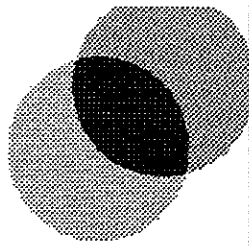


THE POLICE FOUNDATION



JOHN HARRIS

MEMORIAL

LECTURE 2005

TUESDAY 21ST JUNE 2005

RD JAMES

Baroness James of Holland Park

THE POLICE FOUNDATION

2005 Annual Lecture

Drapers' Hall - 21st June 2005

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It is a great privilege as well as a pleasure for me to be delivering the 2005 John Harris Memorial Lecture, established in honour of a distinguished public servant and a great defender of the police, whose legacy to the service is the Police Foundation. It is a particular pleasure for me that Lady Harris is able to be with us this evening. I am only too aware that I am following a list of distinguished speakers, many of them experts in policing or criminal law. My own speciality is that of a novelist, and it therefore seems appropriate if I devote the first part of my lecture to police officers in literature, before addressing concerns more directly related to the work of the police in our turbulent 21st century. I shall then be speaking as a concerned member of the public, but one who from childhood has a respect and admiration for the police forces of this country.

The crime novel, and in particular the highly formalised detective story, is one of the most resilient forms of popular literature. And, like all popular literature, it fulfils a number of functions: excitement, emotional and intellectual; the challenge of a puzzle; temporary relief from the problems, rigours and pressures of everyday life; an escape into another world where we can immediately feel at home among recognisable and often well-loved characters, and an affirmation of our own cherished belief in order, in normality, in decency and in the possibility of justice. The detective novel is thus in the tradition of the canon of English fiction, which assumes that virtue is the norm, crime an

aberration and that it is the duty of a civilised society to bring peace out of discord and order out of disorder. We do not look to popular literature for a detailed exploration of the national and international problems of the day but, because the detective story is firmly rooted in the routine of everyday life and the clues so often arise from physical details, it can often tell us far more about the age in which it is written than can more ambitious or pretentious literature. And since it is difficult in any age to write a novel about murder without introducing a policeman, even if he is not the hero, we can learn much from detective stories about the relationship of policing to the society of the time and the social, economic and political nuances in which the police operated.

One of the most famous, and certainly among the earliest of fictional detectives, is Sergeant Cuff in Wilkie Collins's long novel *The Moonstone*, first published in serial form in 1868. Wilkie Collins, like his friend Charles Dickens, was passionately interested in crime and in the work of the police. He was meticulous in his research and it was a matter of pride in him to get the historical, forensic and medical details right. His Sergeant Cuff, with his unprepossessing appearance and his passion for rose growing, is a prototype of the professional investigator who combines orthodox skills with eccentricities of personal behaviour. The problem of creating a credible police detective who is at the same time a unique individual is one which faced later writers in the genre. In Sergeant Cuff, Wilkie Collins succeeds in creating a believable detective whose investigation, based on the careful evaluation of behaviour and physical clues, although not initially successful is orthodox, conscientious and professional. Sergeant Cuff was modelled on one of the first real-life detectives, Inspector Whicher of Scotland Yard, who became notorious for his part in the 1860 brutal murder of four-year-old Francis Saville

Kent at Road in Wiltshire. The boy was taken from his cot at night and found next morning in the outside privy with his throat cut. Francis's sixteen-year-old half-sister, Constance, was Whicher's chief suspect and he arrested her within days of being called to the case. But local magistrates subsequently released her for lack of evidence and Whicher was nationally reviled for his unjust persecution of a young innocent girl from a respected family. His career never recovered. Five years later Constance confessed to the murder. Apart from the characterisation of his detective, Wilkie Collins obviously had details of the Road murder in mind when he wrote *The Moonstone*. Both cases feature a missing nightgown, although in *The Moonstone* it was stained with paint, in the murder case with blood.

The Moonstone adumbrates nearly all later developments in modern detective fiction: the strong narrative, the vivid sense of place, the eccentric but professional detective and the importance of credibility and accuracy. But in the so-called Golden Age of the genre, between the wars, not all these desiderata were practised. Although the detective story became immensely popular and dons, schoolmasters, distinguished academics and a Roman Catholic priest all tried their hand at it, the women – Dorothy L. Sayers, Agatha Christie, Margery Allingham, Ngaio Marsh – being particularly active, I regret to say that, with some exceptions, the professional force was sadly neglected. The detective was nearly always an omni-talented amateur and the professional police merely stereotypes who undertook the more plodding and boring part of the investigation and acted as a foil to the brilliance of the private eye. And there was little attempt at accuracy, nor did the reading public seem to expect it. In a novel by Dorothy L. Sayers, *Busman's Honeymoon*, Lord Peter Wimsey and his wife are honeymooning in a country

cottage when the body of the previous owner is discovered in the cellar. Superintendent Kirk is in charge. The scene of crime is not protected, no suspects – including Wimsey – are subjected to the indignity of fingerprinting, the autopsy seems to have been carried out on the kitchen table by the local general practitioner, and for much of the time Superintendent Kirk and Lord Peter discuss the case while exchanging quotations from *The Oxford Book of English Verse*.

Although we might today smile indulgently at the simplicities of the plot, Superintendent Kirk would have been recognised by 1930s readers as a thoroughly believable senior police officer. He served in a small county force. He knew every family and every villain within his jurisdiction. He was respected and trusted by his men and, while insisting on the highest standards, dealt with sympathy and understanding with a young police officer in trouble. He was something of a father figure, both to the people he served and to the force, and he policed a small homogenous community, essentially peaceable and able to a large extent to police itself by the unifying social pressures exerted by common beliefs, traditions and moral values. The murder in *Busman's Honeymoon* is far too bizarre and complex to be believable but this wouldn't have worried Miss Sayers's readers. Fictional murderers were expected to be egregiously cunning and ingenious in their villainy. It was not an age of the quick bash to the head followed by two hundred pages of sensitive psychological insight. And methods of murder in the so-called Golden Age were ingenious indeed. Webster tells us that death has ten thousand doors to let out life, and the detective story of the inter-war years made use of most of them. It was not sufficient that the victim was murdered: he or she must be mysteriously and bizarrely murdered. Unfortunate victims were dispatched by licking

poisoned stamps, being battered to death by church bells, stunned by a falling pot, stabbed with an icicle, poisoned by cat claws, and not infrequently found dead in locked, barred and windowless rooms with looks of appalling terror on their faces.

Not surprisingly these between-the-war detective stories attracted – and still attract – their share of criticism. Detractors allege that the ‘Thirties writers were purveying a popular pabulum of snobbery with violence; that all psychological interest in character and motive was subjugated to serve the dominant interest of the plot, that the writers, who had no understanding of the reality of real-life crime, invented detectives who were too often figures of fantasy, and that servants and the working-class generally were treated as buffoons or simpletons inserted in the story to provide clues for the detective or a convenient second victim if the plot began to flag, but seldom important enough even to be regarded as serious suspects. Contrary to popular theory, the butler didn’t do it.

Much of this criticism is as inappropriate as disparaging P G Wodehouse because Bertie Wooster has an imperfect appreciation of the Marxist dialectic, or rejecting Oscar Wilde’s *The Importance of Being Earnest* because it takes a trivial view of romantic love and does not sufficiently explore the economic bases of Victorian marriage. And although we may occasionally return with nostalgic relief to the cosy novels of the 1930s with their simple unquestioning morality, their respect for hierarchy, their happy ignorance of the gritty realities of real-life murder or the sophistications of forensic science, they are not being written today, nor could they be. The modern detective story has moved much closer to the mainstream novel and, while remaining within the well-worn structure and conventions of the genre, casts an ironic and sceptical eye on modern

society. The crime novel today is more violent, more sexually explicit, more credible in its use of forensic and police procedure, less assured in its affirmation of official law and order. The detectives are often professional police officers, hard-working human beings with their own personal problems and uncertainties or, like my Adam Dalgliesh, only too aware of the ambiguities of modern policing and the trauma which a murder investigation can cause to the innocent as well as to the guilty.

But if the treatment of crime and policing in fiction has changed drastically so, of course, has policing in real life. Our country today seems as remote from those interwar years as the 1930s were from Tudor England. The standard of living of most – but not all – of us has consistently risen. Science and technology have developed at an almost frightening pace, greatly extending our horizons and opportunities, our comfort and physical well being, but confronting us with new and difficult moral and ethical choices, particularly in the field of the biological sciences. Modern life is materialistic, restless, stressful and over-burdened. Morality has largely become a matter for each individual and respect for authority has to be earned, and even when earned is rarely given. Serious crime has become international. Criminals as well as the police have recourse to modern technology. The old complex, delicate but resilient web which held together people with common traditions and beliefs has in many of our cities been replaced by communities of widely differing faiths, traditions and language living side by side, often in a fragile tolerance. Policing can never have been more difficult than in our complex and rapidly changing world. There is a danger that the close links between local communities and the police, on which Sir Robert Peel originally built the force, will be severed.

And in our relationships we are bedevilled by the cult of political correctness. If in speaking to minorities we have to weigh every word in advance in case inadvertently we give offence, how can we be at ease with each other, how celebrate our common humanity, our shared anxieties and aspirations, both for ourselves and for those whom we love? It would, I think, be unfortunate if the police became enamoured of this fashionable shibboleth which, in its worst manifestations, is increasingly being seen as a pernicious if risible authoritarian attempt at linguistic and social control.

We live in an age when the general perception is that crime has greatly increased, but to what extent remains controversial. When I was speaking at a dinner some years ago, the then Commissioner of the Metropolitan Police, in his speech, said that he was something of an expert on crime fiction, having just received the latest Home Office criminal statistics! Certainly figures about the extent of crime in England and Wales, which are usually somewhat out of date by the time they are published, can never be easy to interpret and are often challenged. There can be confusion, and not only in the public mind, about the different bases of calculating offences which range from those resulting in conviction and sentence, the number of arrests made, the number of crimes reported, and estimates of the number of offences which are not reported, usually because the victims have no hope of effective action. The value of any statistics depend on the accuracy with which they are compiled. At least one force has been criticised for under reporting and when the police are hard-pressed with more immediate matters, the careful collection of figures is unlikely to have a high priority.

Horrendous crimes which receive wide coverage in the press, particularly in the tabloids, have a strong influence in determining the public's perception of the level of

crime. These cases, usually murder, particularly where children are either victims or perpetrators, confront us with age-old and insoluble problems about the nature of our society and the existence of evil, and threaten our cherished beliefs in innocence, goodness and love. But they are happily very rare and most people's perception of the level of offences is based less on atrocious crimes than on their own experience and the experience of family and friends.

It is difficult to persuade people that we live in a more peaceable world and that crime is under control if our inner cities are made intolerable no-go areas by noisy and drunken louts every Friday and Saturday night, and when teachers, fire-fighters and even nurses in A and E departments are regularly assaulted. Youth crime is a particular worry. Most of us would agree that the home and a child's earliest experiences are of fundamental importance in bringing up that child to be a responsible, law-abiding, happy and fulfilled member of society. Very few children from stable homes with a mother and father providing consistently loving care and discipline find themselves in the youth court. The commitment to marriage or a stable and lasting relationship and a loving home provides the best start in life for a child, a fact which few governments seem to recognise. Social workers, however well motivated, cannot replace parents. And even when both parents are involved in a child's upbringing, they can be so tired at the end of a working day that there is little time or energy to give children what they most value – the undivided attention of their parents. And here governments have their responsibility. If taxation is punitive and the cost of housing and the other necessities of life are so high that families can only manage if both parents work full time, we can't be surprised if

mothers and fathers who would prefer to put in fewer hours in the interest of their children are unable to do so.

In response to a report by the right-of-centre think tank, Civitas, published in January 2005, which stated that Britain had one of the highest crime rates in the developed world, a Home Office spokesman claimed in rebuttal, 'Your chance of being a victim is now at its lowest level in 20 years – about the same as it was in 1981.' This may be true but it doesn't feel true. The highly critical Civitas report came at a time when the police in New York City had achieved spectacular reductions in crime and the question was asked, if New York can do it, why not London? The answer is partly in police numbers: New York has one police officer for every seven recorded crimes compared with one for every 41 in London. And some of the measures adopted in the United States would be considered either inappropriate or unacceptable here. The response to crime in the States is ruthlessly aggressive. Courts have been encouraged to increase prison sentences and central government has embarked on a colossal prison-building programme to house the more than two million Americans who are now serving time in jail. The severity of California's 'three strikes and you're out' law, whereby the law provides that any individual convicted for a third time for an offence – which in California can include stealing from a shop or car – will be sentenced to life imprisonment, would hardly be acceptable here.

The American experience does confirm that strong deterrent measures can, in fact, deter, and although we might not wish to copy them, it seems to me that the problem of the recidivist offender could be tackled more effectively. But this is hardly the responsibility only of the police. Most people to whom I have spoken believe that our

courts are too lenient with persistent offenders and appear unwilling to use the discretionary powers they already have. Some courts may naturally be reluctant to sentence offenders to already overloaded prisons where there can be little hope of rehabilitation, but the public perception remains that too many offenders, particularly juveniles, feel that they can offend with impunity. This must be as disheartening for the police service as it is for the public.

We live in a culture of blame. Whenever there is a disaster, a mistake, an accident, the first response is to ask who was responsible, and when this is discovered we respond not by dealing with the person or authority concerned, but by new legislation or by drawing up regulations or instructions which politicians proclaim are designed to ensure that the deplorable event never happens again. The result is that people who are doing their jobs happily and efficiently are burdened with additional work – forms to be completed, instructions to be adhered to – which add to their workload and are more likely to decrease than to increase effectiveness. A child is injured or killed on a school outing, and schools are issued with advice, rules and warnings which, taken with our culture of litigation and compensation, make teachers extremely wary of giving up their time for school trips in future. Our children must apparently be shielded from any possible harm. Gun clubs, consisting of law-abiding people, lose their right to their sport while criminals appear to have no difficulty in obtaining firearms. Our fear and hatred of paedophilia means that schoolteachers can no longer put their arms round a distressed child, apply sun-cream or a bandage. Complaints about the operation of police stop and search result in instructions which, were I a police officer, would certainly prevent me from stopping and searching anyone who wasn't actually carrying a kalashnikov! In this

culture the safest course is always to obey instructions implicitly: that way, whatever disaster happens, we can't be held responsible. Surely in the police force, as in other spheres, this militates against initiative and personal responsibility and, above all, that mixture of humanity and robust common sense which should be at the heart of policing.

In recent years the police have become increasingly involved in the problems of society through their responsibilities with regard to child abuse, the drink and drugs culture and the work of community policemen in crime prevention. But the police cannot and should not be social workers. Nor is the police service responsible for the causes of crime, which are more complex than our tabloid press and some politicians seem to believe. Undoubtedly poverty and deprivation play their part, but if these were the root causes of crime, half the children in the state primary school I attended in the late 1920s would have been delinquent; none was. But whether the root lies in our genes or in what theologians call original sin, neither cause appears amenable to government intervention.

Rape has always been, and remains, among the most serious of crimes, and here much has been done by the police to ensure that victims, many of whom are deeply shocked by their ordeal, are dealt with sensitively, particularly in those vital initial hours after their attack. The sexual assault referral centres not only help the victims, but can be vital in ensuring that the necessary forensic and other evidence is obtained. This should mean that women will be more ready to come forward in the confidence that they will be seen as traumatised human beings needing sympathy and support, as well as victims of a crime.

The demand for more and more information, for mission statements, defined objectives and targets to be reached has contributed to the large increase in bureaucracy

in all our public services, particularly in schools, hospitals and the police. Obviously it is important that achievement should be measured in the interests of public accountability and good practice, but comparative figures can only be realistic if like is compared to like, and some measures seem to me to be of doubtful value. In a difficult inner-city area in which a local community officer, by personal qualities and hard work in co-operation with local residents, has achieved encouraging results, the reduction in the number of arrests is a mark of success not of failure. And if the figures are to be meaningful, considerable time is needed in recording them, but we are constantly told that the police, like other public services, are seriously hampered by the demands of bureaucracy and the constant filling-in of forms. It is good that efforts are being made to reduce this workload, but more undoubtedly needs to be done. The public can well understand that the problem is particularly difficult for the police since careful reporting is necessary for due process and cases can be lost if paperwork is inadequate or challenged. But before introducing yet one more bureaucratic requirement, we ought to ask ourselves whether this information is really needed, whether it can only be provided by a police officer, and whether anything effective will be done with it when it has been provided. I remember my late father-in-law telling me that, when he was serving in the Royal Army Medical Corps in the last war, he was required to submit regular reports of the number of diseases he had been treating, the forms to be completed even at times when military necessity should have had preference. His ingenious sergeant, who had responsibility for that task, concocted figures giving the less familiar names for bubonic plague, typhoid and leprosy, but there was never any comeback from headquarters!

We ask a great deal of our police. Above all we ask that they should be honest. A country with a corrupt police force, or with one where corruption is tolerated, can neither be free, secure, nor happy. We in this country are fortunate. We cannot expect that there will never be cases of misconduct, but we can be confident that in no force are they tolerated. Most of us believe – perhaps too readily – that we are more materialistic, more aggressive and less honest than we were in the years between the wars, yet we still expect the young men and women recruited to the police to be more virtuous than the society from which we recruit. We are, of course, right to do so, but we should remember the temptations to which they are exposed. They see in their daily work how many villains manage by cleverness to evade the law, and how often wrong-doing goes unpunished and dishonesty is rewarded. When things go wrong – which occasionally must happen in any organisation – perhaps we should be more ready to understand than to condemn.

It is a truism that policing in a democracy must be with the consent of the community, and for this the visible presence of police officers in that community is essential. The two commonest complaints I hear about the criminal justice system are, firstly, that there should be more Bobbies on the beat, and secondly that courts should adopt a more realistic and preventative policy in sentencing. There are, I think, problems about the reiterated need for policemen patrolling our streets. It is indeed a way in which officers can gain knowledge of their territory, its people, its problems, the parts of it which are most vulnerable to crime. But if I wake in the night and hear sounds of an intruder downstairs, the chance of my local police officer passing my door at that moment is surely extremely low. What is important is a quick response to my telephone

call. This inevitably means more policemen in cars, not on foot. But, of course, we need both. And we need to communicate with them. We can hardly do that if they are always in a car, and usually one driven extremely fast.

It would, I think, be helpful to the relationship between police and the policed if there could be more, and perhaps smaller, police stations and if those could be drop in places welcoming and attractive to visit. It is an easy suggestion to make but I realise that the financial implications are large; one has only to think of the cost of a twenty-four hour cover for even two officers. But surely more could be done to make police stations we have more attractive. Too often they are forbidding Victorian buildings which can hardly provide agreeable working conditions for the staff and are certainly intimidating for visitors. But here again is the dichotomy we encounter in all discussions about policing. In our society police stations have to be safe and security is often the first concern. How can this be reconciled with an entrance hall which is comfortable, pleasant and welcoming? The answer is not easy, but perhaps we should pay as much attention to the architecture of our police stations as we do to other public buildings.

I live in London and spend time in Oxford and on the Suffolk coast. I have little knowledge of the Midlands or the North and therefore cannot speak with experience outside the over-crowded South East, but it does seem to me that never before have the police been so isolated from the community they serve despite the encouraging achievements in community policing. Some of the reasons have been adumbrated in this lecture but I do wonder whether the time may not have come to take a look at the whole organisation of the force in England and Wales. Is it in danger of becoming too centralised? In an age when the Home Secretary can dismiss the Chief Constable against

the wishes of the police authority, how effective are those authorities in promoting the involvement of the local community? Serious crime is national – indeed international – and we have to recognise that it cannot be solved within individual police boundaries. Even so, we need somehow to retain the distinctiveness of individual forces and the close relationship with local communities, on which successful policing depends. And if there are to be changes, they need to be based not on political expediency, but on well resourced, high-level and independent research.

Chief officers at present have the opportunity of recruiting intelligent dedicated and enthusiastic young people to the force and they have a responsibility to ensure that this dedication does not drain away into cynicism and what is commonly described as a canteen machismo culture. But we in the community have our responsibilities. Firstly, of course, to respect the law ourselves, even when it is inconvenient. Secondly, to cooperate with crime prevention measures to ensure that we don't make life easier for thieves and muggers by our own carelessness or stupidity. And thirdly, to support the police in what after all is our common aim to make our world a safer and a gentler place. They deserve our respect and our gratitude. When I travel overseas as a crime writer, police officers are often anxious to meet me and discuss their methods and achievements. I know that they regard our police force as one of the best – most say *the* best – in the world. It is our responsibility as a nation, as well as the responsibility of the police, to ensure that it remains so.