



Who governs? Democracy, plutocracy, science and prophecy in policing

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Abstract

This article critically analyses two key debates about police and policing: the problematic definition of their role, and how they can be rendered democratically accountable. Both issues have been radically altered through the profound transformation of policing produced by the last three decades of neo-liberal hegemony. The article focuses on how this has developed in England and Wales, although there are parallels with other jurisdictions. The complex role of the police has been distilled down to criminal catching. Accountability has become accountancy, under the auspices of New Public Management. The current British Coalition government's tendentious 'austerity' measures make these perennial problems especially acute. The Coalition purports to be democratizing police accountability through elected Police and Crime Commissioners. These claims are critically analysed in principle, but how they work out in practice is hard to prophesy. It is suggested they may play out in ways that frustrate their architects' hopes, due to the continuing baleful consequences of neoliberalism.

Keywords

Critical criminal justice, democratic policing, neoliberal police governance, police role, policing, political economy of policing, social democratic policing

Introduction: Two Core Conundrums of Policing

This article addresses the question: 'who should determine the role and function of contemporary policing?' This combines two core conundrums of police research and, beyond that, of political thought:

1. How can the 'police', the 'policy of civil government' (Smith, 1896: 154) – the internal welfare, justice and peace of a polity – best be achieved?
2. Who guards the guardians appointed to accomplish this mission?

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These age-old questions have come to the surface with a vengeance in the new 'age of austerity', as neo-liberal governments have responded to the economic and financial crises of their system with harsh public expenditure cuts. The police in England and Wales have been subject to cuts in funding of over 20 per cent. As this is supposed to be delivered without reducing 'front-line' services there has been agonized soul-searching about what exactly is the core mission that must remain sacrosanct.

The commonly used description of our time as an 'age of austerity' is contentious. It depicts austerity as an inevitable rather than debatable response to the economic depression triggered by the 2008 financial crisis, smuggling in a Hayekian analysis of the cause being government over-spending. This has been challenged by many noted economists, including several 'Nobel' Prize winners (e.g. Chang, 2011; Davidson, 2009; Keen, 2011; Krugman, 2008, 2012; Rajan, 2010; Skidelsky, 2010; Skidelsky and Wigstrom, 2010; Stiglitz, 2010, 2011). The neo-Keynesian account of the crisis challenges the 'austerity' analysis as explanation and as policy. It argues that public expenditure cutbacks in a recessionary context exacerbate rather than reduce the budget deficits they are intended to alleviate (which does seem to be borne out by events under the Coalition since 2010).

However, the far-reaching cuts policy, appropriate or not, is with us for the foreseeable future, and criminal justice policy-makers and practitioners have to accommodate to it. This article will critically consider the policing policies adopted to deal with the economic restrictions. The Con-led Coalition (the Con-alition?) in its recent legislation purports to 'transfer power in policing – replacing bureaucratic accountability with democratic accountability' (Home Office, 2010: 3). 'Power to the People!': John Lennon rules, OK! What could be wrong with that?

This article will argue that the current reorganization is misguided root and branch: both conceptually, and in its tacit empirical assumptions. It is, however, now a legislative fait accompli. So we must consider what if any interventions might achieve the alchemy of turning dross into (if not gold) at least the start of the yellow brick road of effective and democratically accountable policing.

Current discussions of policing are vitiated in large part by misconceptions of the nature and role of police. This is associated with intellectual amnesia, wholesale forgetting of the hard-won lessons of the classic sociology of policing, which critically challenged the common-sense preconceptions that have crept back in. Empirical socio-legal research on policing began in earnest in the 1960s, in both Britain and the USA (Reiner, 2010: 8–14; Reiner and Newburn, 2007). The early research established two myth-busting findings that have been confirmed by a plethora of subsequent work:

1. The police role is more complex than just crime control, contrary to the common-sense assumptions of media and political culture.
2. The police inevitably have a considerable measure of discretion in how they operate, so that regulating the regulators – whether managerially, legally or politically – is perennially problematic, especially in would-be liberal democracies. The governance of policing, shaping the police role and how they function, is acutely controversial. This is largely brushed over by the new politics of law and order, but, acknowledged or not, the difficulties remain.

This article will begin by reviewing debates about how to characterize the police role/function. Following that, it will consider questions about democratic governance of policing. There will then be shuffle diplomacy between the two issues, seeking a reflective equilibrium between what the police should/can do, and principles of democratic governance. The fundamental thesis argued is that fully legitimate, democratic and effective policing requires social (not only criminal) justice. But we must work within existing structures to struggle towards that.

Analysing the Police Role

The question of what is the police role can be approached from at least the five following angles, which will be examined in turn:

- *Historical*: What was the original *raison d'être* of policing? Why was the police force set up in the first place?
- *Authority*: What do contemporary policy statements specify as the police role?
- *Populist*: What do public opinion surveys and other indicators suggest the public see as the police mission in principle?
- *Empirical*: what are police actually called for, and what do they do, as assessed for example by observation; time budgets; allocation of resources; calls to police; and surveys of contact.
- *Conceptual analysis*: Is policing about the accomplishment of specific functions? Is it what police do in practice? Is it a specialized capacity?

History

There has been much invocation in recent discussions of the 'Principles of Policing' supposedly laid down by Sir Robert Peel, the Home Secretary who founded the Metropolitan Police (The Met) in 1829, and his first two Commissioners, Mayne and Rowan. These 'nine' principles are arguably an invention of 20th-century historians like Charles Reith (1940, 1956), embroidering Peel's brief initial 'instructions' to the Met's recruits (see Lentz and Chaires, 2007).¹

What is fundamental in the Peelian tradition is seeing the key role of the police as the 'prevention of crime' and the preservation of 'public tranquillity' (in Richard Mayne's formulation that was a crucial inspiration for Lord Scarman's 1981 report on the Brixton Disorders). In this conception, public support is crucial for policing, and a broad service role is encouraged to facilitate this. Law enforcement, and catching criminals, are explicitly downplayed as evidence of failure in the primary police task of peace keeping, and indeed as potentially undermining order by inflaming tensions.

The historical context in which the British police developed is crucial for understanding the Peelian statement of purpose. The police had an acutely controversial foundation in the teeth of widespread opposition, in and out of Parliament. Although a key motive for their creation was safeguarding threats to public order, this was downplayed by Peel, in favour of preventing routine property crime, in order to get the 1829 Act passed. The prophets of the 'police science' of the 18th century which underpinned Peel's conception,

Patrick Colquhoun, Adam Smith and others, saw the police as only a small part of preventing crime: political economy and culture were basic to peace-keeping, with police in the institutional sense only plugging the gaps. This perspective remained fundamental in official enquiries into policing right up to the early 1990s, receiving a major fillip from its centrality to the reform agenda stemming from Scarman, and underpinning the unique 1990 collaboration of the three police professional associations, the Operational Policing Review.²

Authority

Contemporary government pronouncements about the purposes of policing embody a substantial shift, following the politicization of law and order in the 1970s, but more particularly the embedding of a new consensus on toughness since the early 1990s, as neoliberalism became firmly entrenched (Downes and Morgan, 2012; Reiner, 2007: ch. 5). Thatcher's Home Secretaries had largely mounted a 'phoney war' on crime (apart from in the public order arena), despite the Leader's blazing speeches. But real policies as well as rhetoric toughened up after 1993, with the punitive auction launched by Michael Howard and Tony Blair.

The new orthodoxy was made bluntly explicit in the Conservative government's 1993 *Police Reform* White Paper: 'The main job of the police is to catch criminals' (Home Office, 1993: s.2.2, emphasis added). This thief-taking priority was undercut by the very next sentence: 'In a typical day, however, only about 18% of calls to the police are about crime.' But in the law and order perspective, this is a problem not an indication of public demand that is to be respected. The hunt was on for identifying 'extraneous' tasks from which the police should be liberated, although this initially proved abortive. The Coalition's 'Policing in the 21st century' pays lip service to Peel's preventive priority, but focuses primarily on 'putting the public in the driver's seat' in order to cut crime through 'common sense' policing (Home Office, 2010: 3).

Populism

Abstract popular demand for policing can be probed in at least two ways, by surveys of public opinion, and by content analysis of media representations as a guide to what 'information' about policing people are exposed to (surveys indicate that most people see media news as their principal source of 'knowledge' about policing, with fiction also important (see Reiner, 2010: ch. 6). However, content analyses show that the way media represent policing and criminal justice follows what has been called the 'law of opposites' (Surette, 2007: 202). In particular there is a huge exaggeration of the prevalence of crime and of its seriousness. This has always been the case, but it has become much more pronounced. Surveys of public opinion suggest that popular views echo the crime control priorities of recent official statements – for example the recent Home Affairs Select Committee Report, *New Landscape of Policing* (House of Commons, 2011), especially Annex C which presents the result of a poll on police priorities conducted by the Committee.

However, this largely reflects the formulation of policing priorities by government and media. The effective demand for policing, expressed by the actual calls for service

made by the public, suggests a rather different pattern. As the 1993 White Paper itself acknowledges, the bulk of calls for police help do not concern crime, at any rate not in any straightforward way (Home Office, 1993).

Empirical evidence about effective demand

Empirical research on the police role has gone through a dialectic development. The early work in the 1960s, on both sides of the Atlantic, constituted a critical antithesis of an implied thesis (crucial early examples are Banton, 1964; Cumming et al., 1965). Contrary to the popular (and police) cultural conception of police as crime-fighters, most of their work was service provision and consensual peace keeping. During the later 1970s and 1980s these polarities fused into a new synthesis: most police work concerns at least potential crime, and their main task is regulating conflict and disorder rather than supplying friendly uncontentious services (Bittner, 1974; Punch, 1979). The arguments and evidence are summarized in Reiner (2010: 139–147). Nonetheless law enforcement in any straightforward sense was only a small part of policing.

The force vs service debate that flourished in policy-making circles as much as in academia stemmed from the initial empirical ‘discovery’ that the police (contrary to popular mythology) operate not mainly as crime-fighters, but as providers of a range of services to members of the public, the sheer variety of which beggars description. This was the consensus of research whether based on observing patrol (which in resource and personnel terms has always constituted the bulk of police work), analysis of public calls to the police or field diaries, and in all kinds of environment, UK and USA, urban and rural. The police were described in these studies as ‘peace’ not ‘law’ officers’ (Banton, 1964); ‘philosopher, guide, and friend’ (Cumming et al., 1965); forceful Florence Nightingales specializing in emergency resolution of problems (Bittner, 1974); the ‘secret social service’ (Punch, 1979).

Significantly since the early 1990s, and the new consensus on law and order, there have been no systematic data provided by either government or academic researchers assessing the nature of calls to police in recent years (since Waddington, 1993, which confirmed the evidence of the earlier studies about the relatively small proportion of law enforcement calls). The focus of policy, research and public political debate has been on crime and its control, unperturbed about evidence about what the public demand for policing in practice (as opposed to general imagery) is.

Indirectly, however, it is clear from various sources that the bulk of policing still concerns emergencies that are not unequivocally crime or law enforcement. The British Crime Survey (BCS) regularly analyses the nature of contacts between public and police. It shows that even now only about half the contacts initiated by the public concern crimes. The rest are service contacts (‘asking for advice or information’ or ‘social chats’ – about 10 per cent of public-initiated contacts), or ambiguous mixes of service, order maintenance and potential crime (‘reporting suspicious person/circumstances, disturbance, alarms’, ‘reporting accidents/emergencies, missing persons/property, giving information’) – accounting for well over half the citizen-initiated contacts (Allen et al., 2006). In 2011 the Greater Manchester Police achieved widespread news coverage for their tweet day, when they published on Twitter all the calls made to them over a 24-hour period.

This confirmed that public demand in practice remains largely non-crime-focused (twitter.com/#!/gmp24_2, accessed 20 November 2011).

Conceptual critique

The force–service debate that dominated discussions of the police role rested upon several conceptual ellipses. The most egregious was a tacit sexism that placed ‘domestics’, one of the most frequent calls for police help, into the ‘service’ not ‘crime’ category. These seldom resulted in law enforcement, but by designating them as service and not crime work the researchers were compounding police failings. More broadly, the simple dichotomy between ‘service’ and ‘law enforcement’ concealed a falsely excluded middle that has been appropriately dubbed ‘potential crime’ (Shapland and Vagg, 1988), or even more generally ‘order maintenance’ (Reiner, 2010: 143–147) or ‘ordering’ (Brogden and Ellison, 2012). Most police work is neither social service nor law enforcement, but order maintenance – the settlement of conflicts, potentially crimes, by means other than formal law enforcement.

Conceptually the most fundamental issue with the force–service debate about the police role is whether this role is best analysed in terms of social functions or purposes at all. The most persuasive and influential theoretical analysis of the police role, rooted in the political sociology of Max Weber (2004 [1919]), applied to policing by Egon Bittner (1974) and further developed recently by Jean-Paul Brodeur (2010), locates the distinctiveness of policing not in what it accomplishes or is intended to accomplish, but in a specialist resource. Beneath the diversity of problems the police are called upon to tackle there lies, not a distinctive social function, but the core capacity to use force if necessary (or as expanded by Brodeur a wider set of powers that are not legally available to ordinary citizens). This does not mean that the police typically (or even often) use coercion or force to accomplish the resolution of the troubles they deal with. The craft of effective policing is to use the background possibility of legitimate coercion so skilfully that it does not need to be foregrounded.

Order maintenance is itself a vexed and complex concept. To say that the primary police role is order maintenance does not give the police responsibility for all elements of social order. Their task is the emergency maintenance of order, not the creation of its preconditions: ‘The police are the social equivalent of the AA or RAC patrolmen, who intervene when things go unpredictably wrong and secure a provisional solution’ (Waddington, 1983: 34).

‘Order’ is Janus-faced: it encompasses both ‘parking tickets’ and ‘class repression’ (Marenin, 1983). All known social orders involve the simultaneous reproduction of general and specific order: the conditions of existence for organized social life in general, and specific distributions of advantage and power benefiting particular interests. The ‘class repression’ element of the police role, its contribution to the reproduction of social inequality as well as universally beneficial order, has been expelled from political debate as this has come to be dominated by a hegemonic law and order perspective, shared by New Labour since the early 1990s (Reiner, 2007: ch. 5). The class issue remains pertinent, as many recent causes celebres indicate, from the fabrication of official accounts of the 1989 Hillsborough tragedy to the abuse of police force during the G20 and other

political protests (Greer and McLaughlin, 2010, 2012a, 2012b; Hillsborough Independent Panel, 2012). It has been submerged, however, by a focus on crime control in which all the conceptual and ethical problems of defining crime are simply bracketed out (Reiner, 2007: ch. 2).

Police and Crime Control: A Quixotic Mission

The justifying *raison d'être* of the New Police was the prevention of crime, and crime fighting remains the dominant representation of policing in the media, the main source of information about policing for most people. But in practice, once the resource of patrolling officers was established, the effective demand for them expressed by calls and other public-initiated contacts, has not been predominantly crime-related.

Promoting crime control as the primary police task, as recent governments have done, threatens their more diffuse emergency order-maintenance role. It poses dangers, not least for the police themselves, for there are inherent limitations to the possibilities of substantial crime reduction through policing. Seeing crime as the essence of the police mission is to pursue a quixotic impossible dream. This used to be widely accepted by police scholars and policy-makers, but in the last 20 years a new can-do optimism has prevailed, buttressed by the fall in crime rates throughout the western world. It was summed up most bluntly by Bill Bratton (1998), popularly credited with the celebrated New York miracle: 'Crime is down, blame the police!'

Nonetheless, there is a substantial body of empirical evidence supporting the view that police numbers have a limited effect on crime. Some comes from experimental changes in police patrol, above all the seminal Kansas City Preventive Patrol Experiment (Kelling et al., 1974), which found that huge variations in patrol cover made no difference to any measurable aspect of crime. This conclusion was supported by several Home Office reviews of the literature in the 1980s (Clarke and Hough, 1980, 1984; Morris and Heal, 1981). It was also suggested by most US and UK econometric studies up to the 2000s, as well as research in many other countries (Bayley, 1994, 1998; Morgan and Newburn, 1997).

These empirical findings were made sense of by plausible theoretical interpretations. Above all, they were backed by calculations of the thin spread of police resources against the vast array of potential crime and targets they were supposed to tackle (Audit Commission, 1996; Clarke and Hough, 1984). This meant that, within any possible limits of cover, police were most unlikely to offer any significant deterrent threat. It is intuitively plausible that a visible police presence would deter offenders (apart from the tiny minority impervious to prospects of capture, such as suicide bombers). But short of exceptional situations of saturation policing (for example state occasions), there could be no visible police presence at any specific location except fleetingly.

There is vigorous debate about how far police contributed to the crime drop in the USA since the mid-1990s, and whether this was mainly attributable to shifts in the quantity or quality of policing. Many writers question whether the specific innovations popularly credited with the New York 'miracle' ('zero tolerance', 'broken windows', quality of life policing, the 'Compstat' approach to tight managerial regulation) can be credited with the crime drop (Bowling, 1999; Cole, 2012; Eck and Maguire, 2000; Jones and

Newburn, 2006: ch. 6; Karmen, 2000; Levitt, 2004; Punch, 2007). The main issues are that the timing of the policing innovations and the crime developments do not coincide, that the fall in crime occurred throughout the USA and the rest of the western world even though police tactics varied widely and there were other coinciding changes such as the collapse of the early 1990s crack cocaine epidemic, and an increase in police numbers. Much of the discussion of the crime drop is limited to the USA, but it was universal throughout the advanced industrial world after the mid-1990s. This makes the most plausible explanations of the crime fall those that invoke changes that were widespread in these countries, such as the spread of more sophisticated target-protecting security techniques (Farrell et al., 2011; Tilley et al., 2011) or economic optimism and consumer confidence (Rosenfeld and Messner, 2009).

In two major recent reviews of the crime drop, however, Zimring has suggested that a substantial part of the New York crime decline, which is greater than in much of the rest of the USA, can be attributed to New York specific policing innovations, in line with the common-sense police view (Zimring, 2007, 2012). Zimring's analysis is meticulous, scholarly and judicious. Nonetheless it falls far short of a slam-dunk case for the power of the police to control crime. Zimring (2012: 216) himself acknowledges the significant weight of political economy and culture in shaping crime – 'understanding the social roots and distribution of serious crime remain important elements in understanding and controlling crime'. His argument is largely based on a rigorous and thorough establishment of correlations between the changing crime patterns and police tactics, but does not offer any theoretical interpretation of the causal connection. The claim of causal significance is largely based on the argument that nothing else has significantly changed at the same time. But several critics question this, stressing for example the large increase in immigration and its possible crime-dampening effects, pace the *Daily Mail* and other parts of the British right-wing Press (Karmen, 2000; Provine, 2008; Young, 2011: ch. 6).

Zimring's claim that changing police tactics explain the New York miracle is also challenged by a new wave of econometric studies, which suggest there is a significant elasticity of crime to police numbers, so that the key factor in the USA was more police (Levitt (2004) is the most explicit in using this evidence to challenge the role of tactical innovation). These studies are usefully summarized in a review by Ben Bradford (2011) for the HM Inspectorate of Constabulary. However, the new faith that increasing police numbers can cut crime significantly is itself debatable. Several studies are based on terror alerts leading to saturation policing, which is unlikely to be relevant to more modest changes in personnel levels. The econometric studies make the implausible assumption of constant elasticity of crime to policing at all levels (police strikes suggest the same issue as saturation policing, but at the other end of the scale). Above all, the causal mechanisms linking changes in numbers to crime levels are unexplored: why should fairly small variations in police numbers (10–14 per cent) produce any sharp effects at all, as they would be scarcely noticeable on the streets?

The orthodox conclusion remains plausible: policing has relatively minor effects on crime under normal circumstances. It is certainly one element in a range of broader factors shaping crime, which are mainly rooted deep in political economy and culture.

Policing changes can have some effects, but these are likely to be based on special circumstances, to be marginal and short-lived, in the absence of wider policies

attacking the 'root causes' (as did happen in Britain between the middle of the 19th and 20th centuries, see Reiner, 2010: ch. 3). The crime rate may be 'pathologically' high if the effectiveness of policing is hampered abnormally by inadequate policing, strategic or tactical mistakes, corruption or short-term economic and social pathologies. This may have been the case for the NYPD between the 1970s and the early 1990s, in the wake of the City's bankruptcy at the start of the neo-liberal revolution (Harvey, 2005). Perhaps the New York miracle was largely a regression to the mean, a return to normality? Or crime may be suppressed for a time below the 'normal' rate generated by social, economic, political and cultural circumstances, by heavily intensified or smarter policing or the impact effect of tactical/strategic innovations which could succeed in holding the lid down on criminogenic factors for a while. That this may be a part of the explanation of the crime drop since the 1990s is suggested for example by the explosion of looting during the British riots of summer 2011, when for a while the lid came off.

Democratic Police Governance: Earlier Models

We have considered a variety of conceptions of the police role, and shown that since the early 1990s, with the law and order model ensconced as the criminal justice consensus, crime control (in the narrowest sense of thief-taking) has become the officially espoused priority. This has been defended in part as what the public wishes, as shown by opinion polls (although not in actual calls for service), and hence as democratically sanctioned. There can be no doubt that in a democracy policing functions and priorities, like other policy areas, should be determined ultimately by democratic processes, and not by expert, professional or government fiat. How to achieve a mode of police governance that is democratic has long been a vigorously disputed issue.

For most of the 20th century, and certainly in the three decades following the 1964 Police Act (largely based on the 1962 Report of the Royal Commission on Police), the dominant pattern has been what the constitutional lawyer Geoffrey Marshall called the 'explanatory and co-operative' model (Marshall, 1978). In this the police are independent operationally and in policy formulation (the myth of constabulary independence is sacrosanct). They merely have to give *ex post facto* accounts to democratic authorities (but with no enforceable obligation to listen to the reply!). The 1964 Act in practice operated as a 'gentleman's agreement' in which the (mainly) democratically elected local police authorities deferred to what they saw as the Chief Constable's professional expertise (Brogden, 1977; Lustgarten, 1986; Reiner, 2010: ch. 7).

Against this cosy consensus there had long been pitched a radical critique, dubbed by Marshall the 'subordinate and obedient' model. In this perspective police should be governed like all public services. Policy should be formulated and regulated by democratic authorities who control the agencies responsible for executing them. In the early to mid-1980s, in the wake of the election of radical Labour local authorities in the major Metropolitan areas, this became the position advocated by (Old) Labour. There were several notorious clashes between Chiefs and police authorities, in all of which the Chiefs prevailed with the support of the third leg of the tripartite governance structure, the Home Secretary.

Following the defeat of trade union militancy with police help, the Conservative governments were freed to apply to the police service the rigours of the value-for-money regimes that had already been applied throughout the public sector. The model of governance that issued from the 1994 Police and Magistrates' Courts Act (drawn from the 1993 Sheehy Report and the Police Reform White Paper) has been called 'calculative and contractual' (Reiner and Spencer, 1993). It applies the New Public Management doctrine to the governance of policing (McLaughlin, 2007: ch.7). National and local authorities (the majority of whom are elected councillors) govern the police, but 'at a distance', disciplining them through market incentives and monitoring. They deploy a regime of target setting and performance measurement, backed by economic sanctions, to 'steer' the formally independent constabularies who do the 'rowing', in competition with pluralistic rival suppliers of policing.

Post-1994 this was the consensus about police governance, until the advent of the Coalition in 2010. During the New Labour years calculative and contractual, increasingly centralized, governance was intensified through new legislation and policy directives, such as the 2001 Criminal Justice and Police Act, the 2002 Police Reform Act, the 2005 Serious Organized Crime and Police Act, the 2006 Police and Justice Act and sundry National Policing Plans (Reiner, 2010: chs 7, 8; Savage, 2007).

Since 1994 the accountability agenda, which had originally been primarily concerned with how to control the huge and potentially dangerous power of police has dramatically altered. Democratic and due process concerns were displaced by the 1990s rise of a culture of fear. As the policing agenda shifted to crime control above all, democratic accountability became reformulated as managerialist accountancy. This 'calculative and contractual' accountability nominally preserved the 'constabulary independence' principle, but targets, monitoring and financial sanctions made chief officers increasingly uniform in outlook and practice.

Concerns about increasing centralization became more vigorous in the later 2000s. During and after the 2005 General Election Labour, the Conservatives and the Liberal Democrats all pledged to enhance local policing accountability in various ways. A major aspect of Labour's crime reduction strategy in its last years in office was the Neighbourhood Policing Programme (Bullock, 2010), which included commitments to strengthen local accountability. Labour sought to introduce some directly elected members of police authorities, or even directly elected chief officers, as part of its 2008 Police and Crime Bill, but was forced to back down because of opposition by local authority and police organizations ('Police and Crime Act 2009', www.guardian.co.uk/comment-is-free/libertycentral/2009/feb/05/civil-liberties-police, accessed 24 September 2012).

The Conservatives, erstwhile champions of professional police independence in the 1980s conflicts over police accountability, explored various schemes for direct election of police chiefs, or of commissioners, to replace police authorities. A perceived need to relocalize police accountability had become a cross-party consensus by the 2010 General Election, although how to achieve this remained controversial.

The 2010 Conservative manifesto included proposals for making police accountable to a directly elected individual who would set policing priorities for local communities, with responsibility for setting the budget and the strategy for local police forces. It also promised to cut police paperwork, including reducing the paperwork around stop and

search by abolishing the stop form altogether and by having police ‘radioing in’ reports of searches rather than completing forms. The Liberal Democrat manifesto proposed direct election of police authorities and giving them more power, including the right to sack and appoint the Chief Constable, set local policing priorities and agree and determine budgets. The policies implemented by the Coalition since 2010 have been a (sometimes uneasy) amalgam of these elements, premised on the crime-fighting focus that had become the consensus after the early 1990s.

The Coalition Model of Police Governance

The changes in governance developed by the Coalition government since 2010 are certainly ‘the most far-reaching for half a century’ (Jones et al., 2012: 219), and arguably in the nearly two centuries since the establishment of the modern British police. Its advocates see it as advancing democracy as well as police effectiveness. It represents a model that can certainly be called populist. But whether it is a democratic model, as the government claims, is moot and open to contestation. The Home Secretary Theresa May (2012: 2) has described the policy as ‘the most significant democratic reform of policing in our lifetime’. This is because it gives the pivotal role to elected Police and Crime Commissioners (PCCs) who (it is claimed) ‘will give the public a voice at the highest level, and give the public the ability to ensure their police are accountable’ (Home Office, 2012: 1).

The Police Reform and Social Responsibility Act (PRSRA), which received the Royal Assent on 15 September 2011, sets out a much more complicated governance structure than the tripartite arrangements stemming from the Police Act of 1964 (modified but not abolished by the Police Act of 1996). The 1964 Act turned out in practice quite differently from its apparently tripartite allocation of roles. All commentators are agreed that the tripartite structure was highly skewed, with the power of the (mainly) elected local police authorities almost entirely eclipsed by the Chief Constables, and above all by the Home Secretary, whose position was only briefly and rather gnomically described in the legislation (Jones et al., 1994, 2012; Lustgarten, 1986; Reiner, 2010: ch. 7; Walker, 2000). The one prediction that can be made about the 2011 Act is that it will be at least as subject to the law of unintended consequences.

The PRSRA transforms the governance landscape crucially by the introduction of the PCCs. The chief officers of police remain in place of course, still responsible for ‘direction and control’ of the police force – s. 2(3). So too does the Home Secretary, whose ‘general duty’ is to exercise their powers ‘in such manner ... as appears to the Secretary of State to be best calculated to promote the efficiency and effectiveness of the police’ (s. 78). The local police authorities are transmuted into local police and crime panels, who are plainly subordinate to the PCCs: their function is ‘supporting the effective exercise of the functions of the police and crime commissioner’ – s. 28(2). As before, the London arrangements are somewhat different, with the Mayor’s Office for Policing and Crime taking the place of the PCCs in relation to the Metropolitan Police Commissioner and the Home Secretary (Chapter 2).

What appears to be envisaged is that the police and crime panels are to have a primarily ‘explanatory and co-operative’ relationship with the PCCs. They are entitled to

information and to make comments, but not to insist these are followed. The PCC has the general duty to '(a) secure the maintenance of the police force for that area, and (b) secure that the police force is efficient and effective' – s. 2(6). This is similar to the 1964 Police Act's specification of the duties of the local police authorities – that have now been abolished by s. 1(9) – which was: 'maintenance of an adequate and efficient force' (s. 4). In the custom and practice, and case-law, that developed from the 1964 Act this was always held to be strictly subordinate to the Chief Constable's 'direction and control' role, and the Secretary of State's responsibility to ensure efficiency of policing throughout the country, and supply common services (s. 28, s. 41).

By contrast, the PCCs are equipped by the 2011 Act with a battery of tasks and powers that clearly are intended to put them in the driving seat. They have to draw up 'police and crime plans' for their area (s. 5), after consultation with the Chief Constable and the police and crime panel. These will set out crime and police objectives, the policing to be provided by the Chief Constable, the means by which the Chief is to report to the PCC and how his or her performance will be measured, and the resources to be provided – the budget and crime and disorder reduction grants (s. 7). The Secretary of State may offer guidance on these matters – s. 7(4) – but national targets seem to be gone. The PCC is also responsible for appointing, and if necessary dismissing, the Chief Constable (s. 38) and other Association of Chief Police Officers (ACPO) ranks. The police and crime panels can veto these decisions, but the Secretary of State is to make regulations about how such disputes are to be resolved. Whereas the old police authorities' appointment or dismissal of Chief Constables was subject to Home Office agreement, the PCCs are now made the prime movers determining chief officers' life chances. The intention clearly appears to be to give the PCCs the over-riding responsibilities and powers to govern policing, with legitimacy derived from the electoral mandate.

Crime control as the priority is built into the title itself, so PCCs are explicitly cast as single issue politicians. It is reiterated constantly in the Government's rationale for the reforms: 'The core mission of the police is cutting crime. That is the priority; that is the focus; that is the aim' (May, 2012: 2). 'PCCs ... will aim to cut crime and deliver an effective and efficient police service within the police area' (Home Office, 2012: 1). This begs all the long-standing debates on the police role, discussed earlier in this article.

The proposals are also riddled with what may be dubbed the surgical or CSI fallacies about policing: that policing is a matter of uncomplicated technical skill and efficiency applied to an unambiguous objective. A major theme is that the reforms make a bonfire of the supposedly bureaucratic impediments to police effectiveness, embodied in the 1984 Police and Criminal Evidence (PACE) and other safeguards against malpractice, which require exercises of power to be fully documented. The old accountability agenda of regulating the potential for abuse is utterly sidelined, not featuring at all in the Home Office documents about the governance changes.

The police reform agenda sweeps under the carpet the fundamental character of policing as the use (and potential abuse) of power, ultimately force, on behalf of some and against others. Even legal and legitimate policing uses otherwise illicit means to achieve ends that are usually embroiled in controversy and conflict. In this sense, while often tragically necessary, policing (like punishment) is inherently an evil, distributing 'bads' rather than goods. The police are 'the fire to fight fire' (Brodeur, 2010: 6). The order that

is maintained is frequently contentious and contested, not an obvious universal good, although this is frequently brushed aside by the public and political discourse of security (Loader and Walker, 2007; Walker, 2000; Zedner, 2009).

Is the Coalition Model of Governance Democratic?

The nature, characteristics and conditions of existence of democracy have been the subject of millennia of profound and agonized debate and analysis (for surveys of the development of varying versions of democratic ideas and institutions, from ancient times to contemporary controversies, see Dunn, 2006; Keane, 2009). The issues raised by the notion of democratic policing condense these problems in especially acute form, precisely because they focus on the most inherently and essentially contested matters, those that could invoke the use of state force (Berkley, 1969; Brodeur, 2010; Jones et al., 1994, 2012; Loader and Sparks, 2012; Loader and Walker, 2007; Manning, 2010).

The Coalition's claim that PCCs achieve democratic governance of policing identifies democracy solely and wholly with voting; a contemporary trope that is (mis)used much more widely. Possibly the most famous brief characterization of democracy is in Abraham Lincoln's tripartite formulation from the Gettysburg Address: 'government of the people, by the people, for the people'. The first two parts indicate that popular sovereignty and participation, whether direct or through elected representatives, are essential elements. But the third phrase, 'for the people', suggests that something more is required. It tells us that even popular decisions or policies may be undemocratic if they are not 'for' – in the interests of – 'the people'. Implicitly this means all the people – the context was after all a bloody war fought (at least in part) against slavery. Deciding what this entails in specific terms will always be heavily fraught and contested, but cannot be determined exclusively by popular majority. Free and fair elections are a necessary but not a sufficient condition of democracy.

Some of the most obvious problems with pure majoritarianism, highly germane to policing (which deals with actual or potential conflicts), are:

- The danger of tyrannies of the majority (unbridled oppression of vulnerable minorities who become 'police property'). The tripartite system in principle guarded against this by dividing power (although in practice the local authority was virtually powerless). The PCCs are of course subject to the law, as are Chief Constables and Home Secretaries. However, in the past the courts have been reluctant to intervene in police policy decisions because of the doctrine of constabulary independence (Reiner, 2010: ch.7). It will have to be seen how this plays out with the new structure. But it is likely that the courts will only provide a sanction against criminal or illegal conduct, but will not challenge policy decisions.
- Respect for legal and civil rights must be preserved. Again, the courts provide a potential remedy for illegal violations of rights, but not against policies or practices that may be grossly disproportionate in their impact on particular sections of the community, such as stop and search if these are carried out within the very permissive limits of the law.

- Unequal resources to affect political process may result in plutocracy, the ‘finest government money can buy’ (Palast, 2004), a clear and present danger in contemporary Britain, the USA and elsewhere. Obvious examples where this could affect policing include dealing with trade union activities or political protests against neoliberal economic policies such as the demonstrations at G20 meetings or against austerity programmes.
- Unequal access to relevant knowledge (apart from Ian Blair’s ‘NVQ’ on policing, ‘The Bill’ – and even that nowadays only if you have Sky!). Although biased policies by PCCs would face the sanction of elections every four years, the vast majority of the population get their ‘knowledge’ of policing from the media, and media representations of policing and crime follow a ‘law of opposites’ (Surette, 2007). The patterns of representation of crime and policing are grossly distorted, even if individual stories are accurate (Reiner, 2007: 141–151, 2010: ch. 6, 2011: part II).

There is mounting evidence that we now live in a plutocracy: government of the rich, by the rich, for the rich (Bartels, 2010; Hacker and Pierson, 2011; Jacobs and Skocpol, 2007; Leys, 2003). The massive increase in inequality engendered by neo-liberalism since the late 1970s, reversing two centuries of slow movement towards greater social inclusion, endangers the democratic process in a variety of ways.

Democratic citizenship requires not merely political rights but civil, and social/economic (Marshall, 1950). Liberal democracy must be accompanied by social democracy to prevent plutocracy. As Tawney (1964 [1931]: 197) suggested in the 1930s, at the start of the last great depression, democracy is more than a matter of elections: ‘Is the reality behind the decorous drapery of political democracy to continue to be the economic power wielded by a few thousand – or ... a few hundred thousand – bankers, industrialists, and landowners?’ Elections in a context of vast and accelerating inequality of condition and resources cannot provide real power to the people, as they promise to.

The new system of police governance, with PCCs as the lynchpin, moves policing further away from democratic governance, disguised by a fig-leaf of populism. The tripartite system, consolidated by the 1964 Police Act, at least in principle balanced the local and national, elected politicians and professional experts. Its fundamental flaw was the uneven division of power, in particular the effective impotence of the local police authority.

In the 1980s, when empowering fully elected authorities to govern policing was Labour policy, the Tories wielded various arguments against it. In particular they stressed the dangers of politicizing policing, with local tyrannies of the majority and restricted operational independence. These threats apply at least as much to the PCC structure (especially had the Liberal Democrats not been able to graft on to the legislation the supposedly balancing but weakly empowered Police and Crime Panels to whom PCCs must report). But a truly balanced tripartism, the 1964 Police Act model with adequately empowered local police authorities, would come closer to a system that could legitimately claim to be democratic.

The Roots of Present Discontents

The root cause of the current travails of policing is the neo-liberal hegemony of the last 40 years. This has brought much greater crime, disorder and insecurity (Reiner, 2007, 2010, 2011). Improved preventive techniques held the lid on this after the mid-1990s (Farrell et al., 2011), but the riots in the summer of 2011 show that underlying socio-economically rooted criminality, 'the tendency of our society to produce criminals' (Currie, 2000: 6), has been suppressed but not tackled.

For the police, the newly authoritative crime control definition of their role meant calling a bluff that had been successful for 150 years. The police had been symbolically acclaimed as the guardians of the public against threats of crime and disorder, but the real work achieving this was an array of economic, social and cultural processes that incorporated most sections of society into a common status of citizenship and held tensions and conflicts at bay.

When neo-liberalism unravelled this complex of subtle, hidden controls, the thin blue line turned out to be a Maginot line, as crime exploded in the 1980s (Reiner, 2007: chs 3, 4). Researchers had suggested all along that the police alone could not have much impact on crime and disorder. But the newly ascendant politics of law and order demanded that they do just that. This kick-started the NPM-inspired reforms of the 1990s and 2000s, from the quixotic hunt for extraneous tasks to free them for their supposed core criminal-catching role, to the calculative and contractual business-like management regime to keep them on their toes doing it.

Meanwhile a 'new feudalism' gathered pace, as those with the power to do it built their exclusive bubbles of security (Shearing and Stenning, 1983). This rendered ordinary policing less crucial for elites, opening the political space for the present cuts.

The new Coalition system offers us neo-liberal policing in its starkest form. The criminal-catching agenda is paramount, and supposed to be achieved by a common-sense revolution in which security can be attained, even in the face of massive social and economic dislocation and injustice, provided police are monitored by commissioners who in turn will be kept on their toes through the election process.

Future Prospects

The Police and Social Responsibility Act became law in September 2011, so for all its defects in principle, it must be lived with for the foreseeable future (Loveday, 2012; Sampson, 2012). Is it at all possible that the new system can work for the good, whatever its problems in conception? Perhaps 'an opportunity exists for the centre-left to develop and implement across large swathes of the country a progressive policy on crime, policing and disorder – and to make Police Commissioners a showcase for a better politics of crime and policing' (Loader and Muir, 2011). The opportunity is for PCCs believing in partnership approaches to try and show that an evidence-led, public engaging, human rights respecting, neighbourhood approach to security and protection from crime not only works effectively and to reassure the public, but in a just and fair way (Bullock, 2012; Herrington and Millie, 2006).

More generally, the law of unintended consequences applies to Coalition reforms as much as any other. By the time elections for PCCs begin in November 2012 the Coalition cuts will have begun really to bite. At a similar stage in 1981, two years into the Thatcher cuts, radical authorities swept to power in all metropolitan areas. Perhaps elections will bring latter-day Margaret Simeys and Gabrielle Coxes (the chairs of radical authorities in the 1980s) as PCCs in Merseyside, Manchester and elsewhere? The initial elections have not brought to the fore such candidates (the Police Foundation website lists all current candidates: www.police-foundation.org.uk/news/23/15/PCC-candidates (accessed 24 September 2012)), but they may in future as the austerity measures deepen in impact.

There will likely continue to be civil disorder comparable to the 1980s. What if the PCCs prioritize neighbourhood crime thus inhibiting personnel intense riot control and mutual aid? Would the Conservatives win something like the Miners' Strike again, if policing really was in local hands?

Criminologists are not gifted with Mystic Meg powers of prophesying the future. But like the Prophets of the Old and New Testaments it is fair to warn that popular realization of injustice may frustrate political elites (Walzer, 1993: 71–74). The fruits of decades of neo-liberal policies intensifying injustice may prove very different from the aspirations of its authors for a free-market Nirvana. A plethora of evidence demonstrates that widening inequality is associated with more serious crime and more intense and frequent disorder (Bohlken and Sergenti, 2010; Dorling, 2004; Hall et al., 2008; Reiner, 2007; Wilkinson, 2005; Wilkinson and Pickett, 2009). There is a demonstrable link between 'austerity and anarchy' (Ponticelli and Voth, 2011). Whether justifiable in democratic principle or not, perhaps elected PCCs and the rest of the Coalition government's policing strategy may be turned into forces for social justice, and the deep security and peace that can only flow from it.

Notes

1. The 'Nine Principles of Police' attributed to Peel are largely an invention of 20th-century textbooks, elaborating instructions given to the first Met recruits, 'that the object to be obtained is the prevention of crime. To this great end every effort of the police is to be directed. The security of person and property, the preservation of public tranquillity, and all the other objects of a police establishment will thus be better effected than by the detection and punishment of the offender after he has committed the crime' (Lentz and Chaires, 2007: 76).
2. The 1990 Operational Policing Review was conducted by a joint committee of the three police staff associations. It offered a service-oriented conception of police, reflecting a consumerist phase in the Conservative government's agenda for public sector reform (Reiner, 2010: 142).

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