Police, and SOCA. The IPCC's powers are considerably stronger than those of its predecessors. In particular, it requires all police forces to refer to it cases which are at a particular level of severity including all complaints or incidents involving deaths, serious injuries, assault or corruption (Bucke 2008). In addition to this, police forces can voluntarily refer other cases to the IPCC, or the IPCC itself can take over

the investigation of specific cases in which there are major public concerns. Formal IPCC action does not necessarily require a complaint to have been made. Its focus is upon police misconduct and thus it investigates a range of incidents such as deaths in custody, police shootings, or serious traffic accidents involving police vehicles. After an assessment of each case, the IPCC has four options regarding types of investigation. Independent investigations are undertaken by IPCC staff into the most serious incidents relating to high levels of public concern or with significant implications for the reputation of the police. Managed investigations are carried out by the police, but under the direction of the IPCC who set the terms of reference and manage the actual conduct of the investigation. Supervised investigations are also conducted by the police, but with joint agreement of terms of the investigation and choice of lead investigator. Local investigations are undertaken in cases determined by the IPCC to be of lesser seriousness or of lower public concern, and where the police have the resources and expertise required to carry out the investigation without assistance (Bucke 2008). The Police Reform Act 2002 also places a 'guardian function' on the IPCC, which is required to maintain and increase public confidence in the police complaints system.

In 2006/07, about 29,000 complaints were recorded across England and Wales, which was a 10 per cent increase on the previous year. These complaints included about 46,000 specific allegations against police staff, the most common of which concerned neglect or failure in duty (24 per cent), incivility or impoliteness (21 per cent) or 'other assault' (15 per cent) (Gleeson and Grace 2007). In terms of outcomes, almost half of the allegations were referred to local resolution, with about 30 per cent referred for investigation. Of this latter group, 11 per cent were substantiated (Gleeson and Grace 2007). IPCC figures show that in each of the three years preceding the introduction of the new complaints system, numbers of recorded complaints dropped by between eight and 12 per cent. In the first year of the operation of the IPCC, there was a 44 per cent increase, followed by smaller but still significant increases in subsequent years (Gleeson and Grace 2007). Various factors have contributed to these increases, including the expansion of types of people who can make a complaint against the police (and the police staff against whom they can complain), the ability to make direct complaints to the IPCC, and improvements in the recording practices of police forces with regard to complaints (Gleeson and Bucke 2006). However, the figures also suggest that there is increased public awareness of, and confidence in, the police complaints system, although concerns remain about the relatively low rate of substantiation.

Legal regulation of policing

The body of research and writing about police accountability in England and Wales has underplayed the importance of legal rules in the regulation of policing behaviour, a fact reflected in the lack of a detailed discussion of legal accountability in the earlier edition of this chapter (Dixon 2004). Yet Dixon is correct to point out that the relationship between law and policing is absolutely central to the idea of the democratic accountability of policing. The

above discussion of organisational accountability has demonstrated the importance of both statute and case law in shaping the broader system of police governance. Bearing in mind the earlier observation about the links between different dimensions of accountability, this section briefly discusses accountability to the law as a mechanism of individual accountability. Space restrictions prevent the detailed discussion of these issues, but two key aspects of legal accountability will be discussed here. The first concerns the accountability of policing via civil litigation about particular incidents. The second concerns the legal regulation of police powers.

The use of civil law as a remedy for police misconduct has increased in recent decades in England and Wales, as well as in other jurisdictions (Dixon and Smith 1998; Smith 2003). In particular, civil actions have grown in popularity as an alternative to the police complaints systems as a means of redress for police misconduct in particular instances. Civil litigation can take a number of forms with regard to individual cases, the key ones being actions against police officers (and their employers) for abuse of their powers (assault, false imprisonment, negligence, malicious prosecution, etc.), as well as for breaches of other legal codes relating to anti-discrimination, health and safety, etc. Police officers themselves can also initiate legal action against their own forces for alleged breaches of employment laws, discrimination or other forms of unreasonable behaviour. Civil litigation as a means of redress has grown generally with regard to government services across many jurisdictions in recent decades. While civil actions focus upon the provision of retrospective financial compensation to claimants, legal writers have emphasised also their role as a deterrent to improper future actions on the part of public officials (Ransley *et al*. 2007). A growing body of research has attempted to document and analyse trends in the extent and nature of civil claims against the police, as well as the size of damages awarded. For example, Smith (2003) shows how in 1998/99 there were in excess of 5,000 such claims against the police in England and Wales, resulting in at least £4.6 million paid in resolved actions (see also Ransley *et al*. 2007). These figures, of course, exclude the substantial sums paid in 'out of court' settlements to citizens who have either begun, or are threatening to begin, legal proceedings against the police. Research suggests that most civil actions against the police arise from cases of police misconduct in which the police are alleged to have abused their powers (McCulloch 2002; Ransley *et al*. 2007). In addition, research suggests that a lack of confidence in police complaints procedures contributes to the tendency to recourse to civil litigation (Smith 2003).

The second dimension of individual legal accountability concerns the regulation of police powers. Space restrictions prevent an extensive discussion in this chapter, and readers are referred to Sanders and Young (this volume) for a more detailed analysis of the nature of these powers and their regulation. The police are given a formidable array of legal powers, over and above those held by other citizens, in order to enable them to enforce the law and maintain order. The main piece of legislation that sets out the various police powers, and the ways in which they are regulated, is the Police and Criminal Evidence Act 1984, supplemented by seven codes of practice (Zander 2008). PACE clarified and codified the key police powers of stop and search, arrest,

detention, interviewing, etc, although police powers have also been amended in numerous important ways by subsequent legislation. In general, although some amendments have been related to developments in new technologies (e.g. relating to DNA evidence), most 'just reflected the seemingly endless, year-on-year extension of the scope and reach of police powers' (Zander 2008: 197). Whilst in some ways codifying and strengthening the range of police powers, PACE also introduced Codes of Practice that seek to regulate these powers. Initially, four codes were set out (respectively on stop and search; entry and search of premises and seizure of evidence; detention, treatment and questioning of suspects; and the tape recording of interviews with suspects). Since this time, three further codes have been added relating to identification procedures, visual recording of interviews, and on arrest powers. Although technically speaking, these codes are not law (in the sense that breach can give rise to legal proceedings), they play a central role in the individual legal regulation of police powers. This is because the courts have, under section 78 of PACE, the discretion to exclude evidence which has been obtained when the codes of practice have been broken by police officers. As Zander notes, 'whether the court applies this discretion is unpredictable, but it happens sufficiently often to be a factor in maintaining the authority of the codes' (2008: 198). There is a large body of research on the impact of PACE. Radical critiques have focused on the ability of the police to circumvent the codes of practice when they need to, and suggested that the picture of widespread compliance is because the police 'rarely have to go beyond the law to achieve their objective' (Sanders and Young 1994). Other authors have argued that PACE has had very substantive effects on the treatment of suspects within the police station, although it has had less effect on the (less visible) aspects of police behaviour away from the police station (Maguire 2002). In addition, since the early 1990s, the trend has been one of a general expansion of police powers without the development of corresponding safeguards (see Sanders and Young, this volume). For example, the police have been given additional powers to intercept communications and undertake covert operations,[5] along with new powers of stop and arrest and additional powers to deal with public order and terrorism (Newburn and Reiner 2007). At the time of writing, the government has just succeeded in gaining parliamentary support for the extension of the period of detention without charge in terrorism cases, from 28 to 42 days, in the face of strong criticism from civil liberties groups. Thus, although routine policing in England and Wales has become substantially more accountable to legal rules over the past 20 years or so, both the expansion of police powers and the limitations of legal forms of regulation, as highlighted by critics, are a cause for concern. This underpins the need to ensure that legal rules are part of a wider package of accountability mechanisms.

The democratic framework of police governance

This concluding section examines recent developments in police accountability in England and Wales with reference to the 'democratic criteria' outlined at the start of the chapter.

In terms of *equity*, while trends since the 1960s have been disappointing, this relates primarily to factors outside the immediate framework of policing. Increasing, inequality and social polarisation have arisen from wider socioeconomic trends and government policies. Within the context of policing, it has long been noted that services are unequally distributed both in terms of police protection and in the unequal targeting of law enforcement. For example, despite considerable official concern in the arena of race relations, policing still has significantly different impacts on different ethnic groups (see Bowling *et al*., this volume). Recent developments in the policing of terrorism and illegal immigration have exacerbated these tensions, with particular concerns focusing upon relationships between the police and Britain's already disadvantaged Muslim communities. There is potential within the developments discussed above to entrench and extend inequities. For example, the commitment to a crude performance model based around reduction of particular categories of street crime is likely to enhance rather than reduce inequalities. However, improving the effectiveness of service delivery need not necessarily conflict with equity. New realist criminology highlighted that it is disadvantaged communities whose lives are most blighted by experiences of crime and disorder (Young 1997). These groups have much to gain from efficient and effective policing, so long as such services are concerned with equity. Increased central influence need not necessarily conflict with equity. For example, central government played an important role in promoting the Macpherson agenda. Nevertheless, there are potential problems with current trends. The continued official adherence to a particularly vigorous form of managerialism has diluted the already limited impact of local bodies at the same time as over-focusing police attention on crude indicators of crime control. Market-based reforms and pluralised policing threaten to increase inequity between local areas (for example, between those areas that can afford to pay for extra PCSOs, private security guards or neighbourhood wardens and those who cannot). We still lack accountability institutions at the local level with the necessary power and expertise to ensure that state-run policing is delivered equitably, and that plural policing forms do not simply further polarise provision. The Conservative Party has indicated an interest in importing a model of police accountability from the US, with the introduction of elected local policing commissioners (Conservative Party 2007). The government has also indicated its intention to enhance electoral accountability of local policing, although concrete proposals in this regard have yet to appear. Whilst it is possible that improved electoral accountability may have some positive impacts on equitable policing, under current political conditions it is possible to envisage the opposite occurring, with the combined effects of local electoral controls, marketisation and pluralisation resulting in further polarisation of policing services. The danger is that local policing may become driven by populist concerns about groups who are already marginalised from the political process, with enhanced pressure upon local police commanders to undertake a tougher policing of young people and minorities. Liberal democracy does not necessarily produce 'liberal' outcomes.

Questions of efficient and effective *service delivery* have been at the heart of reforms of police governance since the 1980s. This has had some positive effects. Police managers have become more accountable for the efficient and

effective use of public resources than they used to be (Reiner 1993). This is surely a positive development given the record increases in public expenditure on the police that have occurred over the past decade or so (Home Affairs Committee 2007). However, a major problem exists with the managerialist model of police performance that has been promoted by both Conservative and Labour administrations, and its obsessive fixation on centrally set statistical targets. Recent debates about police performance and league tables have highlighted some of the dysfunctional aspects of centralised performance management of policing. As Walker (2000) points out, performance audit may obscure but cannot dissolve wider questions about policing priorities, styles and methods. Consumerist pressures have weakened the importance of local democratic deliberations about policing in the arena where they are most important. While central government – as the provider of the overwhelming proportion of police resources – has a legitimate interest in ensuring that these resources are used as effectively as possible, the lack of sophisticated local democratic deliberation about policing undermines effectiveness. The instrumental achievement of police efficiency and effectiveness may actually be better served by more vigorous local democratic input into policing than by a centrally driven performance model (Walker 2000: 147). It may be that enhanced local electoral accountability of policing can help to channel this democratic input into policing and improve service delivery. One of the key justifications put forward by supporters of such reforms is framed in terms of improving local policing performance, and holding local police commanders much more directly to account (Loveday and McClory 2007). However, we must also consider the possibility that – given the long-standing problems of local government provision – local 'democratic' fora will simply reflect the crude focus on statistical performance that has been a feature of central controls. There remains much in policing that is not easily captured via routine performance indicators. While they provide a useful aid to democratic accountability, they cannot be the only or primary element.

In a number of ways, policing in England and Wales has become increasingly *responsive* to external bodies. The expansion of central government influence has been well documented, but the police are also increasingly responsive to central bodies other than the Home Office within the national policing policy community (Savage *et al*. 2000). In addition, increasing emphasis on consultation has in some areas led to increased responsiveness to local needs (Jones and Newburn 2001). However, the overall picture of declining responsiveness to local representative bodies is undeniable. Although local police authorities were provided with significant new powers during the 1990s, these bodies had a substantially reduced elected element. In addition, their influence appears to have been mainly channelled into promoting the same performance model that has been driving central government reforms. Responsiveness to local representative bodies was explicitly downgraded by reforms of the past 20 years or so and set against the goal of achieving effective and efficient service delivery. As noted above, however, there are some signs that support for the idea that policing should to be more responsive to local bodies is gaining increasing political support (Loveday and Reid 2003; Loveday 2006).

A concern with the *distribution of power* has been visible throughout the history of police governance. A key aim of the tripartite structure was to institutionalise a system of countervailing powers over policing. However, in some ways this has come up against the aim of effective service delivery – the primary justification for the growing influence of national institutions. However, as Savage *et al*. (2000) note, these developments have not resulted in a straightforward concentration in the power of central government. Rather, it has seen the emergence of competing centres of power at the national level, including ACPO. Partly as a result of statutory community safety partnerships, local policing has become more embedded in the wider framework of local governance (although this is largely driven by professionals and practitioners rather than local elected representatives). Operational police commanders now work with a range of local agencies and organisations to a much greater degree than they did in previous eras. The messy reality of institutional boundaries, contrasting organisational cultures, different funding sources and conflicting performance targets have all been a barrier to the development of effective local partnerships, but these may still provide a pathway to the future development of enhanced local mechanisms of democratic accountability. The pluralisation of policing has also distributed power over service provision, with the emergence of alternative providers that may be more directly accountable to the communities they serve (Johnston and Shearing 2003). This form of accountability is likely to take the contractual form rather than political modes. There remains a democratic deficit at the local level. Although there have been opportunities to enhance local influences over policing, these have yet to be grasped in a coherent way. Police authorities are organised at a broad regional level, and their elected component has been substantially reduced. Furthermore, they remain focused primarily upon performance issues concerning the public police and have little influence over forms of policing other than those provided by traditional constabularies. Whilst there have been some signs of countervailing pressures to the dominant theme of centralisation of control over policing and community safety, at the moment these remain largely symbolic and cannot yet be seen as a significant redistribution of influence to the local level. How the democratic deficit at the local level is addressed will be a key element in the distribution of power over the next few years. It may well be that introducing more directly democratic controls over local policing serves to re-invigorate local influence. But, as noted above, democracy should not be reduced to electoral control. It is also about checks and balances, and the input of expert opinion.

A central part of the drive for improved service delivery has been the need for better public *information* about the funding, expenditure, activities and outputs of policing. However, too much information – or information of the wrong sort – is unhelpful to a system of democratic governance. An earlier study of police governance suggested that levels of performance information 'have gone beyond the point where it clarifies matters for the citizen, and is actually in danger of confusing the citizen' (Jones and Newburn 1997: 215). Recent years have seen a further explosion of unrefined performance data in the public realm that may have hindered rather than enhanced sophisticated debate about policing. The focus on statistical performance can give a spurious

scientific validity to crude ideas about the performance of police forces, and diverts attention away from the more complex factors that contribute to community safety. While valid performance information is a necessary component of democratic accountability, it is certainly not a sufficient one. Information needs of police managers, police authority members, and the broader public clearly overlap to a degree, but they are not identical. It is important to remember to recognise the unhelpful political uses to which crude performance statistics can be put (see, for example, the debate over government claims regarding its Street Crime Initiative). Thus, although the amount of publicly available information about policing has grown exponentially, this has had little impact on the level and quality of debate about policing in local areas.

With regard to the democratic criterion of *redress*, considerable concerns remain about the expansion of police powers and the effectiveness of current legal regulations of such powers. However, it is reasonable to argue that routine policing has become more accountable to legal regulations than it was in the past, certainly prior to PACE. The expansion of successful civil actions against the police also suggests that at least for some citizens, the civil law can provide some remedy to abuses of police power or other forms of police misconduct. However, this is likely to be a realistic remedy for only a small section of the population, and restrictions on legal aid will certainly reduce the effectiveness of civil actions as a possible form of accountability for more disadvantaged members of society. With regard to complaints mechanisms, the advent of an independent complaints system in England and Wales has improved the possibilities for individual redress, as partly suggested by the expanding numbers of recorded complaints against the police. However, substantiation rates remain low and some commentators have suggested that although the IPCC is a considerable improvement on what existed before, there are still considerable concerns about the efficacy of complaints mechanisms as a tool of accountability.

As noted in earlier studies, *participation* has often been the key democratic criterion applied in many discussions of police accountability. However, the most appropriate mode of participation in deliberations about policing policy is a difficult and contentious question. In an interesting twist, the Conservative Party is now leaning towards proposals for electoral control of policing that echo the demands of radical left critics of the police during the 1980s. These approaches place emphasis on a participatory approach to democracy, actively seeking to incorporate the views of citizens in local decisions about policing policy, and obliging senior police officers to respond to such views. Johnston (2000) has also argued for the need to democratise local police governance but accepts that the fragmented state of local civic institutions makes this difficult. The challenge is to develop vibrant local democratic influences over policing styles and priorities in the face of the weakened influence and popularity of local government and local civic society in the UK. Enhanced electoral input into policing may be part of a solution to this issue, but cannot address this problem on its own. Participation needs to mean something more than the periodic opportunity to vote in local elections, given what we know about declining turnouts in local elections and the political marginalisation of those

social groups that have the most difficult relationships with policing. Democratic participation, therefore, must be based on a more imaginative approach to informing as well as engaging community opinions on crime and disorder than simply giving more power to locally elected bodies. Some police force areas have seen interesting new approaches in attempting, in a variety of ways, to develop effective mechanisms of deliberative democracy. Citizens' Juries and Panels, community focus groups, and more comprehensive and sophisticated research techniques that go beyond basic quantitative opinion polling have much to offer here. It is hard to disagree with Walker's (2000) call for a 'less ambivalent' approach to the virtues of local democracy, but local democracy that is defined broadly. Clearly, this cannot be divorced from a discussion of the vibrancy and effectiveness of local democratic service provision in general. As Johnston (2000) has argued, policing policies need to be integrated more firmly within wider debates about social and economic security.

This brief overview of 'democratic criteria' suggests mixed developments in the system of police governance in England and Wales over recent years. In some ways, the police are more accountable than they have ever been – they are certainly under greater scrutiny. Media and public debate about policing has become more informed and critical. The gaze of external bodies such as the Audit Commission has become ever more intense, coupled with a rigorous measurement of elements of what the police do and how they do it. Police officers are better trained and more politically informed than in previous eras. In particular, most basic command unit commanders are acutely aware of the need for dialogue with the key constituencies on their patch, and many make energetic attempts to consult as widely as possible. These developments have many positive aspects. Nevertheless, the recent history of police governance also throws up some worrying trends. Of particular concern are: the continued expansion of national influences at the expense of local democratic institutions; the pressure on the police to chase crude performance targets; persistent inequalities in the policing experiences of different social groups; and the twin threats of inequity and ineffectiveness posed by the pluralisation of policing.

In conclusion, two points should be made. First, future arrangements for governance and accountability of the police must take account of plural forms of policing. State constabularies will probably remain central within the network of agencies contributing to public safety and security, at least for the foreseeable future. However, we must find more effective and equitable ways of co-ordinating and controlling the plethora of policing activities, many of which are far from new, that contribute to local security networks. Secondly, these arrangements need to address the democratic deficit at the local level, but do so in ways that do not simply equate democracy with local electoral control. For reasons outlined at the beginning of this chapter, much concern about crime and insecurity is firmly rooted in the characteristics of local areas. For similar reasons, sources of legitimacy and trust of policing bodies have a strong local element. At the same time, there are increasing regional, national and global pressures on policing which are difficult to accommodate within localised forms of accountability and control. The current re-emergence of the politics of police accountability provides a welcome opportunity to address

these tensions, and develop a range of vibrant democratic accountability mechanisms for policing and security provision more generally.

Notes

1 Space restrictions mean that this chapter will focus upon police accountability in England and Wales. For a comprehensive analysis of UK police governance arrangements including the distinctive Scottish and Northern Irish systems, see Walker (2000) and Chapters 5 and 6 this volume. See also Chapters 8 and 9, this volume, for further discussion of the policing systems of Scotland and Northern Ireland respectively.
2 Another key development in terms of national policing institutions concerns the role of the security services in 'normal' crime control. The Security Services Act 1996 laid down provisions for the active collaboration of security services in support of the police and other agencies in the prevention and detection of serious crime. Concerns have been raised about the 'hidden' nature of the security services' involvement, and the lack of transparency and accountability that this entails (Walker 2000).
3 The Audit Commission was established by the Local Government Act 1982 with a remit to monitor and promote economy, efficiency and effectiveness in the management of local government.
4 In July 2006 the PSU was subsumed under a new Police and Crime Standards Directorate (PCSD) in the Home Office. This includes six units that draw on the experience and expertise of a number of professionals including secondees from the police, regional government offices, local authorities and other government departments, forensic specialists, analysts, and other Home Office officials.
5 The particular powers given to the police with regard to proactive, covert operations and interception of communications are set out and regulated by the Regulation of Investigatory Powers Act (RIPA) 2000. For further discussion of these important powers and regulations, see Maguire (this volume) and Sanders and Young (this volume).

Selected further reading

For a more detailed discussion of some of the issues raised in this chapter, the reader is referred to Walker's excellent analysis of police governance: *Policing in a Changing Constitutional Order* (2000). This book addresses an important omission in much British writing on police governance in that it covers the distinctive systems of Scotland and Northern Ireland as well as that of England and Wales. Lustgarten's *The Governance of Police* (1986) remains the central legal critique of the English and Welsh system of police governance up until the early 1980s. The Patten Report (1999) provides important insights into the accountability of policing that go beyond the immediate context of Northern Ireland. An extensive and detailed treatment of the politics of police reform in England and Wales can be found in Steve Savage's book, *Police Reform* (2007). A limitation of this chapter has been the relatively brief discussion of legal and administrative forms of accountability. An excellent account of the relationship between law and policing can be found in David Dixon's book, *Law and Policing* (1997). For a comprehensive treatment of the place of complaints systems in the oversight of policing, readers are referred to Goldsmith and Lewis's (2000) edited collection, *Civilian Oversight of Policing*.

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Chapter 27

Leadership and performance management

Bob Golding and Stephen P. Savage

Introduction

In November 2007, in a news item headed 'Targets let dangerous criminal escape net' (*The Times* 13 November 2007), the Chief Executive of the National Policing Improvement Agency, Peter Neyroud, challenged the 'target culture' surrounding the British police service, on the basis that pursuit of particular, government driven, targets – in this case around the 'numbers of offences brought to justice' – was becoming detrimental to the policing of serious, violent crimes. That specific case aside, this was a significant intervention in the development of performance management within British policing, because it signalled a concern amongst those clearly not unsympathetic to performance management *per se* that perhaps things had gone 'too far', or that the particular forms which performance management had taken were driving policing in inappropriate directions. Once again, it seemed, performance management in the policing context was becoming a hotly contested issue. Alongside the debate over the role of performance management in policing, another, closely related, theme has also been the focus of recent controversy: police leadership. Reflecting what has been called the 'never-ending crisis of police leadership' (Rowe 2006), the Labour government's radical programme of police reform, launched in the early years of the new millenium (Savage 2007a: 188–205), identified the 'quality of police leadership' as one area in need of reform (Home Office 2003). Although in this context what was embraced by the notion of 'leadership' was much more comprehensive than previous 'crises of leadership' – as shall be seen later, it encompassed 'leadership' at all levels of the police organisation, not just senior levels as tended to be the case in past debates over police leadership – once again police leadership was to be at the centre of debate and policy development.

Against this backcloth, this chapter examines both leadership and performance management in the context of British policing, both current and past. After discussing the notions of 'police leadership' and 'police performance management' as relatively distinct fields of study, it will consider the interplay

of an interface between leadership and performance management by reflecting on the role of leadership within a 'performance culture'. Before that, it will be useful to consider some contextual issues.

The first point to note is that the whole debate over police leadership and performance management is premised on an assumption, now taken largely for granted, that policing can be *'managed'* as such. This is not as straightforward an assumption as it may appear; some scholars have questioned whether management principles and processes which apply to other organisations, private and public, can ever apply to the specific world of the police organisation. When the notions associated with what is now termed 'new public management' (Ranson and Stewart 1994) first began to emerge within discourses on British police management in the mid-1980s, in the form of 'Policing by Objectives' (Butler 1984; Savage 2007a: 86–92), one response was to carve out policing as a 'special case' as far as the management process was concerned. Waddington in particular has articulated this thesis, by arguing that 'management by objectives', involving a cycle of objective setting, plans to achieve objectives and assessment and review of outcomes in terms of performance, is a model which cannot realistically apply in the policing context, and for two reasons (Waddington 1986). On the one hand, policing is essentially about *reacting* to unpredictable demand, rather than the pursuit of goals set out in advance, as might be the case in other organisations. In a later study Waddington (1999) was to restate this view when, in responding to a self-posed question of whether policing is in a sense 'unmanageable', he replied: 'The answer is yes, if management and control is taken to mean the issuing of directives, guidance or any other means of influencing police behaviour *in advance* of the situation they deal with. Policing is largely reactive' (Waddington 1999: 242, emphasis in original). On the other hand, policing by its very nature does not lend itself to 'performance' measurement in the way other activities might, in the sense that not only are the police attached to 'outcomes' (such as crime rates) over which they have relatively little control, but the policing function itself is as much 'symbolic' as it is operational – or, as Reiner (2000: 112) has expressed it, what the police *are* is as important as what the police *do* – and as such, policing cannot be reduced to the execution of measurable 'tasks' as performance measurement and management appears to assume. Although contemporary debate in policing is now much more about what *forms* performance management should adopt rather than whether performance management can be applied *in principle* to policing, the questions which Waddington and others have raised in these respects are important to register at this stage.

A second contextual issue relates to the inter-relationships *between* 'leadership' and 'performance management'. Notwithstanding the differing conceptions of 'leadership' which will be considered later, a view held in some quarters is that leadership and performance management are in many ways two sides of the same coin. On the one hand, leadership is to be seen as a function whose central component *is* performance management, in the sense that effectively managing performance is what leaders do. On the other hand, effective performance management is seen as only achievable *through* strong leadership (HMIC 2007a). This view holds that leadership and performance

management operate in a symbiotic and functionally compatible relationship. This is a conception we would wish to challenge, as will become apparent later in this discussion, on the grounds that there are potential or actual tensions between the role of leadership and the machineries of performance management, at least in terms of the forms taken by police performance management in the British context. In particular, the latter has been characterised by the diminution of levels of *discretion* and degrees of autonomy which, we would argue, are critical to effective police leadership. This is a theme which will run throughout this discussion.

A third contextual issue is the interplay between frameworks of police performance management and leadership on the one hand and the structures and processes of *governance* on the other. Performance management, for example, has become almost inseparable from British police governance as 'performance culture' has permeated the mind-set of government itself, and of the national agencies responsible for the regulation of policing and of police management at force levels. To a great extent police governance has become the regulation and control of police performance, at national, force and divisional levels. Although police governance in Britain has been characterised by the increasing 'nationalisation' of police decision-making through the expansion of direct controls over policing policy (see Jones, this volume), it has also been characterised by the growth of regulatory governance in the form of what Braithwaite (2000: 49–54) has called the 'new regulatory state'. At the core of police regulatory governance are the machineries for directing, monitoring and acting upon the performance of the police at all levels, from the national to the 'micro-local'. As will be seen, this has been associated with the proliferation of agencies made responsible for maintaining standards of performance at all of those levels, all contributing to the diminution of discretion available to police leaders, as mentioned above. In these senses an examination of police performance management and its relationship with police leadership is at one and the same time an examination of systems of police governance. On this basis we can now proceed with our first concern: police leadership.

Police leadership

As has been noted earlier, effective leadership is often held to be an indispensable component of performance management and indeed to police reform itself: 'leadership is generally regarded as the key to performance, and improving police leadership is the central plank in the police reform agenda' (Dobby *et al*. 2004: 1).

Definitional and conceptual issues

There are numerous attempts in management literature and elsewhere which seek to define 'leadership', though it is widely accepted that there is no one consensually agreed definition of leadership, let alone of *police* leadership. One view is that leadership can be seen as a generic concept which cuts across

particular sectors and organisations, rendering police leadership as largely indistinguishable from any other type of leadership. Sir Ian Blair, when Deputy Commissioner of the Metropolitan Police, for example, argued, with qualification, that 'police leadership is not essentially different from leadership in other spheres of activity' (cited in Adlam and Villiers 2003: 169). In the British context, a specific driver of the concern to define, or redefine police leadership has been the 'Workforce Modernisation' agenda, a key part of the Labour government's police reform programme (Crawford, this volume).

The police 'Workforce Modernisation' agenda was set out initially in the White Paper *Building Communities, Beating Crime* (Home Office 2004a), which signalled the 'second wave' of police reform under Labour (Savage 2007a: 188–90) after the Police Reform Act 2002. The Workforce Modernisation Programme itself had a number of strands, several of which were related directly to police leadership, including:

- Enhancing the professionalism of police officers and police staff
- Opening the service to 'new talent'
- Strengthening police leadership *at all levels* (Home Office 2004a: 76, emphasis added).

The notions of 'enhancing the professionalism' of the police and of opening the service to 'new talent' are closely related, because they raise once again the spectre of *direct entry* to senior police leadership levels, in place of the 'single-entry' system whereby all police officers start as constables. This issue will be addressed in a later section. The notion of strengthening police leadership 'at all levels' is particularly significant, because it signifies what might be called the 'fragmentation' or 'dispersal' of police leadership, from a process situated at the senior levels of the police organisation with effects downward throughout the organisation, to one which is multi-level and which embraces frontline policing, supervisory roles, middle management and strategic command. Waters (2007) has argued that Labour's police reform agenda was imbued with meeting the challenges not of modernity but postmodernity, of policing an increasingly pluralised, fragmented and diverse society (Johnston 1998). One reflection of that has been the re-conception of police leadership as operative at a variety of levels, and in particular at the level of the frontline officer, who is to be increasingly a 'leader' of a *team* of people constituting the fragmented and pluralised 'extended family of policing' (Crawford, this volume).

The Workforce Modernisation Programme has thus spawned a range of initiatives around the theme of police leadership. One of these has been to reinvigorate the work of the Police Leadership Development Board – a tripartite body of Home Office, ACPO and the Association of Police Authorities set up in 2001 to address concerns over police leadership and performance, and later incorporated into the 'Workforce Modernisation Board'. A working definition of police leadership emerging from this body is one which describes it as ultimately 'about ensuring that individuals, the community and the state get the best that is reasonably possible from the human and other resources

which are available to pursue the goals of policing' (Dobby *et al*. 2004: 26), quite clearly a more 'generic' definition.

The Police Leadership Academy (formerly part of Centrex, the national police training and development organisation, which was itself absorbed into the National Policing Improvement Agency (NPIA) in 2007) has, for the purpose of developing a doctrine of police leadership, defined leadership as 'the ability to effectively influence and combine individuals and resources to achieve objectives that would otherwise be impossible' (Gibson and Villiers 2007: 6). Again, a generic definition. However, the Academy developed the definition of leadership in a more sector specific way by drawing distinctions between 'command', 'leadership' and 'management'. 'Command', they argue, is based on positional power, derived from the parameters of power granted to a person in a particular office, with success 'measured' against objective criteria and by the willingness of subordinates to follow. Leadership, is distinguished from command in this analysis in that the authority is personal (not positional) and involves a mix of exhortation, personal example and the exercise of command authority. Finally 'management' is described as an aspect of command concerned with the efficient allocation and control of resources. The 'well equipped leader', drawing these threads together is said then to 'be able to manage a substantial challenge in consequence of having solid sources of authority in each of the three domains of command, leadership and management' (Gibson and Villiers 2007: 7). These definitions offer a more nuanced picture, one that is more responsive to the particular context of policing, although still not exclusively so.

Whilst recognising that police leadership skills are *in part generic*, Gibson and Villiers identify three distinctive areas which they argue impose 'distinctive demands' on and of police leadership, themselves elements of the 'uniqueness' of policing, namely:

- the constitutional and legal context (including the issue of the exercise of discretion inherent in the office of constable)
- the variety and complexity of the nature of police work – including what was referred to earlier as 'unpredictable demand'
- the psychological and ethical pressures imposed on practitioners and the need for senior leadership to take them into account (2007: 2, 37–49).

Adlam and Villiers (2003: 215) had previously considered the distinctiveness of police leadership through an analysis of the 'police purpose' – with a view to establishing whether police *leadership* is indeed a 'distinct form of practice'. They articulate a notion of the 'policing purpose' based on a combination of functions linking together crime prevention, order maintenance and the role of the police as 'social peacekeepers', essentially restating the concept of 'policing by consent' (Reiner 2000: 48–50). 'Effective police leadership' reflects these functions within a framework of action based on the following of practice, guidelines and an underpinning ethical framework. Remaining with the notion of the 'uniqueness' of policing in the leadership context, ACPO (1993) also claimed a 'special case', listing features that make policing unique,

based on the particular nature of police responsibilities, including law enforcement, order maintenance, and helping, befriending and reassuring the community. The significance of the large degree of discretion in police decision-making, which cannot be delegated, a wide range of responsibilities, and various other features including instant decision-making, the emotional demands of policing and reliance on individual skill, judgement and initiative, they suggest, justifies the view that policing is indeed 'unique' (cited in Adlam and Villiers 2003: 217; see also Gibson and Villiers 2007: 1). According to these views, police leadership combines both generic and sector-specific demands and functions, constituting a 'distinct form of practice' (Adlam and Villiers 2003: 216).

Crises of leadership

Police leadership in Britain has been the focus of periodic and recurring criticism, at times explicit, at others more implicit, and some of it government-inspired, which has called into question the 'quality' of such leadership and its capacity to support the police sector as it attempts to meet the new challenges emerging within that sector. The discourse of a 'crisis of police leadership' is then used to legitimate programmes of central intervention and regulation and wider police reform, including, as shall be seen, performance management regimes. Vick, commenting on the background to Labour's programme of police reform, argues that:

> the overarching criticism of police leadership is its perceived failure to lead and adapt to change. The Home Secretary has been critical of the conservative nature of policing. He has argued that police leaders have been less radical than politicians or academics in generating innovation. Police conservatism is matched by police conformity. Police leaders uncritically follow fashion. (Vick 2000: 4)

It is not only government which has challenged police leadership. Based on qualitative research and analysis, Gibson and Villiers (a chief police officer and academic respectively working closely with police leadership development programmes at Centrex), have identified the main criticisms of police leadership as being that it is 'overly prescriptive, inappropriately traditional, expedient, pragmatic and deeply influenced by the mores of an insular police culture' (Gibson and Villiers 2007: 16). However, much of the agenda around 'crises of leadership' has been shaped by government itself, partly with genuine concerns about the capacity of police leadership to deliver what it expects the police service to deliver, and partly as a convenient case construction to 'soften up' the police sector before wider programmes of reform are launched. It is possible to identify two phases within which a discourse around a 'crisis of leadership' has been instrumental in constructing a case for wider police reform.

The first phase occurred towards the end of Margaret Thatcher's period as Prime Minister and prefaced the police reform agenda of the early to mid 1990s, the culmination of which was the Police and Magistrates' Courts Act

1994 (see chapters by Newburn and Jones, this volume). Although Thatcher herself was highly supportive of the police sector, certainly in comparison to many other areas of the public sector, even she was moved to question the quality of police leadership towards the end of the 1980s. She was known to be interested in the notion of an 'officer class' along the military model of an officer cadre. In part this was motivated by an apparent concern to use the services of military officers freed up by the downsizing of the military in the wake of the end of the Cold-War – and Thatcher had great admiration for, if not a sense of debt to, military leaders for delivering victory in the Falklands War (Savage 2007a: 173–5). But it is also reflected in a view that the police sector, at a time of rising crime, needed an influx of 'new blood' directly into leadership levels. As Thatcher argued: 'It is essential to ensure that police leadership is of the highest calibre. All organisations need to consider how best to recruit talent and subsequently to develop it. All organisations stand to benefit from an injection of new blood and new ideas' (quoted in Judge 1994: 448).

This baton was subsequently handed on to other Conservative government ministers, who were becoming increasingly frustrated with the seemingly poor 'returns' on the high levels of investment and expenditure committed to the police sector throughout the 1980s – considered later in relation to the issue of 'value for money'. The discourse of a 'crisis of leadership' was then used as part of the armoury surrounding the Conservatives' agenda for the reform of police governance, police pay and conditions of service, and police roles and functions which were to be a feature of the policing scene of the early 1990s (Savage 2007a: 173–9).

The second phase of a 'crisis of leadership' came with the Labour government's strategy for police reform in the early years of the new millennium. Labour's radical programme of police reform had many dimensions and was supported by a range of concerns (Savage 2007a: 188–90), but some of them related directly or indirectly to the quality of police leadership. For example, it was claimed that police performance varied too much between police forces and that police resources need to be 'better managed' (Home Office 2001: 102), both claims clearly indicating shortfalls in police leadership. However, what differed this time around was that the scope of what was to be called 'police leadership' was to be widened significantly, to embrace *all levels of the police organisation*, not just middle and senior management levels. A particular focus in this respect was the need to bridge the 'reasssurance gap' between actual levels of crime and people's perceptions of crime, by strengthening local or 'neigbourhood' policing. There was to be a renewed focus on developing police leadership at the level of frontline policing, via neighbourhood policing *teams*, which included not just warranted officers but other members of the extended policing family.

Such discourses have been used to strengthen cases for wider programmes of change and reform, though this does not make their claims justified or legitimate. Two points can be made in this respect. Firstly, there is counter-evidence to the claim that police leadership in Britain suffers from a lack of 'quality', and not just from within the sector. The Campaign for Leadership (part of the Work Foundation) maintains a database of over 40,000 leaders,

peers and staff, as part of a 'Liberating Leadership' profiling tool based on 38 'constructs' which are identified through research as critical in effective leadership (Tampoe 1998). Within that database are 5,000 profiles of police leaders. Analysis of that database has indicated that police leaders compare favourably with both the public sector, and all sectors in the UK – not consistent with a view that police leadership is in some way poorer than that found in either the public or private sector (Gibson and Villiers 2007: 14). Secondly, it should not be ignored that much change and reform of policing has been *internally driven by police leaders*. Reiner (2000: 204–8) has documented the key roles in developing the 'service-ethos' in British policing by police leaders such as Kenneth Newman and Peter Imbert, and Savage (2007a: 128–41) has analysed the roles played by 'police visionaries' (such as John Alderson) and police 'policy entrepreneurs' in driving reform from within, often against the tide. These are prime examples of 'leadership' in the strictest sense of the term. Furthermore, there is evidence that when police leaders work in partnership with other public sector bodies and leaders, they exhibit relative strengths in 'leading' as such. As HMIC have commented, '[ACPO] has, through its members, contributed much to the success of the partnerships. It is evident that the police service ... often takes the lead in partnership activity' (HMIC 2000a: xi).

This would not, however, mean that there was no scope for continuing the quest to prepare police leadership for the new challenges facing contemporary policing (Dobby *et al*. 2004: v–vi), a task which was now to be charged to the Police Leadership Development Board within Centrex and latterly the NPIA. Not only did the work of the Board embrace the wider conception of 'police leadership' referred to earlier, it also sought to develop best practice and support particular models and styles of police leadership itself. This moved inexorably into the territory of *transformational leadership*.

Models and leadership styles – the pursuit of transformational leadership

One of the key themes in recent literature on police leadership is the concept of 'transformational leadership' (Burns 1978; Long 2003; Adlam 2003; Dobby *et al*. 2004; Gibson and Villiers 2006). Bass (1990) distinguishes between 'transactional' and 'transformational' leadership, the former being an exchange where leaders hand over rewards when followers meet expectations – akin to a contractural arrangement or management based on contingency reward (Long 2003: 644); the latter involving the raising of followers' sense of purpose and levels of motivation. Transformational leadership, in summary, 'encompasses those being led, the employees, subordinates or followers in the leadership process', characterised by 'inspirational motivation', 'intellectual stimulation' and 'individualised consideration' (Barker, cited in Long: 2003: 644). In general, transformational leadership has been found to be more effective in both the long and the short term than transactional leadership, in that it leads to greater effort and commitment by staff through providing for self confidence, developing learning and communicating a vision which develops in turn new ways of thinking (Bass and Avolio 1994; Hinkin and Tracey 1994; Geyer and Steyrer 1994; Hater and Bass 1988, cited in Dobby *et*

al. 2004: 1). Arguably, transformational leadership is a more 'democratic' style of leadership.

Specific research on police leadership was undertaken in 2004 to inform the Police Leadership Development Board on ways in which police leadership needed to change (Dobby *et al*. 2004). This identified 53 behaviours as being related to effective leadership, of which 50 were closely matched to a 'transformational' style, affecting positively subordinates' attitude to work, job satisfaction and commitment to the organisation (Dobby *et al*. 2004: v). A critical issue also highlighted was the damaging impact caused by those who did not exhibit a transformational approach, in terms, for example, of damaging morale and performance (Dobby *et al*. 2004: 25), and it was concluded that 'leadership behaviours described as transformational should be provided by every police leader who has direct line management responsibility for other staff', on the basis that it is more likely to result in higher performing, better motivated, teams (Dobby *et al*. 2004: 25; Gibson and Villiers 2006: 3).

In policing terms, however, it has also been argued there 'is a need for the police leader to be able to exhibit flexibility in leadership styles . . . the skilled police leader has to recognise where transactional leadership would unnecessarily constrain or inhibit more junior officers and prevent them from making a valuable contribution to organisational success' (Long 2003: 645; see also Adlam and Villiers 2003: 211). Gibson and Villiers (2006: 28) talk of a 'leadership continuum' (after Tannenbaum and Schmidt 1958) and contend that the 'use of other styles of leadership is important also for an all round effective leader'; so whilst the ability to lead with a transformational style is important, they argue that 'this must be coupled with a situational awareness and knowledge of how other styles can be effectively used' (Gibson and Villiers 2007: 3).

In moving towards the development of a Police Leadership Qualities Framework (PLQF), Gibson and Villiers reviewed the prevailing theory on leadership and sought to relate it to policing (2007: 19–30). Drawing on the thesis that police leadership was part generic and part specific to the policing role, they developed a position beyond simply advocating a transformational leadership style in the particular context of the requirements of police leadership. They identify arguments against transformational leadership alone, for example an over-emphasis on personality and attributes, quoting Bolden (2005) who argues that 'a range of more inclusive models of leadership are now emerging which argue for a quieter, less dramatic leadership at all levels within the organisation' (cited in Gibson and Villiers 2007: 29; see also Wexler *et al*. 2007, in the context of US policing based on Collins' thesis on 'Good to Great' leadership (Collins 2001)). The 'post heroic leadership style' (after Alimo-Metcalfe and Alban-Metcalfe 2005), based on research in the public sector, reinforces this evolution, identifying six features of leadership as:

- valuing individuals
- networking and achieving
- enabling (empowers, delegates, develops potential)

- acting with integrity
- being accessible
- being decisive.

Gibson and Villiers further considered the notion of 'distributed leadership' – a situational/contingency approach, recognising working arrangements whereby teams are not necessarily co-located, where leaders problem solve by drawing on others' expertise such that there is a degree of interdependence, thereby fitting modern organisational (and police) practice more realistically. Here leadership is 'a shifting and shared enterprise', is 'morally desirable', 'promotes participation and empowerment', and 'does not degrade followers' (Gibson and Villiers 2007: 28). So leadership in this thesis is practised throughout the police organisation at all levels; it is 'a style rather than a school or doctrine of leadership', and as such does not replace 'transformational leadership' which should not, they argue, become effectively a cult of personality. Finally, consideration and support is given to democratic leadership (as opposed to autocratic), based on consultation and involvement of staff, whilst retaining ultimate responsibility (Gibson and Villiers 2007: 30). This then set out the basis of a doctrine for police leadership, and a means for developing the performance of police leaders.

How was, or is this intended to be, taken forward then in a practical sense? The existing Integrated Competency Framework (ICF) for police personnel, developed on behalf of the police service by 'Skills for Justice', and required to be incorporated within police personnel systems like promotion, development, performance management and workforce planning (see Home Office circular 42/2002), was not felt to include the values and qualities of highly effective leaders (Centrex 2007b)). Consequently the PLQF based on the police service-led 'view' and research (through the Centrex and latterly the NPIA), added to the ICF the PLQF leadership development tool domains (headed 'leading people, leading organisations, leading the way and personal qualities and values' (Centrex, 2007b)). The implications of the approach to police leadership is that all police officers, and indeed police staff, exercise leadership in circumstances particular to the policing role, based on providing a key leadership role in society, and where public expectations require 'higher' standards of conduct. Based on the ethos that police leadership applies to all officers and staff, five 'integrated' leadership levels – along the lines of what we have called the 'dispersal of police leadership' – have been established:

- *Leading by example* – focusing on providing a professional lead, dealing with the public and relating to colleagues and partners. The Initial Police Learning and Development Programme (IPLDP) and Core Leadership Development Programme provide development at this stage.
- *Leading others* – this is development aimed at supervision, and the link between individual character, values and the exercise of leadership.
- *Leading teams* – related to development at second tier management.
- *Leading units* – related to development at senor management team level.

- *Leading organisations* – related to development at strategic levels, involving the performance and capability of the whole organisation (Gibson and Villiers 2007).

The direction for police leadership and its development is therefore established, and driven through mechanisms like the Integrated Competency Framework and the Police Leadership Qualities Framework. Whilst there are critics of the competency approach to leadership (Bolden *et al*. 2003), this is none the less the approach adopted by the Workforce Modernisation Board for policing in England and Wales, and as such is effectively a 'given'. How then does this relate to performance management in the early twenty-first century?

Leadership and performance management – a contradiction in terms?

In the context of police leadership this arguably raises a 'paradox of leadership', whereby the qualities required of the police 'transformational' leader may 'impel' the leader to challenge the 'objectives of government or the methods by which it chooses to address them – or both' (Adlam 2003: xii). Traditionally, the concepts of constabulary independence and discretion have underpinned the philosophy of policing in the UK (Lustgarten 1986), although the Patten Inquiry into policing in Northern Ireland, favoured the concept of 'operational responsibility' over operational independence (Patten 1999). In the particular context of performance management, Villiers observed that 'the performance management culture has weakened the protective constitutional barrier of operational independence which was the police version of professional autonomy' (Villiers 2003: 24).

The contexts of New Public Management (NPM) and the earlier Financial Management Initiative (FMI) have provided an influential driver on the business of policing (Savage 2007a: 83–95). As it has done so it has arguably represented a constraint on the limits of discretion. It has been argued that 'never has [policing] been under so much pressure to retreat to an environment of autocracy and prescription' (Miller and Palmer 2003: 116). Therefore, the question arises as to whether there are unintended consequences in the application of NPM and the centralisation implicit in terms of what has been described as 'the nationalisation of policing' (Johnston 2000: 91–6; Jones 2003: 613–16).

Setting aside the constitutional implications for the 'office of constable' and 'constabulary independence', the impact of a centralised performance management regime raises an issue in relation to police leadership – the balance between 'leadership' and 'management' (Adlam and Villiers 2003: xii). Bennis points out that management is about control, administration and 'doing things right', whereas leaders innovate, inspire trust and have the ability to challenge the *status quo* (Bennis 1989, cited in Long 2003: 643). This leadership/management dichotomy has been identified in the wider literature on leadership. Kotter (1996, cited in Cameron and Green 2004: 127), for example, argues that 'we have raised a generation of very talented people to be managers, not leader/managers, and vision is not a component of effective management'. Leaders differ from managers in his analysis in that they set

direction rather than plan and budget; they align people rather than organise and staff; and they motivate people rather than control and problem solve. Neyroud and Beckley, in the policing context, appear to support Kotter when they observe that the 1980s and 1990s were dominated by the demand for 'better management' in policing, arguing that 'the shift to devolved budgets and the increasing homage paid to managerialism' (2001: 218) has led to leadership becoming a subset of management. In the managerialist vision, they argue, public confidence will be won through ever improving performance, which in reality sits 'uneasily' alongside public perceptions that, despite improving 'performance', policing is performing poorly (Neyroud and Beckley 2001: 218–19).

Leadership is not necessarily incompatible with performance management – much depends again on the nature of the performance management regime, and the extent to which it permits leadership (and discretion), or simply requires management. However, 'there remain significant tensions between the processes that are necessary to the inculcation and stimulation of progressive forms of leadership and those that underpin the contemporary culture of performance management ... good leadership cannot merely be reduced to good performance management' (Long 2003: 649). There is also another context for police leadership in the twenty-first century – change. The 'rise and rise' of the performance culture (Savage 2007a: 212) is arguably just one side of the coin, the other being the (related) growth of 'consumerism' and its impact on public sector reform as a whole; a recent Cabinet Office report noted that 'Britain's public services face unprecedented challenges at the start of the 21st century. They include demands to modernise public services and orient them more closely to the needs and wishes of customers, and higher expectations on the part of the general public' (Cabinet Office 2001). Arguably this is the very context in which transformational *leadership* rather than performance *management* as such is required. This leads us to address performance management head-on.

Performance management

If 'leadership' is a notion which has been associated with the British police since its effective inception in the nineteenth century, particularly given the traditions of militaristic police command structures, performance management was an altogether more recent arrival on the policing scene. Indeed, when, under the 'Thatcher revolution' in the 1980s, other areas of the public sector were to feel the full force of the 'value for money' culture, of which performance management was a key part, the police sector remained for some considerable period of time a 'privileged' sector (Morris 1994: 308; Loader and Mulcahy 2003: 289).

Explanations for the relatively privileged status of the police during the Thatcher years are varied, and range from the role of the police as an esteemed sector, alongside the armed forces, within the ideology of 'Thatcherism' (Patten 2006: 69), through the pivotal status of the police within the politics and politicisation of law and order (Savage 2007a: 167–73), to Jenkins' equally

blunt, thesis that it was a matter of 'Thatcher's gratitude for the Police Federation being the first trade union to campaign for the Tory Party (in 1979)' (Jenkins 2006: 169). Whatever the explanation for the relatively late arrival of the value for money culture within the police sector, it is difficult to deny that performance management within policing made stuttering starts and did not fully unfold until well into the 1990s. We will briefly trace that development here.

A recent 'official' definition of 'performance management' in the policing context holds it to be: 'the practice of: *reviewing* current performance and the factors that might affect future performance; and *taking decisions* in response to that information; so that appropriate *actions* are taken in order to make future performance better than it might otherwise be' (Home Office/ACPO: 2008: 4, emphasis in original). If this is how performance management is to be conceived then in a sense the essence of police performance management was spelt out many years ago in the form of 'policing by objectives', initially in the USA (Lubans and Edgar 1979), and subsequently in Britain (Butler 1984), both drawing upon the general management philosophy of 'management by objectives' (Drucker 1955). 'Policing by objectives' was an attempt to clarify and rationalise the processes related to police actions and decision-making by framing police management within a 'planning cycle' of goal-setting, objective setting, action-planning, implementation and assessment of results. A core feature of this cycle was *measurement and review* of police performance, in terms of 'inputs' – resources spent on policing activity – and 'outputs' – what police actions do or achieve. The measurement and review of 'performance', as a basis for future actions and decisions, was something therefore mapped out some considerable time ago with the first stirrings of what Weatheritt (1986: 120) called 'planned policing'. However, as has already been noted, and despite some interest from within the police service in the more systematic use of performance measurement and management (Savage 2007a: 92–3), there was little pressure from *government* during the 1980s for this to be spread to any great extent across the police sector. Admittedly, the arrival of the Financial Management Initiative – the Whitehall inspired attempt to drive the public sector down the road of the '3 E's', efficiency, effectiveness and economy (Horton 1993: 134–5) – at the door of the police service in the form of the famous Circular 114/83 (Savage 2007a: 92–4), did spawn such efficiency measures as the 'civilianisation' of police roles. However, even this and related initiatives failed to really transform the specific management of *performance* as such. The first emphatic shift towards police performance management followed on the heels of the police reform agenda which took hold under the Conservative government in the mid-1990s (Loader and Mulcahy 2003: 288–9; Savage 2007a: 173–9). As with later reform agendas, as shall be seen later, this programme of reform and the rise of performance management culture associated with it were prefaced by concern with what might be called a *crisis of performance*. Just as the push by government to overhaul police leadership has been legitimised by discourses on 'crises of leadership', as seen earlier, so too have agendas for re-shaping police performance regimes been rationalised by apparent failures in police 'performance'.

The particular 'crisis of performance' constructed in this case involved concerns within government towards the end of the 1980s that despite the

'special treatment' of the police sector as a public service – in terms of repeated favourable financial settlements – the police were failing to deliver on the crime front. This helped pave the way for government, amongst other things, to tighten the screws of performance management. Critical in this respect were HMIC and the Audit Commission, regulatory agencies which had already begun during the 1980s to further the cause of 'New Public Management' (Ranson and Stewart 1994) in the policing context. Both agencies in particular had pressed for the greater use of *performance measurement* by police managers and others associated with police resource management; central to that was to be the formation of police Performance Indicators (PIs). The 'crisis of performance' case added energy to the movement for measurable indicators of police performance – after all, how could performance be driven up if what is to be driven up is not defined and subject to measurement? A government directive in 1993 (Home Office 1993) issued the first set of national PIs (Waters 2000: 270), which HMIC and the Audit Commission jointly worked on to operationalise, and the Police and Magistrates' Courts Act 1994 set out a schedule of National Key Performance Indicators based on the government's new powers to draw up national priorities for policing; the Act also made the drawing up of local policing plans a requirement, another mechanism which encouraged the measurement of performance. By 1995 the Audit Commission published its first set of national results (Audit Commission 1995), presenting force-by-force 'performance' in a range of areas – effectively the first *league tables* for policing, including:

- speed of response to 999 calls
- total amount of crime
- rate of detection
- number of officers available for operational duty
- cost of policing per head of population.

After criticism and pressure from ACPO that this framework paid undue homage to the more 'quantifiable' dimensions of policing, the Audit Commission qualified their schedule to include more 'qualitative' indicators, such as 'percentage of people satisfied with the level of foot and mobile patrol' (Savage 2007a: 103). As well as developing more sophisticated PIs, the regulatory agencies began to develop more informative league tables – comparing Dyfed-Powys with the Metropolitan Police Service is not very revealing or helpful! In particular, in 1997 HMIC created the framework of 'families of forces' across England and Wales, bracketing together forces considered to be operating in similar environments (Hale *et al.* 2005: 4), in order to be able to compare 'like with like'.

Whatever the specific forms taken by the framework of performance measurement, and despite the view that policing was a 'special case' when it comes down to assessing 'performance', making measurement nigh on impossible (Waddington 1986), the ethos of performance management had by now become firmly established in the 'mind-set' of British policing, within and

without the service. That mind-set is heavily steeped in what is now known as New Public Management (NPM), a cultural shift in the management of public sector organisations, not just in the UK but elsewhere (Ranson and Stewart 1994). NPM has a number of dimensions. Firstly, it contains an assumption in the superiority and effectiveness of markets in service provision. Where the state is the provider of services then market mechanisms, or 'quasi-markets' (Bartlett and Le Grand 1993), should be developed, and competition between service sectors encouraged. Under the Conservatives, one reflection of this was compulsory competitive tendering (Parker 1990). Secondly, it holds to the notion that there should be a separation between the bodies responsible for policy and budgets on the one hand, and those responsible for service delivery on the other; what Osborne and Gaebler (1992: 34) famously called the separation of 'steering' and 'rowing'. Thirdly, it displays a preference for highly decentralised decision-making with decisions made as close as possible to consumers of public services (Savage *et al*. 2000: 32–6). Pollitt (2002: 276) summarises the key features of NPM as focusing on:

- being close to customers
- being performance driven (targets, standards)
- continuous quality improvement
- lean flat structures – decentralised decision-making
- tight cost controls
- performance related human resource (HR) systems.

Although there was a synergy between NPM and the 'Thatcher revolution', NPM was by no means threatened when Labour came into office in 1997; the change of political administration did little to halt the further development of NPM. The compulsory competitive tendering regime of the Conservative administration was replaced by the 'best value' agenda under Labour, a robust framework to deliver value for money based on the 'four Cs' – the need to *challenge* how and why a service is provided; the need to *compare* a service's performance with the performance of other services; the need to *consult* with taxpayers and service users; and the need for *competition* within the sector (DETR 1998; Savage 2007a: 109). To accompany the 'four Cs', government developed a suite of 'best value performance indicators' (BVPIs) that were given statutory underpinning within the Local Government Act 1999, which, in the policing context, amended the Police Act 1996 to allow HMIC inspection and reporting to the Secretary of State on the extent to which Police Authorities complied with the Best Value regime. Furthermore, the Audit Commission was given a role in quality checking the 'Best Value Performance Plan'. One area this function highlighted was crime reporting, clearly a central issue for police performance management. The apparent under reporting of crime was identified and subsequently highlighted in a 1999 Audit Commission Report, and concerns were raised about 'statistical manipulation' in the field of crime reporting (HMIC 2000b). Changes followed over time to encourage the

recording of more reliable performance data (for example, the introduction of the National Crime Recording Standard; sanctioned detection rates; offenders brought to justice targets).

Best value, however, was only a stage in Labour's programme of reform around police performance management. The whole agenda of NPM in the policing context and of performance management in particular stepped up a gear with Labour's radical reform programme early in the new millennium. In this context the governance of performance management was to shift both upwards in terms of national machineries for managing police performance, and downwards in terms of localised elements of PIs. Once again, however, reforms were introduced on the back of an apparent 'crisis of performance' in policing, in this case one more complex than simple crime rates and involving two sets of concerns.

Firstly, the police service in general, and the Metropolitan Police Service in particular, were rocked by the findings of the Stephen Lawrence Inquiry (Macpherson 1999; see chapter by Bowling *et al*. this volume). Whilst most attention over Lawrence was, and still is, focused on the question of institutional racism and the failings of the police in responding to the murder of Stephen Lawrence which related to institutional racism, another damning dimension of Lawrence were concerns about the basic *competence* of the police operation, the competence of the officers taking part, and of the way decisions and decision-making were *managed*. This may have helped steel the Labour government to consider the more fundamental reforms of policing which did emerge within several years of the publication of the Lawrence Inquiry.

The second dimension of the 'crisis of performance' did relate more directly to crime but not just to levels of crime. The document which launched the radical reform agenda, *Policing a New Century: A Blueprint for Reform* (Home Office 2001) presented a case for reform based on the following, all of which reflect on 'problems' of performance:

- that levels of crime remain 'too high', particularly crimes of violence and antisocial behaviour
- that fear of crime remains too high and that the gap between actual and perceived crime remains too great
- that police detection rates are too low
- that police performance varies too much between individual police forces
- that police resources need to be better managed
- that public confidence in the police is falling and is particularly low within some minority ethnic communties (Home Office 2001: 102).

Subsequently, the Police Reform Act established the National Policing Plan, granting a prescriptive role for the Home Secretary to set out annual three-year plans, against which police forces were required to develop their local three-year strategies – a centralising measure given that it sets the framework within which BVPIs are incorporated and within which forces, and indeed

Basic Command Units (BCUs), can be 'ranked' (Long 2003: 637). The Act also created the Police Standards Unit (PSU), a national body to regulate the performance of individual police forces and sub-force operational command units (BCUs). The PSU would operate at three levels to regulate police performance (Home Office 2005). Firstly, by using comparative data it would identify 'poor performing' policing units. Secondly, it would have the power to conduct investigations into units not performing 'to their best' and to set out 'remedial actions', including direct intervention and management from the PSU. Thirdly, the PSU could identify 'best practice' in strategic and operational policing and disseminate this across the police service. These powers constituted a significant shift in the police performance management regime because it goes beyond the 'naming and shaming' or PIs and league tables to the active *management* of performance from the centre.

The PSU started operating within the Home Office in 2004, and began to develop the 'Police Performance Assessment Framework' (PPAF) based on centrally collated and developed statistics (iQuanta). This approach included comparative managerial/performance management systems using concepts like 'most similar forces' and 'families' of BCUs, key diagnostic indicators and a range of graphical charts and tables designed to 'allow users to compare performance against peers, identify signficant changes in performance and track progress towards targets' (Home Office 2008: 111; see below). 'Baseline assessments' through inspections by HMIC were used to reinforce the process. The Home Office Unit has since been realigned following its transition from the PSU in 2007 into a Police and Crime Standards Directorate (PCSD), so that it was now concerned *primarily* with the management of performance, and leads on the co-ordination and development of performance monitoring and assessment tools for policing, crime reduction and community safety, moving on from the PPAF towards Assessments of Policing and Community Safety (APACS) (Home Office 2008: 102). APACS replaced (from April 2008) the PPAF and other assessment arrangements for Crime and Disorder Reduction Partnerships (CDRPs), with a view not only to simplify the wider 'performance landscape' but also to align the performance frameworks of community safety partners (see Byrne and Pease, this volume). The new performance assessment framework differs from the PPAF in that:

- It covers policing and community safety issues, including terrorism, violence, and 'protective services', in response to criticisms that the previous PPAF was skewed against these critical areas (note the context here of the failed attempt at police force amalgamations as a response to capacity and capability issues identified in delivering 'protective services' (HMIC 2006)).
- It promotes joint agency working through alignment with 'partners' and other performance frameworks for other public services.
- It reflects the National Crime Strategy and Public Service Agreements (PSAs) (described below).

APACS provides indicators for use by the Home Office to monitor and track performance in local areas, and include relevant performance indicators for

local authorities, in five key areas – confidence and satisfaction; tackling crime; serious crime and protection; organisational management, with the first round of assessments being published in 2009.

APACS are part of a wider and increasingly complex national performance landscape, including:

- The 'Local Government Performance Framework', setting out performance indicators and targets between local partners (e.g. CDRPs) and central government through Local Area Agreements (LAAs), and published performance assessments through Comprehensive Area Assessments (CAAs) and a National Improvement and Efficiency Strategy to deliver an 'improvement regime'.
- The 'National Community Safety Plan 2008–11' (published in December 2007). This sets out national performance arrangements, relevant Public Service Agreements (PSAs – see below), and strategic policing priorities and key actions for the police. It emphasises the importance of partnership working.
- The 'Crime Strategy' (*Cutting Crime: A New Partnership 2008–11*) published in July 2007. This set out a 'vision' for crime and community safety and an end-to-end framework from early intervention, situational prevention, enforcement and reducing offending, with some scope for reflecting local priorities.
- 'Public Service Agreements' (PSAs) agreed between government departments and the Treasury. Affecting policing are PSA 23 (making communities safer); PSA 24 (effective Criminal Justice System); PSA 25 (reducing harm caused by alcohol and drugs); and PSA 26 (reducing risk from international terrorism). These represent a shift from high-profile national targets to reduce volume crime and increase the number of offenders brought to justice, to a focus on the most harmful crimes, tackling drivers of crime and with a focus on local priorities.

In principle, therefore, APACS should provide assessments of performance against local and national priorities for community safety involving the police (and partners, including CDRPs), including priorities identified, for example, within Local Area Agreements, and Community Safety Strategies. The assessment will continue to be against a standard (e.g. average of peers and thresholds, which are subject to change over time). As such APACS, as with PPAF which preceded it, will continue to be primarily concerned with quantitative performance indicators. The weaknesses of APACS according to some stakeholders, in what remains a centrally derived performance management regime, have parallels with the arrangements which preceded it, even though the proposed assessment is more comprehensive and reflects a more 'rounded' and 'joined up' partnership regime. In its response to the APACS consultation, ACPO (2008), for example, has commented on the following:

- A failure to interpret or set performance in context – for example, there is no provision for commentary about the relative performance and engage-

ment of different organisations; judgements here should necessarily be qualitative.

- Potential for inconsistency – it is likely, for example, that within a force area (or top tier local authority) different CDRPs will have different local priorities; again an argument for assessments to be put in context.
- Some areas of activity are not susceptible to measurement, for example, the serious crime and protection domain.
- The need to develop the balance between local and national priorities remains.
- Central government needs to *relinquish* control on local priorities and allow for flexibility in local priority management and measurement – these priorities are flexible and dynamic, particularly given the neighbourhood policing and neighborhood management policy approach adopted by police forces in line with national policy.
- 'Pooled' accountability for delivery of service locally is unlikely given that lines of accountability to central government for partners and agencies involved are unco-ordinated – partner agencies are accountable to different departments of central government. Relatedly it is unclear what the outcome will be, if anything, where a CDRP partner chooses not to 'engage', or has limited enagagement with the APACS agenda.

Whilst, therefore, current arrangements based on APACS and the National Community Safety Plan seek to provide for more discretion in the selection of relevant 'targets' by police authorities, and partners, the underlying nature of performance management in the police in England and Wales remains one of increasing complexity, centralisation and control. That stems not solely from the Home Office, but from wider government, and notably, through PSAs, the Treasury. It also stems from a degree of influence over the performance mangagement process. The centralised direction in England and Wales towards performance management is underlined also by the publication in 2004 and 2008, of 'practical guides' to police forces on performance management, setting out, with case examples, *how* effective performance management *processes* should be applied in police forces – including the nature and running of performance review meetings (Home Office 2008: 57).

The process is arguably an adaptation of Compstat, derived from a New York initiative in the 1990s, which was embraced in the early 2000s by the then Home Secretary, David Blunkett (Home Office 2004b: Foreword; Home Office 2008: 20–1) (for a fuller discussion, see Jones and Newburn 2007: 106–40).

The governance of performance management

The governance of performance management is also multi-tiered, and involves interfaces between the national/force/police authority levels, national/BCU levels and national/'neighbourhood' levels.

The *national/force/police authority* level of governance has already been considered (see Jones, this volume) and is evident in national league tables of

force performance and the extent to which forces are required to operate around a national suite of performance indicators and according to nationally determined performance targets. A key role in this respect was played by HMIC through the Police Performance Assessment Framework (PPAF) through which HMIC formed annual judgements on force-level performance in terms of families of forces with a similar profile in a range of broad 'performance areas'. Although, as we have seen, the PPAF is being translated into the APACS, the framework of the PPAF is well worth consideration for what it reveals about the governance of performance management. The 'performance areas' were:

- tackling crime
- serious crime and public protection
- protecting vulnerable people
- satisfaction and fairness
- implementation of neighbourhood policing
- local priorities
- resources and efficiency.

Force performance was assessed along these dimensions around two sets of considerations, 'delivery' (how the force is delivering on the PIs in question) and 'direction' (whether the force is doing better, the same, or worse compared with the previous year's performance), with delivery graded on a scale 'poor/fair/good/excellent' and direction on a scale of 'deteriorated/stable/improved'. The results of the assessment are made public and can be easily accessed by anyone wishing to know from the HMIC and Home Office websites. The essence of this model is that on the one hand police forces and authorities are given a clear steer on what government expects of them in terms of priorities (based largely on the National Policing Plan) and the ways in which performance against those priorities are to be measured, and on the other hand their actual performance or delivery is presented in ways which intend to 'drive up performance' through comparisons with others. In these ways the discretion for forces or police authorities to set their own priorities and decide how they are to judge themselves is heavily circumscribed.

The *national/BCU* level of preformance management is really an extension of the force level framework, but given the rise in signficance of the BCU as the 'hub' of the police organisation (Savage 2007a: 104–7), the BCU level of performance has not suprisingly attracted particular attention from the centre, and from HMIC and the Audit Commission as regulatory bodies. Throughout the 1990s, forces were 'encouraged' (for example, through the HMIC inspection regime) to adopt a BCU structure (O'Byrne 2001). Using the building block of the BCU, the Police Standards Unit developed a framework of BCU comparisons with which to assess and compare performance at that level, so that each BCU is part of a 'family' of most similar BCUs, akin to the framework for centralised performance management involving 'most similar forces'.

Through HMIC, a BCU inspection regime developed alongside force inspection arrangements.

Following the rise of the 'protective services' agenda and the demise of the police force merger plans supported by the then Home Secretary and HMIC in 2005/06 (Loveday 2007: 4), however, the certainty around the BCU as a fundamental structure which can be relied upon for performance management comparisons has weakened. Some smaller forces have, in seeking to develop capacity and capability to deal with the protective services agenda, abandoned the basic command unit structure, wth consequent implications for the existing performance management landscape (HMIC 2007a: 29). It is interesting to note (particularly in the context of the drive towards a BCU structure some 15 years earlier (O'Byrne 2001)), that HMIC were now to describe the outcomes of dismantling the BCU structure (in one force example) in positive terms, as an approach which had produced efficiencies, benefits (including increased capability within protective services), streamlining of structures, standardisation of practices, and the ability to use resources more flexibily (HMIC 2007a: 39–40).

Crime and Disorder Reduction Partnerships (CDRPs), in which the police at BCU level are a significant partner, are also subject to centralised 'performance management' comparisons, and as such are increasingly subject to the most recent manifestations of NPM (Byrne and Pease, this volume). Regional Government Offices have a role in monitoring CDRP performance arrangements on behalf, and as an agent, of central government. The complexity and interdependencies involved in the current arrangements for performance management involving partnerships presents potential for conflict around 'local (community safety) priorities', for example, between CDRPs, first and second tier local authorities, BCUs and police forces, local and central government, and indeed between central government departments, given that partner agencies within CDRPs are accountable to different departments of central government. These conflicting lines of accountability underline a criticism of 'a lack of pooled accountability', and a lack of clarity as to the outcome should a CDRP fail to engage, or engage effectively, in the community safety agenda, notwithstanding the National Community Safety Plan and the APACS framework (ACPO 2008). An outcome of this performance landscape is identified in the HMIC inspection of performance management (2007b), which identifies the reality that many CDRP and LAA targets 'are simply the sum of each partner's individual targets', such that 'partners still remain focused on their own outcomes rather than embracing partnership as a true joint venture' (HMIC 2007b: 23). The extent to which the new APACS regime can move this on in terms of effective community safety partnerships remains to be seen.

The possible tensions within the governance of performance management are complicated further by a third level of governance, the *national/neighbourhood* level. It has already been noted that neighbourhood policing is in itself a 'performance area' in the audit and inspection regime, and forces are assessed on the degree to which they have carried neighbourhood policing forward, so in that sense neighbourhood policing *is* performance. However, a measure of the reach of national government in performance management terms down to the 'micro-policing' levels of the ward or district are the nationally determined

PIs for local policing. For example, the Police Authorities (Best Value) Performance Indicators for 2008 included:

- the percentage of people who agree that the police and local councils seek their views on antisocial behaviour and crime in their area
- the percentage of people who agree that the police and local councils are dealing with antisocial behaviour and crime that matters in their area
- the percentage of people who preceive a high level of anti-social behaviour in their local area
- the percentage of people who perceive people being drunk or rowdy in public places to be a problem in their local area
- the percentage of people who perceive drug use or drug dealing to be a problem in their local area (Stationery Office/Home Office 2008).

In a somewhat contradictory way these PIs operate as forms of *central* directives to '*go local*', in effect as a source of tensions between centralism/nationalisiation and 'localism' – perhaps part and parcel of the 'new localism' in British policing (McLaughlin 2005). In that sense performance management is hooked on the horns of a dilemma. As one of us has argued elsewhere Savage (2007b), the police reform programme launched in the first years of the new millennium forced policing in two directions. On the one hand there has been a process of centralisation whereby authority over policy and decision-making has moved more and more to the national level, where the discretion available to senior police managers has diminished as they are required to comply with government set policies and standards of performance – a form of 'disempowerment' of the police. On the other hand, in an attempt above all to bridge the 'reassurance gap' – the gap between actual crime and the fear of crime – there has been a process of strenghtening and widening of police powers of discretion and an enhancement of the authority of frontline officers at the neighbourhood level – a form of 'empowerment' of the police. In the context of performance management this poses some interesting challenges, because the logic of 'going local' is to allow flexibility in policing arrangements so that they can reflect local priorities; that may in turn generate different sorts of 'performance areas' to those set by central government as priority areas. For example, whilst the PIs around antisocial behaviour above clearly seek to capture what have been the main concerns of local people at the nieghbourhood level, it *may* be that in particular communities antisocial behaviour is not a priority concern. If this were the case, the nationally set PIs, so evidently based on the presumption that antisocial behaviour would be of local concern, would fail to capture what, for those particular localities, are local preferences for policing to address. This might pose the dilemma that neighbourhood policing teams may be 'succeeding' in terms of nationally set PIs but failing to satisfy local consumers of policing services, or satisfying those consumers but 'failing' by the standards of the PIs set by central agencies.

One response to this dilemma has been to adjust the governance of performance management at the neighbourhood level not only to reflect local

priorities but also, to do that more effectively, to allow for some PIs themselves to be locally set, for example, having as one local PI the 'numbers of crack-houses closed down' (London Assembly 2007: para 3.7). Such a specific PI would only be of significance to certain areas and communities in the country and would as such be of only limited relevance nationwide. However, unless the governance of performance management allows for a degree of 'localism' in determining what performance is considered important, and what the indicators of that performance should be, 'going local' will remain inhibited at the performance management level.

Returning to our wider discussion, this dilemma is mirrored by a tension of another kind, and one referred to earlier: between performance management itself and effective *leadership* in policing.

The challenge of police leadership within a performance culture

Performance management, leadership and discretion

The overall outcome to date of the NPM regime in England and Wales is that, by means of the enhanced regime of inspection and audit, performance measurement and performance management in general, as key components of the wider performance culture, have become deeply embedded in the 'mind-set' within and around policing (Savage 2007a: 104). For example, in 2008 the then Home Secretary Jacqui Smith described performance management as being 'central' to policing (Home Office/ACPO 2008: i). It is possible to think of the rise of performance management in three phases: first the 1980s with an emphasis on inputs, and a steer towards effectiveness and efficiency; secondly, a phase emerged in the 1990s, with a focus on effectiveness and use of resources, and the development of league tables and performance indicators; thirdly, and most significantly, a phase where the driving of performance would become much more the direct responsibility of central government. In this context the performance culture is nigh on oppressive, with an underlying management culture in the police akin to the company boardroom. The centralised performance management regime continues to hold its ground. The 2008 Home Office guidance on police performance management promoted '12 hallmarks' of an effective performance management framework, across three domains of people and relationships, structures and processes, and data and analysis (Home Office/ACPO 2008), arguing as a basic principle that 'performance management is just good *management*' (2008: 5, emphasis added). In the context of this chapter, 'hallmark 2' of the Home Office guide to police performance management ('active, visible leadership and ownership of performance management . . .') is of particular interest here (Home Office 2008). The 2008 guidance makes reference back to the police leadership 'style' set out in the NPIA Core Leadership Development Programme discussed earlier in this chapter, and in particular the transactional/transformational leadership distinction (Home Office/ACPO 2008: 17–18). Key leadership behaviours associated with performance management are set out, and the importance of 'discretion' in performance management leadership is

promoted. In that context, the guidance suggests 'managing performance' is not about slavishly servicing a system of numbers and targets, but that discretion is an essential element and that there will be times when the right thing to do will be in conflict with the needs of a target. The guidance further adds that that 'they [officers and staff] will be supported and would be penalised for doing the wrong thing just to meet a target' (Home Office/ACPO 2008: 19).

How realistic is this view of police discretion and leadership in an NPM context? The NPM regime and centralised performance management arrangements do, arguably, limit discretion and the capacity truly to 'lead'. The development of police performance management arrangements are part of the 'nationalisation of policing' landscape (Savage 2007a: 84–116), which has been seen, as discussed earlier, as having the effect of disempowering the police at senior levels, as well as being linked with the 'demise of localism' (Jones 2003: 592; Loveday and Reid 2003; Newburn, this volume). In strategic and constitutional terms, the doctrine of operational independence of Chief Officers has been directly challenged (Home Office 2003), with a suggestion that the notion of 'operational responsibility' may be more appropriate. This theme is developed by Smith (2004: 205), who concludes that 'just as the doctrine of constabulary independence evolved over time, it is apparent that the process has been reversed at the instigation of central government', and 'for the doctrine [of constabulary independence] to serve as a foundation for pragmatic and principled policing, the government has to relinquish some control.' He argues both for checks and balances within police governance arrangements but also for a system which 'protects against the politicisation of policing'. The centralised approach to police performance management is, arguably, a strong manifestation of that politicisation, alongside the diminution over 40 years of the powers of local police authorities (Loveday and Read 2003).

The extent to which the APACS regime represents a balancing of the pendulum in favour of local autonomy remains to be seen. 'Getting results' from the police is likely to continue to be a major goal of government, such that the police service may be under long-term pressure to demonstrate compliance with the performance culture, with all the implications that follow for limiting discretion and the capacity and capability to truly 'lead' rather than simply 'manage' a performance management regime. It is in this context that the *selection and development* of leaders becomes crucial. One potential resolution to the dilemma of matching effective leadership with performance management is the creation of leadership development programmes which can reconcile the inevitability of performance management with the benefits of transformational leadership.

Developing leaders within a performance regime

The capacity of police leaders to function within a performance culture is something which will, no doubt, become a permanent requirement of police leadership. This raises the issue of how leaders are to be recruited and developed and, linked to that, how the qualities deemed to be necessary for a modern (or postmodern) police leader are to be defined. Two sets of debates

are appropriate in this repect: the 'direct entry v. single entry' debate, and the debate over how leadership is to be developed, including the role to be played by higher education.

The question of 'direct entry' to more senior police leadership roles has appeared periodically over the past two decades and is seemingly once again on the agenda. The traditional recruitment and selection framework of British policing has been the 'single entry' system, whereby all police officers at whatever rank have started as constables and, if they were to progress up the ranks, would in most cases have acted at each and every rank in the police rank hierarchy. This differs from many other countries (Leishman and Savage 1993), which operate 'direct entry' systems, according to which middle and senior ranks enter the organisation at some point further up the rank structure – for example, at inspector level. However, as concerns about the 'quality' of police leaders have emerged, so too has the spectre of introducing direct-entry into the British framework. It has already been noted that in the late 1980s the notion of an 'officer class', along military lines, was floated, in that context as part of injecting 'new blood' at the level of senior police leadership. More recently, one element in Labour's police Workforce Modernisation agenda was the desire to 'open the service to new talent' as one means of 'strengthening leadership at all levels' (Home Office 2004a: 76) – one option being, although not explicitly stated, to allow for direct entry of 'civilians' such as business leaders into positions of senior police management. Even more recently, battle lines were drawn between the Association of Police Authorities and the police staff associations over the direct-entry case, when the Chairman of the APA, went as record as saying:

> We have been working on the leadership issue for some time. It started with supply and demand problems we have been having [for chief officers] . . . We have had problems with the quantity and quality and whether peoples' skills were appropriate to modern policing . . . skills such as finance and partnership issues. (*Police Review* 29 February 2008)

One solution was to draw upon skills 'from outside the service'. The 'police response' was as swift as it was predictable (*Police Review* 7 March 2008 and 18 April 2008), with representatives of police staff associations at all levels insisting on the necessity of 'operational experience for effective police leadership', in effect the case for the maintenance of the 'sacred' principle of single entry. The debate over direct entry will no doubt continue in the years ahead, but two points should be noted. Firstly, that police 'leaders' have for some considerable period time been recruited from outside the ranks of warranted officers in the form of directors of finance, human resource managers and the like. The shift, which began in the late 1980s and continued apace in the 1990s, to 'civilianise' what were formerly senior posts held by warranted officers, meant effectively that ACPO-level or near-ACPO-level appointments included non-sworn staff from 'outside' – even if chief officer posts were kept exclusively for warranted officers. The 'exclusivity' case had already been breached, although admittedly not under the banner of 'direct entry'. Secondly, the counter argument to the direct entry case which draws

on the sanctity of 'operational experience' and therefore supports single entry, often wrongly assumes that 'operational experience' must include *constable-level* experience. Operational experience can be gained at any one of a number of levels of the police organisation, as continental models of police management reveal (Leishman and Savage 1993). If chief officer posts are to be restricted to those with operational experience, that should not mean that only those who joined *as constables* can be eligible.

Wherever the direct entry debate goes in the future, questions still remain over how police leaders are to be *developed*. Although there have been many initiatives and developments over the years in the mechanisms for the recruitment, selection and development of senior police leaders (Charman *et al.* 1999), the formation of the NPIA has entailed a fundamental overhaul of the police leadership framework, in terms of the 'reach' of 'police leadership' – as discussed above, now to include multi-level leadership including constable/sergeant levels – and a leadership strategy and framework for the training, education and development of police leaders or 'future' police leaders. The foundation of the new framework has been the identification of 'leadership domains', a clarification of the core responsibilities of and accompanying skills and development requirements, for police leaders at differing levels of the police organisation. The leadership domains (NPIA 2008: 55) would now be:

- 'Professional Policing Skills Incident Command' – largely around operational policing demands and skills, such as leading on public order policing, counter-terrorism and intelligence management
- 'Executive Policing Skills' – covering governance processes (such as working with partners in the tripartite framework) and partnership working, essentially involving 'political' skills
- 'Business Policing Skills' – largely around resource and budgetary management, *performance management* and corporate leadership.

The identification of such skills sets, themselves a clear recognition of the key role to be played by business and corporate skills in modern police leadership, would then act as the basis for the design of leadership development programmes. These would be delivered through multiple stages, partly based on existing models of professional development but now fully comprehensive in their coverage of the police organisational hierarchy (NPIA 2008: 78–9), namely:

- the High Potential Development Scheme for those deemed on application or soon after joining the service to be possible 'future leaders' (once known as the 'Special Course')
- the Core Leadership Development Programme for constables, sergeants and inspectors
- the Senior Leadership Development Programme for inspectors, superintendents and chief superintendents, but also dove-tailing into the scheme for selecting those deemed suitable for ACPO level

- the Strategic Command Course for those considered to be approaching appointment to ACPO positions
- the Chief Officer Development Programme for ACPO ranks.

Part of the emerging framework for police leadership development was to be a more robust and systematic approach for police engagement with *higher education*, no doubt with one eye on models of professional qualifications and development in other areas of professional service, such as teaching, medicine and law. If not an 'all graduate profession' along the lines of other professions – resistance to that from within and without the service would have been extremely strong – the new structure would involve a pivotal position for higher education (i.e. universities) in the 'accreditation' of the leadership development programmes delivered in service within a higher education qualifications framework, and the development of Continuing Professional Development through ongoing undergraduate and postgraduate study. Universities had already played a role in the police leadership development process through accreditation of some development programmes and, in the case of the linkage between the Strategic Command Course and Cambridge University, what emerged under NPIA's tutelage was to be a much comprehensive and strategic form of engagement with the university sector, referred to as 'a refreshed focus on graduate and postgraduate education in policing' (NPIA 2008: 5).

The NPIA's initiative on renewed engagement between police leadership development and the universities is interesting not least because it heralds the latest – but much more strategically-based – phase in the history of relationships between the police and higher education. Clements, Jones and Savage (2007) have argued that police engagement with higher education can be broadly grouped into three phases:

- The 'Scholarship Phase', operating from the 1960s until roughly the late 1980s, when the focus was on individual officers, considered to be potential 'high fliers', being sponsored to undertake full-time degree study at universities – at a time when the graduate was very much a rarity in the police organisation.
- The 'Partnership Phase', operating from the late 1980s until the early years of the new millennium, when higher education institutions worked with (often local) police forces in loosely-linked ways to develop and run degree courses, usually part-time and voluntary, for cohorts of officers; in some cases, although not all, officers thought to have possible senior management potential, often through bespoke courses in 'Police Studies' and the like.
- The 'Contract Phase', emerging in recent years, where higher education institutions, and in some cases further education institutions, were engaged by the police in order to fully or partly 'outsource' police training – usually the training of new constables – which had formerly been the preserve of the police organisation itself.

What the NPIA strategy for police leadership development appears to seek is an extension of the 'contractual' phase of police engagement with universities, with elements of the outsourcing of the training/development requirement, particularly in areas identified with 'executive' and 'business' skills development. However, in this case the driving force behind outsourcing would appear to be less reducing costs and more the upgrading of the quality of the training and education to be provided for police leaders, present and future. Whether this will bear the fruits the police leadership strategy intends remains to be seen.

Conclusion

We have argued, as have others, that the relationship between (effective) leadership and performance management is one based on tensions and dilemmas. Leadership must be seen as more than performance management – how much more is the critical question. In that regard we return to an earlier distinction between the 'what' and 'how' of policing. There seems little scope for a return to the notion that the 'what' of policing – what policing is there to do and what it should be about – can be left to the individual discretion of chief officers claiming immunity in the name of 'operational independence'. Although there is still a lack of clarity as to what the 'police purpose' is to be, it seems inevitable that it will not or cannot be left to the service itself, or its constituent elements, to determine that conception, although police leaders should and must play a key part in that process of defining the 'what' of policing. Of course central government has a legitimate interest in influencing the shape of the 'police purpose' as part of the democratic mandate. This does not mean, however, that the 'how' issue, how policing goes about realising the 'police purpose', should also be closely determined or directed by national government, as has seemed to be the case in the context of the centralised performance management regime. For example, the centrally derived APACS 'menu' of 288 performance measures (Home Office 2007: 25–6), whilst in principle allowing for local priorities (through, for example, community safety strategies, and local area agreements), imposes by its very nature and scale restrictions on the flexibility and freedom within which local priorities can be determined and policing issues responded to – arguably a constraint, as discussed earlier, on the neighbourhood management policy underpinning the neighbourhood policing model adopted nationally as a fundamental policing approach (ACPO 2008). It is for this reason that ACPO (2008) presented the case for central government to *relinquish* control over local priorities and allow for flexibility in local priority management and measurement – the 'how' of policing. Indeed, the possible perverse effects of the current arrangements were alluded to by HMIC itself, when it identified in its inspection of performance management in 2007 that 'some forces focus resources and processes unduly on obtaining high gradings in HMIC and PPAF assessments', at the expense of local priorities (HMIC 2007a: 37). Arguably, however, this is an understandable outcome in a centralised performance management regime whereby the assessments are used by government, and through government key stakeholders and the public, in evaluating the performance of

a force or BCU. In that context the need to prioritise limited resources will perhaps inevitably be influenced by the performance assessment framework.

Interestingly, and possibly an early sign of a degree of 'thawing' of the performance management regime, HMIC have also challenged a performance management framework which comprises an extensive range of targets and indicators, concluding in its inspection report that 'the best performing forces have relatively few key priorities' (HMIC 2007a: 9). However, in an environment where performance management is fundamental, it is hardly suprising that forces and BCUs will seek to manage down the 'list' of performance priorities, with local priorities being the most expendable. In terms of leadership, and the nature of police performance management in the twenty-first century, the earlier discussion in this chapter on the distinction between management and leadership is relevant, in the sense that the preferred style and approach to leadership in policing, underpinned by the national competency framework, the PLQF and the leadership development programme, may not rest comfortably with a role which is more 'rowing' than 'steering'. In accountability terms the direction of the centre through national targets, indicators, assessment and accountability structures are superordinate to priorities which might otherwise be selected at a more local level.

APACS may represent an opportunity for a 'looser' approach and the potential for a re-balancing of central and local priorities within the performance management regime, most notably through its replacement of the PPAF. There is, however, a sense of *déjà vu* in this. Waters concluded in 2000 that state oversight of policing, and the propensity of governments to intervene in policing, were at that time set to increase (Waters 2000: 283). It is a matter for conjecture whether at the time of writing this underlying trend will change with the APACS regime. In the context of APACS, comprising some 288 targets and indicators (Home Office 2007: 25–6), it would appear that the new arrangements are a further extension of NPM, this time involving police partners like CDRPs and local authorities in the regime. The extent to which police leadership and the preferred leadership style can respond to local policing demands in a timely and flexible way by influencing the 'what' of policing (the steering) as well as the 'how' of policing (the rowing) remains, as now, constrained by the performance regime.

In his interim report for the *Review of Policing* Sir Ronnie Flanagan, Chief of HMIC, argued that, notwithstanding the legislative changes over the previous decade or more, the fundamental principles of the tripartite relationship between the Home Secretary, police authorities and chief constables 'remain at the heart of police governance' (Flanagan 2007: 6). That said, he later recognised that 'the police service has never been so comprehenively inspected and audited as it is today' (2007: 13). He moved on to consider APACS, recommending that weight be given to neighbourhood policing outcomes and alignment with the new local government framework – effectively a rebalancing of national and local priorities. This theme is reflected in other government publications. The *National Community Safety Plan 2008–2011*, with its focus on the strategic direction for police and community safety partners, sets out the principles underpinning performance management for crime and policing, which include:

- a focus on priorities set out in the Governments PSAs
- the use of LAAs to drive performance and establish local community safety priorities
- flexibility in the setting of local policing and community safety priorities.

The Police and Crime Standards Directorate (PCSD), which had operated until May 2007 through 'engagements' with a whole police force, would monitor CDRP performance, with an emphasis on local level interventions with CDRPs, BCUs and forces. It was proposed that there be a 'ladder of interventions' for under performance ranging from light touch (e.g. peer support, best practice advice and improvement plans), through to direct government intervention (Home Office 2007: 19). Best performers would receive 'flexibilities and freedoms'; the worst performers could come under intensive scrutiny from the Home Office (Home Office 2007: 20). It was becoming clear that APACS would provide government with a method for assessing achievements against PSAs in relation to policing and community safety at national regional and local level.

Notwithstanding the aim of 'rebalancing' national and local priorities, the role of the centre remains significant, with a developing role emerging on behalf of government through regional Government Offices, as well as existing mechanisms through, for example, the PCSD and HMIC inspections. It is also notable that LAAs will require 'signing off' by ministers (*National Community Safety Plan 2008–2011*, Home Office 2008: 25), thus representing a contining element of central control. The formalisation of the police relationship with partners through the APACS performance management regime is perhaps an extrapolation of the existing partnership approach encapsulated within the Crime and Disorder Act 1998. However, the earlier dilemma remains – the extent to which the strategic direction, the 'steering' role involving police leaders, is constrained by the national performance framework, together with the degree to which local priorities can emerge and be reflected in the 'what' of policing within the APACS regime. The question is whether police leaders continue to be simply managing a performance management framework ('rowing'), or whether the context created by APACS will allow them to develop a leadership role in setting, with partners, the direction of travel ('steering').

It may be appropriate to end on the theme of 'ethical leadership'. The continuing and developing centralised culture of performance, and its impact on preferred leadership styles in policing developed in the particular context of the policing role, raises some ethical policing issues. The fundamental importance of recreating trust in public policing is identified by Neyroud and Beckley, who describe as 'one dimensional' the managerialist vision that public confidence 'will be won through ever improving performance tables' (2001: 219). They conclude that 'good policing' in the twenty-first century requires more than good performance; it needs 'a renewal of the contract between police officer and the citizen, which itself requires greater openness and scrutiny, improving professional standards, and a committment to ethics at the core of policing' (Neyroud and Beckley 2001: 220; Neyroud, this

volume). Police performance management has been described as an 'unbalanced scorecard', whereby police officers adopt coping behaviour to meet demands in the context of resource limitations and performance expectations, with differential 'rewards' for complying with performance expectations rather than with ethical considerations, with police leadership duly mirroring this state of affairs (Neyroud and Beckley 2001: 117–18). Perhaps 'good policing' requires more.

In this respect it is significant that, at the time of writing, there is even further evidence of the mood change within the ranks of chief officers, identified in the opening sentences of this chapter, over the issue of the target regime. In an attempt to re-balance the scorecard, and in the thinly coded language of a 'return to common-sense policing', a small number of chiefs, possibly with the support of some other colleagues, made public their own views on 'target culture'. One in particular, cited under a newspaper headline 'Top Police Boycott Official Paperwork', went as far as to say 'quite simply, local people's safety, confidence in police and their satisfaction when they call us for help are more important than misleading targets' (*The Times* 31 May 2008). Perhaps British policing was beginning to turn full circle, away from the performance culture which had so transformed it.

Selected further reading

The literature on police performance management and leadership in the UK is not extensive and much of it is practically oriented and prescriptive rather than reflective and critical. However, a useful analysis of the 'transfer' of the Compstat model of performance management from the United States to the UK is provided in Jones and Newburn's *Policy Transfer and Criminal Justice* (2007) (chapter 5). Moving on to police leadership, a significant source which sets out to relate police leadership to relevant theory is provided in the Centrex publication by Gibson and Villiers, *Leading for Those We Serve* (2007). Adlam and Villiers' *Police Leadership in the Twenty-first Century* (2003) is useful in providing a range of perspectives on police leadership. A different perspective, admittedly in the US context, is provided in Wexler *et al.*'s *Good to Great Policing – Application of Business Management Principles in the Public Sector* (2007) which considers the application of the leadership guru Jim Collins' thesis, *Good to Great – Why Some Companies Make the Leap and Others Don't* (2001), to policing.

As well as reading further around leadership and management, it is important to appreciate the grounding of both within the broader framework of 'new public management' (NPM). In this respect it is useful to locate NPM within the public sector as a whole as a means of situating the police sector within the NPM framework, in which case Flynn's study *Public Sector Management* (2007) offers a very comprehensive analysis of areas such as audit and inspection, management performance and the role of markets across the public services. With particular reference to policing, McLaughlin's *The New Policing* (2007) (chapter 4) reflects on 'new perspectives' and new movements in British policing, which includes the nature and rise of NPM within the police sector. Additionally, Savage's *Police Reform: Forces for Change* (2007) devotes a chapter to the impact of 'value for money' and NPM in driving change and reform within British policing.

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Chapter 28

Policing and forensic science

Robin Williams

Introduction

It is difficult to exaggerate the level of enthusiasm with which a variety of contemporary policing stakeholders commend the actual and imagined uses of forensic science to support the investigation of crime and the prosecution of offenders (see, e.g. Home Office 2003; ACPO 2005; Forensic Science and Pathology Unit Home Office 2005; Green 2007).[1] However, the claims, expectations and desires underpinning this enthusiasm contrast markedly with a series of critical commentaries that question the presumed epistemic authority of many fields of forensic science, and dispute claims that their technological applications to the justice process are always and necessarily positive. Recent studies by Cole (1998, 2001, 2004), McCartney (2004, 2006a, 2006b, 2008), Murphy (2007) and Thompson (1993, 1995, 1997, 2005) have all pointed to the dangers of misplaced confidence in many of the claims to scientific certainty that accompany the deployment of specific forensic technologies, and the consequent risk this poses to the criminal process. As an instance of the latter concern, Gerlach's account of DNA profiling argues that support for the developing uses of this exceptionally powerful forensic innovation has been informed by, and has further impelled, the new forms of instrumental rationality that have come to dominate the criminal justice process of several contemporary democracies. In these new forms the increasing reliance on science (often proprietary science) for the management of socially problematic individuals and their fiscal costs to the state, represents 'a shift in legal regimes away from an ideal type based on political value about the relationship between the individual and the state toward one based on values imported from the technological, scientific, and corporate domains' (Gerlach 2004: 91).

Others (e.g. Saks and Koehler 2005; Kiely 2006) have pointed to the absence of stable underlying principles and/or an inadequate empirical research base for many traditional (and some novel) forensic science applications, albeit that these shortcomings may be capable of correction in some cases in the short or long term.[2] The details of these disputes are beyond the scope of this chapter,[3]

but the following pages will explore some of what is known (or at least asserted to be known) about the ways in which a variety of forensic science resources and their modes of application currently contribute to criminal investigations and prosecutions in England and Wales, uncovering the main determinants of these uses, and considering ongoing efforts to evaluate and shape their operational effectiveness.

Several key developments in modern policing discussed elsewhere in this Handbook (and in the more general literature on policing) are relevant to this exploration since these developments have influenced the ways in which policy and practice in forensic science has been shaped by relevant actors and agencies. They include: an increasing emphasis on effective crime control as the central task and measure of successful policing (see Maguire, this volume); the use of government imperatives to centralise individual force policing strategies (see Jones and Newburn, this volume); the deployment of managerialist and audit perspectives to fund, organise and evaluate policing activities (see Golding and Savage, this volume); the growth of 'intelligence-led' policing (see Tilley, this volume); and the increasing internationalisation of policing operations (see Walker, this volume). In addition, there are also several features specific to the imaginary of forensic science, as well as its practical organisation and governance, which influence professional and public perceptions of its place in contemporary policing. Belief in this imaginary has energised the 'scientification of policing', understood as a belief in the epistemic authority of science and its capacity to resolve uncertainty and ambiguity in accounts of human conduct. In turn this has fuelled the restless development of novel forms of expertise, and the integration of such expertise into the existing organisation of police – especially investigative – activity. Finally, new challenges for the deployment and governance of forensic science have arisen as the corollary of recent government action to facilitate the emergence of an increasingly commodified and marketised form of provision to serve police needs.

Forensic science, crime scene examination and criminal investigation

Fundamental to the capacity of forensic science to contribute to the investigation of crime and the prosecution of offenders is the repertoire of observational, documentary, and collection practices that make up 'crime scene examination'. The 'crime scene' is the primordial site of operation[4] for the application of all forensic science disciplines and their associated technologies, and the term is used to refer to a variety of geographical locations persons and objects, including

> a piece of land or part of a street; a building, or a room within a building; the houses, vehicles, vessel and other property of a suspect, witness, or victim; stolen or recovered property; the body, personal possessions and clothing of a suspect, witness or victim; ambulances or other vehicles used to convey victims or offenders to hospital premises, police stations or mortuaries'. (ACPO 2005: 12)[5]

An understanding of the uses of forensic science to support the investigation of crime therefore needs to begin by identifying which individuals and groups most closely engage with this site as well as the forms that their engagement take.

All police forces in England and Wales employ a specific cadre of staff trained in the repertoire of practices that comprise the examination of such scenes. Variously known in England and Wales as 'crime scene examiners', 'crime scene investigators', 'forensic investigators', 'scientific support officers' or 'scenes of crime officers', such individuals comprise a largely civilian group within the wider police workforce.[6] Although investigators may consider calling on external specialist laboratory trained scientists to assist them whenever they identify the need for additional expertise (and then almost exclusively in support of the investigation of the most serious criminal offences),[7] it is these in-force personnel who undertake the bulk of forensic science work at crime scenes.

This contemporary professionalised and civilianised provision can be differentiated from the essentially pragmatic, experiential and craft based nature of early police investigative practice in which attentiveness to the preservation and forensic examination of scenes of crime was rudimentary (see Fosdick 1915; Morris 2007). An early twentieth century overview of forensic science resources for investigators was provided by Gross' *Criminal Investigation: A Practical Textbook for Magistrates, Police Officers and Lawyers*, first published in English in 1924, and reprinted in 1934, 1950 and 1962. However, until the inter-war period, forensic science provision was largely available to the police through the work of independent scientists, police surgeons and medical practitioners. This situation began to change in 1935 with the establishment of the first Police Laboratory in Hendon, and in the following four years the Home Office established other laboratories in Birmingham, Bristol, Cardiff, Nottingham and Preston in which the scientists were not directly employed by the police.[8]

A Home Office instructional pamphlet for the use of police officers published shortly after the end of World War II (Home Office 1949) provides a sense of early official support to claims of the usefulness of specialist forensic science within policing, arguing that

> science. . . may give certainty amidst apparently conflicting stories from witnesses, and at the very least it may provide a means of reconstructing the crime and thus saving an immense amount of unnecessary work for the investigating officer, by eliminating lines of enquiry which would otherwise require attention and pointing to those which are most likely to be fruitful. (Home Office 1949)

The nearest equivalent to this post-war pamphlet in current use is the *Scenes of Crime Handbook* published by the Forensic Science Service (1994), and a comparison between the two documents provides a clear sense of the change in the framing of forensic science support over the intervening years. For the Chief Executive of the Forensic Science Service this handbook aimed 'to encourage police forces and the FSS to work together to make the most

effective and efficient use of forensic science', and it is clear that this contemporary publication assumes a readership informed by technical knowledge acquired through formal training as well as operational experience. It focuses attention largely on techniques for the sampling and preservation of trace material to be collected and forwarded for subsequent laboratory examination, and the most recent edition has an important highlighted section dealing with issues of contamination avoidance, an issue of increasing significance as methods of DNA testing become increasingly more sensitive. Most importantly, and in marked contrast to the longevity of some of the previously mentioned texts, this publication has been substantially revised three times in the last eight years. In this way it testifies to the increasingly rapid pace of change in this techno-scientific field.

Contemporary crime scene examination requires immediate and ongoing decision-making about what particular observational, documentary, and collection procedures should be undertaken on each of the variety of locations, persons and objects that comprise the scenic particulars of the crime in question. Each successful application of such procedures produces one or several artefacts which may be subjected to further and subsequent analysis and comparison, either by the crime scene examiner concerned, or by other force or laboratory specialists. Typically such artefacts made by crime scene examiners during the course of their work include: photographs of places in which crimes had occurred, more detailed visual records of crime-relevant objects and appearances at such scenes and of physical injuries to victims;[9] plaster casts of footwear impressions left in soil or other soft surfaces; 'lifts' made from fingermarks left on surfaces which had been first powdered to develop the features of the mark before being transferred to an adhesive acetate and then backed by another acetate; footwear 'lifts' made by powdering hard surfaces on which the impressions of footwear marks are already faintly visible to the naked eye, and then collecting such enhanced marks through the use of acetate adhesive or Electrostatic Lifting Devices; fibres from clothing or other textiles thought to be relevant to actions or persons at the scene; moulds of tool marks; and samples of biological material taken either by swabbing visible stains at relevant areas of the scene, or by seizing material objects (especially clothing) on which such biological traces are thought to have been left.

Decisions to construct these artefacts at a crime scene, or to seize objects from which other artefacts may subsequently be made, are subject to a complex set of considerations. These include the time available to the examiner to undertake the work, the physical conditions of the crime scene in question, knowledge of the repertoire of collection techniques, the ownership of distinctive technical skills, and the availability of particular technological resources. These material considerations are supplemented by several cognitive ones. The most important of these is the prospective orientation of the scene examiner to a set of likely investigative and evidential trajectories to which these artefacts may become decisive – or at least relevant. In addition, even where such artefacts are assumed not be usable for the construction of a case against an actual or potential suspect for a particular crime, scene examiners still have to consider whether or not their construction and analysis

may contribute to the collation of police intelligence relevant to current or future investigations of other crimes. For example, a footwear mark might not reveal sufficient individualising detail to allow an expert practitioner to assert its match to a particular shoe, but it might be useful to know that examiners have found what seems to be the same type of shoe in marks left at three of four recent burglaries in the same geographical area. In addition, where those committing a series of recent burglaries have used an especially distinctive tool (even where recovered tool marks will not permit the individuation of a particular instance of such a tool) the seeming commonality of use may provide grounds to infer a common perpetrator for a series of such crimes.

The increasing interest in both investigative and prosecutorial uses of forensic science has generated a series of efforts to produce generic theoretical accounts of exactly how the authority of such work, in particular the construction and utilisation of standardised artefacts, may be assured. These accounts have been ratiocinative – and stipulative – in character, although inevitably they differ significantly in the cognitive principles that they assert as central to adequate practice. For example, Jamieson (2004) begins his advocacy of hypothetico-deductive theorising as a cognitive model for the process of crime scene investigation by arguing that the searching of crime scenes, and the construction of forensic artefacts, is always and necessarily preceded by the existence of some explicit or implicit hypothesis capable of explaining the events observed in the developing course of the examination. He then goes on to argue for the necessity of assessing the adequacy of one or a series of such hypotheses by comparing the predictions of what should be observable if they are correct (or at least which may be discarded by the discovery that predicted observations were not forthcoming): 'Ideally the tests should be devised to differentiate acceptability among the competing hypotheses in the smallest number of tests. These tests include searching for confirmatory or exculpatory evidence at the scene' (Jamieson 2004: 4).

For others, however, there is little to be learned about adequate crime scene examination practice by the application of a formal model whose relevance rests on the ability of its users to identify relevant physical laws, accurately describe a set of relevant material conditions, formulate logical connections between these two, and establish ways of definitively testing and retesting the adequacy of all of these matters – all in the relatively uncontrolled and heavily contaminated environments of typical crime scenes. For Ginzburg (1980, 1983, 1990), the emergence of such an occupational practice represented a conjunction of longstanding semiotic and conjectural forms of practical reasoning 'oriented to the analysis of specific cases which could be reconstructed only through traces, symptoms and clues' (1990: 104). Elsewhere, Ginzburg (1980: 28) also describes the 'elastic rigour' of the principles of crime scene examination, and comments on the ways in which in practice it combines a range of scientific and technical procedures with extensive tacit and weakly articulated knowledge of individual cases and their local contexts. Similarly, Kirk (1963: 235) argued that its underlying logic lacks the codification, co-ordination and systematisation required to set it on a firm theoretical foundation, but that it comprises a 'large assortment of effective technical procedures'.

Nordby (2000), Eco (1983) and Truzzi (1983) have all argued that the reasoning processes utilised in this aspect of forensic investigation are best understood as instantiations of Peircian 'abductive' inferences previously associated especially with the more 'conjectural procedures of physicians and historians' (Eco 1983: 205). For Peirce, the existence of particular facts can never successfully be explained inductively by inferring a rule for their formation from a collection of individual instances of their occurrence. However, they can successfully be explained 'abductively', that is 'by the provisional entertainment of an explanatory inference, for the sake of further testing' (Eco 1983: 206). In Peirce's own formulation: 'The surprising fact, C is observed; but if A were true, C would be a matter of course. Hence there is reason to suspect that A is true'. For Nordby, such ratiocinations lessen but cannot remove such doubt. The codified rule that comprises the hypothesis must still be subjected to further test, although the action of testing encourages further exploration of the details of the case under examination and those that seem similar to it. A whole series of such modified sequences may be necessary before investigators are seemingly able to establish a credible account of the underlying orderliness from which the individual observations in question can be shown to be derived.

Eco's observation of the significance of 'conjectural procedures' in this context resonates strongly with the suggestion that the two most important underlying assumptions of the work of crime scene examiners are best understood as proto-scientific conjectures in character, rather than as the law-like propositions or formal reasoning procedures on which stable forensic scientific inquiries might be thought to rest. These underlying assumptions, that 'exchange always occurs' and 'individuation is always possible', are the central resource used by examiners not only to direct and account for their own ongoing conduct, but also to control the conduct of others involved in the crime or the examination of its aftermath – witnesses, victims, suspects and other investigators. In addition, there are also direct and indirect references to the substance and significance of these proto-scientific propositions throughout the local instructional manuals and in quality assurance guides used to guide and assess the work of crime scene examination. In sum, it is the attentiveness to these proto-scientific conjectures that really provide for the methodical and accountable character of what competent scene examiners do (and refrain from doing) at crime scenes.

An increasing number of texts are available which provide the necessary scientific and technical background to contemporary crime scene examination as the 'set of effective technical procedures' alluded to earlier in this chapter. Known in the United States of America as 'criminalistics', a large number of textbooks, encyclopaedias and handbooks provide technical support for the initial training and subsequent professional development of crime scene examiners.[10] Recent US examples include Inman and Rudin (2001), James and Nordby (eds) (2003) and Gardner (2004). The recent explosion of undergraduate and postgraduate courses in forensic science in England and Wales has also led to an increase in the number of such texts, the most heavily used of which are Jackson and Jackson (2004), Pepper (2005), and Langford *et al.* (2005). Claims for the significance of criminalistics can seen in the tendency of

these and other such texts (e.g. Fisher 1995; Lee *et al.* 2001; White 1998) to make either or both of two recurrent assertions. The first of these claims the growing importance of forensic science evidence for the successful detection of crimes and prosecution of offenders; the second reports the persistent failure of many investigations to collect or make use of potential physical evidence available at crime scenes.[11]

Whilst such research has provided forensic investigators, analysts and other participants with important information about both the potential and the problematics of particular techniques and methodologies, it has not been concerned with either the pragmatic detail of naturally occurring crime scene examinations, or the actual uses made by police investigators of the products of such examinations. There are four matters which are overlooked in the absence of such considerations. First, the use of cognitive presuppositions and local practical reasoning by examiners to structure the process of scene examination and the recovery of physical trace evidence. Second, the human and circumstantial contingencies that arise and are dealt with in the course of such examinations by the application of relevant improvisational skills. Third, the responses of staff to the multiple exigencies that arise in the processing and reporting of such physical evidence by individuals and agencies independent of scene examiners. Finally, the varying organisational influences on the activities of police investigators and prosecutors which condition their expectations and their likely uses of the products of crime scene examinations. An understanding of all of these issues is relevant to an adequate interpretation of the organisational trajectories and uses of forensic science support to policing. Accordingly, the next sections of this chapter consider what is known about the quality of current crime scene examination in England and Wales and the ways in which its material and cognitive derivatives are deployed within the wider processes of criminal investigation.

The dynamics of crime scene examination

A variety of guidance documents are available to examiners which suggest ways of ordering the collection of specific kinds of evidence,[12] along with specifications of what parts of crime scenes are likely to be the most productive reservoir of such evidence.[13] However, as the authors of an early UK study of crime scene examination noted,

> almost all scene examination is less than fully comprehensive, since exhaustively combing every scene for any contact materials is clearly impractical. Prioritisation in scene examination seemed generally to be *ad hoc*. SOCOs value the professional autonomy to determine what should be examined and collected from the scene of an incident. (Tilley and Ford 1996: 18)

Williams' (2002) ethnographic observations of a large number of scene examinations conducted in a division of a Constabulary in the North of England described the ways in which examiners structured their selection

practices through an orientation to the cognitive reconstruction of the sequence of events that occurred in the course of each crime investigation. This was achieved by the interpretation of a variety of material signs of movement and activity within scenes, the application of accumulated knowledge of a repertoire of typified and standardised *modus operandi* for the crime in question, as well as the use of general background knowledge of such crimes. An orientation to such a reconstructive process has long been referred to in texts on criminal investigation, and Locard himself wrote of 're-creating' the criminal from traces left, but the seemingly intuitive and fugitive nature of the process has meant that it has not been the subject of detailed assessment.

Whilst crime scene examiners fully recognise the likely imprecision of such reconstructive practices, they also argue for their generic usefulness in shaping and focusing each particular examination by reducing what would otherwise be its almost indefinite scope. This is especially important when they make professional judgements about scene searching in the light of their knowledge of scarce resources, the range of alternative demands on their time and a concern with the measurement of individual and group performance by the use of a restricted range of indicators. These judgements are informed both by prior understandings of 'normal' or 'typical' crime scenes and the constant comparison of such *a priori* expectations with the emerging details of the particular scene in question. What scene examiners seek and value is an ability to deploy an intelligent and methodical process that avoids the dogged application of a preconceived expectation of the nature of any particular scene and which facilitates the flexible use of their particular professional skills.

A number of studies have sought to consider more fully the nature and implications of the professional autonomy of the work of crime scene examiners, most of which have begun by documenting wide variations between the productivity of crime scene examiners both within and between police forces, especially in the effectiveness of their deployment of the two forensic technologies most widely used in the investigation of crime and the prosecution of offenders – the recovery of fingermarks for fingerprint comparison, and the recovery of biological samples for DNA profile construction and matching. Following critical comments of the cost-effectiveness of current levels of performance made in the two Inspectorate Thematic Reports produced in the early years of the current decade (HMIC 2000, 2002a), the Police Standards Unit have developed an increasingly robust repertoire of 'forensic performance monitors', the application of which has demonstrated the continued presence of significant differences in the recovery rates and the processing timeliness of these forensic artefacts.

The issue of 'timeliness' – the speed at which forensic artefacts are examined, results obtained, and subsequent actions taken by investigating officers – has been a constant preoccupation of policy and operational stakeholders in forensic science, and so has often featured as a focus of interest in evaluative and research studies of forensic practice (see, e.g. HMIC 2000, 2002a; Prime and Hennelly 2003; Morgan *et al.* 2004; Williams 2004; Webb *et al.* 2005; Bond 2007b). Whilst all these studies have assumed – or outlined in preliminary detail – the benefits to be obtained when one or both of the most common artefacts constructed by, or on behalf of crime scene examiners –

fingerprints and DNA profiles – are subject to faster laboratory and bureau processing, only the most recent of these (Bond 2007b) has provided the kind of rich data that facilitates a detailed and critical exploration of the extent and nature of such benefits. However, in so far as this experimental study involved both an increase in the proportion of (domestic burglary) crime scenes examined and a decrease in the time taken to process fingermarks and DNA samples produced from these scenes, it is not always easy to separate the effects of these two different experimental measures. Nevertheless, the data do allow the author to conclude that 'the number of DNA hits and fingerprint identifications rose during the study period, which means that investigating police officers were able to result more intelligence in a quicker timescale than in the benchmark' (Bond 2007b: 295).

A further collection of studies by Bond and his colleagues (see Bond 2007a, 2008; Adderly and Bond 2008; Bond and Hammond 2008) have begun to open this field to more detailed scrutiny. This research has used a range of forensic and other data routinely gathered within one particular English police force in order to consider a number of questions about the quantity, quality, relevance and deployment of its routine forensic science support. Some of these papers seek to consider aspects of crime scene examination with attributes of the location being examined, as well as test the accuracy of crime scene examiners' own perceptions of the patterns of their attendance and forensic artefact recovery rates. For example, Adderley and Bond (2008) found that, contrary to the common perception of crime scene examiners themselves, the time that they spent at burglary and car crime scenes did not vary according to the social value (or degree of deprivation) of the neighbourhood in question. The prior assumption of examiners that their ability to recover fingermarks was directly related to deprivation level was also shown to be false, although the study did find evidence that more DNA was recovered from crime scenes attended in less deprived areas of the police force concerned. Whilst these findings are difficult to interpret since they infer many attributes of victims and circumstances that are not directly tested (and the results may even be subject to the effects of an 'ecological fallacy'), they certainly provide initial explorations (and test conventional understandings) of the relevance of a series of contextual factors that impinge on the process of crime scene examination. In this way they provide path-breaking studies of the complex social character of what is sometimes perceived as a largely technical accomplishment.

Other publications in this collection have provided detailed accounts of the social and technical factors that determine the effective use of particular kinds of forensic artefacts constructed by crime scene examiners. Two of these (Bond 2007a and Bond and Hammond 2008) focus attention on DNA samples collected at crime scenes and considers a series of variables assumed to affect the likelihood of detecting crimes on the basis of matches obtained between profiles derived from such samples and profiles of individuals already held on the National DNA Database. These variables included: the sources from which samples were obtained (blood, cigarette ends, saliva, chewing gum, hair, semen and a residual category of 'cellular material' where the origin of the sample cannot be attributed to any of these sources); the availability of samples from more than one such source; the location of the sample recovered relative

to the crime scene; the accredited experience of the police investigator; and the accredited experience of the crime scene examiner who collected the original material. The research showed both that the likelihood of obtaining a profile from different sources varied according to the experience and accreditation of the examiner that collected the sample, and also that the value of several of these material and organisational variables determined the extent to which a DNA match from the profiles obtained led to successful detections. Not only were some sources more successfully profiled than others, but also profiles obtained from some sources were more likely to lead to detections than those from other sources. The most likely being blood, and the least likely, what the author refers to as 'mobile' sources that could more easily have been transported to crime scenes by means other than the perpetrator. Moreover, this difference in results was magnified when more than one material source of DNA was available for comparison. In addition to these technical features and competences, one organisational factor was also shown to condition the likelihood of successful detections independent of the source effect. This key factor was the 'experience and accreditation' of the investigating police officer (but not the experience and accreditation of the crime scene examiner). Except where the DNA source was blood (where the evidential value is incontestably significant), officers with 'investigative accreditation' which necessarily required at least four years of service, showed a statistically significant greater likelihood of converting DNA matches to detections than did those without such accreditation. Although no further detail is provided of how such differences occurred, it seems likely that interviewing practices, especially the ways in which details of the nature of available DNA evidence are introduced into such interviews, are probably the most likely source of variation.

Police perceptions of forensic science

The technological optimism that characterises the criminalistic perspective on crime scene examination described earlier in this chapter – even as tempered by a small number of empirical studies of the work of crime scene examiners mentioned above – contrasts with reports of the rather more mixed views of the usefulness of forensic science held by some police staff. If crime scene examination is largely a matter of the preservation and construction of a series of physical artefacts alongside a contemporaneous written record of observations made and actions taken by the examiner at the scene itself, then other investigators will need to put this work to further use. Police investigators may generally agree that the collection and analysis of physical evidence can make a significant contribution to the detection of serious crimes (especially those for whom a clear suspect is otherwise unavailable). However, at least until recently, they have continued to assert that the detection of less serious forms of crime has rested on more traditional informational forms (e.g. surveillance, informants, undercover observations) directly instigated or controlled by detectives rather than by crime scene examiners or forensic scientists.[14]

For example, when referring to the practice of cold searching crime scene fingermarks, Manning (1977: 270) asserted that 'The use of latent fingerprint

or voiceprint information to establish suspects is largely a media myth', and elsewhere he commented that 'Typically, the establishment of a set of suspects, a detective job, narrows the number of persons against which the sample . . . print can be matched' (Manning 1977: 295 fn. 4). Whilst his comments on the effort involved in matching scene marks to fingerprint records in the absence of a limited pool of suspects (at least prior to the introduction of computer assisted searching some time after his commentary) are broadly correct, his description of the development of a set of suspects as a 'detective job' glosses over the potential sources of information (including forensic information) which detectives may now regularly draw on for such work.

Another study, a few years later still found police officers less than enthusiastic about the nature of the support provided to them by forensic science. Ericson's (1981) study of detectives in a Canadian municipal police force examined 295 cases including 179 cases of property crime, he (or the detectives he studied) showed limited interest in the production and use of forensic information. Thus according to his account, 86 per cent of the total cases 'involved no physical clues whatsoever', and fingerprint evidence existed in only 1 per cent of cases. When physical evidence was available, investigators used it in about a quarter of such cases, 'mainly to assist in identifying a suspect, inducing a confession, and/or as evidence in court' (Ericson 1981: 92 fn. 9). Ericson's detectives argued that its contribution to investigation was much less significant than information provided by uniformed officers, informants and victims. In a separate section of his research reporting on the production of suspects, Ericson fails to provide detailed figures for the contribution of forensic identification, but the tabular results suggest that it played a very minor role indeed in comparison to information provided by uniformed officers, informants and victims. However, these data are vulnerable to two obvious sources of bias. The first of these arises from the selectivity of investigators' recollections of the detailed course of crime investigations. This is especially problematic where case development may have arisen in the course of unrecorded briefing meetings or even less conversational episodes which are more typical in the investigation of volume crime. Another arises from the blinkering effect of differing occupational traditions that inform the general work of detectives on the one hand and that of crime scene examiners on the other.[15] Equally, a British study – of Devon and Cornwall Constabulary – conducted a decade later (Morgan 1990) suggested that fingerprint examinations at scenes of crime (including all crimes) resulted in identifications only in about 5 per cent of cases. Ericson concluded the relevant section of his study by commenting that the availability of physical evidence was both 'helpful in the prosecution sense of achieving guilty pleas', and also provided corroboration 'of other evidence that had brought the suspect to initial police notice'. However, he simultaneously characterised its contribution as numerically insignificant since it was 'used' in less than one per cent of serious cases (1981: 86–9).

A more recent sociological analysis of the process of criminal investigation – in this case the investigation of criminal homicide in the UK – has provided a more positive account of police views of the role of forensic science as one of several 'technologies of knowledge production' used in the investigation of

such serious crimes (Innes 2003).[16] In this study (and in a related unpublished report), Innes describes how forensic science evidence and its interpretation by experts is nowadays attributed particular value by the police and also how such information is used by investigators to confirm or disconfirm their own views of criminal actions and identities as well as to reshape or extend their preferred accounts at various stages of an investigation:

> The search for contact trace materials is framed by the existing knowledge held by an investigation, but in turn the analysis of these traces often causes alterations in the details of the narrative that is being constructed. Because evidence based on contact trace materials is often held to be more objective than alternative sources of evidence, it is frequently pivotal in the narrative, establishing and warranting some of the key facts of the police account. (Innes 2003: 156)

In the course of a study that sought to develop observations first made by Fraser (2000) on the integration of forensic science into criminal investigations, Williams (2004) sought to outline the organisational determinants and correlates of the ways in which the work of crime scene examiners is (or is not) aligned with the work of other police staff. The research suggested that there exist two quite different understandings of what 'integration' means in this context. The first of these – 'structural integration' was largely concerned with establishing lines of authority over the work of crime scene examiners, and consisted largely of the construction of organisational arrangements in which such staff came under the direct control of local BCU police managers. An alternative – and opposing – understanding gave primacy to the 'procedural integration' of crime scene examination work into the overall investigative process. This latter version was sometimes viewed as the development of the 'investigatory element' contained within the work of examiners, but also informed the appointment of other staff to work alongside them in order to make the best use of their time, the artefacts and the information that they generate. It was this understanding of integration that was first voiced in *Using Forensic Science Effectively* (ACPO/FSS/Audit Commission 1996) and it has continued through to the most recent HMIC reports.

These different interpretations of 'routine integration', as 'structural' or 'procedural', reflect and reinforce more fundamental differences in the way that police managers interpret the nature and utility of scientific support to crime investigation. An emphasis on structural integration is reinforced by an interpretation of scientific support as the provision of *technical assistance to investigators*. On the other hand an emphasis on the importance of procedural integration derives from and supports an interpretation of scientific support as constituting *expert collaboration within investigations.* The former notion, that scientific support provides technical assistance to investigators, is a longstanding one visible in the early vocabulary of 'scientific aids' to policing, although surfacing in the contemporary era in a technological guise. Practitioners defined in this way are seen as having strictly delimited areas of competence and are required to provide technically reliable and valid information to be evaluated by other crime investigators. Whatever their level of expertise or

seniority within their own area, their work is carried out under the direction and supervision of those with a more central stake in crime investigation and detection.

On the other hand, an alternative 'expert collaboration' understanding of scientific support acknowledges the distinctive knowledge-based expertise of crime scene examiners and other forensic science staff. It is based on recognition of the relevance of this knowledge and the product of its routine application for the investigation of individual volume crimes, and furthermore it may incorporate the view that (at least some of) the users of the service are themselves insufficiently knowledgeable to offer informed assessments of its quality and its investigative potential. Features of this 'expert collaboration' model of integration are clearly visible in some recent reports and also reinforce what was earlier claimed by the authors of the *Murder Manual* (ACPO 1999) about the gains that result from organisational efforts to properly integrate forensic science within police responses to reported crime so that 'there is effective consideration of the potential for forensic science to contribute to the investigation and that all who can contribute are given the opportunity' (Fraser 2007: 397).[17]

Using forensic science: building the foundations of evidence-based practice

A number of UK government policy developments from the late 1990s to the present day (including the DTI Foresight Initiatives, the Police Reform Bill, and the Police and Home Office Science & Technology Strategy) provide evidence of the intensification and rationalisation of state commitment to the development of forensic science. These developments have both informed and been informed by research sponsored by three main stakeholders in this development – ACPO, the FSS, and various bodies within the Home Office. These stakeholders – singly and in combination – have carried out or commissioned almost all of the empirical studies of the uses of forensic science in support of criminal investigations carried out in the UK since the Royal Commission on Criminal Justice research studies in the early 1990s (Roberts and Willmore 1993; Steventon 1993).

The majority of these studies have focused on the work of forensic specialists within the police service and have largely considered the role of forensic information in routine police investigations (rather than the uses of forensic evidence in exceptional judicial deliberations).[18] Their approach has been further defined by the adoption of a common discursive repertoire which includes a developing terminology to represent the different actions and events that make up the 'forensic process' within investigations, and their use of increasingly standardised quantitative variables to measure individual and collective performance at different stages in this process. The development of this standardised vocabulary and its associated set of measured variables signals the commitment of such studies to support the capacity of the three relevant agencies in their pursuit of centrally determined policy objectives – in particular the control of crime – throughout their designated specific spheres

of activity. It is important to note that the findings of this kind of research have been used directly to influence the work of those who provide forensic services. A particularly conspicuous instance of this is provided by the publication of the ACPO/FSS (1996) guide to good practice 'Using Forensic Science Effectively' which was almost entirely based on research, discussed later in this chapter, undertaken by Tilley and Ford (1996).

Prior to the commissioning of most of these studies, however, the report of the accountants commissioned by the Home Office to review the organisation of scientific support in UK Police Forces (Touche Ross 1987) was the crucial determinant of the organisation and resourcing of forensic science support to policing. Its economic 'style of reasoning' instantiating what elsewhere has been described as 'a ragbag of techniques, models, analogies and recipes for action that are loosely bound up by their appeal to economic rationality' (Garland 2001: 190) has provided a framework to which almost all subsequent studies have felt it necessary to refer and, sometimes, adopt.

Touche Ross attributed the low levels of police confidence in forensic science in the mid-1980s to the failure of the Forensic Science Service to respond to the needs of the police. They paid particular attention to the FSS inability to produce analysis of an increased volume of forensic submissions in a relatively timely fashion. The team of accountants proposed that the solution to this problem was the introduction of market mechanisms and the principle of 'direct charging' so that individual police forces would approach suppliers (including, but not exclusively, the FSS) to agree prices for the type and volume of forensic analysis they required. It was argued that such mechanisms would allow the police, as consumers, to directly affect the quality and quantity of service they wanted in ways that were impossible when the Home Office directly controlled the FSS and when the police were not paying directly for work done on their behalf. Direct charging for forensic services to all police forces in England and Wales was introduced in 1991.

In addition to the first introduction of this first market (or quasi-market) for forensic services, the Touche Ross report also included several other recommendations for changes in the organisation of scientific support within police forces. The introduction and further effect of these changes provided a continuing focus of research for subsequent studies of the uses of forensic science within criminal investigations. Two particular recommendations were especially important.

The first was their argument for the appointment of senior staff in each police force with specific responsibility for the management of all forensic work undertaken within the force and for the commissioning of all forensic work undertaken by outside agencies. Initially designated universally as 'scientific support managers', these new post-holders (civilians in some forces, sworn officers in others) took financial and administrative charge of all relevant specialist services including crime scene examination, the force laboratory, fingerprint and photographic departments and forensic submission units. All research on police uses of forensic science since the early 1990s has been informed by an implicit or explicit recognition of the importance of the performance of this role for understanding the quality of the delivery of forensic support within UK policing in general, and differences in the effectiveness of different police forces in particular.

A second set of recommendations by Touche Ross called attention to the wide variation amongst forces in the staffing levels of crime scene examiners and corresponding variations in the proportions of criminal investigations (especially volume crime investigations) which were supported by the collection and interpretation of forensic evidence. Touche Ross presented these seemingly unplanned variations to argue for the need for Home Office direction in deciding the most effective staffing levels and in improving recruitment standards and training within this increasingly civilianised staff group. Subsequently the Home Office did provide some direction ('staffing levels should allow an average annual maximum of 600 cases per SOCO to allow time for satisfactory examination of scenes' – Tilley and Ford 1996), and recruitment and training standards were markedly improved. However, almost all subsequent research has continued to scrutinise the ways in which the work of this staff group necessarily shapes the essential initial stages of any investigation to which forensic science support may be relevant.

The first of a number of studies conducted in the decade following the delivery of the Touche Ross report (Saulsbury *et al.* 1994), was a joint project commissioned by the FSS and ACPO. The commission followed 'discussions in Autumn 1991 between the Forensic Science Service and the Crime Committee of the Association of Chief Police Officers who were both interested in making forensic evidence more effective and efficient' (Saulsbury *et al.* 1994: 1). Research focused on police views of the 'usefulness' of different kinds of commonly encountered forensic evidence, how decisions were made about the submission of such evidence for analysis, and the degree of police satisfaction with the quality of case-relevant information provided to them by FSS scientists. Structured interview data were collected between November 1992 and February 1993 from 320 post holders (including scenes of crime officers, scientific support managers, forensic submissions officers, senior investigating officers and others) in eight police forces.

The results of this research are difficult to interpret since key questions seem to have been both generalised and decontextualised. For example, the question 'In general, how useful are the following types of physical evidence in furthering an investigation?' was followed by a list of evidence types (including 'DNA analysis', 'Mechanical fit', 'shoe marks', 'other marks', 'body fluid grouping', 'blood distribution', etc.) which the respondent was required to rate as 'no value', 'limited usefulness', 'useful' or 'conclusive'. A project 'working group' (made up of a representative of the FSS and nine 'police officers familiar with the handling of physical evidence') were also asked to rate the importance of evidence types so that answers could be compared against each other and evaluated for their 'objective accuracy'. Yet such objective accuracy could only be severely impaired by a process that evaluated the usefulness of forensic activities outside of the context of specific investigations.

Methodological limitations notwithstanding, the research remains relevant in so far as it clearly showed the importance attributed by serving police officers and police forensic specialists (the project working group and all respondents interviewed), to DNA profiling. In fact unspecified 'DNA Analysis' was the only form of forensic evidence that was rated conclusive by

a majority (90 per cent) of respondents (although fingerprints were not included amongst the list of evidence types offered in the interview). Despite these shortcomings the report is important for the way it instantiated a number of key themes which continue to inform subsequent research in this area: the lack of recognition given to the specialist knowledge and skills of crime scene examiners; low levels of satisfaction with the turnaround times for services provided by forensic laboratories and information provided by those laboratories; and concerns about the cost of forensic services since the introduction of direct charging regimes.

Prior to the publication of the final report by Saulsbury *et al.*, the Police Research Group of the Home Office, ACPO and the FSS had already established a joint project to 'examine and evaluate police uses of forensic science, and . . . to assess the extent to which police needs are being met by current forensic science provision' (Tilley and Ford 1996: v). Two forensic scientists from the FSS and two serving police officers each worked full time for one year (as members of the research team) alongside a Home Office nominee from the Police Research Group and a distinguished external academic consultant with a history of research on the police to produce a substantial study of forensic science.

The 'Tilley and Ford' study was initially piloted in two forces and fieldwork for the full research was carried out in 12 forces between July 1994 and June 1995. The report of the study offered a rather discouraging account of the organisation and use of forensic science support to crime investigation, especially to the investigation of volume crime, some years after the implementation of the Touche Ross reforms in the late 1980s and early 1990s. ('If the tone of this report appears negative, this is in part because many matters of concern were identified' – Tilley and Ford 1996: 46.)

Tilley and Ford asserted that the uses of forensic science remained essentially reactive, focusing on individual cases, rather than being integrated into wider policing as elements of crime investigation. More worryingly, Tilley and Ford reported a 'widespread lack of awareness within the police service about forensic science itself and what various tests can do'. Furthermore, they argued that, whilst they could generate no data of their own to measure the cost-effectiveness or 'investigative cost-benefit potential' of existing patterns of the use of forensic science, they dismissed available methods used by forces to determine effectiveness as having 'dubious reliability or validity' (Tilley and Ford 1996: 46–7).

In fact, while the report contains data on crime scene attendance levels amongst forces, as well as information about the number of (undifferentiated) items sent for forensic examination in support of the investigation of different kinds of crime in each of the forces studied, it does not provide detailed accounts of the frequency with which specific types of contact trace material are collected, analysed or used within forces (with the exception of fingerprint marks). Instead, such data that were already being collected by the forces in the sample (following recommendations of the Police Requirements Support Unit 1991) were separately analysed by another member of the Home Office Police Research Group and published simultaneously in a different series of Home Office Research Papers (McCulloch 1996).

This second study ('initiated to assist' the related work of Tilley and Ford) focused very directly on the Touche Ross recommendations (already endorsed and elaborated by the Audit Commission 1990) for the collection by individual forces of annual statistics 'on scene examination, fingerprints, forensic science and photography' (McCulloch 1996: 1), and the analysis and reporting of these differences between forces by an unspecified 'central body'.

Even though McCulloch's work largely used routine data captured by each force in the sample by the use of a common computer package, she reported severe technical difficulties in assembling a strictly comparable set of data from the forces in her sample. Comments similar to those found throughout the work of Tilley and Ford (1996) recur in this report in the form of requests for the provision of better quality and more rigorously standardised data. Despite these shortcomings, however, the available data (for the calendar year 1994) do permit the identification of some interesting patterns of forensic evidence collection and analysis in a range of crime investigations across the 12 forces studied.

Forces showed considerable variation in the proportions of forensic submissions (excluding fingerprint marks which are not normally the subject of 'forensic submissions' since they are separately submitted for examination to each force's own fingerprint bureau) made for different types of crime. Whilst 'those with a high crime rate tend to make forensic submissions for a large proportion of their violent crimes . . . [and] those with a low crime rate tend to make submissions for a high proportion of their burglaries' (McCulloch 1996: 35), concerns with the quality of the data made McCulloch reluctant to draw too many conclusions from these kinds of overall difference.

Data on the (then) relatively novel technology of DNA profiling are found in various places and in a variety of forms throughout the report. In one table (Table 6) they are shown to comprise only 5 per cent of all forensic submissions at that time, with documents, glass, fibres and footwear all being more numerically significant than this form of biological evidence (although the table is unhelpful since alongside 'DNA' it also separately lists 'semen', 'body tissue' and 'saliva' as being submitted for examination). Another table (Table 7) which displays the proportion of DNA tests accounted for by four main offence categories shows that 40 per cent of DNA submissions were made as part of the investigation of sexual offences, 32 per cent were made in connection to the investigation of murder and suspicious death, and 20 per cent were made in support of assault investigations. The investigation of burglary in 1994 occasioned only 2 per cent of DNA submissions in the 12 forces studied. Most forces used DNA testing in about 1 per cent of cases overall; two forces did not use DNA testing for burglary scenes whilst the highest using force made 9 per cent of its DNA submissions in relation to burglary investigations.

An important aim of McCulloch's study was to examine available data on police evaluations of the usefulness of different forensic items collected from the crime scene and submitted for analysis. The guidelines followed by each force for data entry to the relevant computer system expected both Officers in the Case (OICs) and Scientific Support Managers (SSMs) to evaluate the usefulness of each forensic submission made. The OICs were required to use

a four-point scale representing the degree to which the test was 'useful to the case' ('Very useful', 'Useful', 'Limited use' and 'No value') while SSMs used a four-point scale which evaluated the 'scientific value' of each test ('Conclusive', 'Strong', 'Some evidence which identifies or eliminates a suspect' and 'No evidential value'). Surprisingly large amounts of these evaluative data were never completed by relevant police staff in the forces studied (OICs completed only 30 per cent of such evaluations while SSMs completed 83 per cent of them).

The studies by Tilley and Ford and McCulloch provided the most detailed and systematic examinations of the uses made of forensic information and expertise within the police service in the last decade of the twentieth century. Yet the studies were limited in their analysis of the professional and organisational factors that shaped the uses made of the results provided by particular forensic technologies. Such a shortcoming was, they insisted, the result of the poor quality of police data available to their research.

Nevertheless, this body of research (in particular that carried out by Tilley and Ford) provided the first generally accepted understanding of the 'forensic process' in UK crime investigation. Moreover, the multi-agency project, of which the research was only one element, made use of the essentially negative findings of the two studies to reinforce arguments about the necessity for wholesale improvements in current standards in the collection and utilisation of forensic information for intelligence and evidential purposes. This was done through the publication of *Using Forensic Science Effectively* (ACPO/FSS/Audit Commission 1996) which sought to provide new guidelines and was widely disseminated amongst forces and received strong support from relevant senior staff in the FSS and ACPO. In so far as it identified and promoted examples of 'best practice' it also served as a promissory note to government, indicating what could be achieved by those police forces who were fully competent in the deployment of a quickly expanding repertoire of forensic technologies.

Whilst the fieldwork for these studies was largely carried out before the explosion of state support for DNA analysis and databasing contributed to changes in the circumstances within which analytical work was carried out within forensic laboratories, Tilley and Ford did make specific mention of this development. They reported that a number of forces had expressed concerns about the costs of DNA profiling and databasing and that 'there are widely varying estimates of the proportion of scenes which will yield stains susceptible to DNA profiling' (1996: 42). It is clear from remarks elsewhere in the report that they expected some changes in the uses of forensic science and that the rapid development of DNA profiling would contribute to those changes. However, they provide no detailed speculation, instead asserting that: 'What the future holds for forensic science is not clear. In particular the development of a national DNA database may have a strong influence on patterns of usage. In the longer term it might have an impact on more traditional forms of forensic analysis' (1996: vi). In hindsight, their assessment of the significance of the advent of DNA profiling for the wider standing of forensic science and its place in the criminal justice system may seem overly modest.

Soon after the National DNA Database was established in 1995, large claims began to be made about the changes brought about by its introduction. For

instance, Dave Werrett Chief Scientist of the FSS at the time asserted that 'there are now more stains analysed from undetected crime scenes than there are stains analysed within normal casework procedure' (Werrett and Sparkes 1998: 58). Whilst one force studied earlier by McCulloch (1996: 11) had a submission policy which specified that 'evidence from burglaries is only sent to the lab if there is a known suspect' such patterns of submission were already being characterised as outdated, and were quickly being replaced by a radical new kind of forensic work:

> Traditionally forensic science has been part of a supply chain: samples would be obtained from scenes and suspects, some information with regard to the offence would be supplied to the laboratory. The laboratory would carry out examinations, a report would be produced that would go the Prosecution Service, or indeed the Defence, and finally where appropriate a court case would ensue. Through information being provided by the DNA Database the laboratory is now instigating investigations. Inceptive intelligence information produced by the National DNA Database is leading to new forms of crime investigation that are now becoming integrated within police procedures in the UK. (Werrett and Sparkes 1998: 58)

Whilst a series of evaluative studies of the effectiveness of recent administrative and technical innovations in scientific support to policing has been carried out in the last 10 years these studies have largely been disseminated amongst a small body of researchers and some have remained confidential until very recently. Most have focused attention on the collection and analysis of a restricted range of contact trace material regularly recovered at crime scenes, and developments in the collection and use of DNA evidence since the establishment of the database in 1995 have provided a central focus of many of these studies. They have also shared an underlying commitment to the development of improved measures of performance outputs and outcomes as part of their attempt to construct a model of the contribution of more varied forensic information to the detection, prosecution and reduction of volume crime (see e.g. McCulloch and Tilley 2000; Burrow *et al.* 2005b). This 'attrition model'[19] of the forensic process encourages the collection and analysis of data showing the proportion of recorded crime scenes attended, the proportion of scenes attended from which forensic artefacts are recovered, the proportion of these artefacts that facilitated the identification of suspects or linked scenes, and the proportion of such identifications that led to detections. Especially detailed results of its application in the collection and analysis of DNA evidence are available in Burrows *et al.* (2005a). Barrow (2005) and Green (2007) also provide attrition data relating to DNA profiles, fingermark and footwear mark collection, comparison and use, with Rix (2004) focusing particularly on the latter technology. Finally, a systematic effort to apply the model to the whole forensic process has informed work undertaken for the Home Office by a private company – Lanner Group Ltd. The work led to the introduction of management software (Scientific Work Improvement Package) available to all forces in England and Wales, but at the time of writing, the

Home Office report which evaluated this resource remains restricted in its circulation.

In addition to commissioning these studies, key government agencies and Parliamentary bodies have also carried out a series of major reviews of forensic science (e.g. House of Commons Home Office Affairs Committee 1989; Audit Commission 1993; House of Lords Select Committee on Science and Technology 1993; HMIC Thematic Inspection Reports 2000, 2002a,b; House of Commons Science and Technology Committee 2005).[20] These reviews generally have commended the willingness of police forces to 'harness the power of science to beat crime' (Home Office 1999), but they have often been critical of aspects of the delivery, organisation and monitoring of such scientific support. For example, David Blakey (HMIC 2000) was especially forthright in his criticism of: weaknesses in the professional and strategic exploitation of the use of forensic science for crime investigation in general; the variable – and sometimes inadequate – quality of forensic leadership, advocacy and awareness at a number of levels within police forces; the poorly organised deployment and use of crime scene examiners; and the 'paucity, questionable quality and accuracy of performance data' within the area of scientific support.

The approach taken by HMIC and other Home Office actors has been strongly influenced by developments in the public services in general in which increasingly rigorous (and imaginative) efforts have informed the development of indicators of the efficiency and effectiveness (including cost-effectiveness) of a variety of forms of service provision. At the beginning of this century, the government's crime reduction strategy (Home Office 2000) explicitly commended the beneficial results of the introduction of performance league tables and regular monitoring of performance in the health service and in education and looked forward to the results expected to derived from the enhanced application of such approaches to the field of policing. The later introduction of 'Best Value' considerations into policing provided a powerful statutory framework for consideration of target setting within police authorities, and scientific support staff are subject to this overall framework. The orientation of senior management to such a framework in turn ensures that measures of labour effort and labour output of scientific support staff are considered alongside the effort and output of other staff groups in contemporary discussions of police performance and its overall outcome.

Attention to these issues is unquestionably legitimate, and where properly understood and managed, will be positive both for the attainment of overall organisational aims and for the everyday work of employees. However, enthusiasm for the constant monitoring of individual staff performance by reference to currently available performance indicators needs to be tempered by the acknowledgement both of a number of shortcomings in the current repertoire of indicators and of the unintended consequences that can arise when individual staff members treat such performance criteria as a guide for their actions. Ericson (1981: 67) cites Etzioni and Silverman when indicating the potential for 'organisational drift into areas that are measurable, resulting in over-production in measurable areas and neglect of the less measurable'. Although this comment was made more than 25 years ago, it remains germane to an understanding of the current situation in a number of organisations.

Some of these issues include: the diminution of professional autonomy in task performance; a neglect of the contribution to individual performance made by differing forms of collective effort; and the resource dependency of individual levels of measured performance.

Forensic science and intelligence led policing

The warmth of the police embrace of forensic science reflects their confidence that a particular body of scientific knowledge and repertoire of technological devices can be used to support unequivocal and authoritative accounts of criminal actions and criminal identities. However, not all of these accounts will be tested in the way they might be when forensic material is subject to judicial and lay evaluation in courtroom settings. Many more are used as 'forensic intelligence', in other words as information used to further direct ongoing criminal investigations and disruptions, rather than as props in the dramaturgy of a criminal trial.

In the last decade of the twentieth century, an important Audit Commission Report on the standard of criminal investigations in England and Wales (Audit Commission 1993) strongly endorsed 'intelligence-led policing' as a relatively novel 'proactive' approach to law enforcement and crime control. Since that time, this approach has become an essential feature of contemporary policing practice (see e.g. Gill 1998; John and McGuire 2003; Tilley 2003), the main elements of which include: the targeting of known active offenders; the management of crime and disorder 'hotspots'; the investigation of linkages between crimes and the emergence of crime series; and the application of 'partnership preventative' measures. Nowadays each of these elements needs to be supported by the provision of an evidence base of 'criminal intelligence', a term which is often defined rather loosely, but which generally refers to 'information that has been interpreted and analyzed in order to inform future actions of social control against an identified target' (Innes *et al.* 2005: 42).

The growth of specialised 'intelligence units' to gather, evaluate, co-ordinate, analyse and disseminate such information within police forces (see Tilley 2003; Cope, this volume) has required, and in turn encouraged, the development of new technological systems which facilitate the recording and interrogation of increasingly varied types of information held by the police and other state agencies. It is an acknowledged feature of policing in general and this mode of policing in particular, that its effectiveness is hugely dependent on the existence of a comprehensive 'organisational memory' (see Marx 1988; Innes *et al.* 2005) containing various kinds of crime-relevant information, and whose construction, growth, maintenance and dissemination are all reliant on computer-based technologies of storage and communication. Whilst the development and deployment of intelligence is merely one demand made of such organisational memories, the willingness to meet this particular demand is targeted at improving knowledge about, and more effective intervention into, criminal activities. In particular the determination of where, how, when, why, and against whom, action should be taken.

The National Intelligence Model (NIM), developed by the National Criminal Intelligence Service and adopted by ACPO in 2000, has provided a new vocabulary for shaping the details of this new approach to crime control, and the National Policing Plan 2005–2008 describes the NIM as a 'cornerstone' of policing in England and Wales (see Maguire, this volume). The purpose of the NIM is to ensure that all potentially useful information is fully researched, developed and analysed to produce intelligence capable of providing both strategic and tactical direction to police investigations. The NIM is a technologically supported instrument designed to improve investigative efficiency, increase detections, and contribute to crime reduction by structuring the collection, development and uses of intelligence to target individual offenders (and potential offenders). 'Key assets' for its effective use are described as being: available and exploitable sources of intelligence; identifiable intelligence roles and the knowledge required to carry them out; and the facilities and access necessary to carry out those roles. Accordingly, its adoption across England and Wales has, in turn, led to increased consideration of information and communication technologies – both hardware and software – to condition what can count as intelligence data, shape how it should be collated and interpreted and consider how recommendations for action may be developed from its analysis (see e.g. Gill 2000; Maguire 2000; NCIS 2000; Cope 2003; John and Maguire 2003; Tilley 2003).

Neither the original Audit Commission report, nor the subsequent development of the NIM, paid any particular attention to the potential contribution of forensic science to the emerging model of intelligence-led policing. This is a puzzling oversight, since as Innes *et al.* (2005) point out, strong linkages exist between the ambitions of criminalistics and forensic science on the one hand, and those of technologies of crime analysis on the other hand (see also Rose 1999, 2000a). In addition, recent work by others (see especially Ribaux and Margot 1999, 2003; Ribaux *et al.* 2003; Ribaux *et al.* 2006), has suggested the potential fruitfulness of this integration, and these studies have argued strongly that what are currently distinct forensic science and intelligence communities would both profit from sharing – with each other and with investigators – their differing forms of specialist knowledge.

That is not to say that individual police forces have failed to consider, at least in general terms, the relationship between the new orthodoxy of intelligence-led policing and the parallel increased enthusiasm for forensic science support to policing. However, the development of this relationship has not always been satisfactory since it has usually amounted to the inclusion within, or establishment alongside, existing crime analysis systems of a limited selection from the total information and evidence collected by crime scene investigators during their scene attendance. In this way, whilst some vague notion of 'forensic intelligence', has often come to be located within the larger organisational memories of most police forces, there remain many differences in the ways in which individual forces (and sometimes BCUs within forces) have sought to record, process, and communicate the varying amounts and kinds of information stored in such memories.

In general there is no systematic knowledge of what methods of defining, collecting, recording, processing and using forensic intelligence, work most

effectively. Particular forces may introduce innovations, which seem initially to be successful, and these are sometimes taken up more widely, but their proliferation is often accompanied by changes in the details of their implementation, or the enthusiasm with which secondary users greet their arrival. These considerations often mean that what has seemed to work well in one context has worked less well in another, and so the trajectories of their adoption (and subsequent routine incorporation or abandonment) vary considerably. Underlying these variations are more fundamental issues that concern the extent to which various stakeholders appreciate the differing kinds of expert knowledge and associated vocabularies that are typically utilised in forms of crime analysis on the one hand, and in forensic examination on the other hand.

The introduction of the Home Office 'Forensic Integration Strategy' (FIS) provided a significant opportunity to consider these matters in much more detail. The strategy was described as an 'investment fund to enable existing police resources to be used more efficiently' and also as 'a catalyst for modernisation'. It was established on 1 April 2005 and superseded the DNA Expansion Programme (which is subsumed in the larger strategy). The overall aim of the FIS was 'to ensure that by March 2008 the police optimize their use of forensic science, extending the UK's global lead on the use of DNA to all forms of forensic intelligence' (Forensic Science and Pathology Unit 2005: 27). It was predicated on the observations that there is insufficient integration of different kinds of forensic data, and that lessons learned from the successful development of DNA profiling and databasing should be applied more widely. The strategy had a number of relatively general objectives, amongst which were to 'deliver more, faster, better forensic support and intelligence at lower cost'; 'standardise and optimise techniques and processes'; and 'integrate different types of forensic data' (Home Office 2005: 12). Fereday (2004: 12) suggested that the FIS was focused not only on the integration of different types of forensic intelligence with one another but also the integration of these types of intelligence 'with the National Intelligence Model processes and products, and with broader criminal intelligence at Basic Command Unit, force and national levels', as one part of this would 'look at working practices and expectations of non-forensic specialists within police forces'. At its simplest level, the FIS sought to bring together existing and potential forensic databases (such as DNA, fingerprints, ballistics, shoemarks, etc.) with 'broader criminal intelligence on offenders and offences (such as criminal careers, known associates, methods of offending and patterns of crime)' (Fereday 2004: 12). However, following the establishment of the National Policing Improvement Agency and its early review of the activities for which it assumed responsibility (including the strategic view of forensic science), this strategic framework has undergone revision at the time of writing and the details of the new framework are not yet publicly available.

An international dimension

The desire to foster and expand the pan-European sharing of forensic intelligence is a longstanding feature of both EU politics and policing. This is

one element in an increasingly sophisticated network of intelligence gathering across the EU which has been described as driven by a 'transnational police elite' who have 'come to form part of an opaque, thinly accountable policy network increasingly organized around an ideology of *European* security' (Loader 2004: 57, emphasis in original; see also, Walker, this volume). It is, of course, the recurrent political concern with EU security which underpins the justification for collecting and maintaining large archives of data that are independent of national policing authorities. Yet, 'security' is a contestable term and there has been no systematic consideration by the Council, Commission or Parliament of the EU of the usefulness of using forensic intelligence in relation to either national security or law enforcement.[21]

The legal basis upon which police forces in criminal jurisdictions across the EU exchange intelligence data has been developed through both the Maastricht Treaty (1992) and subsequently through the Treaty of Amsterdam (in force, 1999). Title VI of Maastricht created the Third Pillar of the EU, 'Justice and Home Affairs', which allowed for a number of cross-border operational activities between police forces for the purpose of preventing and detecting crimes (these are outlined in articles 29–42, 'Provisions on Police and Judicial Cooperation in Criminal Matters'). It was through this treaty that the European Police Office (Europol) was established (although it did not become fully operational until 1999). However, because Title VI was modelled on pre-existing intergovernmental modes of co-operation (which were themselves the remnants of previous European agreements) it faced a number of criticisms, most notably that it enabled non-harmonised, over-complicated and non-transparent co-operation whilst affording EU institutions no effective way of exercising control over member states' decisions (see Apap 2002). The Treaty of Amsterdam, which reformulated the Third Pillar and brought into being the Area of Freedom, Security and Justice, was a response to this.

Since the Treaty of Amsterdam came into force, the EU has grown considerably, expanding both its external borders and its internal land mass and population. With the development and implementation of the Schengen acquis, coupled with the renewed emphasis on the threat of terrorism, the EU has developed a new 'security discourse' (Walker 2002) focusing on both its frontiers and its internal territory. A central part of this continually developing culture of EU securitisation is the emphasis on increasing and making more efficient intelligence exchange between the police forces of the 27 EU states as well as strengthening the role of transnational policing. Such co-operation has been encouraged through the Schengen Information System (SIS) which was developed as an instrument for exchanging information between nation-states that now permitted greater flows of movement of persons across their borders. The SIS comprises a computerised network which allows all police stations and consular agents from Schengen group member states to access data on specific individuals, vehicles and property. Member states provide information through national networks which are connected to a central system.

The SIS is an example of a formal mechanism designed to facilitate the exchange of intelligence between member states. Yet since 1994 and a draft framework published by the Multidisciplinary Group on Organized Crime at the Council of the European Union, there has been a demand for the overhaul

of existing systems for exchanging information.[22] The framework argued that 'effective and expeditious exchange of information and intelligence between law enforcement authorities is seriously hampered by formal procedures, administrative structures and legal obstacles laid down by Member States' legislation' and that, whilst the framework does not 'purport to change these systems', this is a 'deficiency that will have to be remedied'.[23] The framework – later embodied in the Hague 'Principle of Availability' proposed to remedy the current systems for intelligence exchange by creating a common set of conditions through which Member States can request intelligence from any national EU law enforcement agency.

The framework recommended a series of procedures to simplify the exchange of intelligence between member states in relation to the gathering of information regarding criminal activities and suggested that the exchange of intelligence should be processed through the widest possible set of channels. Some such channels exist already but the framework stressed that, whereas current data-sharing is constrained by the legal differences of member states, a 'horizontal' approach should be adopted. The recent adoption of the Prüm Treaty by a number of EU states is the harbinger of what such a 'horizontal approach' may mean for the future of forensic intelligence exchange across the EU.

However, the exchange of fingerprints, DNA profiles and vehicle registration data now facilitated by the Prüm Treaty raises a number of important issues that will form the basis for future debate over the internationalisation of forensic intelligence exchange. First, the continued international exchange of such data – especially DNA data – in a context which is characterised by the absence of any formal EU governance raises a number of questions about data protection and security.[24] Second, the vast differences in member states' legislative and procedural provision for obtaining and storing fingerprints and DNA contrast with the current lack of any formal mechanism for governing and monitoring the scope of supranational databasing by Europol and Interpol. Third, the political emphasis and commitment to constructing national fingerprint and DNA databases in each member state remains varied and, in some countries, unrealised.

Conclusion

In the course of this chapter I have suggested that crime scene examination in particular, and forensic science support to policing in general, should be understood as the effort accountably to discern, through the rigorous examination and retention of physical traces and other information, the course of crime relevant actions and events. Other actors are able to use these material and cognitive resources to contribute to a very wide range of matters relevant to criminal investigations, and whilst it is impossible to catalogue all of those benefits here, at least they include robust support to establish that: a particular offence has taken place; particular actions have taken place at a scene; individuals with a range of unique characteristics have been present in particular parts of a crime scene; individuals possessing a range of character-

istics with a known frequency have been present in particular parts of a crime scene; individuals possessing one of a range of 'class' characteristics have been present in particular parts of a crime scene; particular instruments have been uses at a scene, and in some cases used by identifiable individuals; and there are 'links' between a number of different crime scenes.

All of these – and other - forensic accomplishments can be used to direct subsequent investigatory effort (including the inculpation or exculpation of specific suspects, the structuring of interviews with witnesses, victims or suspects) as well as inform subsequent case-making against persons charged with criminal offences. It almost goes without saying that, wherever possible, the assembly of such evidence and information has to meet the exacting standards required for presentation and justification in judicial settings. Uncontrolled features of physical trace evidence and the circumstances of its discovery means that such standards cannot always be met, but even when they are not, important and useable intelligence may still result.

The development of a small group of specialist scene examiners (making up less than 2 per cent of the total police labour force) to undertake this work has left trained detectives free to specialise in other aspects of the investigative process. However, this necessary specialisation of tasks can lead to poor levels of understanding of the potential of forensic science and an accompanying unwillingness to recognise the nature and extent of its usefulness in specific cases. Therefore, central to the successful use of forensic science support is the integration of crime scene examiners (as the major providers of such support) into the investigative process. Over the past 10 years a number of studies have asserted that, despite strong suggestions from key actors, crime scene examiners are still not always adequately integrated with police officers within recognised investigative teams (e.g. McCulloch 1996; Tilley and Ford 1996; HMIC 2000; Smith and Flanagan 2000; Williams 2004).

In the absence of such integration, the application of individual or group performance monitoring will not necessarily be effective in enhancing the quality of the work carried out by such crime scene examiners, nor in improving the effective uses made of this work by other criminal investigators. Closer monitoring is not a substitute for rigorous research on the process of crime scene examination in particular or on the application of forensic science and its associated technologies in general. At the moment key UK agencies show little enthusiasm for such research, yet in its absence it is difficult to see how it will be possible to 'move forensic science to centre-stage so that it is part of [police] service delivery at a strategic level' (Green 2007: 354). There is no sign that this situation will be improved in the newly privatised world of forensic science provision, and in fact, the opposite might be true. At the same time, the increased UK interest in evidence-based policing may find attractive the kinds of studies that are now beginning to emerge elsewhere in the world, in which carefully designed and executed 'field trials' offer new insights into what the benefits – and cost effectiveness – of specific forensic interventions[25] may be. It will be interesting to see whether ACPO, the Forensic Regulator and other key actors are willing to embrace, or even fund, the development of this new kind of forensic science knowledge.

Notes

1 For the purposes of this chapter, the term 'forensic science' refers generally to the application of scientific knowledge and technology to the administration of criminal and civil justice matters. Typical forensic science disciplines include: toolmark and fingerpint comparison; firearms and ballistics analysis; a variety of forms of DNA profiling; hair, fibre, glass, paint and soil analysis; footwear and tyre impression comparison; blood spatter analysis; and a range of techniques for the analysis of 'questioned documents'.

2 An expert group of the US National Academy of Sciences 'Board on Mathematical Sciences and Their Applications Committee on Science, Technology and Law' is deliberating some of these issues currently. Progress on their project 'Identifying the Needs of the Forensic Sciences Community' can be viewed at: http: // www8.nationalacademies.org/cp/projectview.aspx?key=48741.

3 However, they are taken up in several chapters of Fraser and Williams (forthcoming). See also, Broeders (2007).

4 There are of course other such sites of operation, most especially the 'forensic laboratory' but they will not be the focus of this chapter. For other comments on sites of operation and their relationship to sites of deliberation relevant to forensic science, see Williams and Johnson (2006).

5 The concept of the 'crime scene', or the 'crime scene paradigm' is the 'the central source and reference point for analysis of the many legal issues that are involved directly or indirectly in the field of forensic evidence' (Kiely 2006: 27).

6 Green (2007: 342) reports that 4,490 individuals were employed in forensic science posts in the 43 police forces in England and Wales during the financial year ending in April 2005. Almost exactly one half of these were working as crime scene examiners.

7 Signs are emerging that some larger police forces may respond to the recent marketisation of forensic science (in particular the changed status of the Forensic Science Service) by expanding their own laboratory-based forensic specialist capabilities in specific areas.

8 For an account of the forensic science support available to investigators in this period, see Else and Garrow (1934).

9 Osterburg and Ward (2000) remind us that there are two kinds of photographs that may be taken: first, a photographic representation of the overall scene, photographs of relevant scenic details and those showing the location of physical evidence; second, a photographic record of details used for scene reconstruction and identity establishment. Some criminalistic texts argue for the necessity of always photographing a fingerprint in situ before lifting it as well as preserving any objects which bear relevant fingerprints. Certainly where the origins of a print might be contested in court then a photograph of its original location will remove doubt about its origins, although it seems that such evidence is not often contested – certainly in the case of volume crime.

10 The American Academy of Forensic Sciences defines criminalistics as 'that profession and scientific discipline directed to the recognition, identification, individualization and evaluation of physical evidence by application of the physical sciences to law-science matters' (quoted in Nickell and Fischer 1999: 2).

11 See, for example, Osterburg and Ward's suggestion that: 'Unfortunately, for a variety of reasons, crime scene searches are conducted in only a few cases ... Research indicates that most crime scenes contain much more physical evidence than is discovered' (2000: 523).

12 See, for example, the Forensic Science Service's *Scenes of Crime Handbook* and their 'Critical Success Factor' forms. In addition, most police force scientific support

departments also issue their own handbooks and specify search and seizure protocols which they expect crime scene examiners to use to direct their operational work.

13 For, example, in burglary cases it is conventional to argue that points of entry to and exit from the property deserve the most detailed examination: 'these areas will embody the largest reservoir of potential evidence for investigators' (Lyman 1999: 73).

14 What has destabilised this understanding, of course, is the success of the National DNA Database in developing the inceptive uses of forensic science, success that may also be mirrored in the increasing use of the National Automated Fingerprint Identification System (see Williams and Johnson 2007, 2008; National DNA Database 2007).

15 The selectivity of detectives' recollections of the detailed course of crime investigations (where more objective records are not available) remains an issue in more recent attempts to collect reliable data on the use made of forensic information by investigators.

16 A study of the skills of effective Senior Investigating Officers by Smith and Flanagan (2000) also provided an insight into the investigative process in cases of serious crime. Experienced officers interviewed in the course of this study emphasised the importance of SIOs' initial assessment of a crime scene as well as their capacity for evaluating the work of individual specialist staff (including scene examiners and forensic scientists). However, the researchers did not invite SIOs to comment on the relative value attached to the different kinds of information (including forensic information) that might be forthcoming in the course of criminal investigations – perhaps because of the shifting circumstantial details that are thought to determine such values in individual cases. Furthermore, the study provides no description of SIO's understandings of the role of scientific support except where the authors comment that SIOs thought it essential to facilitate 'close collaboration with relevant personnel (e.g. Scenes of Crime Officers, forensic scientists and the pathologist)' (Smith and Flanagan 2000: 20).

17 Prior to the two 1993 Royal Commission research studies, only two published monographs had offered any relevant analysis of forensic science within policing. The first was a study of police investigative procedure which suggested that physical evidence collected at crime scenes very rarely resulted in the identification of a criminal suspect (Steer 1980). The second was a study of the work of the Forensic Science Service carried out in the mid-1980s in which the role of physical evidence was seen to be discouragingly slight and its potential largely ignored by the police unless more traditional forms of evidence were unavailable. This report suggested that, even when such evidence was collected and analysed, there remained a large gulf of (mis)understanding between forensic scientists and police investigators (Ramsey 1987).

18 For a more detailed review of research on the uses of forensic science in support of volume crime investigation, see Bradbury and Feist (2005).

19 See Burrows *et al.* (2005a).

20 In addition to these Thematic Inspections, regular HMIC Police Force and Basic Command Unit (BCU) inspections have reported and interpreted a corpus of comparative data on scientific support activity as part of their more general evaluations of force and divisional performance (see HMIC 2002b for a summary statement of emerging findings from the first round of BCU reports).

21 More detailed accounts of many of the issues discussed in this section may be found in Johnson and Williams (2007), Wilson (forthcoming) and Home Office (2005).

22 Council of the European Union 'Draft Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of

the member States of the European Union, in particular as regards serious offences including terrorist acts' 13869/04.

23 Council of the European Union 'Draft Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the member States of the European Union, in particular as regards serious offences including terrorist acts' 13869/04.

24 See, for example, European Data Protection Supervisor (2006a,b) and House of Lords European Union Committee (2007).

25 See, for example, Roman *et al.* (2008).

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Selected further reading

The current condition of forensic science in England and Wales is fully explored in the House of Commons Science and Technology Committee Report *Forensic Science on Trial* published in 2005. McCartney (2006) *Forensic Identification and Criminal Justice: Forensic Science, Justice and Risk* also provides a useful critical historical account of forensic identification and its uses in contemporary society. Townley and Ede (2004) *Forensic Practice in Criminal Cases*, is an authoritative source of information on legal and technical aspects of police and laboratory forensic practice, and both Roberts and Zuckerman (2004) *Criminal Evidence*, and Redmayne (2001) *Expert Evidence and Criminal Justice*, offer valuable guides to the uses of forensic science in support of criminal prosecutions. Texts which provide introductions to technical features of forensic science include White (ed.) (1999) *Crime Scene to Court: The Essentials of Forensic Science* and Jackson and Jackson (2004) *Forensic Science*. More theoeretical issues are dealt with by Inman and Rudin (2001) *Principles and Practice of Criminalistics: The Profession of Forensic Science* and by the many contributors to *Science in the Law: Forensic Science Issues* edited by Faigman *et al.* (2002).

A readable and more general treatment of these issues (which includes interviews with key actors in the US) is Pyrek (2007) *Forensic Science under Seige: The Challenges of Forensic Laboratories and the Medico-Legal System*. The UK policy and operational issues discussed in the chapter are also explored by Bradbury and Feist (2005) *The Use of Forensic Science in Volume Crime Investigations: A Review of the Literature* and by several chapters in Part 3 of Newburn *et al.* (eds) (2007) *Handbook of Criminal Investigation*. Finally, policy and ethical issues surrounding the use of forensic science, especially forensic genetics are discussed in Williams and Johnson (2008) *Genetic Policing: The Use of DNA in Criminal Investigations*, in a collection of papers edited by David Lazer (2004) *DNA and the Criminal Justice System: The Technology of Justice*, and in the recently published (2007) report of the Nuffield Council on Bioethics *The Forensic Uses of Bioinformation*.

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Chapter 29

Restorative justice, victims and the police

Carolyn Hoyle

Introduction

This chapter explores the ways in which the police in the UK use the principles of restorative justice (henceforth RJ) in their encounters with victims and offenders, adult and juvenile. It considers attempts to transform police cautioning practices into 'restorative cautioning', and the more recent introduction of restorative measures in the youth justice system, in schools, and 'conditional cautions' for adults. It compares the dialogic nature of these initiatives with the unidirectional nature of other schemes that share some of the goals of RJ, such as victim impact statements and information and support services to victims. Drawing on empirical research conducted by my colleagues and myself from the mid-1990s through to the early 2000s,[1] and on interviews with both Thames police officers and staff from the Oxfordshire Youth Offending Service,[2] it argues that such restorative measures have, in certain times and places, brought the police into a new set of relations with victims. Having considered these changed relations, and the potential of RJ to enhance victims' experiences of the criminal justice system, this chapter argues that there are practical and philosophical objections to the police involvement in RJ, and that these, at least in part, explain why there seems to be less restorative activity in UK policing in 2008 than there was at the start of the twenty-first century. It concludes by suggesting that if restorative processes are to become securely entrenched within the criminal justice system, the way forward must lie with the creation of a specialist and highly trained RJ service.

Defining the concept of restorative justice

There are almost as many definitions of RJ as there are academics interested in it, and considerable divergence over what practices and principles it embraces. In the late 1990s, many restorativists concurred that Tony Marshall's definition came closest to their understanding: 'Restorative justice is a process

whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future' (1996: 37). Most agreed that those who have a 'stake' in a particular offence are the offender, the victim, and their 'communities', which usually means supporters, such as their families and friends, but could be conceived of as geographical communities harmed by local offending.

Marshall's definition has, however, been criticised for not making clear what the substantive aim of the process is, for restricting RJ to the criminal justice arena, and, in particular, those cases where the relevant parties are willing to come together to discuss and resolve the matter collectively, and, specifically, for failing to make clear the level or type of participation by stakeholders that might be required in order for an intervention to 'count' as RJ (Dignan 2005: 2–5). As will become apparent below, face-to-face meetings involving all stakeholders occur in only a small minority of cases in the UK. Hence, in 2001 Dignan and Marsh put forward a definition that allowed for shuttle mediation, by referring only to 'inclusive decision-making' when defining RJ as any approach or programme with:

> an emphasis on the offender's personal accountability to those harmed by an offence (which may include the community as well as the victim); an inclusive decision-making process that encourages participation by key participants; and the goal of putting right the harm that is caused by an offence. (2001: 85)

Since then, in recognition of the difficulties in devising a concise definition, and in identifying what level of communication could be considered sufficient for a process to be labelled restorative, Dignan has moved in favour of an analytical framework:

> capable of accommodating the full range of philosophical, practical, procedural and political differences within the RJ movement whilst still enabling distinctions to be drawn between approaches that could be said to form part of a coherent RJ tradition and other victim-focused approaches that arguably do not. (2005: 5)

McCold (2000) has provided a useful typology based on the extent to which a restorative practice involves the direct stakeholders in a criminal matter – i.e. victims, offenders and their respective 'communities of care' (such as family or friends). As McCold and Wachtel (2002: 115) argue, 'The emotional exchange necessary for meeting the needs of all those directly affected cannot occur with only one set of stakeholders participating'. Reparative approaches that deal with only one set of stakeholders, such as victim compensation schemes and other reparative services for victims, are accordingly termed 'partly restorative', whereas victim–offender mediation schemes which exclude 'communities of care' are 'mostly restorative'. Only when a reparative process involves all direct stakeholders, as in an RJ conference, is it deemed to be 'fully restorative'. This typology is helpful for present purposes and will be adopted in this chapter. As will be seen, the police have been involved in

organising all three types of RJ, although fully restorative encounters have been relatively rare events, and are apparently getting rarer.

Police engagement with victims through RJ initiatives began with schemes that offered new services to victims without any attempt at involving offenders or 'communities of care'. Subsequently, some police services sought to facilitate reparative communication between victims, offenders and others concerned about an offence, and from the late 1990s they appeared to be developing their role in the direction of 'fully restorative processes', to use McCold's terms.

'Partly restorative justice': services and rights for victims

Walgrave sees support of the victim as 'the first and most important action in doing justice through reparation' . . . Victim support must be 'in the heart and at the first line of the system, not at its margins' (2008: 628–9). The one-stop shop (OSS) and victim (personal) statement schemes (VSS) were both introduced in 1996 by the second Victims' Charter. The OSS was aimed at keeping victims informed about the progress of their case (with the police taking the responsibility for this), and VSS provided victims with the opportunity to describe the impact of the crime upon them (including psychological, financial, physical and emotional impacts) (Hoyle *et al*. 1998). Although neither initiative was informed by a developed restorative philosophy or appreciation of RJ's emerging techniques, their aims included reducing the sense of injustice and powerlessness following a crime, and the secondary harm that victims have historically suffered in their encounters with the criminal justice system. Albeit as a by-product, they could thus be described as 'partly restorative' in nature. Victim statement schemes could also be seen as furthering a restorative rationale to the extent that it prompted reparative sentencing outcomes, such as compensation orders (Edwards 2001: 42). On the other hand, the overall purposes to be served by VSS were never made entirely clear at the outset. For example, it was never decided whether or not this scheme was supposed to affect sentences (Sanders *et al*. 2001: 449).[3]

In practice, neither VSS nor OSS fully succeeded in the basic aim of improving communication between victims and the criminal justice system. Much dissatisfaction amongst victims lay in the non-dialogic nature of these initiatives. The evaluation of VSS showed that it raised and then dashed victims' expectations that their statement would give them a meaningful role in criminal justice decision-making around their case (Hoyle *et al*. 1998), although the more recent evaluation of Scottish pilot projects was more positive (Chalmers *et al*. 2007).[4] We found that victims who made personal statements were unclear about what had happened to their statement; in particular whether or not it had influenced crucial decisions about their case or the offender, including the sentence given. As far as they were concerned, they described their pain and suffering and then heard nothing more (Hoyle *et al*. 1998).

Victims who opted into the OSS scheme would have preferred the chance to discuss the information provided with the key decision-makers. Again, expectations were raised and then dashed by inadequate or insufficient information, with no opportunity for meaningful dialogue with the key

decision-makers in their case: 'The general message from our research, and experience in other jurisdictions, is that schemes that provide information to victims without interaction and discussion with them do not in themselves increase satisfaction with the criminal justice process' (Sanders *et al*. 2001: 452).

The Victims' Charters were eventually replaced by a Code of Practice introduced under the Domestic Violence, Crime and Victims Act 2004 (s. 32). Considered as a partly restorative tool, the Code – which has been in force since April 2006 – shares with the earlier measures described above the characteristic that any restorative component for victims is a by-product, not an explicit objective. However, it does set out minimum standards of service that victims and witnesses can expect from criminal justice agencies, such as a victims' right to information about decisions relating to the progress of their case. The Code also introduced 165 Witness Care Units across England and Wales, bringing the CPS and police together to provide 'better information, reassurance and support' to victims and witnesses and encourage their co-operation at trial (Home Office 2005a). Pilot studies carried out in 2003 found that the Units provided a better service than the OSS. They improved witness attendance at court by nearly 20 per cent, reduced the number of trials adjourned due to witness difficulties by 27 per cent, and led to a 17 per cent drop in 'cracked trials' (see further, Hoyle and Zedner 2007).

The evidence that making an impact statement reduces significantly the distress experienced by victims and increases their satisfaction with the criminal process is tenuous to say the least (Tobolowsky 1999). In some cases it appears that giving evidence increases the satisfaction of victims whilst in others it decreases it (Erez and Roberts 2007), in particular by forcing victims to participate in the sentencing process against their wishes, or by creating unmet expectations as to the effect of their input. Despite this, victim statements have proven to be politically popular. Many victims' rights groups, and some academics, have argued that they promote more informed and proportionate sentencing decisions by enabling the court to appreciate the extent of the harms inflicted by the defendant. Transferring some of the thinking of the RJ movement to the very different context of the sentencing phase of the adversarial trial, they have claimed that VSS assist the sentencing goals of rehabilitation, by confronting the offender with the reality of the impact of his crime, and of retribution, by identifying the degree of harm done (see, for example, Erez and Rogers 1999). Therefore it is perhaps not surprising that, despite the critical findings of my own Home Office funded research, the government has continued to promote their use.[5]

In 2001 the Lord Chief Justice issued a Practice Direction (an authoritative judicial declaration) which created the 'Victim Personal Statement Scheme' across England and Wales. Whilst the Victims Code of Practice does not *require* the police to solicit victim personal statements, they now routinely gather this information for the courts, even in relatively trivial cases. In 2006 a new scheme began to enable relatives of victims of murder and manslaughter to make a personal statement in court before sentence on how they have been affected by the crime (Home Office 2005b).

If subsequent studies produce similar findings to the Home Office evaluation of the original 1996 VSS scheme, the police, as the agency responsible for

taking most statements from victims, can expect to find themselves the focus of victim dissatisfaction. In 1998 the victims who took advantage of the VSS and OSS schemes were on the whole much less satisfied with the police when their cases were over than when they started (Hoyle *et al*. 1998), suggesting that there are dangers to the police of taking the lead role in partly RJ schemes. While victim impact statements fail to provide victims with a genuinely dialogic role, and may threaten the due process rights of defendants (Ashworth 2002), the deliberative processes associated with mostly and fully restorative justice appear to offer victims a greater degree of participation, and so promise enhanced victim satisfaction with the police.

'Mostly' and 'fully restorative justice': restorative conferencing and conditional cautioning

The term 'RJ' was not in wide usage in the UK until the mid-1990s. However, Thames Valley Police had started to develop community and problem-solving approaches at the start of the decade, and were therefore well placed to implement the first large-scale attempt to transform cautioning practices. On 1 April 1998, following a period of experimentation, then then Chief Constable, Charles Pollard, stipulated that all cautioning activity for both youth and adult offenders was henceforth to be restorative in nature. Heavily influenced by the family conferencing approach to juvenile justice developed in Wagga Wagga, New South Wales,[6] the Thames Valley model envisaged that a structured dialogue about the offence and its implications, according to a particular sequence of speakers and issues, would have benefits for all concerned. To achieve this structure and sequence, police facilitators were provided with a 'script', which set out an ordered set of explanatory statements, questions and prompts.

In retrospect, Pollard's 1998 instruction looks like something of a high-tide mark for RJ in Britain. His ambitions, which were sometimes couched in quasi-evangelical language and were shared by his many supporters, were audacious to the point of utopianism: he believed that through the widespread use of RJ, it would be possible to transform both the culture of policing and the entire criminal justice system. Pollard was convinced that RJ's potential was so immense that eventually the adversarial legal system would wither away, while RJ's ability to reduce re-offending would effect profound social change. According to his vision, RJ would not merely alter the relationship between the police and crime victims, but transcend all previous definitions of policing functions, so allowing them to become the heralds of a new Jerusalem (Pollard 2000, 2001; Wilcox and Young 2007). Ambition on such a scale was certainly unprecedented from an English chief constable. It was also, perhaps, bound to be dashed.

Under the Thames Valley programme, cases destined for a caution, rather than for prosecution, were processed by 'RJ co-ordinators' who would try to arrange 'restorative conferences' involving offenders, victims and their respective 'supporters', often close family members. Where there was no victim able and willing to meet with the offender, a 'restorative caution' would take place instead, in which the police officer facilitating the process would 'theme

in' any victim's views that the police had managed to collect at the appropriate point. Even in cases where only some of the stakeholders involved in an offence were present, this was a time and resource intensive process, which required a substantial amount of research by the officers involved before the caution could be administered. Nevertheless, in the first three years of the restorative initiative, 1,915 restorative conferences and 12,065 restorative cautions took place (Hoyle *et al*. 2002).

It can readily be seen that only a small minority (14 per cent) of restorative work taking place in the Thames Valley was, in McCold's terms, 'fully restorative' with the bulk of work taking the form of 'mostly restorative', victim-absent cautions. Low rates of victim participation are not uncommon elsewhere in the UK context. For example, a restorative cautioning scheme in Mountpottinger, Northern Ireland (using the Thames Valley model) was reported to have brought offenders together with victims in only seven per cent of cases (O'Mahony and Doak 2004). However, one recent initiative achieved victim participation in 91 per cent of conferences (Shapland *et al*. 2006), and in Canberra victims attended in about 80 per cent of cases (Strang 2002: 121).

The Justice (NI) Act 2002 introduced youth conferences in Northern Ireland for all types of offences, with 20 per cent of referrals from the Public Prosecution Service being for serious offences, other than those which would attract a life sentence if the offender was an adult. Under this system, action plans agreed upon at the conference are approved or amended by a statutory agency – the Public Prosecution Service – and following ratification the plan becomes a statutory order which is monitored for compliance and completion. However, even here the number of direct victims attending conferences, whilst much higher than in England and Wales, remains lower than expected: although there was some victim representation in just over two-thirds of conferences in 2006, in only 38 per cent of these cases was the individual victim present.[7]

Pollard's febrile rhetoric ensured intense media interest in and academic scrutiny of the Thames Valley programme (Young and Goold 1999; Hoyle *et al*. 2002; Wilcox and Young 2007), while the other well-known police-led experiment located in Canberra – the RISE project – (Strang 2002) contributed to the high profile of police-led RJ. Support for police involvement in RJ was quickly forthcoming from political elites. The Labour government elected in 1997 strongly endorsed Thames Valley's 'restorative cautioning' programme (Wilcox and Young 2007) and determined to 'reshape the criminal justice system in England and Wales' to produce more constructive outcomes with young offenders while building on 'three major concepts of RJ: responsibility, restoration and reintegration' (Morris and Gelsthorpe 2000: 19). The Crime and Disorder Act 1998 and the Youth Justice and Criminal Evidence Act 1999 put this plan into effect in ways that promised to have major implications for relations between the police and victims (for a more detailed discussion, see Crawford and Newburn 2003: chs 1 and 2; Morgan and Newburn 2007).

The 1998 Act replaced police cautions for young offenders with 'reprimands' and 'warnings'. The police are responsible for deciding whether a reprimand or warning should be given, and are supposed to seek the views of any victim

before taking this decision. Work with young offenders is carried out by youth offending teams (YOTs) but the police remain central players since s. 65 of the 1988 Act requires that all reprimands and warnings must be administered by a mainstream or a YOT police officer (Home Office/Youth Justice Board 2002). When the government issued advice on how YOTs should deliver reprimands and warnings, it specifically drew attention to RJ initiatives set up by Thames Valley Police (Home Office *et al*. 1998). The Crime and Disorder Act also provides scope for RJ and a consultative role for victims by the power given to the courts to impose reparation orders and action plan orders on young offenders.

The Youth Justice and Criminal Evidence Act 1999 introduced a new mandatory sentence of referral to a youth offender panel for most young offenders pleading guilty and appearing before a youth or magistrates' court for the first time. Victims should be asked if they wish to attend the panel and thereby contribute to the establishment of a reparative and rehabilitative programme for the offender and the 'contract' for its completion. Thus, the procedures followed at a panel meeting, and any activities specified in the resulting contract, should be informed by principles of RJ: taking responsibility for the consequences of offending behaviour, making reparation to the victim, and achieving reintegration (or integration) into the community.

Following the advice of Halliday and Auld in 2001 (Halliday Report 2001), the government introduced the adult conditional caution, in the Criminal Justice Act 2003 (Part 3, sections 22–27), which attaches restorative or reparative conditions to certain adult cautions (stipulated by the police and approved by the Crown Prosecution Service).[8] In *Restorative Justice: The Government's Strategy* (Home Office 2003), the government reiterated that building RJ into conditional cautioning was the key way to developing it in the adult criminal justice system. Hence conditional cautions are now the primary vehicle for diversionary RJ for adult offenders.

In both the youth and the adult justice system, the police are, more than ever, bound by legislation and policies into relationships with victims of crime, and they bear a significant degree of responsibility for any restorative work now taking place in cases not destined for court. The notion that the police might act as facilitators of a reparative and reintegrative process no longer seems strange, although, as will be seen, it remains controversial.

Changing relationships between victims and the police

As the principal agency involved with detecting and investigating crime, the police have, inevitably, always had a closer involvement with victims than other criminal justice agencies. But since the middle of the nineteenth century, this relationship has essentially been seen as secondary to their main roles and responsibilities – as agents of the state, not (at least directly) its citizens. In the modern police service, victims have been conceived as suppliers of evidence to help the state make *its* case against the offender. Sympathetic treatment – no matter how genuinely felt by individual officers – has, at an institutional level, been offered primarily to secure the co-operation of victims in that endeavour.[9]

In contrast, many recent criminal justice initiatives have conceived of victims as holders of process and substantive rights, including the right to involvement in *their own* cases, and the right to repair. If, as Nils Christie (1977) put it, the evolution of the criminal justice had 'stolen the conflict' once owned by victims, there have been several attempts to restore at least its appearance – if not its substance. As a minimum, victims are now seen as having legitimate expectations *vis-à-vis* criminal justice agencies, with the latter becoming accountable to them as part of the multiple accountabilities to which they are subject as a public service (Shapland 2000), while recent legislation has imposed many victim-centred duties on the police (Hoyle and Zedner 2007). The police now have a responsibility to victims to ensure that their primary harms are addressed and that secondary harm (i.e. that which may result from engagement with the criminal process) is minimised. Whereas victims once provided a service to the police (the supply of evidence), the police are now supposed to be providing a service to victims. This service needs to go beyond simple information transmission if victims' expectations are to be met. But do dialogic forms of RJ actually satisfy victims?

Police-facilitated restorative justice: the victim perspective

Restorative conferencing is supposed to provide victims with a satisfying opportunity to learn more about the offence and the offender *and* to participate in the criminal justice response to 'their offender'. In the Thames Valley police service, where my colleagues and I conducted research on restorative interventions, sessions with no victims present (i.e. restorative cautions) generally qualified as 'mostly restorative' because of the presence and participation of the offender's community of care (usually family members). However, in practice, restorative cautions can themselves be placed on a continuum of restorativeness. At the least restorative end would fall those cautions in which only an adult offender and police officer were present to discuss an offence widely regarded as victimless, such as possession of cannabis, as this would mean that two sets of direct stakeholders (victims and communities of care) were neither present nor invited to play any role. A caution of this type would clearly be no more than a partly restorative process. At the most restorative end of the continuum would be found those cautions involving an offender and several supporters and in which either a 'surrogate' victim[10] was present, or in which the actual victim's views were presented in a comprehensive way within the process by a victim representative or by the facilitator, *and* in which efforts were made by the facilitator to enable indirect communication between the offender and the actual victim. Restorative cautions of this nature arguably fall just short of the boundary line between mostly and fully restorative processes.

This section, however, concentrates primarily on cases where actual victims met offenders in the presence of their respective supporters (i.e. restorative conferences) as these fully restorative processes provide the strongest contrast with the partly restorative information transmission schemes discussed earlier. This is not to imply that well facilitated and imaginative 'shuttle mediation'

cannot be as restorative as some face-to-face meetings, but, rather, that there is little such practice and few reliable evaluations of it.

Participation and fairness

Procedural fairness should be a key component of RJ. The prospects of a free exchange of views, of offenders taking responsibility for the harm caused and of victims and others making reintegrative gestures are all much reduced if the participants perceive themselves to be treated unfairly. Furthermore, there is empirical evidence that participants experiencing fair process are more likely to accept the outcomes of that process as legitimate, even if they are burdensome (Tyler 1990). That sense of legitimacy may in turn increase the likelihood that offenders honour reparation agreements to victims and others. Furthermore, regardless of instrumental goals, restorative processes, like court processes, should be fair.

Fairness is not only related to what happens in a restorative conference. The victim's role in a restorative meeting can be influenced by prior perceptions of the opportunity that they will have to participate fully in the process, which are dependent on how adequately the police prepare them. Inadequate preparation impacted greatly on the Thames Valley sample of victims, many of whom had chosen not to attend the meeting because they were told little or nothing about it (Hoyle 2002; see also Miers *et al*. 2001). The majority had spoken only briefly on the telephone with either the facilitator or an administrator and over half of the victims who attended conferences with offenders reported not having been asked by the police whether they would like someone to accompany them (Hoyle *et al*. 2002). It was found, however, that even where preparation was poor, and support was lacking, good facilitation during the session usually enabled victims to feel comfortable enough to participate fully. Detailed analysis of the 56 cautions in the final phase of this longitudinal research revealed generally good practice in terms of police facilitation of the victims' stories.

Almost all (94 per cent) of the victims who met with their offender felt the process had been fair because they had been given the opportunity to say what they wanted to say, and almost three-quarters (71 per cent) felt that the meeting had been facilitated well. The bottom line on procedural fairness is therefore that restorative conferences were generally seen by victims as legitimate, even in cases where preparation had been poor. By contrast, victims whose involvement extended no further than providing the police with their views for theming in to a restorative caution were noticeably less satisfied (Hoyle 2002; Hill 2003). Thus, notwithstanding poor or mediocre implementation of the model in many cases, it was clear that victims who met with offenders in the presence of other affected parties were much more likely to feel that they had experienced a fair and inclusive process than victims who had been involved in partly or mostly restorative processes such as the victim statement scheme or a restorative caution.

Satisfaction of victims with the conference and the police

A public opinion poll in 2006 showed that a majority of victims favour community service and restorative meetings between victims and offenders

over more punitive measures.[11] Not surprisingly, therefore, despite concerns expressed by both critics and advocates about the role of victims in RJ encounters (Reeves and Mulley 2000; Ashworth 2002), and the various challenges presented by trying to evaluate – with different methodological approaches – victim satisfaction across myriad, varied restorative schemes within different socio-political contexts (Dignan 2005), a consistent picture of high aggregate victim satisfaction emerges from the research. Whilst not all victims are equally satisfied (Daly 2005), and a small minority of victims find that meeting their offender makes their situation worse (Maxwell 2005), a recent analysis of available data suggests that victims are most likely to benefit from RJ when they are involved in face-to-face meetings with their offenders. These victims experience at least short-term reductions in post-traumatic stress symptoms and are less afraid and angry (Sherman and Strang 2007). Furthermore, studies of police-led processes are no less promising – over 90 per cent of victims were satisfied in Wagga Wagga (Moore and O'Connell 1994) and 96 per cent in Bethlehem (McCold and Wachtel 1998), with 70 per cent victim satisfaction rates in the RISE project (Strang 2002).[12] In Thames Valley, 97 per cent of the victims interviewed said that it had been a good idea to meet with the offender in a restorative conference. Almost all felt either a little or a lot better, with only one victim saying that she felt worse for the experience.

Whilst most victims participate in restorative conferences in order to be included in the criminal justice response to their victimisation, to receive an apology and reparation, and to regain a feeling of safety (Schiff 2007), many also participate with somewhat altruistic aims. Like facilitators, they tended towards optimism about the deterrent and educational impact of the process. In many cases this optimism was well placed; the victims were able to help offenders to recognise the harms they had caused to victims and take responsibility for the offence and for putting things right. As part of the constructive interaction that occurs in well facilitated conferences, recognition of harms done by the offender often results in attempts by the victim to reintegrate the offender. In 70 per cent of Thames Valley cases where the victim was present he or she made reintegrative gestures towards the offender as a result of the dialogue. However, consistent with findings from South Australia (Daly 2002), there were relatively few instances of victims and offenders demonstrating strong empathy for one another's positions and even fewer where they left the conference fully reconciled. As Daly notes, the 'real story' of RJ more often involves worthwhile but modest achievements than the dramatic stories of redemption and forgiveness which litter the accounts of many restorativists.

In summary, most victims are clearly satisfied with RJ and appear to be equally happy with the police-led restorative approach. Furthermore, unlike the victims in the OSS and VSS pilots, their opinions of the police did not decline. The majority either continued to feel the same way about the police (half had previously felt 'neutral', with a quarter being 'pro-police' and a quarter 'anti-police') or felt a little more admiration for them as a result of their experiences with restorative conferencing. Therefore, a restorative conference, because it is a genuinely dialogic process,

brings on average, higher satisfaction rates and more positive relations between police and victims than other processes involving victim participation. Another way of putting this is that, as one might expect from the work of McCold and Wachtel (2002), victims who experienced a fully restorative process were more satisfied on average than victims who experienced a partly restorative process. Given impetus from the general public approval of police-led restorative initiatives, Thames Valley Police began experimenting in other areas of policing in the hope of developing RJ across the force.

Non-crime dispute resolution: towards restorative policing?

Restorative solutions to complaints against the police

One important policing activity where attempts have been made to embed RJ principles is the handling of public complaints and internal grievances. In 1998 the Police Complaints Authority (PCA), together with Thames Valley Police, considered the use of restorative principles within the formal and highly regulated police complaints process. It was argued that it might provide a constructive solution to conflict between police and the public, and between police officers and their employers or colleagues. The Thames Valley initiative in this field attracted widespread attention in part because the new framework for the police complaints system, established by the Police Reform Act 2002, made formal provision for restorative conferences as part of the police-run 'informal resolution' (now termed 'local resolution') process (Home Office 2000).

Restorative interventions within the formal police complaints context work similarly to restorative conferences. Where the parties agree, a meeting takes place between the complainant(s) and the officer(s) complained against in the presence of a facilitator trained in RJ principles. The facilitator should encourage the expression of thoughts and feelings about the relevant issues, respectful listening, the taking of responsibility for wrongdoing and a discussion about how any harm caused might be repaired. Surveys of complainants' views (Hill *et al*. 2003; Warburton *et al*. 2003) confirm both a strong interest in restorative aims and processes and pronounced dissatisfaction with many aspects of informal resolution (a dissatisfaction shared by many police officers, albeit for somewhat different reasons: Warburton *et al*. 2003). Indeed, complainants are similar to victims of crime in seeking dialogue with 'the other side' as well as active involvement in the processing of their case (Hill *et al*. 2003). Not all complainants have been the target of criminal or even unacceptable behaviour by the police, but they typically feel that one or more officers have flouted rules or social norms and thus feel unjustly treated. None the less they do not necessarily want to see the police officer treated as an 'offender' or seek a formal investigation and punishment. Instead, many seek a less polarised approach in the hope that the officer will come to see their point of view and voluntarily change his or her behaviour in future. Support for a restorative strand to be incorporated into police complaint systems has come from a number of academic commentators (Corbett 1991: 59; Brereton 2000: 115; Smith 2002: 170; 2004: 26; Stenning 2000: 157–8). Focusing on Thames

Valley Police, McLaughlin and Johansen argued that 'Core restorative principles and practices could persuade the police finally to take responsibility and ownership for the problematic actions of officers and to not only recognize but address the institutional sources of the malpractice and misconduct' (2002: 647).

Comparing the operation of the traditional complaints process in Hampshire Constabulary with the RJ approach in Thames Valley, my colleagues and I aimed to answer the question of whether informal resolution could be refashioned better to meet the expectations and needs of complainants. We found that complainants and police in the two samples shared in common a willingness to countenance a meeting with the other party to the complaint. However, the police complaints procedures they experienced were very different. At the risk of over-simplification, in Hampshire the process was geared towards a bureaucratic suppression of a dispute, whereas in Thames Valley it was geared towards the promotion of genuine dialogue. Of the statistically significant differences between the respondents, the most important reflect the greater degree of satisfaction among complainants who experienced RJ and the improvement in their attitudes towards the officers complained against. Furthermore, the qualitative data revealed a tendency for officers who had experienced a restorative meeting to learn or benefit directly from hearing the complainant's perspective (for a full discussion of these findings see Young *et al*. 2005).

Restorative justice in schools

In 2007 the Howard League for Penal Reform published a report based on a survey of more than 3,000 children across England over a period of seven years. It shows that 95 per cent of children surveyed had been a victim of crime on at least one occasion. A majority of children had experienced bullying or assaults (nearly three-quarters had been hurt), with 46 per cent stating they had been called racist names. Whilst the majority of the incidents reported were low-level crimes, taking place in schools and playgrounds, many children reported feeling vulnerable and afraid. The report recommends the use of RJ to 'provide schools with methods and scope to respond more appropriately to many incidents in schools' (Howard League 2007), an approach commended by the government some five years earlier (Home Office and Department for Education and Skills 2002).

For some time now, restorative conferencing has been used to tackle various types of harmful behaviour within schools, including bulling, assaults and damage to school property, usually with assistance from community police officers (Hopkins 2004; Morrison 2007a, b). Some schools adopt a 'whole-school approach' to restorative practices in schools, which includes restorative discussion to work through difficult situations, mediation, problem-solving circles, and restorative and family group conferences (Hopkins 2004), whilst others use only family group conferencing to deal with specific, and sometimes more serious incidents. At present there is a great deal of RJ in schools in Scotland, London and southern counties with less activity in Wales and the North of England.[13] Whilst the phrases 'justice', 'victim' and 'offender' tend to be replaced with less crime-focused terminology in the school setting

(Morrison 2007a), the techniques used to conference youths who have been accused of bullying, being very disruptive, or damaging property within the school are remarkably similar to restorative conferences between victims and offenders within the criminal process. Furthermore, in the UK it is often the local schools officer from the police service who co-ordinates and delivers restorative interventions in schools (one exception is the family group conferencing approach of Hampshire County Council).[14]

In 2000 the Youth Justice Board launched a pilot initiative in two schools in the London borough of Lambeth using RJ conferences to tackle exclusions, truancy, bullying and other forms of antisocial behaviour. This was extended to the borough of Hammersmith and Fulham in 2001, and then to seven other Youth Offending Teams across England and Wales, including Oxfordshire, within Thames Valley, thus establishing itself as the most comprehensive study of whole-school practices of RJ to date. These projects covered 26 schools, each taking a different approach to the introduction of restorative practices, primarily, the organisation of conferences by school staff and outside agencies, the training of school staff to implement restorative practices, and the development of peer mediation. There were 625 conferences during the pilot, involving 1,434 pupils and 220 supporters as well as a variety of other restorative interventions including restorative enquiry, 'circle time' and peer mediation. Almost all conferences (92 per cent) resulted in an agreement, with only 4 per cent of these being broken three months later; 89 per cent of pupils were satisfied with the process, with 93 per cent saying it was fair and that justice had been done. The pupil surveys showed no statistically significant effects on attitudes across the study, but there were important improvements in pupil's attitudes in schools that had implemented RJ in a way that involved the whole school. The interview data showed that most staff believed that their school had benefited from the restorative approaches, again especially where there had been a whole school approach (Youth Justice Board 2004). The evaluation of 18 similar pilot projects established in 2004 by the Scottish Executive also indicated that restorative practices offer an effective approach to promoting harmonious relationships in school and to the successful resolution of conflict and harm (Lloyd *et al*. 2007).

In keeping with other restorative initiatives, Thames Valley Police has changed the way it works with schools. Oxfordshire was part of the Youth Justice Board projects discussed above, but Thames Valley Police has actively encouraged schools in the other counties of Buckinghamshire and Berkshire to adopt a restorative style in dealing with internal conflict. As part of the 'safer schools partnership', schools officers work with all 'red' and some 'amber' schools, as categorised under the traffic light system (based on a number of 'at-risk' factors such as recorded crime figures, special measures, truancy and exclusion data, etc.) adopting a whole-school RJ approach to respond restoratively to truancy, bullying, disruptive behaviour and minor offences.[15]

Restorative justice in neighbourhood disputes

Over a decade ago Thames Valley Police introduced restorative conferencing techniques for neighbourhood and community disputes where no criminal

offence has yet taken place or where it is not considered expedient to caution or prosecute anyone. Many neighbourhood officers and community safety officers have been trained in RJ and can organise 'community conferences' run along similar lines to the fully restorative conferences for victims and offenders. Restorative justice clearly has the potential to offer a more effective and reintegrative response to community problems (Pollard 2001; Young 2002: 162–3) but there is as yet little by way of proper evaluation evidence. Furthermore, these interventions are not formally recorded and so it is not known within the Thames Valley how many such are done within each month.

In the second half of 2008 Thames Valley Police will introduce the 'Rain' project (Restorative Approaches in Neighbourhoods) designed by 'Restorative Solutions' the company presently run by Sir Charles Pollard, former Chief Constable and champion of RJ in Thames Valley. The plan is to train a cadre of volunteers to work with community police officers to run and support restorative interventions in order to: provide a 'better service to victims and community; reduce anti-social behaviour, signal crimes, local nuisance and disputes; tackle racist incidents; and engage community volunteers and local people in finding solutions to problems'.[16] This project is also being introduced in a few London boroughs, parts of Lancashire, Cheshire, and Leicestershire police services.

The dangers of restorative policing

While the police are using RJ beyond their normal remit, it is legitimate to question whether these developments are as benign as they are presented to be. Fears that, through RJ, the police are extending the nets of formal social control into schools and other civil settings are understandable even if the evidence from other jurisdictions (Braithwaite 2002: 148–50) tends to run counter to this thesis. What matters are the values that underpin police work in civil settings. Where these values favour dialogue and reintegration over criminalisation and formal punishment the dangers of increased state control are reduced, but do not disappear.

Thames Valley Police has been explicit in its intention that operational restorative initiatives are part of its strategy to '[promote] fundamental cultural change within the police service itself' (Bowes 2002: 4). The service has tried to articulate the common principles of restorative policing: the focus is on changing behaviour through persuasion; the aim is to encourage people to face up to the consequences of their actions; and the practice involves the whole community, victims, offenders, and the police who enable the process (Bowes 2002: 8–9). But, can the police be restorative? The vast majority of interviewees in the Thames Valley study felt that police officers introduced a welcome degree of authority and formality to the meeting, with a few people (not all of them victims) mentioning that the police presence made them feel safer (only nine per cent of the participants expressed disapproval of the police facilitating restorative cautions). Police facilitation was seen as giving the process some gravitas (see also Braithwaite 2002: 161).

However, these positive findings (as well as the victim satisfaction measures discussed above) have to be weighed against concerns that restorative cautioning gives the police too much power, and fears that the majority of police officers cannot be truly 'restorative' (Cunneen 1997). As a matter of practical politics a most pressing question is whether police involvement will undermine the *perceived* legitimacy of RJ, whether police schools officers are intervening in cases of bullying, or community officers are getting neighbours together to discuss a dispute over noise, or a police officer in the station is using restorative principles to caution an offender. However, it is perhaps most pertinent when the police are dealing with offenders and victims of crime.

In the past, in many jurisdictions, the police have had significant control over RJ processes. They could decide which offenders were offered a restorative process, which other stakeholders were asked to participate, how the meeting progressed and they could, to some extent, influence decisions about appropriate reparation. It has been crucial therefore that they are perceived by all involved to be both fair and professional. In particular, the facilitator should have no personal agenda in deciding who participates, or in the questions they ask of participants (Young and Hoyle 2003b). However, some believe that the police are incapable of the kind of detached professionalism required to ensure fair process.

Restorative justice and police culture come head to head

Since the advent of police-led restorative cautioning there has been unease about whether it is appropriate for conferences to be led by the police, with a reasonable fear that police facilitation places too much power in their hands.[17] Concerns that RJ can extend unaccountable police power have been expressed both by critics and supporters of RJ (Ashworth 2002; Braithwaite 2002; Roche 2003; Hoyle 2007). The fear is that officers will investigate, arrest, judge and punish someone without legal safeguards; that they will expand their punitive function, and could abuse it – a plausible fear given their other responsibilities and experiences:

> Police officers are ... responsible for enforcing the law through procedures that often stigmatise, and they frequently engage in practices which infringe the rights of suspects or inflict social discipline upon them. To expect the police against this backdrop to be able to facilitate a restorative encounter in a fair, neutral and effective manner is to ask a lot. (Young and Hoyle 2003a: 289–90)

O'Mahony *et al*. (2002: 16–18) reviewed the literature and data on police-led facilitation and concluded:

> Together, the data would seem to suggest that both victims and offenders trust police to organise a fair and non-authoritarian conference in which both sides can feel safe in dialogue. Overall, it would seem less important to have in place a neutral facilitator than to have a facilitator in place who

> is perceived as being fair . . . With a lack of empirical data to the contrary, the results of the studies to date would seem to suggest that police-run conferencing is as consistent an idea with RJ principles as other mediation programmes.

They warned, however, that the police need to adopt a 'whole agency' approach to RJ if the achievements of facilitators in improving police–community relations are not to be undermined by illegitimate or punitive policing strategies and tactics by fellow officers (2002: 47). This is not easy.

The Thames Valley restorative cautioning initiative showed that 'traditional police culture, and the authoritarian and questionable practices it can generate, presents a significant obstacle to the successful implementation of RJ' (Young 2001: 220–1). Not all the facilitators Young and I observed subscribed to those less desirable cultural values. Some had clearly taken the lead from their then chief constable and adjusted their norms, practices and commitments to fit more closely with restorative values. However, the anticipated cultural shift was incomplete. Indeed, some facilitators seemed to be so deeply entrenched in what academics refer to as cop culture that the process they facilitated was in many ways far from restorative. In some conferences the process took on the structure and tone of a police interview and in others the police facilitator lapsed into stigmatic or deterrent language (Young 2001: 205–9).

Interviews with RJ co-ordinators across Thames Valley Police at the height of its restorative cautioning initiative explored cultural resistance to change. Our interviewees acknowledged that, initially, there had been a widespread perception among police officers that the restorative cautioning initiative had ushered in an ineffective watered-down version of the 'old-style' caution. Restorative cautioning was routinely accorded such epithets as 'pink and fluffy' 'namby-pamby' and 'airy-fairy'. But many officers had subsequently been 'won round' by training and by observing restorative sessions. Whilst only some of those who were fully trained took up roles as facilitators or co-ordinators and used their new skills, those officers who were able and willing to put theory into practice told us that the shift in their thinking brought about by experiencing the emotional intensity of some restorative sessions was profound, as so colourfully put by this interviewee:

> I was sceptical at first. Oh God, well I told you, I didn't really want the job. Now? Believe you me, I mean you can talk about it forever and a day really but you have got to experience it. Well it's awesome. I mean sometimes you don't get quite such a vibrant one, but Christ yes, when they rock and roll, they do, bloody hell.[18]

Facilitators had noticed a clear difference in the attitudes of police officers; those who had been trained were offering practical support whereas those who had not were carping. A recent (2008) interview with a Thames Valley police officer who carries out RJ training suggests that this remains true:

> Before the course there is a lot of misunderstanding regarding why they have been included on the course, then after three days they say that the

> course is the best thing they have ever done and wished they had done it before. When they leave they start explaining exactly what jobs they are going to use it with and who they are going to conference as a way of dealing with long standing issues.

It is worth stressing, however, that the interviews revealed a bias towards thinking of RJ as a technique for reducing the risk of reoffending rather than as a process that showed equal concern for the interests of offenders, victims and their communities. None of this is to deny that the introduction of restorative cautioning has made an impact on police culture, but the main effect appears to have been a shift from deterrent to rehabilitative thinking. This also seems to be true within youth justice. In particular, volunteer panel members in some Youth Offending Teams conceive of reparation, within referral orders, as punishment. They are inclined to impose remarkably punitive, and certainly disproportionate, community service requirements upon some young offenders, rather than identifying reparative tasks that are linked directly to repairing the harm done to a particular victim or the local community.[19]

Some of the police interviewees had been active over a considerable period of time in introducing RJ practices into their areas. They were thus able to speak about the extent of cultural change achieved in those areas that were in the vanguard of the restorative cautioning initiative. As one line manager put it: 'There has been tremendous change in the last two years. We had a lot of cynical comments about soft options, getting away with things. Now we have police officers . . . recommending restorative cautioning as a disposal for their cases'. Nonetheless, many interviewees saw a dichotomy between officers who were sceptical about the new initiative but who, in time, would be 'on board' and the 'old die-hards' who could not be converted:

> We've actually had a couple of custody officers say to us: 'I'm not going to put anyone through this RJ rubbish, I'm just going to charge, charge charge'. They're so traditional. It goes back to police culture, change, our inability to adapt to change. Because we're moving so fast, Thames Valley Police, the officers are being left behind.

Other studies of police-led RJ have similarly shown that those who are trained in and facilitate conferences display a shift away from a crime control conception of policing towards restorative values, but officers not involved in these somewhat self-contained initiatives are generally unmoved (McCold and Wachtel 1998; Smith 2002).

The inference one might draw from these studies is that RJ has to be embraced throughout a police service if culture change is to be achieved. In 2002, just before Richard Young and I wrote the chapter for the first edition of this book, we thought that this was beginning to happen. Not only did restorative cautioning seem to be going from strength to strength, having been introduced into other police services, such as Nottinghamshire and Surrey, but, as shown above, Thames Valley Police was also experimenting with restorative approaches to other areas of policing activity. Furthermore,

following Chief Constable Pollard's lead, Thames Valley Police proposed a genuinely strategic approach to RJ when it referred to:

> a long overdue shift from a militaristic, law enforcement police *force* paradigm, to that of a problem-solving, community safety focused police *service*, concentrating on crime prevention, and where this is not possible, diversion from the criminal justice system ... Restorative policing ... aims to engender a new way of thinking amongst police officers, such that they think and act restoratively, *all* the time and in *all* their dealings, not just with victims and offenders but with work colleagues, community members, even family and friends. (Bowes 2002: 10–11 emphasis in original)

Young and I were impressed by Thames Valley's radical programme, which, if fully realised, would indeed have amounted to a fundamental reorientation of policing, but we argued that in practice it was probably more realistic to anticipate a less coherent set of achievements: 'Any police service is bound to be influenced to at least some extent by the prevailing sociopolitical agenda, an agenda on which a shift to restorative policing is unlikely to figure highly' (Hoyle and Young 2003: 699). We were right to be cautious, as the following section shows.

Restorative justice in 2008: still some talk but much less action

Despite all of the legislative activity in the youth and adult criminal justice systems, and considerable academic scrutiny, there is much less restorative activity as we move towards the close of the first decade of the twenty-first century than there was a decade earlier. Indeed, it can be stated that RJ in the UK is fast becoming the most over-evaluated and under-practised area of criminal justice. At the start of this decade three quarters of all cautions in the Thames Valley were carried out by way of a restorative caution or conference, with nine per cent of all cautions involving a face-to-face meeting with a victim (Hoyle *et al*. 2002). Today, there appears to be less, rather than more, restorative activity. In 2007 there were 1,640 final warnings and 3,122 reprimands delivered across Thames Valley. These would have been delivered by police officers in stations or Youth Offending Teams, and should, in principle, have been delivered using restorative principles. However, Thames Valley police do not have data on how many actually were, and senior officers concede that the majority would not have involved a meeting with the victim (those carried out in schools, by police schools officers, are most likely to include victims). Officers in the Thames Valley RJ unit, which deals only with youth crime, contact victims before most reprimands and warnings in order to feed their views into the process. However, while letters of apology are common, direct victim involvement in a fully-fledged restorative process has become very rare.

Within Thames Valley the Oxfordshire YOT deals with about 1,000 orders (including final warnings) a year but delivers some form of restorative

intervention (face to face or indirect) in less than 1 in 10 cases overall. During the first 6 months of 2007, a total of 77 cases involved some form of direct or indirect contact between the young offender and their victim. Of these, 27 cases involved the two parties meeting face-to-face in a restorative meeting, and 50 were cases where there was indirect communication between the offender and their victims without a face-to-face meeting (e.g. transmission of a written, video or verbal apology, indirect mediation through a third party, etc.).[20] The majority of victims (65 per cent) are identified and most of these are invited to attend a referral order panel meeting. However, many are simply told when and where the meeting will take place, with no suggestion that it could be arranged at a time and venue to suit the victim. Furthermore, only a few are invited by way of a face-to-face meeting with the YOT officer in charge of RJ; most are spoken to on the telephone and some are only contacted by post. They will typically be sent literature from the YOT or police, but this appears to do little to persuade those who may wish to meet with their offender to respond. Furthermore, there is evidence that some victims are told nothing of the possibility of a meeting. Youth Justice Board statistics for 2005–06 similarly show that nationally, only around 13 per cent of victims of youth crime participate in a direct RJ process (with a great deal of variation between YOTs, with some reporting no direct victim involvement). Clearly, despite a flurry of legislative activity at the close of the twentieth century, youth justice today is not 'fully restorative'.

The position of adults is even less encouraging. In 2007 Thames Valley Police delivered 10,329 adult cautions. The service claims that 'many of them would have been delivered using restorative principles', but in almost all of these cases, there was no victim present. Most of these cautions are delivered instantly, in the hours after an arrest, while the offender is still in custody. In most cases, the intensive activity that took place after Pollard's April 1998 order has become a thing of the past. It seems unlikely that instant post-arrest cautions will differ in any meaningful way from the traditional cautions (see Hoyle *et al*. 2002) administered before RJ's advent – although it is hoped that they will be more respectful – and by definition no victim will be present. As one officer told me in a delicate understatement: 'I do believe that the days have gone of the old fashioned long lectures or shouting until they cried, but the quality of service of delivering an RJ caution on every occasion is not here yet'.

According to the RJ Consortium, only West Mercia and Thames Valley Police are now carrying out restorative conditional cautions. Yet in Thames Valley, senior officers admit there are few conditional cautions taking place, and even fewer with restorative conditions attached. In 2007, 85 conditional cautions were delivered across Thames Valley. Initially, during the pilot study, these were delivered using RJ, with the police contacting victims and offenders and offering conferences in all cases they considered to be appropriate. However, the service now concedes that this created too great a demand on resources. Senior officers have made it clear to those in charge of organising conditional cautions that the disposal should be 'quick and easy'. 'We needed a quicker and easier way of delivering conditional cautions and the more quality service of offering RJ was dropped.'[21] The quick and easy conditional caution includes a letter of apology to the victim and financial reparation

where applicable, and so could be described as 'partly restorative' justice. Nevertheless, it is a far cry from the restorative conferencing taking place in Thames Valley police in the early 2000s.

At the end of the RJ initiative in the police complaints process there was, in Thames Valley, a similar waning of support for RJ. At the Professional Standards department at police headquarters, where most conferencing had been organised, the officer responsible for driving the reforms through during the pilot explained to me 'it has died a death'. While it is still being used in the internal grievance procedure, it seems to be trailing off there as well. The human resources team at headquarters has a handful of staff trained in RJ but each does only a few cases a year. Whilst there is some restorative activity on local 'basic command units' with low-level conflict resolution (no one knows how much as it is not recorded as RJ), it seems that most officers are no longer optimistic that it will resolve their grievances and prefer the more litigious formal route.

Why Pollard's bouncing baby has become an ailing child

Interviewing Thames Valley officers and YOT staff in the early months of 2008, I have often been told that RJ was former Chief Constable 'Charles Pollard's baby', and that once he left the police service Thames Valley struggled to nurture it; that, indeed, it fell into 'benign neglect'. Whilst many interviewees recognised that there was still some restorative activity taking place, and that RJ – at least for the time being – remains 'part of institutional knowledge', they felt that without a strong drive from the senior command team, and the Chief Constable in particular, as well as organisational incentives from government, it is unlikely to be revived to full health. They advance two reasons for this assertion.

The first is the pressure of police targets, notably key performance indicators (KPIs), and the competing demands on limited resources. As one officer put it: 'Policing has become so target driven, the ''quality work'', the time-consuming restorative interventions, are being diluted or eliminated'. In all areas of criminal justice, as in many areas of professional life, what gets counted gets done. Another officer told me: 'We do not capture how many RJ interventions or conferences are done within TVP. If it was a target we would know exactly, and the numbers would go up too!' Without the formal recognition for the resource-intensive restorative work, it is argued that there is little incentive 'to go this extra mile for the victim'.[22]

Current victim targets for Local Criminal Justice Boards require general measures of victim satisfaction but there are no specific targets for the provision of RJ. Not surprisingly, RJ comes low down on their organisational priorities. Pressure to meet targets with limited resources removes any incentive to carry out the preparation needed to conduct restorative meetings with victims and offenders. In the absence of a mandatory requirement to deliver conditional cautions according to restorative principles, there will remain little RJ for victims and offenders of adult crime.

Limited resources also impact on the work carried out by Youth Offending Teams. The increasing case load and the statutory requirements to carry out

certain types of interventions with young offenders, usually within a specified period of time, act as a disincentive to YOT staff to try to arrange for victims to meet or communicate with their offenders through similarly resource intensive 'shuttle mediation'. Until relatively recently, the Oxfordshire Youth Offending Service was working with just over 10 fewer staff than required to deal with their caseload. This resulted in them prioritising interventions which were required to meet government targets. Not surprisingly, this led to their disbanding the RJ team, which left just one key RJ worker, with the consequent decline in RJ activity across the service. This was happening at the same time as police KPIs (which rewarded high sanction-detection rates) were leading to an increase in the number of young offenders formally processed and referred to the YOT, rather than being given informal warnings. Recently, an increase in resources has provided some hope for improved restorative measures, but there are still too few people to bring about a fully restorative service.

Whilst there are pockets of good practice in both Thames Valley Police[23] and the Oxfordshire YOT, which produce moving examples of RJ practice at its best,[24] for most offences the YOT deals directly with the offender and he learns little about the victim, and the victim, in turn, usually learns nothing about the offender and receives little in the way of meaningful reparation, beyond letters of apology. Furthermore, the government puts little pressure on YOTs to do more. For example, the RJ KPI is that 25 per cent of victims will be involved in RJ, but if the referral order panel persuades an offender to write a letter of apology to the victim, without any other communication between victim and offender, the YOT can tick this box.

The second reason for the decline in restorative justice some officers argue, is that the chief constables following Pollard have had different priorities and have not 'championed it' in the way he and his senior command team did. Of course, it is difficult to separate this issue from the former. For example, when Pollard's immediate successor Peter Neyroud first took over in 2002, the government put immense pressure on Thames Valley to deliver improved detection figures for robbery, under Tony Blair's street crime initiative. Furthermore, an HMIC Inspection in 1998 had criticised Thames Valley's low sanction-detection rate which it showed was 'significantly below comparative and provincial force averages' and Neyroud was therefore under pressure to improve this. None the less, unlike his successors, Pollard very clearly aligned himself with the national and international RJ movement.

Richard Young and I wrote in the conclusion to our chapter in the first edition of this book:

> without strong leadership from within the force, the restorative bandwagon is likely often to stall, may occasionally break down and perhaps derail. However, support from the government is also crucial. It seems to us that a restorative policing style does not cohere well with many of the performance measures and ideological messages which are in favour with the present Labour government. (Newburn 2003: 700)

The evidence above suggests that this was quite prescient.

Conclusion: envisaging a new approach for restorative justice

In the brief era, just 10 years ago, when RJ enjoyed its Whitehall vogue, Charles Pollard and other influential advocates presented it as a movement with transformational potential, as an alternative to traditional criminal justice which might one day transcend it. The very extravagance of such aspirations – which were not, alas, backed by empirical data, especially with regard to reoffending rates – may well be one reason why they seem to have been so comprehensively dashed. Nevertheless, while we may reject the more extreme claims made for RJ during its high noon, there is good reason to appreciate that it does bring significant benefits. It may not work particularly well as an instrument of desistance for many offences, although it does seem to be effective for more serious crimes of violence, but there is good evidence that it can help victims recover from criminal harms, and that it may also help to heal and reintegrate the families of offenders (Sherman and Strang 2007). The challenge, then, is to devise a means for these advantages to become entrenched and institutionalised within the criminal justice system and society as a whole, rather than being seen as a modish – and hence vulnerable – add-on. RJ needs to become embedded.

Embedding RJ within the criminal process would allow it to flourish without the risks of a purely informal process. It would also enlarge its scope: as Shapland and her colleagues (2007) have shown, even in serious cases where a custodial disposal is inevitable, many victims and offenders will derive benefits from a post-sentence RJ conference.

At the beginning of this chapter, I argued that the restorative impact of initiatives such as VSS and OSS was blunted by the fact that restoration was, at best, a by-product. Similarly, to consign RJ to agencies such as the police whose primary roles and duties lie elsewhere brings risks of a different kind. Although constraints upon police facilitation and due process safeguards for defendants can do a great deal to reassure those sceptical of police involvement, principled criticisms of police facilitation are not easy to dismiss. In particular, the argument that there should be a separation of powers between the key stages of the criminal process is persuasive. It is clearly problematic to have one agency having so much power and control over a criminal process, from arrest to punishment, especially when that agency has a strained relationship with certain, often disadvantaged, communities. At the same time, as we have seen, the best intentions of those committed to RJ interventions struggle against limited resources and incompatible organisational goals. When Downing Street demands a crackdown on 'muggers', RJ starts to take a back seat.

Indeed, all existing criminal justice agencies ultimately have other priorities and targets, and it is hard to envisage how RJ can become a permanent and regular activity of any one of them. To prepare for, facilitate and manage the aftercare of restorative interventions, whilst maximising the potential of RJ and minimising the risks of communication between victims and offenders, requires considerable training. Thames Valley Police has spent huge sums on providing full training to police officers who never went on to facilitate a restorative intervention or who did some RJ work but then got moved to

another police department. Similarly, trained and dedicated personnel in prisons or the probation service will move on to other work so that their restorative activities cease. It is possible for the police, prison or probation services to perform effective restorative interventions. But with the best will in the world, RJ will never be seen as their core role. They are simply not constructed with the equal commitment to victims, offenders and the community that full-blown RJ requires. Similar principled objections can be made to the involvement of other state agencies in the facilitation of restorative processes – social workers, for example, tend to be offender-focused rather than balanced in their approach, while pure community-based schemes offer none of the protections of a state-based system.

If the government is committed to using restorative processes within the youth and adult justice systems it should consider the establishment of a specialist team of professional RJ facilitators, rather than relying on police, social workers or volunteers. Quasi-judicial facilitators, would, like stipendiary magistrates, bring professional independence to the process and have none of the cultural baggage or professional agendas of other state agents. They could serve the YOTs, the police and, for more serious offences, the courts and the national offender management service, or its successor.

Creating this putative new service or department might reasonably be expected to circumvent many of the drawbacks observed by researchers of RJ in action (Hoyle 2007). It would rapidly evolve experience and 'best practice', training and guidelines, and simply by virtue of the fact that its practitioners would spend their entire professional lives on RJ, they could be expected not to exhibit the departures from the 'script' and inappropriate interventions frequently seen at police-led conferences. By definition independent, they might also be expected to command the authority and respect which some are wary of awarding to existing institutions, such as social workers and the police. This new service would also free up police resources now devoted to RJ in the UK which managerialist pressures presently leave vulnerable. It might prevent the demise of RJ where the police no longer have the motivation or the resources to take the lead. Such a specialist cadre, fully trained, accredited and accountable to, and financed by all criminal justice agencies, would signal the full maturation of RJ and its complete integration with other parts of the criminal process.

Notes

1 This chapter draws heavily on research conducted with Richard Young (with the assistance of Roderick Hill) on the Thames Valley restorative cautioning scheme (see Hoyle *et al*. 2002; Young and Hoyle 2003a) and with Andrew Sanders, Rod Morgan and Ed Cape on the Home Office OSS and VSS pilot projects (see Hoyle *et al*. 1998; Sanders *et al*. 2001).

2 Amongst these officers were Laura McInnes, Jan Penny, Joanna Mears, Richard List, Jackie Keyser and Lynne Wainwright (other officers were interviewed but preferred to remain anonymous).

3 In 2001 Edwards (2001) noted that no rationale had subsequently assumed prominence. This would seem to be true in 2008.

4 Chalmers and his colleagues (2007) concluded that the benefits of victim impact statements, measured in terms of victim satisfaction with the criminal process, far outweighed any potential for prejudicing defendants' due process rights.
5 For further evidence of the government choosing to ignore 'inconvenient findings' of academic research, see Hope and Walters (2008).
6 For further information on the history of the establishment of restorative cautioning in Thames Valley see Hoyle (2007) and Wilcox and Young (2007).
7 Criminal Justice Inspection Northern Ireland (February 2008) Youth Conference Service Inspection (http://www.youthjusticeagencyni.gov.uk/news/110/).
8 Adult conditional cautions are aimed at more serious offences (but those which would not attract a custodial sentence if prosecuted) or offenders who have had a previous adult caution.
9 For a discussion of these issues, see various edited collections on victims, for example, Hoyle and Young (2002a) (in particular, Sanders), Crawford and Goodey (2000) (in particular, chapters by Reeves and Mulley and Shapland).
10 For example, some 'retail theft' schemes bring those who have committed theft from shops face-to-face with a nominated shop manager from the local shopping centre. Shop managers take part in such schemes on a rota basis and will therefore meet offenders who have stolen from their own particular store only by chance (see Young 2002).
11 http://www.icmresearch.co.uk/reviews/2006.
12 For a comprehensive review of the literature on victim satisfaction with police-led RJ, see Braithwaite (2002: 45–53).
13 See http://www.restorativeschoolsurvey.co.uk/ukmap.htm (last accessed 1 April 2008) for a detailed map of restorative practices in schools.
14 These conferences produce extremely high satisfaction rates and an increase in school attendance (Crow *et al*. 2004).
15 For detailed information on RJ in schools in the UK and beyond see various reports at http://www.transformingconflict.org/news.htm (accessed 1 April 2008).
16 For more information about this project, and other restorative interventions in schools, in young offender institutions, and with prolific and persistent offenders see http://www.restorativesolutions.org.uk/a_RA_Projects.htm.
17 See Polk (1994); Blagg (1997); Cunneen (1997); Ashworth (2002).
18 As made clear in note 2, some police interviewees asked to remain anonymous and so all quotations from police officers are anonymised here.
19 Managers at the Oxfordshire YOT have recently been retraining panel members to make their work more restorative and less punitive (interview with David Oliver, April 2008).
20 Interview with Pete Wallis of the Oxfordshire YOT, March 2008.
21 It is worth noting that a pilot study of conditional cautions in London carried out by the RJ Consortium in 2004 ended prematurely due to the low case flow.
22 New government targets which came into effect on April 1 2008 may offer hope for the use of restorative justice within the police service. A new performance assessment framework for the police, called APACS (Assessments of Policing and Community Safety) will replace the current police performance framework and will, amongst other things, broaden the scope of performance management to take account of community safety work.
23 In early 2008 Thames Valley police provided financial and organisational support for 'Thames Valley Stars' (RJ facilitators) to work with three repeat offenders. Furthermore, TV Stars organised a conference for a 'priority prolific offender' (PPO) who was in prison and wanted to meet his victims. The conference was attended by the PPO's assigned officer who has since commented that he would like all his

PPOs to have this access to a conference before release from prison. However, resources are likely to prevent this. More generally, 'TV Stars' carried out approximately 50 restorative interventions with adult prisoners and probationers in 2007, although not all included victims.

24 Pete Wallis of Oxfordshire YOT has run many very successful conferences with victims and offenders, sometimes for referral orders and sometimes as part of court diversion. He has the expertise and commitment to devote considerable time to preparing participants for meetings and carrying out sensitive and thorough aftercare in difficult cases.

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Selected further reading

Braithwaite's *Restorative Justice and Responsive Regulation* (2002) still serves as an excellent comprehensive and international analysis of the history, potential and pitfalls of restorative justice informed by his scholarship on business regulation. Hoyle and Young's *New Visions of Crime Victims* (2002) provides the reader with original theoretical analyses and previously unpublished empirical research on criminal victimisation, including chapters on R.J. Dignan's *Understanding Victims and Restorative Justice* (2005) is an extremely thorough and accessible introduction to policy and practice in both victim-focused criminal justice and restorative justice.

Johnston and Van Ness' *Handbook of Restorative Justice* (2007) introduces the reader to the key issues and debates on restorative theories, processes and applications in different contexts, with chapters by some of the leading academics working in this field. Sullivan and Tifft's Handbook of the same name (2008) covers similar ground and has chapters on rather more esoteric topics, as well as excellent short essays by Daly, Maxwell and Morris, McEvoy, Cunneen, and Harris and Maruna, amongst others.

Elliott and Gordon's *New Directions in Restorative Justice* (2005) has useful sections on 'victimisation and restorative justice' and 'youth and restorative justice'. Crawford and Newburn's *Youth Offending and Restorative Justice* (2003) will provide the reader with all the necessary background information on the youth justice system and the restorative interventions for youths in particular. Strang's *Repair or Revenge* (2002) analyses victim satisfaction with restorative justice, drawing on data from the RISE experiments in

Canberra, which compared participants' experiences of restorative justice with court processes and outcomes. Finally, Von Hirsch *et al*.'s *Restorative Justice and Criminal Justice* (2003) situates critiques of restorative justice within criminal justice. Its internationally renowned contributors examine critically its aims, the limits on its application and the extent to which restorative justice can and should replace criminal justice.

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Chapter 30

The future of policing

Tim Newburn

What does the future hold? An easy question to ask – an impossible one to answer effectively. Of course, policing has many possible futures. Indeed, this is not a matter about which criminologists are likely to agree. As many of the previous chapters have indicated, making sense of how we find ourselves in our current position – something about which we at least have some evidence to base our ideas on – is itself a source of contention. Thinking about, and attempting to predict the future, is, for obvious reasons, more difficult still. Not only is it inherently problematic, but, in some respects, it appears our ability to predict the future with any accuracy is getting more difficult all the time. We live, as Walker (this volume) notes, in times that are characterised by 'shrinking horizons of the foreseeable'. Why is this? First and foremost, the pace of social, economic and technological change is increasing. Second, the sources of change are becoming more diverse.

And, yet, in thinking about the future it would be a mistake in this regard to overemphasise change and minimise continuity. Despite the very real changes that have, and continue, to take place in policing, it is hard not to be struck by many of the consistent themes in its history. Despite this, it remains the case, in my view, that many criminologists tend to focus their attention on what they take to be novel or changing in policing and, in this process, deflect attention from the nature and sources of stability and continuity. This is a particular danger when attempting to offer ideas about future directions in policing. The temptation is to identify those areas in which social, legal and/or technological changes are most likely and to read from these likely implications for policing. And, indeed, much of this short chapter focuses on just such changes. However, by adopting such a focus I would not like to convey the idea that I think that we are facing epochal or especially radical change in the immediate or relatively near future. Change in this area, as in many others, is likely, in my view, to be *incremental*. That said, let us explore what this future might hold.

Changing social context of policing

Before moving on to consider the changes to policing specifically, we should begin by the very briefest overview of those broader social changes that might

result in, or even demand, changes to the nature of policing arrangements. At the very least we may assume that trends in some or all of the following will have some appreciable impact on the shape of policing arrangements in the future: income, wealth and inequality; employment and unemployment; socio-demographic change including the ethnic make-up of the population, the nature of family formation; and, of course, levels and patterns of crime and fear of crime. Then there is the related, but also independent, issue of politics. This, by any estimate, is a formidable list of changes to attempt to take account of.

The world being policed is changing rapidly. The safety net provided by the welfare state appears to have larger holes than once was the case and the gap between the poorest citizens and the rest in our society remains at relatively high levels for recent times (Palmer *et al.* 2004). Population trends and demographic shifts look set to increase the pressures on contemporary social order. A little over half the anticipated population increase in the next decade or so is expected to come from inward migration (ONS 2000). The changes witnessed in the labour market over the past two decades or so are expected to continue, with employment in areas such as construction, agriculture and engineering declining, and those in retailing and 'professional services' increasing (IER 2004).

These changes form the backdrop to current developments and preoccupations in policing. Many of those developments in policing have been explored in detail in the other substantive chapters in this volume. Before moving to consider some of them, and what they might have to tell us about likely futures, I want to return to the general question of the nature of the changes we are experiencing. One of the more influential, and radical, readings of our policing present and possible future, is one recently offered by David Bayley and Clifford Shearing (1996).

According to Bayley and Shearing (1996: 585), modern developed economies 'have reached a watershed in the evolution of their systems of crime control and law enforcement'. They go on to argue that 'future generations will look back on our era as a time when one system of policing ended and another took its place'. This is not a position with which I feel entirely comfortable (see Jones and Newburn 2002). However, the reasons that they advance in support of this argument are important, for, disagreements about how they should be interpreted notwithstanding, they provide a useful frame of reference for thinking about the future(s) of policing. For Bayley and Shearing, the core of the changes we are witnessing centre on the fact that recent decades are held to have witnessed the breaking of the state's monopoly on policing. In particular, they point to the emergence of a broad range of 'private and community-based agencies that prevent crime, deter criminality, catch law-breakers, investigate offences, and stop conflict' (1996: 586). What we are witnessing, they suggest, is the 'pluralisation of policing' (see Crawford, this volume).

Bayley and Shearing's description and analysis of the major indicators of this epochal change is detailed (see also Bayley and Shearing 2003). For our purposes here, however, it is possible to identify a number of core components. These are, first, that the state monopoly on policing has been fractured

since the mid-1960s. Second, that we have seen a spectacular increase in the size and visibility of the private security sector since that time. Third, that citizen involvement in policing has also spread and become normalised within a relatively short period to a point where the 'police are no longer the primary crime-deterrent presence in society' (Bayley and Shearing 1996: 587). Alongside this growing pluralisation of policing they highlight the increasing questioning of the role of the police – particularly by the service itself. 'This is attributable' Bayley and Shearing (1996: 588) argue, 'to growing doubts about the effectiveness of their traditional strategies in safeguarding the public from crime'. Somewhat in the same vein as David Garland's (1995) thesis about the crisis of penal modernism, they argue that we are witnessing a fracturing of trust in our system of public policing. In thinking about policing futures, what seems undeniable, at the very least therefore, is that we are witnessing some important changes in the policing division of labour.

The further pluralisation of policing?

Perceived changes in policing have seen the sociology of policing shift from a preoccupation with *the police*, to a broader concern with *policing*. More recently still, and as a result of the proliferation of providers, it is clear are now involved in such activities that a number of commentators have begun to move away from the focus on 'policing' and to talk of 'security networks' (Shearing 1996; Johnston 2000a; Johnston and Shearing 2003; Shearing 2006), and, indeed, of the 'commodification' of security and policing. As Loader summarises it:

> It is becoming more and more difficult to conceive of security provision purely or even principally in terms of what the public police do. Security must now be taken to refer to a whole range of technologies and practices provided, not only by public bodies such as the police or local authorities, but also by commercial concerns competing in the marketplace. We have unfolding in Britain an uneven patchwork of security hardware and services, provision increasingly determined by people's willingness and ability to pay. (1997: 147)

There are multiple changes that might reasonably be located under the heading of 'pluralisation'. These include both the increasing size of the private security sector and its pervasiveness. The proliferation of private security has both involved the spread of new technologies, such as closed-circuit television (CCTV), and also the incursion of the private sector into forms of work, or areas of activity, more usually associated with public policing. Recent examples include the enforcement of parking and traffic regulations, the transport and guarding of prisoners and, most important of all at a symbolic level, the patrolling of public streets. In addition, there has been the growing 'commodification' of policing. Loader (1999) summarises these under three headings: 'managerialism' (becoming more 'business-like'); 'consumerism' (the re-presentation of public policing as a 'service' and of the public as 'consumers'); and 'promotionalism' (the increasingly professional promotion

of the 'product'). Relatedly, from the 1980s onwards we have seen successive waves of 'civilianisation' and the beginning of discussions about possibilities of privatisation. As Adam Crawford (this volume) illustrates, these trends continue apace in British policing. The creation of SOCA – combining national police bodies such as NCIS with the security services and customs and immigration – signals a further shift in this direction. There is little sign, or prospect, of a slowdown in the growth of private sources of security provision. Undoubtedly, the future of policing is one that is likely to be characterised by the increasing visibility of a broad, and perhaps broadening, range of providers of policing and security services.

One of the key challenges, therefore, will concern the governance of policing services, defined broadly, so as to both maximise effectiveness and minimise inequity in provision. What might we expect to see? To date there appears to have been little appetite for the creation of what Crawford calls an *integrationist* model of governance in which broader policing bodies are integrated within the 'immediate' police family of the professional state police. That said, the integration of PCSOs within forces indicates that the police service is aware of the potential of such a model. Currently, there appears to be no overwhelming political desire to place particular restrictions on the market. There continues to be a strong centralising mentality in government and this suggests that some form of centrally-steered, networked system of governance may well appear gradually over the next decade or so.

Increasing responsibilisation and citizen involvement

Another identifiable, and in some senses, linked trend in contemporary criminal justice that is likely to have a continuing impact, concerns what we might characterise as the changing relationship between the state and the public in crime control. This changing relationship has, put crudely, seen a growing sense of the limited capability of the state in crime control together with an increasing emphasis on citizen involvement and responsibility. With regard to the former – the increasing visibility of the 'limits of the sovereign state' (Garland 1996) – there has in recent decades been an emerging recognition that the formal justice system, as organised by the state, is unable to guarantee security – or rather, to maintain the fiction of this possibility. The late modern state, having taken on the role of security guarantor, is now faced with the predicament in which it needs to withdraw from its claim to be the primary provider of crime control, yet recognises the likely significant political and symbolic costs of doing so.

The second element of this set of changes is what Garland (2001) and others (O'Malley 1996) have referred to as a 'responsibilisation strategy': an 'attempt to extend the reach of state agencies by linking them up with the practices of actors in the ''private sector'' and ''the community'' ' (Garland 2001: 124). The command structure of the nation-state is, so the argument goes, being progressively replaced by a new form of governing in which new responsibilities are identified – where ideas such as 'partnership', 'co-operation' and 'citizen involvement' come to the fore. Within criminal justice this increased

citizen involvement and participation can be seen in numerous ways: in the more enhanced role played by victims in some settings; as sentencers in the magistrates and youth courts; as volunteers or community representatives in developing bodies such as youth offender panels (Crawford and Newburn 2003); and, of course, in less formal ways, through involvement in community crime prevention activities (Crawford 2001). In relation to policing, responsibilisation and citizen involvement are played out in a number of ways. The first, already referred to, concerns the emergent realisation of the crime control limitations of the public police. The now visible extended police family is both cause and consequence. More particularly, so far the police are concerned, there is the continuing emphasis on voluntary participation, the growing emphasis on public consultation (Jones and Newburn 2001), together with the relatively new development of 'independent lay oversight' (Bowling *et al*., this volume). As Neyroud notes,

> For all the difficulties around how they are selected, by whom and what their role is, greater lay participation does offer the police a further avenue to articulate and test their judgements . . . bringing lay involvement in close to the decision-makers . . . enhances the personal responsibility for decisions. (2001: 19)

What does the future hold in this regard? The mixed economy of policing is a contemporary reality. It is one in which citizen involvement is likely to play an increasing role. Recent years have seen debates about police accountability shift, crudely, from issues of politics to questions of performance and finance (see Jones, this volume). A number of 'crises' – the aftermath of the Stephen Lawrence Inquiry in particular – have begun a process in which the governance of public policing may once again begin to pay greater attention to citizen involvement in strategic decision-making. Independent Advisory Groups (IAGs), often involving the staunchest critics of local police services, were created to attempt to rebuild some trust and confidence in the police amongst minority ethnic communities (Bowling *et al*., this volume). Though relationships between the police and minority communities is an issue likely to remain close to the top of the political agenda for the foreseeable future, there is a more general sense that contemporary policing needs to find ways of becoming more responsive to local communities and localised needs. Under these circumstances – pressure to be responsive and accountable to local communities – the emphasis on citizen involvement, via consultation and oversight, seems set to increase. Both major political parties have begun to explore how best to increase the public accountability of policing. The recent Flanagan Review (Flanagan 2008) makes much of the need for greater accountability and citizen involvement. However, as is typical of much government activity at the present time it insists on describing citizens as 'consumers' and talks of a 'customer service and citizen focused approach to policing'. Flanagan (2008: 85) goes on to suggest that: 'Undoubtedly successful businesses in the private sector are those with a true Customer Service approach and it has long been acknowledged that policing and other elements of public service need also to exemplify this'. Such a view of policing – one

that fails to spot the difference between activities that involve the potential or actual use of force and those that concern the marketing of consumer goods – is unlikely easily to get to grips with the increasing democratic deficit that has been building up in local policing in recent decades. Such failure undoubtedly means that the relationship between citizens and the police is likely to remain on the agenda for some time to come.

Pressures toward centralisation and regionalisation

The whole apparatus of criminal justice in the past 20 years has been subject to twin pressures of centralisation and managerialism (see chapters by Newburn, Golding and Savage, and Jones, this volume). Processes of responsibilisation and pluralisation could be interpreted as meaning that the state was of declining significance in the field of crime control. In practice, this appears not to have been the case. Rather, within what is now a more complex field of relations, the state has become more heavily involved in the steering of the criminal justice system and its individual components. The state has adapted to the increased visibility of its own limitations, in part, by increasing its attempts to control various parts of the system of justice. In the case of policing, this can be seen in a number of ways. First, the general trend in the past 40 years has been away from local democratic control of policing and towards increasing central influence of publicly provided policing services. Though there have been some counter-trends – not least in the enhanced fiscal powers of local police authorities – it is hard to deny that the overall consequence of the changes made to local governance of policing has been the enhancement of the power of government – and to a degree, chief constables – at the expense of local authorities. There is little sign that this process is likely to be reversed. Indeed, the fact that policing under New Labour is even more acutely 'micro-managed' than was the case under the Conservative managerialist political culture of the early 1990s suggests that pressures in this direction may increase. However, there appears already to be a barely concealed tension between government and police representatives – particularly ACPO – over the nature of contemporary police governance and it seems only a matter of time before this becomes much more explicitly contested terrain.

The focus of conflict is difficult to predict. One recent focus, and one that may reappear in the not-too-distant future, concerns pressures towards regionalisation or amalgamation. Looking back over the long-term the history of policing in the UK has involved the progressive amalgamation of forces and rationalisation of force sizes. Recent years have seen government powers in this area extended, though as yet not used. Nevertheless, very serious consideration was being given to force amalgamation a few years ago, with the result that some constabularies are now sharing responsibility in particular areas of activity. Although government-led desire to amalgamate met support in some forces, it met considerable hostility in others (Savage 2007). Indeed, such was the extent of the hostility that for this, and other reasons, the whole plan was eventually dropped. Nevertheless, the current performance culture

with its apparently ever-present desire to increase economy and efficiency is bound, in time, to lead politicians once again to question the rationale of current force sizes and structures.

Hand-in-hand with amalgamation and pressures towards centralising the police are likely to be concomitant pressures towards increased localisation. The last 20 years have seen the progressive empowerment of the managers of local police areas, now generally referred to as 'basic command units'. Though there has been considerable resistance within the police to full devolution of powers, particularly financial responsibilities, to BCU level, pressure on performance is likely to lead to the progressive withering of some of the barriers. The last decade has seen the publication of comparative performance indicators at BCU level for the first time and it is surely certain that government micro-management will focus more and more at that level of policing – especially as information about local variations in crime levels increases. The latest manifestation of this trend is the introduction of 'neighbourhood policing' amid the avowed desire articulated by all political parties to see greater local influence in policing. What impact neighbourhood policing will have on command structures within police forces is hard to gauge, but in theory such changes should lead to considerable internal restructuring of the police. They may even enhance the case for amalgation and regionalisation.

Transnationalisation and democratic governance

Recent decades have seen a very significant expansion in international and, increasingly, transnational policing bodies. There is every likelihood that the role of transnational police organisations will increase. There are a number of reasons for this. Partly, this process has been set in train and is now difficult to stop. The nature of 'late modernity' means that an increasing amount of business – licit and illicit – is carried on in the transnational arena and therefore needs to be policed by organisations capable of occupying the same 'space'. Thirdly, we are seeing the emergence of what may be new threats – associated with terrorism and weapons of mass destruction and it seems undeniable that these new threats are unlikely to be dealt with exclusively by agents or agencies of nation-states.

The governance and oversight of transnational policing bodies is set to become a key area of political debate – all the more so given the powers that may accrue to them if some of the anticipated terrorist threats come to pass. Again, this may take a number of forms. In part, the issues that arise may very well be, as McLaughlin pointed out some years ago (1992), a result of the potential for the emergent multi-tiered policing system to be independent of the political process – or at least a political process which is perceived by citizens to have any immediate bearing on their everyday concerns. In this regard the EU is the 'limiting case' of transnational police co-operation and the most likely site for such debate and controversy that may arise in this regard. However, once again we should not get too carried away focusing on new developments. As Walker (this volume) goes on to note, since 9/11 there has

been something of a re-emergence of a classical internationalist logic, with the US being an especially important source of influence, and the reach of 'international' policing – and therefore how it is governed – may be just as important a consideration in our immediate future as the issues associated with 'transnationalisation'.

Localisation and managerialism

As a number of commentators have noted, processes of 'transnationalisation'/'globalisation' and 'localisation' tend in some respects to develop mutually. Thus, a further development that can reasonably safely be anticipated is that local policing will continue to be stretched in these two, potentially contradictory, directions. For local police managers the future is likely to be a particularly problematic one. First, we can anticipate that localising pressures will continue to increase the focus on the policing of relatively small geographical areas and, at least at a rhetorical level, to stimulate further the devolution of responsibility to local commanders. Second, the internationalising and transnationalising developments that are likely to continue apace will put ever-greater pressures on localised policing resources – through the increased demands that they make for information and other resources. The greatest tension, however, is likely to be between centralisation and localisation, specifically as a result of the managerialist logic that continues to inform and stimulate increased central control.

How best to monitor, manage and govern policing in ways that ensure that the public money devoted to these activities is spent wisely and efficiently will continue to be a central focus of political attention. We currently live in times in which an increasingly crude form of managerialism has taken hold. Indeed, government attempts in this regard appear to be characterised, at least in part, by a form of cognitive dissonance. The evidence that the imposition of ever greater numbers of statistical performance targets is not only not having the intended benefits, but in some cases is stimulating almost the reverse of what was desired, is met not by the search for alternative ways of governing performance, but by ever more frantic attempts to make the existing, somewhat discredited methods, work. There is little sign of any 'solution' to this problem in sight. Far from backing off, government shows a desire to micro-manage policing at a local level in the belief that this will bring better results than other forms of governance. At the heart of this is a failure to understand policing. It is not that performance measurement is always a negative thing – far from it. However, as a means of management it has a number of very obvious limits. This is particularly true when applied to policing, for policing is not a service like any other as much of it involves, in Hughes' (1961) terms, 'dirty work'. Peter Manning (1999) has expressed this well:

> Policing is seen as a service, a distributional activity that reallocates collective goods. Yet police services are not fully elastic, and citizen demand, although elastic, is not permitted to expand beyond the limits set

> privately and backstage by the police. The police continue to pattern the rationing of service as before and to dramatise the ostensible efficacy of their actions. The police do not serve lawbreakers or those who cause disorder; they constrain them regardless of their market preferences and choices. They arrest people, keep a jail, and send people to court regardless of their status as customers of the service side of policing – the side that includes paperwork, insurance forms, burglary and stolen car reports, assistance in emergencies, traffic regulation and parking, and what might be called 'miscellaneous dirty work' such as chasing wild or escaped animals, disposing of bodies, delivering death notices to families, cleaning up streets of glass and metal after road accidents, and modulating disputes. (1995: 95)

Much of this 'dirty work', of course, is not easily captured by performance indicators and league tables. Indeed, some of this work may simply not get done – or not get done by the police – under the imperatives of the new managerialist culture. There are challenges, therefore, for both government and the police service in the near future in finding and embracing methods of delivering and monitoring policing services that are both responsive to local needs and concerns and simultaneously cognisant of the need to account for the resources that are expended.

Though issues of efficiency and economy will no doubt continue to form a very significant element of police governance, one should anticipate (and, arguably, hope for) continuing debate, possibly heated, around appropriate forms of local service delivery of policing services. As attention, in part, becomes increasingly localised, the public police service will come under pressure to be seen to be willing and able to deliver appropriate services to communities according to their need. In particular, the challenge of policing diverse communities is likely to re-emerge (having once again disappeared somewhat from the political agenda) within and outside the police service.

Policing and diversity

The final years of the twentieth century saw considerable criticism of the policing of plural communities (HMIC 1997, 1999b; Macpherson 1999). In particular, the Macpherson Inquiry highlighted the gulf between the police service and some ethnic minority communities. In a report on police integrity, HMIC (1999a: 3) concluded that, 'all forces are trying hard to consult their communities and to understand their needs and concerns but each is failing to a greater or lesser extent in providing a better service to the disadvantaged groups in society, as well as ethnic minority groups'. Perhaps one of the safest predictions about the future of policing is that improving the understanding of, and responses to, the needs of minority communities will continue to be a core issue, and most likely a significant problem. Though the central focus on attention is likely to continue to be on the nature of police service delivery, the nature of police culture is also likely to be a source of continuing concern and a focus for reform efforts.

In recent decades the nature of recruitment to the police service, particularly to ACPO ranks has changed markedly. Educational levels have risen significantly. Though the process has been slow, and far from easy, it is now also the case that women are far more prominent in the police service. This, I would hazard, is likely to be one of the most significant areas of change in the next two decades. There is every reason to expect that there will be a very substantial increase in the number of women in senior positions within the police service in the not too distant future. From the situation a decade ago where there had never been a woman chief constable, now six of the 53 forces in the UK are led by women (still a small number but a significant shift nevertheless). Outside of issues of numbers and representation, one key issue is what qualitative change will changes to the workforce of constabularies bring? As Heidensohn (this volume) explains, pioneer policewomen had primarily a 'protective mission' in mind. Their central concern was in protecting women, juveniles and children, with law enforcement originally being somewhat secondary. More recently, issues of equality and opportunity have become more prominent, though there has also been a renewed emphasis on protection issues, particularly around child protection. The big question in the 'post-Lawrence' environment is what difference will the increasing prominence and influence of women (and ethnic minorities should numbers and prominence increase) in policing make to the police and to the service that is delivered? Will the increasing influence of women officers, for example, change the culture – a culture that remains highly masculine – of the police? In Bourdieu's terms, what impact will the changing make-up of the service have on the 'doxa' of policing (see Chan 2003)? Relatedly, will this have a marked impact on how the police relate to local communities and to how local police services are delivered? There is much evidence to suggest that the police service – and the nature of the culture of police organisations – has remained relatively untouched by reform efforts in recent times. Yet, there is also good evidence to suggest that the culture of such organisations can be changed (see Westmarland, this volume). Indeed, the more progressive police managers have sought to bring about such changes and, more particularly, to reform the art of policing.

Techniques and technology?

As the chapter by Carolyn Hoyle outlines in detail, one experiment which has attempted to bring about a significant change to the way in which police services are delivered is that concerning the importation of restorative justice influenced practices into such areas as cautioning and the police complaints system. In the UK, Thames Valley police have begun to argue the case for a fairly radical reorientation of policing which has as its aim a shift in priorities away from 'minor street offending' towards a greater emphasis on serious white-collar crime. At least as importantly, it puts centre-stage the assumption that enlightened forms of policing practice require the explicit development of ethical codes of practice and an increased emphasis on ethical decision-making at all levels of the police service (Neyroud, this volume). The insertion of

restorative practices into policing is, of course, highly problematic for, until there is some form of radical reorientation of policing, the reality is that police officers will remain 'responsible for enforcing the law through procedures that often stigmatise, and they frequently engage in practices which infringe the rights of suspects or inflict social discipline upon them' (Young and Hoyle 2003: 290). One of the implications of the shift towards an emphasis on taking responsibility for harms, is the reform of police complaints and disciplinary procedures, and increasing interest is being shown in the potential of restorative justice in this area. This links back to the previous issue of diversity, however, for it is important to safeguard the 'rights' of the less powerful. As McLaughlin and Johansen (2002: 651) note, the more disenfranchised may perceive restorative approaches to be lacking in procedural legitimacy and 'for the sake of community relations and indeed the legitimacy of the new police complaints system . . . certain forms of seemingly ''minor'' police misconduct rather than being diverted into restorative justice will have to be subject to full rigour of independent investigation'.

Just as new 'techniques' may be introduced in an effort to reorient policing, so the emerging new technologies are beginning to offer policing agencies considerable opportunities. We are beginning now to see the potential of technologies' advances, such as those associated with the use of DNA identification. How far-reaching the impact of this will be is not at all clear. We can safely assume, however, that the impact will be noticeable. From 2000 DNA samples were collected routinely from offenders, along with fingerprints and photographs. More recently, the Home Office has established the National DNA database and announced a desire to have the DNA profiles of the 'known active criminal population' on the database April 2004. Great changes are anticipated as a result of the spread of this new technology, with government ministers hoping that it will lead to reductions in bureaucracy, increased detections and the speeding up communications as well as, on a more general level, the inculcation of a more problem-oriented approach to policing (http://www.cjsonline.gov.uk/access/news/2003/january/crimnaL_dna_databse.html). One account of activity in this area suggested that 'in a typical month matches are found linking suspects to 15 murders, 31 rapes and 770 motor vehicle crimes' (quoted in Williams and Johnson 2007).

However, it is perhaps best not to overestimate the speed at which such change will take place. The extent to which technology has had an impact on public policing thus far is an indication of this. Computer technology has had a radical impact on our social, cultural and economic existence. And yet, it is not clear that it has had a particularly dramatic impact on the police. Yes, it is true that data capture and retrieval are now much better than was the case 20, even 10, years ago. The ability to store vast amounts of data has grown exponentially. Nevertheless, the bulk of day-to-day policing is not that dramatically different now from 20 years ago. The daily activities of the average police constable continue to be reactive rather than proactive. The main source of the information that influences daily activity continues to be the public, and generally provided via the telephone. We are some considerable distance, for example, from seeing anything like 'problem-oriented policing' as a daily reality. It remains the exception rather than the rule. Thus,

Green (2007: 354) suggests that, at present, 'forensic science is often not considered to be a pivotal component of policing'.

Terror and security

The attacks in New York and Washington in September 2001 and the subsequent bombings in Madrid and London have had a sizeable impact on contemporary policing. Not least this can be seen in the desire of government to restrict civil liberties and to increase the powers available to the police. At the time of writing a proposal is before parliament to extend the period that suspects can be held without charge to six weeks. Although even the police have voiced concern about the proposition it seems destined to end up on the statute book. If one contrasts the relative silence that has greeted many recent increases in police powers with the debates that occurred around the passage of the Police and Criminal Evidence Act 1984 (Benyon and Bourn 1986) it is clear that we now appear to live in very different times.

The new security agenda has led to the rapid creation of a range of new 'policing' bodies: from the National Counter-Terrorism Security Office to the Joint Terrorism Analysis Centre, the already contested and confused arena in which police and security services operate has become even more complex. Although it is still to capture the attention of criminologists in any large measure, there are also signs of gradually increasing militarisation in policing (though see Kraska 2001). This can be seen in three interconnected ways. First, the ratcheting up of the (para)military capabilities and accoutrements of civil policing bodies. Second, the increasing involvement of military agencies and personnel in policing activities and, third, the blurring of the boundaries between police and military activities in 'policing'. As a number of authors have noted, perhaps the key contrast between the military and the police lies in the use of force. Crudely, where police are expected to use minimum force, no such restriction is placed upon the military. Commentators focusing on the gradual militarisation of policing express concern that, imperceptibly, the attitude of police services toward the use of force is, or will, change. In the UK, for example, there has been much discussion since July 2005 about 'Operation Kratos' and whether it represents a significant change in the police use of force. Kratos is a strategy developed by the Metropolitan Police in the aftermath of 9/11, in partnership with ACPO, which lays down guidelines for dealing with suspected suicide bombers. In the aftermath of the shooting of Jean Charles de Menezes at Stockwell police station, Kratos was widely, and the police say misleadingly, described as a 'shoot to kill' policy (http://www.met.police.uk/communities_together/docs/v_05-11-08_srb_anna_de_vries_1_.pdf). The policy – that lethal force is 'available only if absolutely necessary, i.e. where the threat has been accurately identified, is imminent and other options have been discounted as unlikely to succeed' has recently been endorsed by ACPO.[1] The growing security agenda carries with it a number of threats for British policing, of which two are perhaps key. The first, is that the paramilitarisation of policing will undermine public confidence in more community-oriented forms of policing activity. The second and linked danger

is that local, community-based policing will increasingly be skewed by 'security imperatives'. Indeed, one of the tensions in policing that is likely to become increasingly visible in the next five years or so is that between neighbourhood policing and security demands. Politicians concerned about radicalisation and terrorist threats within local communities may well feel that this should be the priority focus of local neighbourhood teams, irrespective of what local citizens feel are the priorities.

Policing futures

Against a backdrop of uncertainty, one thing we can say with some confidence is that the era in which the public police in England somehow came to symbolise nationhood has passed and will not return (Loader and Mulcahy 2003). Policing has changed, as has the society being policed. The increasing visibility of a plurality of providers of security will mean, one way or another, that we will be forced to consider once again what it is we want policing in general, and the police service in particular, to achieve, and in what way we feel that it is appropriate to achieve these things.

Earlier in this chapter I outlined Bayley and Shearing's suggestion that we are currently experiencing a paradigmatic shift in the system of policing, and then noted that, as with all historical change, it is possible to emphasise *change* or *continuity* (see also Zedner 2006). Where some see radical restructuring, others see evolutionary change. The dominant academic discourse appears currently to privilege change over continuity. As Trevor Jones and I have argued elsewhere (Jones and Newburn 1999: 241; see also Jones and Newburn 2002), there is 'a tendency to exaggerate the degree of novelty in the new arrangements that are emerging, and to overstate the extent to which all developed economies are similarly subject to transnational or global pressures'. Wherever one sits in these debates, it is clear that important shifts have been taking place, and that the policing arrangements associated with Dixon of Dock Green are long gone (including from our imaginations, which may be the only place they ever truly existed). New ways of organising and understanding policing are emerging. Johnston (2000b: 76) suggests that:

> Late modern policing combines diversity and risk. The former leads to increased fragmentation of policing. The latter leads to similarity of thought and action between different security organisations. It may also lead to the proliferation of security, since risk-orientation fuels the demand for 'more policing'.

This apparent fragmentation of policing, and in particular the increased marketisation of crime control, characteristic of our late modern times, raises some important issues. Three appear to be key. First, are the dangers associated with inequalities in the provision of protection and the problem of 'majoritariansim'. One of the greatest dangers in the marketisation of protection is that the already existing material and social polarisation that exists will be exacerbated by the addition of further 'security differentials'. This may

occur in a number of ways, including the simple purchasing of security and policing services by those who can afford them, as illustrated, for example, by the spread of defended or gated communities in the United States (Blakely and Snyder 1997) and, because of differences in the ability to articulate needs, the drawing away of public policing services from areas of greatest need to areas of least need. There is thus an obvious need for the principles of democracy, especially equity, to be reasserted in the context of the provision and organisation of security (Jones *et al*. 1994).

The second major issue for us therefore is governance. The question immediately arises as to how the public police are to be held accountable in an environment in which pluralism is encouraged. Related to this, is the question of how the private security industry, and all its component parts, is to be regulated or otherwise controlled. Crucially in the context of the pluralisation of policing, there is the issue of the governance of security networks. With the recognition that plural policing is already with us, a number of commentators have begun to pay attention to this question (Blair 1998; Jones and Newburn 1998; Johnston 2000b; Loader 2000). Though we may assume that police accountability will continue to be an important concern, it seems clear that the context in which questions of governance arise has begun to shift away from 'the police' towards 'policing', 'security' and 'social order'.

The third and final issue concerns the consequences of increasing fear and insecurity and how these are responded to and exploited politically. Garland argues that despite the encouragement of new 'preventive strategies' associated with crime prevention and community policing, governments are actually ambivalent about such strategies and frequently retreat from their implications.

> Under certain circumstances, or with respect to certain kinds of offences and offenders, they respond to the predicament by denying it; by reactivating the old myth of the sovereign state; and by engaging in a more expressive and more intensive mode of punishment that purports to convey public sentiment and the full force of state authority. (Garland 2000: 349)

The symbolic reassertion of state sovereignty tends to involve, as Young (1999) has pointed out, two fallacies: a 'cosmetic fallacy' (crime is a superficial problem rather than a chronic problem) and the idea of the 'social as simple' (where problems have a small number of readily identifiable causes). The most visible manifestation of these fallacies in recent times has been the continual reassertion, in face of almost overwhelming evidence to the contrary, of the efficacy of the criminal justice state. More particularly, this has found voice, time and again, in exaggerated claims on the part of the police service in relation to crime control. There are considerable dangers in this, not least for a public continually seduced by the chimera of 'law and order' solutions to social problems. The reality of course is that the 'solutions' to the problems of security and order in our late modern urban environments do not lie with providers of policing services – be they public and/or private. The solution to our ills is not to be found in the marketplace; in the purchase of security or

policing – whether provided 'publicly' or by other means. That this is, or at least should be, becoming increasingly clear means that, by any measure, policing in the near future faces some fairly dramatic challenges.

Note

1 The UK police service response to the threat posed by suicide terrorism, ACPO, March 2006, available at: http://www.acpo.police.uk/asp/policies/Data/ACPO%20(TAM)%20(PUF)%20Rev iew.doc.

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Glossary

Accountability
Generally, though somewhat crudely, thought of as a system for controlling agencies and individuals. In relation to policing a distinction is often drawn between individual forms of accountability ('controlling the constable') and organisational accountability (oversight of the policies and processes of constabularies). In relation to the latter an important distinction was drawn by Geoffrey Marshall between what he termed an 'explanatory and co-operative' form of accountability and a 'subordinate and obedient' form:

> *Explanatory and co-operative* – whereby chief constables may be required to give account of their decisions to the relevant authorities but are not required to take account of the response of those authorities.
> *Subordinate and obedient* – whereby chief constables are required both to give account of their decisions and to take account of any response.

(*See also* constabulary independence, governance, tripartite structure.)

Association of Chief Police Officers (ACPO)
The association representing all officers of assistant chief constable rank and above (and their equivalents in the Metropolitan Police). It is not a staff association (the separately constituted Chief Police Officers' Association fulfils that function). ACPO's work is on behalf of the service, rather than its own members. ACPO has the status of a private company limited by guarantee and is funded by a combination of a Home Office grant, contributions from each of the 44 police authorities, membership subscriptions and by the proceeds of its annual exhibition. It now has a full-time president (http://www.acpo.police.uk).

Audit Commission
A non-departmental public body established in the 1980s to promote economy, efficiency and effectiveness in the public services. Beginning with studies of policing, and subsequently of community safety and of youth justice, the Audit Commission has become increasingly influential in criminal justice in recent years (http://www.audit-commission.gov.uk).

Basic command unit (BCU)
Now the fundamental policing unit of delivery. What would previously have been referred to as a police division or subdivision, the BCU is headed by a chief superintendent and generally has its own management team, mirroring the management team that operates at individual force headquarters.

Best Value
Introduced by the Local Government Act 1999, Best Value is a further method of encouraging efficiency and effectiveness in local public services. Under the Act local police authorities are responsible for securing Best Value in local policing services. In doing so, they must consult widely with the community, including local council tax and business ratepayers, and service users.

Bramshill
The name of the main site for national police training, located in a country house in Hampshire (*see also* Centrex, Senior Command Course) (http://www.centrex.police.uk).

British Association for Women in Policing (BAWP)
The association was founded in 1987 and is the only organisation in the UK to draw members from all ranks of the police service and support staff. It has representatives not only from the geographical forces throughout England, Scotland, Wales and Northern Ireland but also from many others – including British Transport Police, Isle of Man Constabulary, Guernsey Police, UK Atomic Energy Constabulary, RAF Police, Ministry of Defence Police and Royal Military Police (http://www.bawp.org).

Centrex
Centrex is the name for the Central Police Training and Development Authority. Its role is to define, develop and promote excellence in the police service and it does so by providing a centre of policing excellence and support, and by creating and implementing the means to develop competence through policing careers (*see also* National Centre for Policing Excellence) (http://www.centrex.police.uk).

CID (officer)
Criminal investigation department – CID was the successor to the Detective Branch in the Metropolitan Police and has become the normal term for plain-clothes police detectives in the UK.

Community policing
A police organisational strategy that decentralises policing, seeks to be responsive to local citizen demands and to incorporate a general problem-oriented approach to policing, and to helping communities solve crime problems collaboratively, often through partnership working (*see also* partnership, problem-oriented policing).

Compstat
A system of using police data to improve police performance by holding local police commanders to account. Pioneered in New York City in the 1990s, Compstat has now spread much more widely and, predictably, varies in style

and content. The New York model, as ori ginally practised under Bill Bratton and Jack Maple, involved public interrogation of local precinct commanders about local crimes, crime trends and police performance.

Constable
A term that originated in Norman times. By the thirteenth and fourteenth centuries there were a variety of posts with this title, the majority of which were linked to manors or parishes. The medieval constable was responsible for maintaining the King's peace. The office of constable is held by some to have declined somewhat with the emergence of the office of justice of the peace in the fourteenth century up until the establishment of the new police in 1829. 'Police constable' is now the main entry grade for all police officers.

> *Special constable* – special constables are volunteers who receive training from their local force to work with and offer support to regular police officers. They have the same powers as a regular officer and wear a similar uniform. They work a minimum of four hours per week.

(http://www.specialconstables.gov.uk/output/Page2.asp)

Constabulary independence
The idea that policing policy should be free from political interference. According to a judgement by Lord Denning in 1968 the chief constable in all his or her duties 'is not the servant of anyone, save of the law itself . . . The responsibility for law enforcement lies on him. He is answerable to law and to the law alone'. This has been challenged by constitutional lawyers and, most recently, by the Patten Inquiry in Northern Ireland, but remains a powerful influence in discussions of police governance.

Corruption
The term 'police corruption' has been used to describe many activities: bribery, violence and brutality; fabrication and destruction of evidence; racism; and favouritism and nepotism. Most typologies include a range of activities that can be analysed along five dimensions: the acts and actors involved; the norms violated; the degree of support from the peer group; the degree of organisation of deviant practices; and the reaction of the police department. Police corruption, it is generally accepted, necessarily involves an abuse of position; what is corrupted is the special 'trust' invested in the occupation.

Covert human intelligence source (CHIS)
The now preferred term for 'informant'.

Covert methods
Advances in technology and the need to combat serious crime have had a significant impact on British policing. Covert investigative methods, such as the use of surveillance devices, informers (CHISs) and undercover operations, backed by extensive databases of criminal intelligence information, are now widely employed. Increasingly, attention is being paid to the need to regulate and control covert policing and both the Human Rights Act 1998 and the Regulation of Investigatory Powers Act 2000 are relevant in this regard.

Crime analysis
The synthesis of police and other relevant data to identify and interpret patterns and trends in crime (among offenders, offences, victims, spaces and places) to inform police and judicial practice. A number of more specific terms may also be identified:

Analytical process – a series of stages including, inter alia, collection of data, representation of data, interpretation of data, recommendations, evaluation.
Tactical analysis – aims to maximise the impact of enforcement by reviewing current crime problems and prolific offenders to inform investigations and operations.
Strategic analysis – identifies longer-term crime problems and future trends to provide an understanding of the scope and dimension of criminal activity in order to assist with local policy development and planning.
Analytical techniques – these may include crime pattern analysis, network analysis, time series analysis and risk analysis.

Crime mapping
Crime is unevenly spatially and temporally distributed. It is possible, therefore, to 'map' crime according to where and when it occurred (and by type of offence). Such mapping can help in the targeting, deployment and allocation of crime prevention resources to areas of vulnerability. Maps showing patterns or hotspots of crime can present effective visual images that help people to understand their distribution and to explore possible reasons behind certain types of criminal activity (*see also* crime analysis, hotspots, repeat victimisation).

Dixon of Dock Green
A fictional police officer, PC George Dixon, who originally appeared in the film *The Blue Lamp*. Though PC Dixon died at the end of the film his character was later resurrected and became the eponymous hero of the famous television series *Dixon of Dock Green*. The character has become a symbol of a supposed 'golden age' in policing, capturing the essence of the image of the unarmed 'British Bobby' at the heart of local postwar community life.

Due process and crime control
An ideal typical formulation of contrasting models of criminal justice outlined by Herbert Packer (a distinguished American academic lawyer). The ideal types are designed to contrast differing emphases on procedure and outcome. Thus, the values inherent in 'due process' give greater prominence to civil liberties in order to maximise the likelihood that the innocent will be acquitted. By contrast, the values inherent in the 'crime control' model give much greater prominence to the goal of convicting the guilty.

Europol
Europol is the European Union Law Enforcement Organisation that handles criminal intelligence. Its mission is to assist the law enforcement authorities of member states in their fight against serious forms of organised crime. It was established in the Maastricht Treaty in 1992 and is based in The Hague (http://www.europol.eu.int).

Evidence-based policing
The idea that practice should be underpinned by evidence of 'what works'. Thus, just as the National Institute for Clinical Excellence was established in the Health Service in 1999, so similar developments are being encouraged in policing, including the establishment of the National Centre for Policing Excellence (*see also* Centrex, National Centre for Policing Excellence, National Competency Framework).

Governance
A term from political science and sociological literature that focuses on the systems of regulation and ordering (governing) contemporary societies. Where once this might have focused on the agencies/institutions of the state, the term is now generally taken to refer to strategies of governing both within and beyond the state (*see also* accountability, transnational policing).

Harm reduction
A drugs policy which emphasises the need to control or mitigate the medical and social costs of drug abuse rather than advocating abstinence or focusing on law enforcement (*see also* War on Drugs).

Her Majesty's Inspectorate of Constabulary (HMIC)
For well over a century HM Inspectors of Constabulary (HMIs) have been charged with examining and improving the efficiency of the police service in England and Wales, with the first HMIs appointed under the provisions of the County and Borough Police Act 1856. In 1962, the Royal Commission on the Police formally acknowledged their contribution to policing. The statutory duties of HMIs are described in the Police Act 1996 (http://www.homeoffice.gov.uk/hmic/hmic.htm).

Home Office
The government department responsible for internal affairs in England and Wales and therefore for the police and policing policy (http://www.homeoffice.gov.uk).

'Home Office' and other police forces
Home Office forces are those forces for which the Home Secretary has direct responsibility for maintaining; in England and Wales, the 43 constabularies. Non-Home Office forces therefore include those in Jersey, Guernsey, the Isle of Man, the Ministry of Defence Police, British Transport Police, the UK Atomic Energy Authority Constabulary and the Royal Parks Constabulary.

Hot products
So-called 'hot products' are those that are most likely to be taken by thieves. Following insights from research on hotspots and repeat victimisation, the theory is that a better understanding of which products are 'hot', and why, could help reduce certain forms of crime (*see also* hotspot, repeat victimisation) (http://www.crimereduction.gov.uk/stolengoods1.htm).

Hotspot
Arising from the finding that crime is highly concentrated geographically and socially. Some communities have crime rates ten, twenty times or higher than

others and, in crime prevention terms, focusing resources where crime is highest – 'hot spots' – is likely to yield greatest results. To do this accurately, information and analysis of crime data are required, usually referred to as crime mapping (*see also* crime analysis, crime mapping, repeat victimisation) (http://www.crimereduction.gov.uk/toolkits/p031309.htm).

Human rights
The Universal Declaration of Human Rights states that:

> Everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

The increasing attention paid to human rights principles – and their incorporation into UK criminal law – has led to a developing debate over the implications of this for the nature and delivery of policing (*see also* due process, crime control).

Independent advisory groups (IAGs)
The Stephen Lawrence Inquiry report, and the *Winning the Race* series of reports from HMIC, identified a lack of faith in policing among minority ethnic groups, whether as victims of crime, suspects, potential recruits or members of local communities wanting to work in partnership with their local police to tackle crime. In the aftermath of the Stephen Lawrence Inquiry the Metropolitan Police established an independent advisory group to advise their Racial and Violent Crime Task Force. The perceived success of this approach has led to the establishment of other IAGs both within the MPD and elsewhere (*see also* police community consultative groups, Scarman Inquiry, Stephen Lawrence Inquiry).

Intelligence
Information derived from informants (CHISs) and other sources (*see also* crime analysis, covert human intelligence sources, intelligence-led policing).

Intelligence-led policing
Essentially, a model which seeks to increase the effectiveness of policing through greater emphasis on the collection and analysis of intelligence and the development of targeted responses to that analysis (*see also* crime analysis, National Intelligence Model, problem-oriented policing).

Interpol
'Interpol' was officially adopted as the International Criminal Police Organisation (abbreviated to ICPO-Interpol) in 1956. Interpol was set up to enhance and facilitate cross-border criminal police co-operation. Today, it is the second biggest international organisation after the United Nations, with 181 members countries spread over five continents (http://www.interpol.int/Default.asp).

Joint standing committee
The growth of provincial police forces in the nineteenth century led to the emergence of two systems of accountability. County forces were overseen by joint standing committees, made up of two thirds elected councillors and one

third magistrates, whereas borough police forces were overseen by wholly elected watch committees. This system was reformed by the Police Act 1964 (*see also* accountability, police authority, watch committee).

Leadership
Though, historically, the police service may have paid relatively little attention to the nature of leadership, in recent years this has changed. A number of different 'ideal types' of leadership are often discussed, of which three of the most important are as follows:

Command leadership – a traditional form, relying on hierarchy and authority – and sometimes charisma – as the basis for leadership.
Transactional leadership – 'transactional' leadership is a form of contractual agreement or a type of management-based 'contingency reward' (or 'management by exception'); often contrasted to 'transformational' leadership.
Transformational leadership – a more responsive and reciprocal form of leadership designed to include all staff in decision-making and to stimulate a shared belief in the importance of particular goals.

Lesbian and Gay Police Association (LAGPA)
The Lesbian and Gay Police Association was formed in 1990 and is the only national staff association that specifically represents the needs and interests of lesbian and gay police employees in the UK. Further, the LAGPA is the only national organisation working to educate the police service about issues connected with sexual orientation. These include the investigation of homophobic hate crime, victim care and family liaison (http://www.gay.police.uk).

Managerialism
A term associated with the shift in government policy towards 'new public management' characterised by, inter alia: elements of privatisation; marketisation; the increased use of performance indicators; a growing emphasis on outputs and outcomes; partnership working; and the redesignation of clients as 'customers' (*see also* Best Value, marketisation, partnerships, privatisation).

Marketisation
A term referring to the process that has been taking place since the early 1980s which has had as its goal improving the cost efficiency and performance effectiveness of public constabularies via the imposition of 'market disciplines' on the police service. The process has included the increasing recourse to target-setting, the flattening of organisational hierarchies, the introduction of business plans, the imposition of the 'Best Value' regime and the contracting out of a few 'non-core' functions (*see also* Best Value, managerialism, privatisation).

Mass private property
Large 'public' spaces which are often privately owned but which are, to differing extents, open to access by the public. The prime examples are large shopping malls, privately owned 'gated communities', large enclosed

residential blocks and large recreational and educational complexes. Their central significance for policing is that they are generally guarded by private security and, indeed, the growth of such spaces has been held to be a key factor in the growth of private policing.

National Black Police Association (NBPA)
The National Black Police Association, which was established in 1994, seeks to improve the working environment of black staff by protecting the rights of those employed within the police service and to enhance racial harmony and the quality of service to the black community of the UK – thereby assisting the police service in delivering a fair and equitable service to all sections of the community (http://www.nationalbpa.com).

The National Centre for Policing Excellence (NCPE)
The concept of the National Centre for Policing Excellence was introduced in the government 2001 white paper, *Policing a New Century: A Blueprint for Reform* (http://www.archive.official-documents.co.uk/document/cm53/5326/cm5326.htm). Currently being established, the work programme of the NCPE will reflect the requirements of the National Policing Plan and will be achieved primarily by enhancing the capabilities of those involved in tackling and reducing crime in order to reverse the fall in detection and conviction rates (http://www.centrex.police.uk).

National Competency Framework
The National Competency Framework (NCF) applies to staff of all ranks and grades in the police service and aims to measure and improve individual officer performance. It has formal support from ACPO, Home Office, APA, HMIC, Police Federation and Superintendents' Association and now informs the OSPRE process, the National Recruitment Strategy, the High Potential Development Scheme and a number of courses at Centrex (*see also* Centrex, leadership).

The National Crime Squad (NCS)
The National Crime Squad was established in April 1998 as a result of a 1995 report by the Home Affairs Select Committee on the threat of organised crime and its impact on the UK, which argued for the replacement of the existing structure of separate regional crime squads by a more nationally co-ordinated structure (http://www.nationalcrimesquad.police.uk).

National Criminal Intelligence Service (NCIS)
NCIS provides strategic and tactical intelligence on serious and organised crime, nationally and internationally. It is the gateway for UK law enforcement inquiries overseas via Interpol, Europol and the overseas liaison officers networks. It is also the co-ordinating authority on behalf of police forces in the UK for the tasking of the Security Service, in accordance with the Security Service Act 1996 (http://www.ncis.co.uk).

National Intelligence Model (NIM)
It has been argued that intelligence has lagged behind investigation in the codification of best practice, professional knowledge and in the identification of selection and training requirements of police service staff. As a consequence,

a model – the National Intelligence Model – containing best practice in intelligence-led policing and law enforcement has been developed by NCIS (*see also* intelligence-led policing) (http://www.ncis.co.uk/nim.asp).

National Policing Plan
The National Policing Plan for England and Wales 2003–6 was published on 20 November 2002 and sets out for the first time the government's strategic priorities for the police service for the next three years (http://www.policereform.co.uk/natpoliceplan/index.html).

Neighbourhood Watch (NW)
Undoubtedly the best known and most widely adopted crime prevention programme in the UK (in which local residents take responsibility for watching each other's property and generally remaining alert to local crime opportunities and problems). NW first appeared in the early 1980s, was promoted initially by the Metropolitan Police and has now spread nationwide.

Offender profiling
Offender profiling is a set of techniques used by law enforcement agencies to try to identify perpetrators of serious crime. There has been a rapidly growing interest in this subject over recent years both within the police service and in the media through films like *Silence of the Lambs* and television programmes such as *Cracker*.

OSPRE
Prior to 1991 the police service in England and Wales assessed police officers' potential for promotion to the ranks of sergeant and inspector by one exam. The questions in the exam required an essay style of answer and only tested the legal knowledge of the candidate. With a view to testing management and supervisory skills as well as legal knowledge, the two-part Objective Structured Performance Related Examination (OSPRE) was introduced (Part 1 tests the candidates' knowledge of the law; Part 2 tests their management and supervisory potential).

Partnerships
The police are increasingly expected to work jointly with other organisations and agencies in preventing and reducing crime. In particular, the Crime and Disorder Act 1998 established crime and disorder partnerships comprising representatives of the police, police authorities, and health and probation services, who are responsible for the production of an audit of local crime and disorder, for consulting locally on its contents, and for formulating, implementing and monitoring a strategy based on problems highlighted in the audit (*see also* managerialism, marketisation, responsibilisation).

Performance indicators
A target against which 'performance' can be gauged. The police are subject to an increasing array of performance indicators, including those contained in the National Policing Plan, local policing plans and as part of Best Value (*see also* Best Value, managerialism, National Policing Plan).

Plural policing
Policing has become increasingly complex and the set of activities we understand as 'policing' is clearly delivered by a broad, and increasing, array of providers. These include the commercial security sector; new public sector provision such as local authority patrol, municipal police forces and wardens (as well as informal policing such as vigilantism); the range of regulatory agencies within local and national government; together with those transnational policing agencies that operate beyond individual states (*see also* policing, transnational policing).

Police authority
Police authorities are independent bodies responsible for the oversight of local policing. Their consultations with local people, which they are statutorily required to perform, are intended to provide an important link between the police and the public they serve. Police authorities are normally made up of 17 members: three magistrates, nine local councillors and five independent members (*see also* accountability, governance, tripartite structure).

Police community consultative groups
In the aftermath of the Brixton riots in 1981, the report of the Scarman Inquiry recommended the introduction of statutory liaison committees to increase police–public consultation. Subsequently, s. 106 of the Police and Criminal Evidence Act (now consolidated as s. 96 of the Police Act 1996) provided the statutory basis for such police–community consultative groups (sometimes referred to as s. 106 or s. 96 committees) (*see also* Scarman Inquiry, independent advisory groups).

Police Federation
The body that represents officers below the rank of superintendent. Each force has a branch and the federation represents members in matters of welfare, discipline and promotion (*see also* ACPO, Police Superintendents' Association).

The Police Information Technology Organisation (PITO)
The organisation responsible for the development and commissioning of information technology for the police service and other agencies in the criminal justice system. PITO's board contains representatives of the Home Office/Scottish Office, ACPO and the police authorities, and PITO's work falls under six main headings: communications; identification; police national computer; criminal justice; intelligence and investigation; and police support services (http://www.pito.org.uk).

Police reform
A programme of change instituted during the second term of the Labour government after the 2001 general election. Signalled by a white paper, *Policing a New Century: A Blueprint for Reform,* the programme so far has included the establishment of the Police Standards Unit, the passage of legislation, the Police Reform Act 2002 and the release of the first National Policing Plan (*see also* National Policing Plan, Police Standards Unit) (http://www.policereform.co.uk).

The Police Skills and Standards Organisation (PSSO)
Since March 2001, the PSSO has been recognised as the national training organisation for the police. The PSSO is the standard-setting body for the UK police service. The core roles of the PSSO are to develop national occupational standards, increase skills levels and provide the recognised voice of the police service – addressing their needs across the whole spectrum of learning, skills, training and development issues (http://www.psso.co.uk).

Police Standards Unit (PSU)
The Police Standards Unit (PSU) was set up by the Home Secretary in July 2001 and is a central part of the government's police reform agenda. The focus of the unit's activities is to measure and compare basic command unit (BCU) and local partnership performance, understand the underlying causes of performance variations, identify and disseminate good practice and support those who need assistance (*see also* basic command unit, police reform) (http://www.policereform.gov.uk/psu/index.html).

Police Superintendents' Association (PSA)
The staff association for all officers of superintendent and chief superintendent rank (*see also* ACPO, Police Federation) (http://www.policesupers.com).

Policing
Much policing literature has traditionally focused on the activities of state policing bodies: 'the police'. The apparent increasing complexity of policing arrangements has led writers to focus more broadly on the array of 'providers' now involved in what broadly might be thought of as policing activities. Defining 'policing' is problematic. However, Jones and Newburn (*Private Security and Public Policing*. Oxford: Clarendon Press (1998) 18–19) defined it as:

> those organized forms of order maintenance, peacekeeping, rule or law enforcement, crime investigation and prevention and other forms of investigation and associated information-brokering – which may involve a conscious exercise of coercive power – undertaken by individuals or organizations, where such activities are viewed by them and/or others as a central or key defining part of their purpose.

Privatisation
At its simplest, the shift of ownership and control from the public to the private sector. In practice, privatisation can cover a range of policies including civilianisation, 'contracting out', the increasing use of sponsorship and private finance and the establishment of public–private partnerships.

Problem analysis triangle (PAT)
Linked to routine activities theory, the problem analysis triangle suggests that the 'solution' to any particular problem is to be found by looking at, and responding to, one or more of its three central features: an offender, class of offenders or other source of difficulty; a victim or class of victims; and a location or characteristic of particular locations (*see also* problem-oriented policing, prolific offenders, SARA).

Problem-oriented policing (POP)
The brainchild of US academic lawyer and police scientist, Herman Goldstein, POP begins from a critique of incident-driven policing and suggests that policing at heart should be about solving the underlying problems within communities. At its most radical it involves the empowerment of the local beat officer who is given responsibility for imaginative local problem-solving (*see also* crime analysis, problem analysis triangle, hot products, hotspots, repeat victimisation).

Prolific offender
Considerable criminological evidence points to the uneven distribution of offending. Put crudely, there is a small number of offenders who are responsible for a disproportionate amount of crime and who are variously referred to as 'prolific', 'persistent' or 'volume' offenders. These offenders have been the subject of considerable legislative attention – such as through the introduction of secure training centres for persistent juvenile offenders and mandatory minimum sentences for repeat offenders – and are also often a particular focus of police intelligence gathering and enforcement (*see also* problem-analysis triangle, SARA).

Repeat victimisation
Arising from the finding that crime is highly concentrated geographically and socially. Indeed, it is concentrated not only on particular places but also on particular people. This concentration at the level of the individual person, household or business is known as 'repeat victimisation' (*see also* crime analysis, crime mapping, hot products, hotspots) (http://www.crimereduction.gov.uk/toolkits/p031606.htm).

Responsibilisation
A term referring to a set of strategies in which governments have sought to redistribute the task of crime control among a plethora of actors beyond the state. It is associated with terms such as partnership, multi- and interagency co-operation, active citizenship and active communities.

Restorative justice (RJ)
One of the most significant social movements in criminal justice reform in recent times. Often viewed simply in opposition to formal justice, the most commonly used definition is of a 'process whereby the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future' (Marshall, T. (1996)'The evolution of restorative justice in Britain', *European Journal on Criminal Policy and Research*, 4(4): 37). In relation to policing, RJ is most associated with the reformed cautioning practices adopted by Thames Valley Police and is increasingly being used in areas such as police complaints.

Right of silence
The right of suspects to refuse to answer questions in a police interview, to refuse to testify and the privilege against self-incrimination. Amended by the Criminal Justice and Public Order Act 1994 to allow the judge under certain

circumstances to tell the jury that it is permissible for them to draw inferences from the defendant's silence.

SARA
'Scanning', 'analysis', 'response' and 'assessment'. A set of procedures associated with problem-oriented policing. Put at its simplest, the idea assumes that problems are identified through scanning and are then analysed. The analysis results in the development of an appropriate policing response, the effectiveness of which is later assessed and the results fed back to inform future activity (*see also* crime analysis, problem analysis triangle, problem-oriented policing).

Scarman Inquiry
Established in the aftermath of the urban unrest in Brixton in 1981 the inquiry, chaired by Lord Scarman, was highly critical of the intensive police operation that had preceded the disorder. The inquiry's recommendations were wide ranging and covered recruitment of ethnic minorities to the police, increased consultation with local communities, the introduction of lay visitors and the introduction of an independent review of complaints against the police (*see also* police community consultative groups).

Senior Command Course
A course, now run by Centrex, based at Bramshill, which is mandatory for officers (generally chief superintendents) aspiring to chief officer rank (*see also* Bramshill, Centrex).

Situational crime prevention
According to Ron Clarke (*Situational Crime Prevention*. New York, NY: Harrow & Heston (1992): 4) this refers to:

> a pre-emptive approach that relies, not on improving society or its institutions, but simply on reducing opportunities for crime . . . Situational prevention comprises opportunity-reducing measures that are (1) directed at highly specific forms of crime, (2) that involve the management, design or manipulation of the immediate environment in as specific and permanent way as possible (3) so as to increase the effort and risks of crime and reduce the rewards as perceived by a wide range of offenders.

Special Branch
With origins in the Metropolitan Police's 'Irish Branch' in the nineteenth century, Special Branch became the policing body with primary responsibility initially for espionage and, in more recent times, terrorism. The Metropolitan Police's Special Branch remains the largest, but other forces have now all established their own special branches. Special Branch officers are involved in risk assessment in relation to terrorist threats and provide armed personal protection for people judged to be at risk. Because of their anti-terrorist role, Special Branch officers are permanently stationed at ports and airports to gather intelligence, identify suspects and to provide support to other anti-terrorist activity.

Stephen Lawrence Inquiry
Established to inquire into the murder in April 1993 of Stephen Lawrence in Eltham, southeast London, and the police investigation that followed. The inquiry, chaired by Sir William Macpherson, was set up by Jack Straw in 1997 and reported in February 1999. It made 70 recommendations, and famously concluded that 'the [police] investigation was marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers' (*see also* independent advisory groups, Scarman Inquiry).

Terrorism
Another term that is highly problematic to define but, in shorthand, is often referred to simply as 'political violence'. The definition of terrorism in s. 1 of the Terrorism Act 2000 includes actual or threatened acts of violence against people and/or property designed to influence the government, to intimidate the public or a section of the public, or to advance a political, religious or ideological cause.

Transnational policing
Broadly speaking, this concerns policing other than that authorised and practised within the territorial boundaries and institutions of the state. However, and in contrast with certain forms of 'international policing', transnational policing refers to the activities of individuals and organisations that draw their authority from outside individual nation-states – i.e. non-state communities, such as the EU.

Tripartite structure
A reference to the system of governance established originally by the Police Act 1964; 'tripartite' because it has three pillars: chief constables, local police authorities and the Home Secretary. The system has subsequently been reformed, in particular by the Police and Magistrates' Courts Act 1994, but remains the basis for the governance of the police (*see also* accountability, constabulary independence, governance).

War on Drugs
'War' as a metaphor has been used with some frequency in the criminal justice arena since the early 1980s. Initially associated with the Reagan administration in the USA, the War on Drugs has seen very significant increases in the resources devoted to interdiction and policing compared with the financing of prevention and harm reduction initiatives (*see also* harm reduction).

Watch committee
The growth of provincial police forces in the nineteenth century led to the emergence of two systems of accountability. Borough police forces were overseen by wholly elected watch committees, whereas joint standing committees, made up of two thirds elected councillors and one third magistrates, oversaw the county forces. This system was reformed by the Police Act 1964 (*see also* accountability, joint standing committee, police authority).

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