

Embracing Police and Crime Commissioners:

Lessons from the Past, Directions for the Future

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On 5th May voters across 40 police force areas in England & Wales go to the polls to choose their next Police and Crime Commissioner (PCC). This is the second time such elections have taken place. The first cohort of 41 PCCs were elected in November 2012 – of these 28 have declared they are standing for re-election. The 2012 elections took place against the backdrop of opposition from Labour, the Liberal Democrats and civil liberties groups, and deep scepticism from within the police. Giving directly elected individuals the power to set police priorities and the police precept, and to hire and fire chief constables, was a constitutional departure and critics charged that it was a rash and dangerous one. Concerns were rife about the ‘politicization’ of the police, the fear being that PCCs would trample on the operational independence of chief officers and launch populist law-and-order crackdowns on minorities. In the face of these concerns turnout was extremely low (at 15.1%) and in a significant minority of contests ‘independent’ PCCs triumphed over those standing on a party ticket. Eight of those elected were former police officers.¹

Four years on, it is time to embrace the idea of Police and Crime Commissioners. We say this not as a grudging concession to reality, though the reality is that PCCs are here to stay. Having campaigned to abolish PCCs at the 2015 general election, the Labour Party has now accepted them. The Liberal Democrats will stand candidates this time (they didn’t in 2012). At least two full PCC electoral cycles will have occurred before anyone gets the chance to change things (the subsequent PCC elections fall on general election day in 2020). This is not our point. Rather, we make the argument for embrace as two long-standing – but friendly – critics of PCCs. In our view, PCCs are a means of giving practical effect to the important principle of democratic accountability. They are not the best model there is for doing that – and we have helped developed proposals for a better one.² Nor are they the only mechanism we use to govern the police. PCCs are nonetheless a vehicle through which people can have some direct say over how local areas are policed – what crimes are prioritized, how resources are spent, how well the police are doing their job. Given this, we argued in the run up to the first elections that PCCs offered an opportunity for strengthening neighbourhood policing, developing holistic local crime reduction, and extending public engagement with community safety.³ That remains our view today. It has been for the most part reinforced by the experience of the past four years.

¹ See http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/154353/PCC-Elections-Report.pdf

² See Independent Commission on the Police, *Policing for a Better Britain*, 2013, ch. 3.

³ I. Loader and R. Muir, *Progressive Police and Crime Commissioners: An Opportunity for the Centre Left*, London: Institute for Public Policy Research, 2011.

What have we learned?

So what lessons have the first four years of PCCs taught us? It has been a mixed picture, but it is worth remembering that it was always intended to be. The PCC model is one that encourages local variation as a way of responding more effectively to needs and priorities in different parts of the country. Nonetheless, we draw three broad conclusions from the experience of the last four years.

First, the sky has not fallen in. There have of course been controversies in some forces, for example surrounding the appointment and dismissal of particular chief constables and the staffing of the new PCC offices.⁴ However, these are the sort of political controversies one can reasonably expect in the arena of democratic politics, particularly as a new role beds in. It is worth noting that the old police authorities were not immune from controversy or scandal.

Importantly, given the initial fears about elected PCCs 'politicizing' policing, there have been no notable examples of PCCs infringing the operational independence of chief constables. Nor as yet has there been a spurt of populist or extremist policy making.

Second, it is clear that PCCs have improved the accountability of the police service, which was the original rationale behind their introduction. The old police authorities were barely visible to the public, with one survey reporting that they received on average just two letters a week.⁵ Ask any PCC and they will tell you their correspondence is of a completely different magnitude to that of their predecessor bodies. There is little doubt that the existence of a single directly elected figure responsible for local policing has captured much greater media and public attention than that achieved by police authorities. PCCs have unquestionably provided a more visible and accessible form of police accountability.

PCCs are holding chief constables to account much more vigorously than the old police authorities did. It is certainly arguable that chief constables had been too powerful under the previous arrangements, playing a role in priority and budget setting for example that should be for elected representatives. With an elected mandate, greater public visibility and crucially powers to hire and fire, the PCC is a major figure whose views really matter. There are now two 'big beasts' in local policing, as opposed to just one, and this has sharpened the accountability of chief constables. It has also clarified roles and responsibilities, with PCCs undertaking more of the public engagement tasks and chief constables getting on with the job of running the force.

Third, the localisation of policing policy through the combination of the introduction of PCCs and the removal of central Home Office performance targets has led the way to greater innovation. In some areas PCCs have experimented in new ways of opening the police service up to public participation in decision-making. For example, Katy Bourne in Sussex has introduced a Youth Commission, whose members have engaged with their young peers around the county to help them set new priorities for Sussex Police.⁶ Others have innovated with new policies and approaches. For example in Northumbria, Vera Baird has led the way in trying out new

⁴ For example 'West Mercia PCC deputy Barrie Sheldon defends appointment', <http://www.bbc.co.uk/news/uk-england-20770138> and 'Nick Gargan resigns as Avon and Somerset chief constable', <http://www.theguardian.com/uk-news/2015/oct/16/nick-gargan-resigns-as-avon-and-somerset-chief-constable>

⁵ Nick Herbert (2011) 'Police reform: Nick Herbert's speech to the IPPR on who runs the police', <https://www.gov.uk/government/speeches/police-reform-nick-herberts-speech-to-the-ippr-on-who-runs-the-police>

⁶ <http://www.sussex-pcc.gov.uk/youth-commission/>

approaches to tackling violence against women and girls, and in Northamptonshire Adam Simmonds has led a major drive to recruit more Special Constables with impressive results.⁷

The PCC model is, of course, far from perfect. In particular it appears to have triggered an unfortunate trend in local deputies being appointed as Chief Constable following recruitment processes in which they are often the only candidate.⁸ As the College of Policing and HMIC have both stated, if forces are to attract the best talent it is vital that chief officer appointments result from competitive processes. This problem could be addressed if in future candidates are required to have served as senior officers in other forces before being made chief constable.

Additionally, there have been concerns about former police officers being elected as PCCs. There is a particular problem where a person who has served under a chief constable in the very recent past is then being elected as the PCC in the same force. This has created tensions in some forces and introduces a potentially destabilising dynamic into the relationship between the PCC and the chief. This could be tackled by ensuring that a certain period of time should have elapsed before a former police officer can stand for PCC in the same force. The election of retired officers as PCCs also arguably runs counter to the spirit of making the police more democratically accountable to the public.

These problems do not alter our judgement that on balance the credit column is longer than the debit column, or our view that PCCs *have* been better than the system they replaced. They certainly do not amount to a case for abolition. The question for the immediate future is how best to develop the position and role of the PCC, not with what we should seek to replace it.

Changing contexts

In order to get a good grip on that question we need to pay attention to the contexts in which this second round of PCC elections takes place. There is some dispute in the world of right-leaning think tanks about who can claim credit for Police and Crime Commissioners. What is clear, however, is that the idea was a product of the crime problems and politics of the 1990s and early 2000s. PCCs emerged out of a political context in which crime and disorder were high profile public concerns and commanded political attention. They grew out of social anxieties about anti-social behaviour and demands for more visible police authority. PCCs were one response to these demands. Today, we no longer inhabit a political culture in which crime and policing dominates public discourse or is central to government action. What were once 'heated' political debates about law-and-order have 'cooled' considerably. So what has happened?

The first thing that happened is the crime drop. Since the mid-1990s levels of volume crime have been falling across western democracies.⁹ As a result, crime has slipped down the hierarchy of public concerns. An *Economist*/Ipsos MORI poll conducted in March 2015 found that only 12 per cent of those interviewed named 'crime/law and order' as the 'most important issue facing Britain

⁷ <http://www.northumbria-pcc.gov.uk/police-crime-plan/vawq/>;
<http://www.northantspcc.org.uk/our-work/special-constables/>

⁸ 'MPs warn of lack of candidates for top police jobs', <http://www.bbc.co.uk/news/uk-35894558> and Gavin Hales (2015) 'A healthy lead? Chief officer appointments need questioning' <http://www.police-foundation.org.uk/news/179/187/A-healthy-lead-Chief-officer-appointments-need-questioning/d.Blog-main>

⁹ See M. Tonry (ed.) (2014) *Why Crime Rates Fall and Why they Don't (Crime and Justice – Vol. 43)*. Chicago: University of Chicago Press; O. Roeder, L. B. Eisen and J. Bowling (2015) *What Caused the Crime Decline?* New York: Brennan Centre for Justice, New York University School of Law.

today' – the corresponding figure when the same question was asked in 2010 was 25 per cent.¹⁰ We can relatedly observe the waning attention afforded to crime and policing issues in recent elections. In the 2015 British General Election the issue barely featured at all. Debate continues about the scale and evenness of the crime decline. There remains uncertainty about whether crime has not simply fallen but also migrated into forms of criminal behaviour (such as internet fraud) that do not appear so clearly on police radar screens. It may of course be that – in the aftermath of 7/7 and the Paris and Brussels attacks - public concerns are focussed on terrorism. The symbolic work once performed by crime in condensing wider anxieties about the 'condition of England' now appears to be done by migration and border control. Yet the evidence continues to mount that crime is no longer the structuring presence in British social and political life that it was during the 1990s and early 2000s.

This is the context in which we have to consider the future role and purpose of PCCs. It is a context in which the police are increasingly faced by forms of criminal behaviour and victimisation that take place in private (rather than the more familiar public) spaces, from internet fraud, to domestic violence, to child sexual exploitation. These are also, perhaps paradoxically, spaces in which cross border and international patterns of criminality increasingly manifest themselves, questioning the local focus of PCCs. It also seems clear that the police are having to think more – in determining how to spend scarce resources, or deciding with which the agencies they can best partner – about protecting the vulnerable from harm, whether they be children, or people with mental illness, or refugees fleeing war-zones.¹¹ The debate about PCCs has to be cognizant of these changing facts on the ground.

The second thing that happened is the advent – post the global financial crisis of 2008 – of a period of sustained austerity. The financial crisis had the immediate consequence that the money was no longer available for continued expansion of the police of the kind experienced in Britain since the 1990s. In fact quite the reverse has occurred. The Coalition government elected in 2010 introduced sharp and sustained cuts to police funding. By 2014-15, the police experienced a real terms budget cut of 20 per cent, an estimated loss of £2.1 billion across 43 forces. An overall loss of around 15,000 officers took place by 2015. Further cuts of 'up to 6%' were announced by the Treasury in the Spending Review for 2016-2017, though – following the terrorist attacks in Paris in November 2015 - the Chancellor spared the police from further deep budget cuts. Notwithstanding this partial *volte face*, fiscal austerity is likely to be part of the structuring context of policing in England and Wales for the foreseeable future.

The third contextual change to consider is the fluid constitutional landscape of the UK. In the aftermath of the Scottish Referendum in September 2014 there has been a new impetus behind devolution in England. Under the Cities and Local Government Devolution Act 2016, local authorities can bring forward proposals for the transfer of powers and budgets from Whitehall to cities and counties. This is already having an impact on the architecture of police governance. The devolution settlement for Manchester has seen the post of PCC replaced with a city mayor – to be elected in 2017 - whose remit includes policing and community safety. It seems likely that similar deals may be struck elsewhere. In addition, the Home Office and Ministry of Justice are giving active consideration to extending the remit of PCCs to include such matters as youth justice and establishing and overseeing schools for young offenders. The future of PCCs has, in

10 <https://www.ipsos-mori.com/researchpublications/researcharchive/3542/EconomistIpsos-MORI-March-2015-Issues-Index.aspx>

11 Sara Thornton, 'We must "Re-Imagine" Policing in the UK', [John Harris Memorial Lecture](#), Police Foundation, 2015.

short, become entangled with a wider debate on the architecture of local government in England and Wales.

Where next?

Given the contextual changes we have described, how should the role of PCCs develop in the future?

First, there is clearly the prospect that PCCs could take on a wider role covering a range of services relating to public safety. The government favours this, with fire and rescue services now coming under PCC control where there is local appetite. There is also now the prospect that parts of the wider criminal justice system, including youth justice and parts of the prison estate, could be devolved to PCCs or local mayors. Where a mayoral model is proposed under the Chancellor's 'devolution deals' a whole range of budgets will be aligned with those that sit under a PCC, including transport, business support and even in the case of Greater Manchester the NHS.

Putting to one side the particular governance model (and there is likely to be a mixed economy around the country), the ability to bring together substantial budgets and reconfigure services to break down old professional silos is to be welcomed. So many of the problems we face, from reoffending to 'troubled families', are complex in nature and require a holistic response. Giving PCCs or elected mayors greater ability to integrate and redesign services could help public services adapt to social needs that are very different to those that led to their establishment many decades ago.¹²

Even where it is not feasible or desirable to hand commissioning powers to PCCs or mayors, they can play an important role in using their 'soft power' to persuade different agencies to work together more effectively. For example, in Northumbria the PCC has worked with a major housing association to provide a more preventative response to domestic violence.¹³ The PCC does not commission housing services but can use the authority of their elected office to produce results.

Second, PCCs should embrace 'evidence-based policing'. The College of Policing in particular is working to ensure that police practice is informed by evidence as to 'what works'. However, police professionals can become frustrated when evidence based initiatives get cancelled or vetoed for political reasons. We are realists: we understand that sometimes a particular action may prove so unpopular with the public that it is simply not going to happen. All public services have to operate across a treacherous fault line between knowledge and popular sentiment. Nonetheless it is incumbent on those elected to public office to be aware of the evidence base on what works in policing and crime reduction and to be willing to challenge ineffective practice and even, dare we say it, lead public opinion. MOPAC's work to develop a Global Policing Data Base bringing together the best research evidence on police practice is one recent example of a PCC, in this case the Mayor of London, promoting evidence-based policing.¹⁴

¹² See R Muir and I Parker (2014) *Many to many: How the relational state will transform public services* (London: IPPR) <http://www.ippr.org/publications/many-to-many-how-the-relational-state-will-transform-public-services>

¹³ <http://www.northumbria-pcc.gov.uk/perpetrators-of-domestic-violence-can-now-receive-support-to-change-their-behaviour/>

¹⁴ <http://www.gpd.uq.edu.au/search.php>

Third, there is still more to do in terms of deepening public engagement and participation in decision-making around policing and public safety. One of our early concerns about the PCC model was its remoteness, particularly in very large forces, and the investment of so much power in a single person's hands. While in practice the record of PCCs has been encouraging, with many opening up new forums for public engagement and starting debates on important issues,¹⁵ there is much more to be done. We are disappointed that more PCCs have not embraced participatory budgeting models for example.

We are also disappointed that in the current election campaign the focus has tended to be on the traditional issues around the numbers of 'bobbies on the beat' and volume crime, when we know that the nature of crime and wider demand on the police is changing radically. In a context of decreased resources and major social and technological change it is disappointing not to see more of a debate about what the police should be prioritising and what they should not. For example, should there be greater focus on 'hidden harms' such as domestic violence, child sexual exploitation and cybercrime? If so, what areas should receive less focus? There is a seldom spoken tension here between the need to protect the most vulnerable from harm and the need to provide a basic universal service for everyone. These are difficult questions, but PCCs and chief constables are wrestling with them and the public should be involved in that discussion.

Conclusion

The PCC model is here to stay.¹⁶ It is going to be a settled part of the police governance landscape for the foreseeable future. Given this, we need to work to remedy the problems with PCCs that have become evident in the last four years and to make good on the model's only partially fulfilled potential to make the police democratically accountable and enhance public safety. We have suggested ways in which both may be done. The task before us is to adapt the PCC model to the contexts and problems of today. The challenges are very different from those that gave rise to the idea of PCCs well over a decade ago.

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¹⁵ See, for example, <http://www.merseysidepcc.info/home/about-us/community-engagement-team.aspx>

¹⁶ It is true that in some areas PCCs will be morph into elected mayors, but in those cases legally the mayor remains the PCC. The basic principle of having a directly elected person commissioning policing in a force area is set to stay even with the wider changes in English governance.