

Policing by consent

Vasile Marian Dinu

2209834

Module: Police Response

Tutor: Kelly Andrews

In the term “policing by consent” one can understand the act of enforcing law and order with the approval of the citizens, without which the job will be much harder and may see growing levels of opposition and even conflict with either certain groups or the wider public. Nowadays perhaps out of all times this is most evident as people not only know their rights better than ever, but they can also not only voice but act on their opinions due to the availability of the information and the ways people can communicate and coordinate. This means that every action taken can and will be taken accountable by both sides, officer and citizen, ensuring that a working relationship between the two groups is essential if policing wants to continue. To better understand this concept and how to achieve exploration of both sides of the coin, from the perspective of officers and regular citizens, as well as investigating the impacts it has on policing in addition to society in the present, is needed and can be found below.

From the viewpoint of the police forces the law and as such criminal activities can be very utilitarian in mind like how Jonathan Jackson et al. (2012) have stated in their work. Because of this it is easy to paint things in black and white, legal and illegal, to see things from a purely logical and perhaps incomplete standpoint. This results in the possibility of a harsh enforcement of the law, considering that through enough deterrence the consequences of breaking the law will outweigh the benefits making most would be criminals to not perform the deeds., especially from financial/economic standpoint. As such some would view the raising of certain sentences and the severity of punishments a fair trade-off to minimising the possibility of criminal acts. Of course, all this doesn't take into account the differences between people and the more emotional side of things. Applying the same punishments for different crimes or different severities in itself can be an injustice even if from a legal standpoint it is perfectly fine

can lead to abuse of power as well as a decrease in confidence in the forces from the public.

There is also the side of the emotional spectrum, ethics and tolerance. Circumstances can change or force people to act in ways which may not be rationale or in their nature, pushing them to perform acts of a criminal nature simply out of desperation and without thinking or forgetting the consequences. A lot of people tend to forget this aspect as mentioned by Mike Hought (2012) when he stated that a lot of tools were created that in theory could be useful but once put in practice lack the intuitive capabilities required for the true scope of policing. There must always be consideration that people are not machines and as such applying hard set principles to them will never truly work and will only serve to worsen the situation down the line, usually by earning the ire of the citizens the officers are meant to serve. In account must also be taken the knowledge of the citizens for while they may know the general aspect of the law they usually have only a surface level of it and as such it must be made clear to them why certain behaviour that they might tolerate or even accept as normal might actually be illegal. This can lead to further conflicts that will lead to other damage if the situation is not made clear for all parties involved as soon as possible.

Another thing is that power as with all things can be abused, those that wield it always having the opportunity to misuse it. Such cases of corruption can undermine the purpose and power of the whole force due to the actions of a few by lowering its credibility due to lack of accountability. The post is as much a responsibility as it is a privilege and must be treated as such, misusing the power granted having to pay the same price as other criminal activities in its consequences. Such abusive actions can be anywhere from using the position to gain illicit monetary gains, deceiving citizens who are unknowledgeable on their rights and the law or even physical abuse usually

tied to bodily harm. Because of this as stated above an increase in intolerance and the power invested in the institution can easily lead to an equally unlawful or extreme response from both the officers themselves and disgruntled citizens.

As far as the viewpoint of the citizens goes as written before it isn't just out of certain economic factors that play as many crimes are done out of coercion, desperation or an overwhelming amount of emotions overriding more rational thoughts. A part is also played by the education and knowledge the people have as they may not know a thing is wrong or illegal or even feel that things that are legal shouldn't be playing into the ethics of things as under certain circumstances some deeds can be proven rightful or not in contrast to their usual nature. Without helping them understand this and to help them not arrive to be forced to act in such ways people will certainly not cooperate with the police in the best of circumstances and at worst actively prevent them from doing their duty.

They also have to be made aware of the laws involved in both crime fighting and enforcing order. The lack of knowledge or worse the existence of false one can often lead to the refusal of consent when dealing with the authorities meaning that a remedial of this situation can lead to collaboration between both parties without leading to events that might hurt the reputation of the officers. As was written by Denise Martin (2019) such professionalism can only lead to benefits in the long run by building trust with those outside the police forces ensuring a more trusting relationship between the groups. Activities to reinforce already known rules that are mostly habitual or simply followed due to being good people as well as campaigns to spread knowledge in what changes have been, are being or will be made are important while helping to close the gap between the groups.

Accountability remains perhaps the most important factor when citizens are involved. Samuel Walker (2007) detailed in his writings how it can affect all acts related to policing, being a vital element of it. In order to mitigate the possibility as well as the consequences of abuse in power rules and regulations must be made to hold the offending officers accountable to their misdeeds as provided by the very law they should serve along the citizens they mistreat. This of course has to keep in mind the severity of the situation as with anything else to ensure a fair treatment on all sides and to ensure that the citizens themselves cannot turn the tables and in turn use them to abuse, deceive or hinder the police, meaning that not only do officers have to know the rights of the people but of themselves both in and out of uniform. Yet they must remain aware that they are judged by both their peers and their charges, sometimes with repercussions that exceed their own person and can affect the whole.

To conclude what has been written above, the police must have the consent and thus approval of the citizens to ensure that the law is upheld and that order is maintained for even though they apply to everyone the people can easily fight back against their, be it rightful or unrightful, protectors if they feel wronged or the efforts of the officers inadequate. At the same time, that consent must be gained by ensuring the citizens know why they exist in the first place and why they must be enforced even if at first glance it might not be to their liking. Without this order can quickly break down if a volatile situation is mismanaged or a longer period of apathy in regards to the wishes of the people.

References

Walker, S. (2007). *Police Accountability: Current Issues and Research Needs*. [online] Available at: <https://www.ojp.gov/pdffiles1/nij/grants/218583.pdf>.

Hough, M. (2012). Researching trust in the police and trust in justice: a UK perspective. *Policing and Society*, 22(3), pp.332–345.
doi:10.1080/10439463.2012.671826.

Jackson, J., Hough, M., Bradford, B., Hohl, K. and Kuha, J. (2012). *Policing by Consent: Understanding the Dynamics of Police Power and Legitimacy*. [online] papers.ssrn.com. Available at:
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2168702.

Martin, D. (2021). Understanding the reconstruction of police professionalism in the UK. *Policing and Society*, 32(7), pp.1–16.
doi:10.1080/10439463.2021.1999447.