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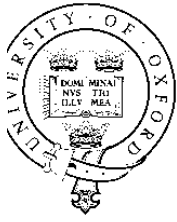
24 March 2009

Oxford
Policing
Policy
Forum

Politics
and the
Police

Report of the sixth Oxford Policing Policy Forum, which posed the question: *what is the place of politics in policing? And: what is the place of the police in politics?*

All Souls
College,
Oxford



Oxford Policing Policy Forum

Policing and Politics

24 March 2009

GUEST LIST

NAME	JOB TITLE	ORGANISATION
Sir Ian Blair		
Professor Vernon Bogdanor MA (Oxon)		University of Oxford
Dr Timothy Brain OBE QPM BA Ph.D	Chief Constable	Gloucestershire Constabulary
The Rt. Hon. Sir John Chilcot GCB	Chairman of Trustees	The Police Foundation
Mr Stephen Cummins	Policing Strategy Team	Home Office
Ms Claire Davis	Researcher	The Police Foundation
Mr Malcolm Dean		
The Lord Dear QPM DL		House of Lords
Ms Tania Eagle	Strategic Policy Adviser	Association of Police Authorities
Dr David Faulkner	Senior Research Associate	University of Oxford
Ms Ann Glaves-Smith	Partner	Child and Child Solicitors
Mr Roger Graef OBE	Chief Executive	Films of Record
Mr John Graham	Director	The Police Foundation
Dr Martin Innes	Professor and Director	Cardiff University
Sir Ken Jones QPM	President	Association of Chief Police Officers of England Wales and Northern Ireland
Mr Martin Kettle		The Guardian
Professor Ian Loader	Director, Centre for Criminology	University of Oxford
Mr Gavin Lockhart		Policy Exchange
Ms Abie Longstaff		The Police Foundation
Ms Georgina Lotinga	Intern	The Police Foundation
Professor Rod Morgan		
Professor Robert Reiner		London School of Economics
Mr Olivier Roth	Policy Officer	The Police Foundation
Ms Harriet Sergeant		CIVITAS
Ms Sara Thornton QPM	Chief Constable	Thames Valley Police
Ms Rhonda Wake		IPSOS MORI

The Oxford Policing Policy Forum

The Oxford Policing Policy Forum is a joint initiative of the Police Foundation and the Centre for Criminology at the University of Oxford. The Forum provides an opportunity for a wide range of stakeholders interested in policing to discuss fundamental issues under Chatham House rules. The main purpose is to encourage informal debate rather than inviting an audience to listen to formal presentations. Participation is by invitation only (see guest list). This meeting of the Forum was chaired by Roger Graef and an introductory presentation was given by Robert Reiner, Professor of Criminology at the London School of Economics. The afternoon session commenced with a presentation from Sir Ken Jones, President of the Association of Chief Police Officers (ACPO).

Background

There has been increasing criticism from the media and from opposition parties over the influence of the police in politics and of politicians in policing. The forced resignation of Sir Ian Blair in February 2008, the arrest of Damien Green MP and proposals for direct elections to police authorities have all prompted comment that policing has become over politicised. It is arguable that policing by its very nature is political and as a public service the police ought to be open to political influence. However, the police began in the 19th century as a non-partisan, a-political organisation of 'citizens in uniform'; policing by consent with the respect and approval of the public. Does politicisation undermine this ethos?

The 6th Oxford Policing Policy Forum met on 24th March 2009 to discuss policing and politics asking: what is the place of politics in policing? And: what is the place of the police in politics?

Presentations

Professor Robert Reiner opened the Forum drawing a semantic distinction between the words 'political' and 'politicised'. Policing, he asserted, is inherently political. Although at its point of creation, the police force was intended to be a non-partisan organisation ruled by law rather than by government, the role of the police in terms of law enforcement, order maintenance and crime control reflects the ideals and standpoints of those in power; and the distribution of this power benefits some more than others. The police regulate conflict; using surveillance and potentially coercive force to keep order. Their powers both enable and frustrate public actions. Policing should not be seen as fulfilling a specific function: rather the police should be seen as a specialised resource holding a monopoly of legitimate force. However, although policing is intrinsically political, Professor Reiner argued that this does not mean the police are politicised. The word 'politicised' would refer to a state where policing issues were politically controversial and where the police themselves were regularly involved in the party political arena.

In the 19th century policing was in theory non-political. The image of the police officer as a 'citizen in uniform' painted a picture of a politically independent police service. The situation changed over the years and especially during the 1970s with Robert

Mark's 1973 Dimpleby Lecture and the Police Federation's 'law and order' campaign which helped to make policing a political issue at the 1979 election. The situation in the 1980s became complicated, with conflicting pressures arising from deepening social divisions, the rise of neo-liberalism and increasing crime but with a degree of consensus based on stronger management and accountability. This theme continued through the 1990's, with the political 'arms race' on law and order between Tony Blair and Michael Howard resulting in the expansion of police powers and the erosion of constabulary independence.

Professor Reiner reminded the Forum of the importance of legitimacy to the notion of policing by consent. A citizen must believe that the powers enforced by the police are both just and necessary. If policing becomes politicised and the police are seen as partisan, this will affect the trust and legitimacy the public place in them. Professor Reiner concluded by quoting Tawney: "...authority, to justify its title, must rest on consent...power is tolerable only so far as it is accountable to the public¹."

Sir Ken Jones opened the afternoon session by saying that the discretion of the police, although enshrined in statute, is viewed differently from different perspectives. Support for the notion of operational independence has waned and Chief Constables are often drawn into political debates by the media, thus blurring the boundaries and leading to concerns that chief officers are drifting towards becoming agents of the state. The system of checks and balances, designed to separate the executive, the judiciary and the legislature has become confused, the old unwritten assumptions are not so readily accepted, managerialism has undermined the service's traditional ethos' and the resulting tensions are being resolved by creeping centralisation. There may now be a need for a more formal written 'constitution'.

How did Policing become Political?

The Forum agreed with Professor Reiner's opening remarks and suggested other factors that have contributed to the close relationship between policing and politics. The media has helped to raise public interest in crime and policing and, together with political campaigning, must accept some responsibility for making crime seem more of a serious problem than it is. The competitive nature of the media industry can result in provocative criticism and comment designed to attract customers. Bad news becomes sensationalised in order to sell newspapers and sensationalised coverage occasionally needs refuting, drawing the police into the public and political eye. The loss of specialist crime correspondents had produced a situation where policing issues were covered by home affairs correspondents, who have a greater interest in the politics of policing and in presenting stories as political.

Changes in society and social structure have also influenced the relationship between policing and politics. The Forum pointed not only towards a decline in deference, resulting in a society more difficult to police, but also to a long term rise in crime and disorder. The remit of policing has been expanded to cover this change, encompassing anti-social behaviour and greater community involvement. All these factors bring the issue of policing into a wider political and social sphere. In response

¹ RH Tawney (1931) Equality p197

to this the role of the police has broadened, with more public engagement and a greater range of quasi-judicial powers. The police family has been widened with the introduction of PCSOs; divisions of labour within the police have become increasingly complex; policing has been micro-managed by government; and police recruits have generally been educated to a higher level, with many senior officers now holding university degrees.

Police funding has become a matter of acute public and political interest since the rejection by the Police Federation of the government's pay offer in the late 1970's. The resourcing and funding of the police, including issues such as police pay, continue to be of media, public and political interest with attention grabbing headlines alerting the public to concerns over the absence of enough 'bobbies on the beat', or the replacement of real police officers with PCSOs. Backdated police pay became a significant issue for the Home Secretary in 2008 and was widely reported on by the media. Ring fencing and funding of police resources remains a political and public matter quite simply because it is the taxpaying public that pays for the police.

All those influences have been at work at a time when increasing demands are being placed on police as public and political expectations rise.

Political or Politicised?

The Forum agreed that this was an important semantic distinction. Policing is inevitably and rightly political; however it should not be politicised in the sense that police could work for the advantage of a particular political party of sectional interest, or that party political interests could influence appointments.

The Forum debated actions that would constitute politicisation rather than inherent politics. It is clear, for example, that if a police chief were only to be awarded his/her post if s/he were of a certain political viewpoint, this would constitute politicisation. However there are cases that are less clear-cut.

The issue of politicisation can be divided into two areas – the influence of politics in policing and the influence of the police in politics.

Politics in Policing

The Forum commented on the perceived need for politicians, at both national and local level, to put their own stamp on policing. Political parties can legitimately hold different beliefs on how the UK should be policed and the roles that various police agencies, such as the Serious Organised Crime Agency, should play. Are political involvement and political influence necessary in a public service to ensure proper democratic accountability? What elements of policing is it legitimate for politicians to take an interest in? And how far can this interest go before it becomes unacceptable politicisation?

It was agreed that the long-standing notion of police operational independence should be respected and that a politician should not be able to give directions on the detail of such operations. But, the Forum suggested, it must be reasonable to expect

a Prime Minister, or any elected politician, to have a say in how crime is policed, from a policy point of view. Politics is arguably the translation of consumer will and the public should have a legitimate view, expressed through its elected representatives, in policing. Further, as politicians are the ones who will be ultimately accountable to the public, they may argue for the right to protect their position by controlling or being involved in policing decisions. One of the dangers with the over involvement of politicians in policing, the Forum noted, is that politics often takes a short-term approach to solving problems. Thus politicians do not always invest in a long-term effective plan, but formulate initiatives to fix problems speedily and efficiently.

There was concern that the statutory powers of the Home Secretary to interfere with policing are increasing. Proposals need to be publicly debated and to achieve this, the public needs to be given the necessary information. Such information, the Forum agreed, must be (and be seen to be) objective and independent, rather than distorted to serve party interests.

The example of The Street Crime Initiative (SCI) was mentioned, which was launched in response to an increase in street robbery. To assist in its formulation, the Prime Minister brought together government departments with representatives from the police, including ACPO and the Metropolitan Police Service. This was described by some at the Forum as an unprecedented level of intervention in operational policing matters. Several of the participants felt that the formulation of the SCI was an example of politicisation. Others stated that because operational independence was not interfered with this did not involve politicisation. It was important, some participants stated, that issues pertinent to policing could be discussed in a non-political setting.

The Forum agreed that there was nevertheless a danger that the public might view the SCI as an example of police and politics being overly linked and that it might raise public fears that undue influence had been applied.

Police in Politics

Politics is the formation of policy. It is legitimate, participants argued, for there to be some level of influence from the police on the matter of policing policy. The process does however involve the difficult task of reconciling 'what the public want' with what the public 'ought to want' (the long term national interest), and the 'provider' interests of the police themselves. It is not clear who has the authority to decide and it is difficult to produce a precise definition.

The police are confronted with the dilemma of whether to lead public opinion or follow it, whether to prevent and reduce crime or concentrate on pursuing offenders, while the government's and the public's expectations often remain ambiguous. Should a Chief Constable try proactively to influence issues and decisions relating to policing or should he/she wait to be told what to do by Parliament or the Executive? Either action could be criticised. It was agreed that it would not be right for a Chief Constable to appear on 'Question Time,' however, some distinctions were less clear. A comparative example was given of the government's Chief Medical Officer, who

does comment on issues within his expertise such as Avian Flu or the price of alcohol. How is this different from a Chief Constable who speaks out on terrorism? It was argued that the rules in the two situations should differ because of the strong link between the police and the state, but even if the conventions were different (as regards public interventions on controversial matters of national importance), the police, like any other service, should be entitled to air their professional judgement and expertise publicly. Professional leadership should be able to assert itself, and should not be lost as it has been in probation. Police are entitled to make a case but should be cautious about taking sides in a political debate where the parties are divided. The position of the police became a controversial issue in the context of the government's proposal to extend powers of detention to 90 days in cases of suspected terrorism. After the July 2005 bombings talks were held between the government and the police to discuss police powers in relation to terrorism. Following the suggestion that the period of pre-charge detention ought to be extended to 90 days, ACPO wrote to all chief constables inviting them to lobby their MP in support of this. In practice not all chief constables did so as they felt that this would be an incorrect degree of police involvement in politics.

The Forum raised the question of the role of ACPO and its position within the political landscape. Formally, the role of ACPO is to persuade and advise government. But it could also be said that ACPO is in fact a lobbying organisation with a strong influence on policy. It was mentioned that, unlike the Association of Police Authorities, ACPO is not governed by statute and the issue of whether the organisation is sufficiently accountable was raised.

The extent of involvement of the police in politics is closely linked to the involvement of politics in policing. The more that police chiefs comment on and try to shape policy and the more they become associated with it; the more politicians are drawn into the debate. It was suggested that the police cannot insist on involvement with politics and then ask politicians to step back and refrain from exerting political influence.

Looking ahead, it may be that the recession will lead to greater unrest and factors such as tackling an increase in levels of petty crime or the manner in which the police control demonstrators may fall under political or media scrutiny and lead to the police being drawn deeper into the political arena.

The Tripartite Structure

The traditional tripartite structure consists of Police Authorities, Chief Constables and the Home Secretary. The checks that it provides have been weakened, the different perspectives have become harder to reconcile, and the resulting tensions have been addressed by creeping centralisation. There are differences of view, in the police and in government itself, about the extent to which the movement should be towards greater devolution or stronger central control, and the balance between them has been changed. The ongoing struggle between Chief Constables seeking autonomy and independence and the Home Secretary trying to increase control has left Police Authorities caught in the middle. It was suggested that one option might be to increase the role of Police Authorities by increasing their public and media profile. or establishing a role as a 'buffer zone' between Chief Constables and the Home

Secretary. Police Authorities could also take a greater part in listening to public opinion, meeting members of Parliament and passing on public concerns.

The policing Green Paper² has recommended directly electing representatives of Police Authorities and Crime and Disorder Reduction Partnerships. The Forum accepted that directly elected representatives might result in a greater flow of information from the police to the public and that the police do need to take more account of public opinion. Concerns were raised however over whether the scheme would in fact result in more democratic control of the police. There is sometimes a difference between what the public perceive they want and what they in fact need. It was noted that sometimes it is the people who campaign for more police that are least in need of such resources. Conversely, in areas of high crime, people may say they do not want a higher police presence.

It was accepted that, as a proportion of council tax is spent locally on the police, the public ought to have some level of say in how their area is policed but some were concerned that with directly elected representatives the emphasis of policing could turn to local policing issues and needs, rather than national interests. Economic crises, terrorism, globalisation and the challenges of the information age are all areas of national policing interest that entail detailed consideration of the issues and their impact countrywide. There was concern over whether the UK has the structures in place for policing to meet these large-scale nationwide and sometimes global challenges. Countries such as France and the United States were mentioned as examples of a national or federal police force combined with a local police force but neither could be said to be noticeably more successful.

Conclusion

The sixth Oxford Policing Policy Forum raised and discussed a number of important issues.

Police involvement in politics is not a modern phenomenon. It began in the 1970s and continues today. It is to be distinguished from politicisation, of which some possible examples were identified.

There is a sense that politicisation is a result of the escalation of a bidding war between political parties and the movement of government into a more consumer focussed role. The question is: how is it possible to retreat from politicisation without returning to a paternalistic style of government where less information is released?

Participants felt there was a need to clarify the tripartite structure and provide scope for Police Authorities to act in a mediator role between the police and politicians.

The Forum agreed that the test of a police force is how the public feels and behaves. Policing can involve the 'dirty work' of coercion or the constraint of freedom and in order for the public to accept the dual aspects of enforcement of the law and enablement of rights; they need to believe that the powers are just and necessary

² Home Office (July 2008) From the Neighbourhood to the National: Policing our communities together

and are free from undue political influence. Policing by consent relies on public trust that law rather than politics will govern the police; the use of power needs to be seen as legitimate by both dominant and subordinate parties. But such consent is fragile; when the government enacts emergency legislation and extends policing powers to tackle new issues, the public needs to be able to trust that the new 'temporary' powers will indeed be temporary. Policing is an important yardstick of the way we view a state and increasing politicisation of policing could jeopardise the public's acceptance and co-operation in policing.

The following questions emerged as subjects for further debate:

- Should the structure of policing be based on the principle of subsidiarity?
- Should the tripartite structure be retained but re-balanced, with a stronger and more clearly defined role for police authorities?
- Should professional leadership be re-asserted?
- Should the service be less 'process driven' and more 'outcome focused'?
- Is there a need for a wider public debate, and for a non-political space in which it can take place?

Abie Longstaff June 2009