

Introduction

The Police Foundation is the only independent charity focused entirely on developing people's knowledge and understanding of policing and challenging the police service and the government to improve policing for the benefit of the public. The Police Foundation acts as a bridge between the public, the police and the government while being owned by none of them. Founded in 1979 by the late Lord Harris of Greenwich, The Police Foundation has been highly successful in influencing policing policy and practice, through research, policy analysis, training and consultancy.

The White Paper: “*Protecting the public: supporting the police to succeed*”

Over the next few years British policing will face the challenge of maintaining an accountable, legitimate service in which the public can have confidence within narrow budgetary constraints. The new Policing White Paper aims to make the police more accountable to the public and deliver significant cost savings by working better in partnership, improving efficiency and standardizing procurement. It aims to build public confidence and places the public at the heart of policing (primarily through neighbourhood policing).

Some of the steps proposed in the Paper will assist towards these challenges and are to be welcomed, especially:

- the greater emphasis on police forces demonstrating value for money;
- the further embedding of neighbourhood policing;
- greater support for the victims of anti-social behaviour;
- making Police Authorities more representative of the communities they serve and giving them a greater role in considering complaints;
- addressing the issues raised by HMIC in the policing of protests;
- and, as a step in the right direction, the launching of the Equality, Diversity and Human Rights Strategy.

However, we consider that the White Paper has failed to address some important strategic concerns in policing and that opportunities have been missed to maximise the impact of some of the measures envisaged. Of the strategic issues, we believe the relationship between the police and the public is the most important.

Public consultation

The relationship between the public and the police is at the heart of the ethos of policing by consent and public confidence is an integral part of this relationship. A literature review by the NPIA¹ on the factors influencing public confidence in the police shows that confidence increases with:

- Citizen focused policing

¹ Confidence Evidence based top tips NPIA October 2009

- Treating people fairly and with respect
- Understanding individual needs such as victim reassurance
- Keeping people informed

We therefore welcome the emphasis on neighbourhood policing and the greater support for victims of anti-social behaviour as well as the increased community information sharing between the police and the public. However, the White Paper places considerable emphasis on regular public meetings as the mechanism for ensuring greater public involvement in policing but fails to spell out whether these meetings will be representative of the communities they serve. We know from research that the types of meetings envisaged – those which are forward planning - are often lacking in representation from sectors such as BME groups, young people and repeat victims, so we believe the White Paper should spell out how community representativeness will be ensured.

We also believe that there are limits on the extent to which the public can be relied upon to make informed and sensible decisions about the allocation of policing resources. While supporting the principle of public consultation in general, we think the White Paper should spell out how the public will be supported to make informed decisions about the setting of policing priorities. Different communities require different styles of neighbourhood policing and there is little discussion about how constructive public participation will be achieved across these different kinds of neighbourhoods.

The public's expectation of the role and remit of the police has increased considerably over the last ten years. At a time when resources will become increasingly scarce, managing public expectations will need to be addressed. How will demand for policing be curtailed? How will the police learn to say no when asked to do more in order to avoid jeopardising the quality of the service they deliver and, ultimately the public legitimacy upon which their service depends? How will the government and the police tackle the public's misconception of the risk of crime and the perverse demands for service that this engenders? Could the private sector assist with this issue? Could increasing individual officer discretion help to more effectively allocate limited resources by, for example, reducing the occasions on which a decision is taken to invoke the law? A stronger commitment could be made to Restorative Justice; 30 pilots are currently being run but the budget needs to be found for these to be assessed and, if effective, rolled out. Perhaps the time is right for shifting public expectations away from just greater visibility and accessibility (which simply fuels the political competition for who can promise the most bobbies on the beat) and towards expectations that emphasise a quality service – polite, respectful, informative, immediate and human rights centric.

Policing and public order

We support the adoption of the strategies for policing protest set out in the HMIC report but we believe there is further to go on this crucial issue. The Paper discusses the importance of human rights to policing, however, except in the field of protest, the detail does not back up this approach. Paragraph 4.19, for example, is entitled 'Information Sharing and Reducing the Risk to the Public' and ought perhaps to address the human rights values of proportionality and necessity contained in Article

8 of the Human Rights Act (particularly given the judgment of the European Court of Human Rights in *Marper*² on this exact matter). Instead, however, the following paragraphs encourage data sharing and praise its use, announcing the creation of an Advisor on Criminality Information whose role is to 'advise the Government on how to improve the sharing of information about criminals between key Government departments and frontline agencies'³. Just the use of the word 'criminals' rather than 'suspects' implies an underlying lack of commitment to human rights values. Further, what will be the remit of the Advisor and will he/she investigate and assess the evidence basis for data sharing?

Evidence based policing

As mentioned above, we believe that public education is a crucial component of the effective local democratisation of priority setting and decision-making. Key to this is a commitment to provide evidence based policing: policies and strategies which are backed up by high quality, independent research that can be published and shared with the public. There are many examples of where the general public's views are probably ill-informed and distorted, from the overall risk of victimisation (which is persistently over-estimated) to the relative value of CCTV (where the evidence in support of its efficacy in preventing and reducing crime and anti-social behaviour is actually rather thin). A commitment to evidence-based policing would be welcomed.

Police complaints

The Paper recognises the importance of giving the public better information on how to complain about a police force, but does not deal with the wider issue of the current structure of the complaints system. Despite the creation of the Independent Police Complaints Commission in 2004 (which we think constitutes an improvement on its predecessor), there remain strong concerns over the extent to which forces self-investigate, the high number of 'unsubstantiated claims' and the capacity of the IPCC to handle the large volume of complaints made. There is also a need for greater training on how the police should approach complaints; moving from a defensive attitude to one that reflects their willingness and ability to learn from mistakes⁴.

Total Place

The Total Place initiative, which is currently being piloted in 13 areas, offers considerable promise in terms of improving the assessment of local needs, the identification of shared problems and the delivery of joined up services. We hold the view that the White Paper has missed an opportunity to set out in any detail how the police service might benefit from the lessons coming out of this initiative and could assist with cost-cutting measures.

Police bureaucracy

In general we welcome the reduction in form filling and red tape, however, we support the concept of 'good and bad bureaucracy' set out in the Flanagan Report.

² *S. and Marper v. The United Kingdom* - 30562/04 [2008] ECHR 1581 (4 December 2008)

³ Home Office Press Release 2 September 2009

⁴ The Police Foundation and the Independent Police Complaints Commission (2007) *Local Resolution: The views of police officers and complainants*

Bureaucracy needs to be managed and proportionate, but it can be important to record the reasons behind actions the police take. It would be helpful if the White Paper spelt out where such paper work is necessary and why.

A White Paper?

On balance, we would question whether the measures announced in “***Protecting the public: supporting the police to succeed***” amount to a White Paper and whether this is therefore a justifiable use of public funds. The majority of the proposals contained in the Paper are not new, some are already happening, but more importantly we struggled to find more than a couple of instances where new legislation would be required. We suggest that it might be a better use of public money to attach any exceptions to this, such as the creation of new legal status for Chief Executives of Police Authorities, to other legislation currently before Parliament rather than place yet another criminal justice statute on the books. Ironically, one area which we believe does require legislation is the constitution of ACPO, whose current status is that of a private company but which issues guidance and has considerable powers to influence policing policy and co-ordinate strategic policing matters⁵.

Concluding remarks

We feel the White Paper offered an ideal opportunity to address some of the more strategic aspects of policing, but unfortunately, on the whole, this opportunity has not been taken. The lack of forward thinking is particularly unimpressive. The forthcoming cuts in public expenditure will require some imaginative re-thinking about how all aspects of public services are to be funded and delivered, but the White Paper fails to begin to do this.

The Police Foundation, in conjunction with the Centre for Criminology at the University of Oxford, hosts a twice-yearly Forum on policing to discuss current and future policing issues. The Forum is attended by high-level representatives from academia, the police, the judiciary, think tanks and the media. Politicians and civil servants are often conspicuous by their absence from these debates. The Oxford Policing Policy Forum provides a safe space in which the conversation about policing can be expanded, drawing on evidence based knowledge from a variety of sources. It is more than unfortunate that some of the fundamental concerns that have been raised at these events over the past four years, not least by police officers themselves, have not been captured by those in a position to benefit most from them. Copies of Forum reports are available online at www.police-foundation.org.uk.

We are grateful for the opportunity to respond to the White Paper. If you have any further questions please do not hesitate to contact us.

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⁵ See further Shami Chakrabarti's speech at the John Harris Memorial Lecture 2008, available at <http://www.police-foundation.org.uk>