

More Accountability – Less Regulation?

Coalition Plans for Policing

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One of the stranger features of the General Election of 2010 was the virtual absence of high profile, hostile, debate over policing, given the truly radical nature of some the proposals which one political party at least - the Conservatives - had committed to. More specifically, the notion of introducing directly elected police commissioners as an alternative to the local police authorities, one would have thought, could have been pounced on by the other major parties and presented as a dangerously reckless measure, not least because of outspoken opposition to the policy by a number of key senior police chiefs. That it was not picked up in this way may have been due to the generally low decibel level of 'law and order' politics in this General Election; or it may have been a deliberate strategy by the Conservatives to downplay a measure which might have them portrayed as 'anti-police', something they of all parties would be desperate to avoid. Whichever way, what could be one of the most fundamental reforms of police governance in British history seemed to have slipped through as an electoral pledge largely unchallenged and now exists as part of the menu of policies for policing for the incoming Government. What complicates matters of course is that the government in question is a Coalition and not a Conservative Government as such. What, then, are the prospects for policing within that Coalition?

As in virtually all areas of policy Coalition plans for policing at the time of writing are very much at the formative stage, as negotiations and compromises continue. However, there are reasons to believe that forging an agreed policing policy and a reform agenda may be particularly difficult. Within the Conservative Party alone there are differing views on what stance to take with the policing sector. On the one hand there is the more traditionalist Conservative approach (embodied above all in the politics of Margaret Thatcher) which holds the police to be what Loader and Mulcahy (2003) referred to as 'sacred', a 'special case' within the public sector to be given privileged treatment and allowed to wield influence, not only over policing policy itself, but also wider criminal justice policy. On the other hand there is the more sceptical approach, probably in the ascendancy, which not only holds the police to be 'just another' public service but, if anything, a particularly unreformed and under-modernised public service - as such to be treated very much as 'profane' rather than 'sacred'. Add to this mix, through Coalition politics, the Liberal Democrat Party's own philosophies on policing - concerns over extensions of police powers, more 'localism' in policing, and so on - and the picture becomes very complex. So where does Coalition thinking on policing appear to be going?

We can begin with what seem to be firm commitments, as presented in the 'Joint Plan for Government' issued on the 7th June 2010. The main proposal, as indicated, related to the creation of police commissioners as directly elected individuals who would 'oversee' the work of the local police. This was presented as an extension of police 'accountability' by forging a direct link between the local electorate and local policing policy and performance. There seemed to be an element of compromise in the Coalition proposal. Earlier Conservative plans would have given the directly elected commissioners control over 'policing strategy' and the setting of the budget, whereas reference would now be made to a more arbitrary 'oversight' role for the commissioner, and one subject to "strict checks and balances" by locally elected representatives. This might have reflected in part the fact that the Lib Dems had committed not to elected police commissioners but to largely 'directly elected police

authorities', not dissimilar to previous thinking within the Labour Government. Nevertheless, the proposal still amounted to a major reform of police governance and one which both the Metropolitan Police Commissioner and the President of the Association of Chief Police Officers expressed serious reservations over - along the lines that it could 'politicise' policing and hamper the 'independence' of the police.

The adherence to the notion of an elected commissioner seems to have stemmed from two related sources. Firstly, the influential centre-right think tank the Policy Exchange had proposed some years before (Loveday and Reid, 2003) that Britain adopts the US model of an elected mayor who has the power to appoint a police chief to deliver to his/her mandate for policing the locality, the justification being that this would strengthen the 'local accountability' of the police. The other source was the approach to the policing of London which emerged under the mayorship of Boris Johnson. Johnson was notably determined to have his views on how London was to be policed taken notice of, as (elected) mayor, and for his evident dissatisfaction with the then Commissioner Sir Ian Blair - too liberal, too Labour? - to find some expression. He managed to strengthen his position by becoming Chair of the Metropolitan Police Authority - the local police authority for London. The subsequent resignation of Sir Ian appeared to demonstrate, if crudely, how an elected *individual* could help shape policing in a locality. The Coalition proposal for a national model for police governance reflects elements of both the Policy Exchange case and Johnson's stewardship in London, but it stopped short of dismantling the principle of 'constabulary independence' by still allowing for a chief constable to maintain operational independence, whilst working under the elected commissioner. Whether this would be sustainable under the new scheme is a mute point, and police chiefs will need some serious persuading.

Another set of Coalition proposals appear to make way for greater *efficiencies* in policing. The Coalition talks of 'reducing time-wasting bureaucracy' which 'hampers' policing - which may cover areas of police recording actually set up to monitor police activities such as stop and search. Reference is also made to a full review of terms and conditions for police employment, which is ironic given that the last Conservative Government did precisely that (in the shape of the notorious Sheehy Inquiry) but was forced by an effective police lobby to back down from implementing key recommendations. At the very least, such a review should once again challenge the 'special case' status of the police vis-à-vis other public services, and will most likely call an end to extensive overtime payments, dual patrolling and other 'traditional' features of the British way of policing.

The Coalition also announced plans to extend the 'naming and shaming' strategy advanced by the Labour Government, whereby detailed figures on crime and other police-related data by force and borough are made public through web-sites. It is proposed that the police will be required to publish *monthly* local crime statistics, another form of holding the police 'accountable'. Alongside this requirement, police forces will be tasked to hold regular 'beat meetings' to make themselves answerable to local residents for their performance. With the notion of elected commissioners, such measures offer a shift towards more 'localism' in policing services and, potentially at least, a way from the *centralism* evident in much of Labour's push for police reform.

It would however be naïve to hold these measures as outlined in the early days of the new Government as the full story. Two underlying forces will be at work in the longer term to shape policing further. One is, of course, the crisis in public expenditure. The efficiency measures announced already will not go anyway near far enough, in themselves, to deliver the 'more for less' requirements for the police which are now confronting all public services and which will only become more demanding. In this respect there seems little doubt that the agenda of *force restructuring* will return, and with a vengeance. The Labour Government attempted to tackle this issue by requiring forces to come up with

proposals for force mergers with their neighbouring forces (referred to by one chief constable as a form of 'speed dating'!), in the hope that the 43, almost independent, police forces of England and Wales - largely the same configuration of policing as that forged in the early 1970s - would be restructured into something closer to 20 'strategic forces'. Although these plans were abandoned for short-term political reasons, the thinking behind them remains within the system. If the British police service is to deliver the level of 'efficiencies' to be required of it in the medium to longer term, and the gains in *effectiveness* which it will also be expected to deliver, it would seem nigh on impossible to do that *without* serious movement on the force restructuring front. Arguably, that is just a matter of time.

The other underlying force likely to shape policing in the future is more ambiguous, and may be a sign that the 'sacred' status of policing still survives to an extent within the Conservative leadership. In the months leading up to the General Election Conservative discourse on policing included the populist sentiment of 'common sense policing' and 'good coppering'. Indeed, another Coalition proposal for policing involves the revision of health and safety laws to 'ensure common sense policing' - on the grounds that officers should feel free to do 'what is right' rather than what health and safety regulations deem to be 'safe'. This may be seen as prioritising 'common sense policing' over *regulated policing*. The attack on 'bureaucracy' and 'paper-work' as the enemy of 'getting on with common-sense policing' are an expression of this. Although, as we have seen, the new Government wishes to push through measures to increase (local) *accountability*, it seems less committed to increased *regulation*; indeed regulation seems part of the problem of British policing rather than the solution. Revealingly, in November 2009 the then Shadow Home Secretary, Chris Grayling, bemoaned the 'lack of discretion' for police officers and the plethora of bodies 'with the right to inspect policing in this country'. He commented favourably on only one of those bodies, Her Majesty's Inspectorate - "the organisation that should really be the driver of inspection and best practice" (Grayling, 2009) - leaving the status of the other bodies, it would seem, in question. Does this mean that in the longer term we might witness the *deregulation* of British policing and see the reversal of the move to regulate policing more tightly which we have seen in recent years? One of the bodies whose status seemed in question was the Independent Police Complaints Commission.

References

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