

Partners in Crime



Democratic Accountability and the Future of Local Policing

Max Chambers

Contributions from Ian Barnes

Edited by Natalie Evans



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For more information on the work of the Crime and Justice Unit, please contact Gavin McKinnon, Head of Crime and Justice at: gavin.mckinnon@policyexchange.org.uk

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Executive summary

Local policing in England and Wales is in desperate need of democratic renewal. Home Office micromanagement has undermined public confidence in the service and weakened the historic bonds between the police and the communities they serve, placing strain on the Peelian principle that “the police are the public, and the public are the police.” A generation of officers has entered the service working towards centrally-imposed targets rather than community priorities.

While there is broad agreement that crime levels have fallen over the last decade, progress has come at a price: officer numbers are at an all-time high; detection rates are flat; the cost of policing continues to grow; and confidence in the service has fallen dramatically. The Flanagan Review has warned that current service strength cannot be maintained even with a substantial increase in funding. Set against a background of public spending restraint, the situation is plainly untenable. With the Association of Chief Police Officers and the Association of Police Authorities warning of 10-20% potential funding cuts, the structure of police governance must be radically overhauled if it is to provide more for less.

Conscious of the problem, the Government has initiated a shift away from top-down control of local policing. All central targets but one (improving public confidence) have been abandoned, and recent years have seen efforts to introduce community engagement strategies along the lines of those pioneered in Chicago. However, efforts at reform have thus far been haphazard and ineffective. While engagement and responsiveness are the new watchwords of policing, the targets-culture of recent years has disengaged police priorities from local concerns to such an extent that substantial structural and cultural reform will be necessary to reconnect the two.

The mixed-success of the Neighbourhood Reassurance Police Programme demonstrates the need to impress upon forces the value of community engagement. While local pilots saw the establishment of productive dialogue between the police and communities, the national rollout of Neighbourhood Policing has failed to achieve sufficient ‘buy-in’ from police and partner agencies. The current reassurance programme emphasises visible policing, seeking to increase public confidence through improved service strength, without providing for the kind of engagement seen in the successful partner sites. A massive increase in officer numbers has improved neither public confidence, nor sanctioned detection rates. A shift towards more responsive forces, ‘co-producing’ solutions with local communities, could re-engage the police with the public and close the reassurance gap at a fraction of the cost and with no decrease in detection rates.

At the heart of effective local policing must be a focus on working in partnership with both the public and local government. Cooperation between the police, Local Authorities, the parole service, and other local agencies will be central to coordinating priorities and assuring the most efficient use of shared resources.

Crime and Disorder Reduction Partnerships offer a promising framework for partnership working, and in some instances have successfully worked to combat drugs, youth crime and anti-social behaviour. But the current structure of partnership working has been hindered by partners working to conflicting, often centrally imposed targets, a problem compounded by a lack of strong, and accountable leadership.

Filling the local accountability gap left by weak and invisible Police Authorities, directly elected police commissioners would revitalise the relationship between the police and the public. Greater local accountability would drive a radical change in policing culture, orienting chief officers to local needs rather than Home Office priorities, fostering innovation and

responsiveness in the police service, and freeing partner agencies of conflicting agendas. Increased responsiveness would improve public confidence without the costs associated with greater visibility, while commissioners' democratic mandate would allow for strong leadership of partnership working and greater legitimacy of local oversight.

Central to this reform programme is that it would work with many of the existing structures of police management and local Government. Commissioners would chair Crime and Disorder Reduction Partnerships (CDRPs) and work with Local Authority Crime and Disorder Committees (CDCs). They would form Police Commissions, replacing Police Authorities and providing effective oversight of Chief Constables. Direct election would add a direct mandate to positions that would otherwise be filled by appointment. This would give commissioners the power to provide CDRPs with strong leadership and strategic direction, while allowing CDCs to unlock their potential as mechanisms for public oversight and scrutiny.

Through a series of concrete policy recommendations, this report seeks to inject innovation and responsiveness back into the provision of local policing, evolving a framework for effective partnership working within a context of limited, and reducing, resources.

Introduce directly elected police commissioners: The abandonment of central government targets for policing must be met with an increase in local accountability. Communities should be able to articulate local priorities in the knowledge that their concerns will be taken seriously. Directly elected commissioners would hold local policing to account and provide strategic direction for partnership working. Commissioners would take the lead in fostering dialogue with local communities, actively facilitating collaborative solutions to local problems.

Reaffirm the longstanding doctrine of Operational Independence and safeguard the Office of Constable: Chief Constables and BCU Commanders should respond to community priorities. Under the proposals set out in this paper, Chief Constables would be granted independence from the Home Secretary, and would

“ This report seeks to inject innovation and responsiveness back into the provision of local policing, evolving a framework for effective partnership working within a context of limited, and reducing, resources ”

be freed to address local needs. The legislation allowing the Home Secretary to fire Chief Constables would be repealed, and Chief Officers would be given freedom to appoint their Chief Officer Teams without interference from central government or Police Authorities. Chief Constables would appoint BCU Commanders in consultation with Local Authorities and elected commissioners.

Align commissioners' constituencies with BCU areas: Within police force areas, Basic Command Units (BCUs) constitute the most devolved unit of police governance, comprising on average 10 stations and 400 officers. Smaller, more efficient, BCUs would be sufficiently local to meaningfully engage with communities, while covering a broad enough geographical area to prove cost effective. Elected commissioners should represent a BCU area, coordinating local priorities and strategies with BCU Commanders.

Replace ineffective Police Authorities with Police Commissions: Police Authorities should be abolished and replaced with Police Commissions, composed of all elected commissioners within a Police Force Area. This would provide a direct democratic link between the Police Commission and communities in the local area. An electoral mandate would safeguard the Commission from provider takeover (to which Police Authorities are prone) while a Lead Commissioner would provide strategic direction and bring the Commission into line with local Crime and Disorder Reduction Partnership and Local Criminal Justice Board priorities. Responsibility for force-wide budgeting, force priorities, and the appointment of the Chief Constable would be the responsibility of the Police Commission.

Hand commissioners responsibility for local partnership working: Partnership working will be essential to the effective provision of local policing in a period of public spending restraint, ensuring the most efficient use of resources in preventing crime and addressing community priorities. The introduction of elected commissioners would improve the responsiveness of the local BCU to the needs and priorities of partnership agencies, and would introduce much needed leadership to reduce conflicting priorities within Crime and Disorder Reduction Partnerships (CDRPs) through strategic direction. Commissioners would provide a direct link to communities, determining local priorities and chairing partnership work with a direct mandate from the community. Commissioners would facilitate cooperation and provide oversight of individual partners through a range of mechanisms to ensure commitment to local priorities and an effective response to anti-social behaviour.

Allow commissioners to work with Local Authorities: Directly elected police commissioners would work alongside Local Authorities, adopting the leadership role in CDRPs and Police Authorities (restructured as Police Commissions) that councillors are currently unable to fulfil. Commissioners would ensure that partnership working is able to accommodate Local Authorities' broader objectives, while councillors would incorporate CDRP and Police Commission priorities into the negotiation of Local Area Agreements. Commissioners' involvement in the work of council Crime and Disorder Committees would allow Local Authorities to take on a greater oversight role in relation to CDRPs and local policing. Commissioners should share terms of office with councillors and be elected at local elections.

Restructure BCUs to make them coextensive with CDRPs and Local Authorities:

Most BCUs are now party to several CDRPs. Similar problems face partnership working with Drug Action Team, Probation and NHS bodies, scattered across CDRP and BCU areas. In order to facilitate effective partnership working, BCU boundaries should be redrawn to align them with Local Authority and CDRP boundaries. A decrease in BCU size would give Commanders responsibility for a smaller area and a more specific set of local priorities. This would result in councillors, commissioners, CDRPs and the local police all working to shared boundaries and a shared set of local priorities across 373 BCUs. In the interests of transparency, the police precept ought to be collected separately from council tax to give voters a clear sense of the local police provision.

Commissioners should operate within a restructured service to close the ‘Level 2 Gap’:

BCUs currently contain both specialist and non-specialist officers who are deployed from the BCU to deal with both non-serious (Level 1) and cross-border (Level 2) crime. The majority of local policing provision is concerned with Level 1 crime, so if specialist officers were removed from BCUs and pushed up to force level, BCUs would be free to respond to local policing priorities, while Level 2 Protective Services would be provided at force level. Smaller BCUs could focus on responsive neighbourhood policing and anti-social behaviour reduction, while responsibility for Level 2 Protective Services would shift to regional forces. This would promote specialisation, save money, and create a police service model better equipped to deal with serious crime.

1

Introduction

In previous reports, Policy Exchange has argued that policing in England and Wales requires greater accountability and more productive dialogue with the public.¹ Yet the creeping centralisation of power has weakened the longstanding bond between the police and the communities they serve. While there have been recent efforts to reduce top-down targets, a decade of central government encroachment has left local policing in desperate need of democratic renewal if it is to uphold the principle that “the police are the public and the public are the police.”

The problem is indisputable. Public confidence in the police has fallen dramatically over recent years.² An August 2009 survey found that fewer than half (47%) of English and Welsh residents are satisfied with their local police force, and just over one in four (26%) feel the police are successfully dealing with crime and anti-social behaviour in their area.³ While crime has fallen by 45% since 1996, 75% of people perceive an increase in crime nationally.⁴ There is a direct correlation between public confidence and police responsiveness to local priorities.⁵ The revelation that officers ignored 33 calls in the tragic case of Fiona Pilkington and her daughter in 2007 is indicative of a failure to provide the service local communities urgently require.⁶

Over the last decade, the Government’s response to the failure of local policing in the UK has been to increase officer numbers on the front line. Police force strength in England and Wales is at its highest ever, with 143,000 sworn officers and 16,500 Community Support Officers, a level which is unsustainable even with increased police spending.⁷ But research suggests that while increasing the number of police officers may reduce levels of violent crime, numbers do not in themselves reduce property crime or anti-social behaviour,⁸ nor does increased visibility directly increase the public’s confidence in local policing. Responsiveness and community engagement are far more important.⁹

In the US, the police respond to local problems through innovation at the community level, with successful initiatives often taken up nationally. Locally evolved programmes such as the Chicago Alternative Policing Strategy (CAPS) have developed effective methods for community engagement, providing models that can be rolled-out nationally. If policing in England and Wales is to move towards greater innovation, cost-effectiveness and local responsibility, Chief Constables must be given greater freedom. While the Home Office has made efforts to loosen its grip on local policing, the Home Secretary retains statutory powers over Chief Constables, and senior officers have tended to mistakenly view indicators as targets. In releasing local policing from central targets the

1 See: Going Local, Fitting the Bill, Footing the Bill, Size Isn’t Everything

2 In 1982, 92 per cent of people had confidence in the service; in 2004 only 47 per cent did: Loveday, B and Reid, A (2003), Going Local: Who Should Run Britain’s Police Force? Policy Exchange. A 2002 ICM poll found that 68 per cent thought the police did not reflect local priorities, while a 2007 poll found that 73 per cent felt the police did not spend enough time on the beat: The Conservative Party (2007) Policing for the People: Interim Report of the Police Reform Taskforce.

3 People, Perceptions and Place, IPSOS Mori, August 2009 pp40-53

4 British Crime Survey 2009-10, Home Office

5 IPSOS Mori, August 2009 Op Cit

6 Officers ‘dismissed mother’s pleas, Press Association, September 2009

7 Police Numbers At Record Level, The Guardian, 30 September 2009

8 Using Election Cycles in Police Hiring to Estimate the Effect of Police on Crime, Levitt, S. American Economic Review, Vol 87, No 3, 1997

9 How Policing can Reduce feelings of Insecurity: Results from Survey Research in the Netherlands, Lasthuizen, K. et al, Police Practice and Research, Vol. 6, No. 4

Government has taken no effective measures to tie forces to local priorities. The trade-off for increased independence should be greater local accountability to the community via elected commissioners, who would act as strong local figureheads and replace the anonymous and unaccountable bodies currently in place.

There is broad agreement that the police should be better held to account at a local level. Former Home Secretary David Blunkett recently identified “a need to urgently sort out who is accountable and responsible for what” in policing¹⁰, while the 2007 Flanagan Review concluded:

*If a body of citizens is dissatisfied with the service they receive or the scrutiny of it, they have little means of redress... the most critical shift which needs to occur is to enhance the responsiveness and answerability of policing services in local communities. To achieve this, we must bring about an acceleration in fully adopting a citizen-focused approach to policing; putting customer service and the interests and needs of local people at the core of priority setting.*¹¹

The Flanagan Review raised the idea of vesting responsibility for local policing in the hands of elected representatives, a proposal that has shaped subsequent debate. Addressing the issue, the Home Office’s 2008 Green Paper presented a series of proposals that included the introduction of directly elected Crime and Policing Representatives. None of these policies survived to the 2008–09 Policing and Crime Bill, amid pressure from various stakeholders.¹² Equally, the Conservatives’ proposals for elected Crime and Justice Commissioners have met with vocal opposition.¹³

The Government’s current legislative programme will not provide the shift to local accountability that is so urgently required in policing, while senior officers, Police Authorities and local government trenchantly resist more radical measures.¹⁴ Meanwhile, public confidence in the police continues to fall and fear of crime and anti-social behaviour continues to rise. The situation facing local communities is untenable.

Extensive consultation with policing professionals suggests that they are not in principle opposed to local democratic oversight. What they fear is political control and the further erosion of operational independence after a decade of Home Office micromanagement. Politicians’ claims to have their hands “on the tiller” of the Met have skewed the debate over democratic accountability, prompting both critics and proponents to wrongly conflate the distinct notions of accountability and control.

This report sets out a range of proposals that would see elected police commissioners facilitating, advising and holding to account Crime and Disorder Reduction partners and revitalising the historic bonds between the police and local communities.

The elected commissioner model represents the most promising mechanism for renewing the relationship between the police and local communities. Community engagement projects implemented on a large scale currently fail to achieve fruitful dialogue: centralised targets have shaped policing to such an extent that communities rarely believe that the police operate with regard to community priorities. Her Majesty’s Inspectorate of Constabulary inspected forces against their commitments in the ‘Policing Pledge’ to keep the public informed and respond to local priority and need. Their report, published in October 2009,

10 A People’s Police Force: Police Accountability in the Modern Era, David Blunkett MP, July 2009

11 Independent Review of Policing by Sir Ronnie Flanagan, Home Office, 2008

12 Policing and Crime Bill 2008-09

13 Met chief Sir Paul Stephenson warns politicians to keep out of policing, The Times, 16 September 2009

14 Responses to the 2008 Green Paper are illustrative, e.g. ACPO Response to the Green Paper: From the Neighbourhood to the National, 2008

found that 35 out of 43 forces fell short of these basic commitments and needed to improve their local responsiveness¹⁵.

Through commissioners' work, effective local police forces would reaffirm their relationship with their community, while poorly performing teams would have the opportunity to engage with residents and build their improvement efforts around local priorities. Elected Commissioners would facilitate regular public forums where senior officers could account for their performance, providing an escalation route for the public when needs are not being met. The presence of a single, elected figure at the coextensive Local Authority/Basic Command Unit level would make policing more accessible, circumventing the labyrinthine system of focus groups and 'community calls to action' that presently constitute public consultation. Handing ownership of policing priorities to the local electorate would allow for the kind of engagement that has been lost in England and Wales, building on Sir Ronnie Flanagan's conclusion that:

*an increase in local accountability will only generate an increase in public confidence if the roles of government, police and accountability bodies are understood; if people feel they have the opportunity to comment and influence what happens locally; if the police are enabled to deliver improved performance; and if those charged with scrutiny and accountability ensure that they do.*¹⁶

Elected police commissioners would get the best out of the existing framework of policing in the UK. Their creation would represent a radical departure from the status quo, with substantial savings to be made in the longer term. In essence, this proposal sets out to achieve the image of policing anticipated by the 1962 Royal Commission on Policing. Control of the police would not be handed to politicians. Senior officers would continue to enjoy immunity to orders, but as the Royal Commission envisioned, through local accountability mechanisms they would be "exposed to advice and guidance of which [they] would be expected to take heed."¹⁷

15 Policing Pledge Thematic Inspection HMIC 2009

16 Independent Review of Policing by Sir Ronnie Flanagan, Home Office, 2008

17 Report of the Royal Commission on the Police, Willink H (Chair) 1962

2

The Shape of the Service: The Structure of Police Governance

England and Wales have 43 independent territorial police forces, each responsible for the provision of policing services in their Police Force Area (PFA). The Chief Constable manages operational matters, while the Police Authority sets priorities and maintains oversight.

Serious and organised crime is currently primarily the responsibility of the Serious and Organised Crime Agency (SOCA), with the Association of Chief Police Officers (ACPO) acting in a support capacity as the de facto lead on organised crime for England and Wales. ACPO is responsible for organised crime mapping and manages Regional Intelligence Units in which SOCA and HMRC officers are based. The ACPO lead on Serious and Organised Crime chairs the Serious Organised Crime Strategy Group. The Metropolitan Police is large enough to have their own specialist units for dealing with serious and organised crime and has had considerable success in doing so.

The National Policing Improvement Agency (NPIA) provides the critical national infrastructure for policing, such as the radio and computer systems, and gives specialist operational support to local police forces on complex investigations. They also provide national procurement frameworks and manage national policing programmes to ensure the best use of police budgets, as well as training the leadership of the police service, and acting as an independent arbiter of what works in crime reduction.

The 43 forces should focus on local crime, disorder and anti-social behaviour, but they also retain specialist functions, such as surveillance and homicide teams, for the investigation of mid-level and cross-border crime.

Most forces are subdivided into Basic Command Units (BCUs), each led by a BCU Commander (typically a Chief Superintendent) with responsibility for an average of ten stations in the area. BCUs are the most devolved level of police governance, providing between 90 and 95% of service delivery in the local area.¹⁸ There are 228 BCUs in England and Wales – an average of 6 per police force, or 4.66 excluding the Metropolitan Police – each with an average of over 400 warranted officers and 150 support staff.¹⁹ BCUs vary greatly in size²⁰ – Bristol BCU has just under 1000 officers, comparable in size with the entirety of the neighbouring Wiltshire Constabulary.²¹

The Police Act 1964

Following the 1962 Royal Commission on the Police, the Police Act 1964 laid the foundations for the present structure of police governance in England and Wales.

18 Basic Command Units and 19 Local Authorities: Future Mechanisms of Police Accountability and Service Delivery, Loveday, B. *International Journal of Police Science and Management*, Vol. 9 No. 4, 2007 pp.324-335

19 Policy Exchange, *Fitting the Bill* 20 Ibid

21 Police officer strength and officers per 100,000 population by Basic Command Unit, Home Office

The number of forces was cut from 119 to 51 (further reduced to the current 43 by the Local Government Act 1972²²) and the system of locally elected Watch Committees was replaced with the tripartite structure in which responsibility is shared between Police Authorities, Chief Constables and the Home Office. In principle:

- Chief Constables are responsible for service delivery;
- Police Authorities agree strategic priorities and set the annual budget; and
- The Home Secretary sets the legislative and performance management framework.

The Home Secretary

The Home Secretary is accountable to Parliament and holds responsibility for policing in England and Wales. Under the Police Reform Act 2002, the Home Secretary has a responsibility to ensure the delivery and application of good practice through codes, regulations and guidance.²³ The 2002 introduction of the National Policing Plan allowed the Home Office to set out targets and priorities for policing over three-year periods. As had never previously been the case, the plans were directive and not merely advisory.²⁴ The 2002 Act also gave the Home Secretary the power to suspend or dismiss Chief Constables.²⁵ Additionally, the Home Secretary's approval is required for the appointment of a Chief Constable by the relevant Police Authority.

Conscious of the impact that centralisation has had on local policing provision, Home Office targets have largely been abandoned for policing, improving public confidence the only exception. However, the Home Secretary continues to set the Strategic Policing Plan and the National Indicator Set (NIS), providing a performance management framework without statutory targets. Some Chief Officers have chosen to set informal targets according to Home Office priorities.

Police Authorities

Under the tripartite system Police Authorities are required to consult with local communities and to set strategic direction for policing at the local level. At the national level they are represented by the Association of Police Authorities (APA). They consist of councillors, at least one magistrate, and independent members. Councillors make up a majority and are selected from top-tier councils in the police force area; independent members are appointed by the authority from a shortlist compiled by a selection panel, which is itself selected jointly by the Police Authority and the Home Office.²⁶

Police Authorities select the Chief Constable and other chief officers for the force area with approval from the Home Secretary. They hold responsibility for setting local targets and overseeing the force with regard to national targets and must ensure that public accountability arrangements at BCU and neighbourhood level allow communities to voice their priorities and have a say in local policing.²⁷ Police Authorities decide the size of the police precept drawn from local council tax, and allocate the budget to chief officers.

Since their creation Police Authorities have been the poor relations in the tripartite. They are prone to 'provider takeover', deferring to the whims of Chief

22 Size Isn't Everything: Restructuring Policing in England and Wales, Loveday, B. Policy Exchange 2006

23 Independent Review of Policing by Sir Ronnie Flanagan, Home Office, 2008

24 Give and Take: The Bifurcation of Police Reform in Britain, Savage, S. P. The Australian and New Zealand Journal of Criminology Vol. 40 No. 3 pp. 313-334

25 A New Beat: Options For More Accountable Policing, IPPR, 2008

26 International comparison research: models of police governance and accountability, APA/Northern Ireland Policing Board, 2009

27 The Tripartite System of Police Governance, West Mercia Police Authority

Constables, and have been further undermined in their advisory and scrutiny roles by the growing power of the Home Secretary.²⁸ They have suffered too from almost complete anonymity: a review by the Government in 2008 showed only 7% of people had heard of Police Authorities. The APA's own study in 2008 found only one person in their focus groups who knew what a Police Authority was.

“The APA's own study in 2008 found only one person in their focus groups who knew what a Police Authority was”

The absence of directly elected leadership robs Police Authorities of the democratic mandate necessary for legitimate, effective, and representative leadership. The APA believes the direct election of police commissioners is unnecessary, and that reformed Police Authorities could provide adequate accountability at the local level. This flies in the face of what the public want, with 60% of people expressing a desire to introduce elected police commissioners in an October 2009 opinion poll.²⁹

Chief Constables

Chief Constables are responsible for operational decisions in their Police Force Area, including the deployment of staff and resources. Individual Chief Constables are accountable to the Police Authority and, as of 2002, to the Home Secretary. They are directly responsible for crime and disorder reduction in the Police Force Area, and hold responsibility for meeting national targets and responding to local priorities. At national level Chief Constables are represented in their dealings with the other branches of the tripartite by the Association of Chief Police Officers (ACPO).

Chief Constables must ensure their force is working in partnership with relevant local and regional agencies and local communities, leading on Neighbourhood Policing and community engagement. They are also responsible for ensuring cooperation between forces in tackling cross-border crime. ACPO is vehemently opposed to the idea of elected police commissioners, and is concerned the proposal would undermine the independence of the police service.

Partnership Working

Over the last decade, the Government has emphasised the importance of cooperation between local agencies in reducing crime and disorder and increasing efficiency within the criminal justice system. Relevant agencies have statutory obligations to work in partnerships at various levels. While partnership working will be central to crime and disorder reduction in the coming years, partnerships are currently held back by centrally imposed targets, cross-cutting priorities among partner agencies, and a lack of strong leadership and democratic mandate.

Crime and Disorder Reduction Partnerships (CDRPs) were created by the Crime and Disorder Act 1998, bringing together local agencies under a statutory duty to cooperate in crime and disorder reduction in their Local Authority area. Statutory partners include the Police, Police Authority, Local Authority, NHS Primary Care Trust and, since 2006, Fire Service, Probation Service and Housing Associations. CDRPs are expected to cooperate with other relevant organisations

28 Counterblast: The Flanagan Report and the Future of Policing, Sharp, D The Howard Journal Vol 47 No.4 September 2008

29 Who's Accountable, IPPR and PwC, October 2009

from public and private sectors, such as Drug Action Teams, producing three-year strategies.³⁰

CDRPs must work to targets set out in Local Area Agreements (LAAs) negotiated at county level and are answerable to central government via the Crime Reduction Director in one of nine Regional Government Offices.³¹ There are currently 373 CDRPs across the 43 Police Force Areas in England and Wales.

In addition to CDRPs, 42 Local Criminal Justice Boards (LCJBs) operate at Police Force level, bringing together the heads of local agencies in the Criminal Justice System (CJS) including the police, prisons, Probation Service, Crown Prosecution Service and, often, Local Authorities. LCJBs are responsible for working to local priorities and meeting central targets set out in Public Service Agreement (PSA) 3.³² There is overlap between the work of CDRPs and LCJBs, which are expected to coordinate district priorities in two-tier areas through the relevant County Strategy Group (CSG).³³

Funding

The majority of police funding is delivered directly to Police Authorities via Home Office Police Grants. The total value of Police Grants (including central funding for the Metropolitan and City of London Police) for the year 2008/9 was £7.9 billion. This is provisionally set to rise to £8.1 billion in 2009/10.³⁴ Staff related costs account for approximately 80% of police spending. In line with other areas of public spending, policing in England and Wales could see dramatic spending cuts in coming years.³⁵

Funding is apportioned to Police Authorities based on the Home Office funding formula, which incorporates elements to reflect relative need in terms of population and crime levels. The formula has never been fully implemented in the interests of maintaining financial stability. Welsh forces, for example, would lose a total of £15 million from their current budgets if the funding formula were fully implemented.³⁶

A system of floors currently serves to damp the impact of the funding formula on changes in the annual Police Grant (providing no force with an increase of less than 2.5% in the grant,) though the Flanagan Review argued for full implementation of the funding formula, a proposal echoed in recent Home Office statements.³⁷ The funding formula has met with criticism for its failure to sufficiently reflect the impact of population sparsity on policing provision: Cumbria receives a £32.6 million central grant, while Greater Manchester receives £231.9 million.³⁸ Dr Tim Brain, Chief Constable of Gloucestershire Police and ACPO lead on finance has stated that the funding formula is in need of reform:

*It is not at all certain that the funding formula is any longer an accurate reflection of the relative needs of authority areas.*³⁹

Police Authorities are able to supplement central funding through the Police Precept levies on District Council and Unitary Authority council tax. The value of the police precept varies widely between forces. In South Yorkshire the police precept will generate 2009/10 revenues of £49 million (20% of the force's total budget), while the £38 million accrued through the precept in Wiltshire will account for almost 40% of the budget.⁴⁰

30 The full list of cooperating bodies specified by the Home Office is available at <http://www.crimereduction.homeoffice.gov.uk/regions/regions13.htm>

31 s6, Crime and Disorder Act 1998 as amended by s97 & s98 Police Reform Act 2002 and s1, Clean Neighbourhoods & Environment Act 2005

32 The Criminal Justice System of England and Wales <http://lcjb.cjsonline.gov.uk/>

33 'Delivering Safer Communities: A Guide to Effective Partnership Working', Home Office, 2007

34 Home Office Written Ministerial Statement, 21 January 2009

35 APA/ACPO Briefing on Police Funding, October 2009

36 Statement on Police Funding Formulas, Mark Williams MP, Hansard, 28 January 2009, 16.30

37 Hansard, 9 December 2008; Vol. 485, c.36W.

38 Home Office, The Police Grant Report

39 Quoted by Mark Harper MP, Westminster Hall Debates, 13 January 2009, 13.00

40 South Yorkshire Police Authority, 2009-10 Budget and Precept; Wiltshire Police Authority, Funding the 2009-10 Budget

In some areas local funding makes a substantial contribution to the Police Authority budget. Surrey Police, which receives the lowest grant per head of population, draws 49% of its funding from council tax.⁴¹ However, the centrally imposed 5% ceiling on council tax increases limits the amount that can be raised.⁴² In 2009/10 some areas will be limited to an even more severe 3% cap.⁴³

Central funding falls into specific categories including standard spending, capital spending, Special Police Grants and Central Support Services, and the application of specific grants and ‘top-slicing’ (reserving funding for particular targets and projects) has met with opposition among Police Authorities and within the service.⁴⁴ With regard to funding through the Police Precept, commentators have questioned the extent to which police forces working to meet centralised targets should rely so heavily on local funding.⁴⁵ In the wake of the Lyons Inquiry into local government, there is also some suggestion that the police precept ought to be collected separately from council tax to give voters a clear sense of the local police provision.⁴⁶

The devolution of budgetary control varies widely within forces. While some BCUs have substantial control of their budgets, others are “dictated and controlled at force level with only the most limited devolvement available.”⁴⁷

41 Paul Beresford MP, Hansard, 9 July 2009, c.1192

42 A People’s Police Force: Police Accountability in the Modern Era, D. Blunkett, 2009

43 See Hansard, 4 February 2009, Column 858

44 Briefing and Analysis: Police Funding, Politics.co.uk

45 Size Isn’t Everything: Restructuring Policing in England and Wales, Loveday, B. Policy Exchange 2006

46 Policing for the People, Conservative Party 2006

47 ‘Moving Policing Forward: Proposals for the Future’, Police Superintendents’ Association of England and Wales, March 2004

3

The State of the Service: Targets and Accountability

Over the last decade, successive Home Secretaries have performed a ‘double shuffle’ on localism.⁴⁸ While there has been much focus on policing at the local level, power has moved steadily towards the centre, tightening Home Office control over police Basic Command Units (BCUs), Crime and Disorder Reduction Partnerships (CDRPs), Local Authorities, Police Authorities and Chief Constables.

The result is a police service that works towards Home Office targets to the detriment of local needs. One commentator has described relations between the police, the public and politicians as “increasingly characterised by mutual suspicion of each other’s motives and legitimacy.”⁴⁹ Such claims are reflective of public opinion: 57% of the public feel they have no influence over the police and little say in decisions about policing.⁵⁰ A lack of dialogue and integration is at the heart of the problem; 73% of people do not know any officers in their local area.⁵¹

Case Study: Working Towards the Centre

In 2003 the Home Office committed police forces to a 5% annual increase in the number of persistent offenders brought to justice. Support from chief constables waned when the Home Office defined a persistent offender as one who had been convicted a minimum of six times in the last 12 months: officers were effectively incentivised to go after small-time crooks rather than professional criminals who had consistently evaded arrest and prosecution.⁵²

‘Gaming’ has been well documented within New Public Management targets regimes, and senior officers are not immune to “hitting the target while missing the point”. Centrally imposed targets have created perverse incentives for police officers, diverting BCU Commanders from tackling local priorities in order to meet Home Office targets. Handing out Fixed Penalty Notices (FPNs) for minor offences increases the number of offences brought to justice, but does little for crime reduction overall and allows offenders to escape prosecution.⁵³ The areas in which central control is exercised are broad. A recent survey showed that 78% of Police Superintendents believe that Home Office guidance is inhibiting them from varying staff mix appropriately.⁵⁴

48 ‘Forcing the Issue: New Labour, New Localism and the Democratic Renewal of Police Accountability’ E McLaughlin

49 ‘A Force for Change’, Demos

50 Wood, D; MacAlister, D. (2005) *Accountable – Responsive and Independent on the Need for Balance in Police Governance*. International Journal of Police Science and Management, Vol 7 No 3, 2005 cited in Independent Review of Policing by Sir Ronnie Flanagan, Home Office, 2008

51 Policing for the People, Conservative Party 2006

52 Bobbies on the Beat, Davies, N., The Guardian, July 2003

53 A New Beat: Options For More Accountable Policing, IPPR, 2008

54 Policy Exchange, Fitting the Bill

Jan Berry, the former Chairman of the Police Federation, recently lamented the rise of “policing to meet targets rather than really understanding what it is the public needs.” She went on to argue that under the current targets regime:

*The things that can't be quantified – reassuring a member of the public, quelling a situation before trouble arises – things that I would say are at the heart of good policing, can't be measured, so aren't seen as important.*⁵⁵

The 2007 Flanagan Review identified widespread concern among stakeholders over the level of Home Office intervention at the local level.⁵⁶ The media has dubbed the police insensitive and unresponsive, a state the Liberal Democrats consider “indicative of how detached much of the public, including many victims, feel from their local police force”.⁵⁷ Victim Support has described the current state of policing as “considerably out of sync with public expectations”.⁵⁸

Reflecting the impact of centralisation on local policing provision, the Home Office has subsequently abandoned all centralised targets but one – improving public confidence. The move reflects efforts to loosen Home Office control over national priority setting, but it has proven wholly inadequate. The Home Secretary continues to set Strategic Policing Priorities aligned with PSAs and laid in Parliament. While these priorities are distinct from the (now defunct) National Policing Plan, they represent a retrograde step in various respects: in comparison to the NPP they are communicated to Chief Constables woefully late in the planning process and often fail to take account of the cost, sequencing and interdependency of changes.

The Home Secretary's Strategic Policing Priorities are not the same as the NPP, but for many senior officers they represent a continuation of the same regime. Thus, forces frequently build in their own targets around Strategic Policing Priorities and the National Indicator Set (NIS). Forces' performance is monitored through the NIS and the Analysis of Police and Community Safety (APACS).⁵⁹ The NIS sets out the data that forces are expected to collect, but it is not intended as a list of centralised targets.⁶⁰ It is indicative of the change in police culture over the last decade that senior officers have chosen to view the NIS priorities as the basis for *de facto* targets. The Flanagan Review observed:

*It is felt by many that the raft of Home Office national performance indicators have also driven local priorities further down the scale for chief constables who have to perform to these national indicators or risk the potential of intervention.*⁶¹

Such is the extent of the problem that from 2009 the National Policing Board (which represents the three strands of the tripartite) has had a role in agreeing indicators in order to lend balance to the NIS. No indicators have been removed and two new categories (Class-A Drug Related Offending and Repeat Incidents of Domestic Violence) have been added.⁶²

Unhappy Partners

Having made crime reduction a centrepiece of their 1997 manifesto, the Government forced through a series of policies intended to give the Home Secretary greater control over policing. While effective partnership working between local

55 Quoted in A Thinning Blue Line? Police Independence and the Rule of Law, Chakrabati, S, 2008 Policing, Volume 2, Number 3, pp. 367-374

56 Independent Review of Policing by Sir Ronnie Flanagan, Home Office, 2008

57 Police arrogant over crime victims warns Chief Constable, Telegraph, 1 September 2009

58 Ibid

59 Independent Review of Policing by Sir Ronnie Flanagan, Home Office, 2008

60 Guidance for SPIs on APACS, Home Office 2009

61 Independent Review of Policing by Sir Ronnie Flanagan, Home Office, 2008

62 Analysis of Policing and Community Safety, Home Office 2009

agencies is key to crime reduction and responsive policing, Crime and Disorder Reduction Partnerships have been hampered by Home Office micromanagement for the past decade.

The 1999 Local Government Act set out targets for CDRPs on vehicle-crime, domestic burglary and robbery, which unravelled any efforts CDRPs had made to establish local priorities.⁶³ For example, 87% of CDRPs had ranked domestic violence as their main priority, but this was entirely absent from Home Office targets. Only 8% considered burglary a priority yet the Government insisted that resources be directed to achieving a 25% reduction in burglary rates.⁶⁴

Central government handling of CDRPs has been clumsy. Initially, no direct funding was provided to CDRPs, which brought together partners who were already working toward their own centrally imposed targets. By their first deadline in April 1999, 117 of 376 CDRPs had failed to provide crime audits.⁶⁵ Many CDRPs experienced difficulty engaging with partnership agencies owing to the dominance of the police agenda, an unwillingness to share information and conflicting priorities. The private sector has proved particularly reluctant to engage in partnership working.⁶⁶

The Government's response to the initial difficulties facing CDRPs was limited: in addition to expanding the list of agencies under a duty to engage in partnership work, the Home Office provided a new set of best practice guidelines and performance indicators. These measures have in fact fostered intra-organisational goal setting, and stand in the way of effective partnership working.⁶⁷ In 2004 the Home Office acknowledged that:

*A significant number of partnerships struggle to maintain a full contribution from key agencies and even successful ones are not sufficiently visible, nor we think, accountable, to the public as they should be.*⁶⁸

With the growth of central directives, there is a danger for partners to succumb to 'measure fixation' wherein 'what works' simply becomes 'what can be measured'.⁶⁹ This tendency is compounded by the findings of a recent RAND study in which it was suggested the Home Office may "move the goalposts too much" in relation to targets.⁷⁰ In April 2008, for example, a Home Office directive clarified the recording of the offence of grievous bodily harm (GBH), leading to an effective 'upgrading' of the seriousness of these particular offences.⁷¹ This skewed data at the CDRP level and required the redirection of resources to reduce what had previously been considered non-serious violent crime in order to meet targets. Constantly changing priorities of this kind make long-term planning difficult for partnerships.

While the Home Office has effective control of CDRPs, the Office of Deputy Prime Minister and Department for Communities and Local Government have been resistant to Home Office control of local government. The result is that while partnerships have been accountable to the Home Office, most of the partners have not. This has been found to place a substantial burden on police forces, which have carried the financial and managerial burden of delivering community safety targets, often in areas that were not considered core police tasks. For example, Surrey Police responded to residents' complaints of young people hanging around by organising various activities for youths. In this instance, a lack of partnership buy-in saw the police performing tasks clearly within the Local Authority's remit.

63 Bobbies on the Beat, Op Cit

64 Ibid

65 Ibid

66 Missed opportunities for preventing crime, Adam Crawford http://pdfserve.informaworld.com/514655_731194600_791441432.pdf

67 Ibid

68 Ibid

69 http://www.rc.rand.org/pubs/technical_reports/2009/RAND_TR698.pdf

70 Ibid

71 Ibid

Case Study: The Trouble With Targets

In 2000, Bristol CDRP embarked on a scheme to curb drug use, employing newly passed legislation to force users to undertake treatment. During the course of the programme, addicts were to be accommodated in probation hostels – a measure with which all partners were satisfied. But national performance targets required hostels to be kept at least 90% full at all times. As drug users proved to be unreliable residents, the scheme was abandoned as this target could not be met.⁷²

A Lack of Authority

While the Home Office has set targets for local policing over the last decade, Police Authorities should in principle retain strategic control of local policing and serve as the primary accountability mechanism for Chief Officers. However, Police Authorities have never functioned as they should. Under the doctrine of operational independence, Police Authorities have limited impact on strategic priorities, leaving operational decisions to Chief Constables.⁷³ Consequently, they are prone to ‘provider takeover’ by Chief Constables, a view endorsed by Home Office research.⁷⁴

The Government has never made a concerted effort to bolster the scrutiny role of Police Authorities. While provisions to that effect were introduced in the Police and Justice Act 2006, the Home Office (under pressure from ACPO President Ken Jones) subsequently drafted a letter to Police Authorities ‘clarifying’ the legislation, stating that no changes to the existing arrangements were envisioned.

Even if Police Authorities were able to perform their overview and scrutiny role, they are too far removed from local communities – both geographically and politically – to adequately claim to represent them. Police Authorities cover broad areas and diverse populations, removed from local residents and with only partial (indirectly) elected membership. In 2008 Sir Simon Milton, then Chairman of the Local Government Association, observed:

*Every service delivered to people in their local area should be directly accountable to residents... As the power of police authorities has waned, connections between the police and the people they serve have weakened.*⁷⁵

Police Authorities are barely visible and are not directly accountable to the electorate. A 2003 Home Office study found that the vast majority of respondents either had no knowledge of Police Authorities or were unaware of their role in holding the police to account.⁷⁶ In the APA’s own research only one respondent had heard of Police Authorities and knew only that they were responsible for the appointment and dismissal of Chief Officers.⁷⁷

There seems to be little will among Police Authorities to increase either visibility or accountability. The Police and Justice Act 2006 contained provisions to allow Police Authorities to delegate responsibility for decision making to individual members, mirroring the role of Local Authority Executives.⁷⁸ Prior to the change, responsibility could be delegated to the Chief Executive in consultation with a named member, but the new arrangements allowed members to take on

72 Bobbies on the Beat, Op Cit

73 A New Beat: Options For More Accountable Policing, IPPR, 2008

74 ‘Holding the Police to Account’, B. Loveday http://pdf-serve.informaworld.com/2101_731194600_909063573.pdf

75 Urgent reform needed to make police more accountable to local people, LGA media release, 18 June 2008

76 Public Perceptions of Police Accountability and Decision Making, Docking, M Home Office 2008

77 Public Consultation on the Policing Green Paper for the Association of Police Authorities, Ipsos MORI, 08 October 2008

78 Police and Justice Act 2006 http://www.opsi.gov.uk/ACTS/acts2006/pdf/ukpga_20060048_en.pdf

the role of community leaders by delegating themselves small budgets and defined geographical areas of responsibility. In the three years since the Act was passed, these powers have been glaringly underused.

Members drawn from Local Authorities should, in principle, serve as a conduit between the community and the Police Authority. But they are barely held to account for their work on the Police Authority, and generally it will have minimal

“ Few members of the electorate even know their councillor is serving on a Police Authority ”

impact on their potential either for re-election or re-appointment. Few members of the electorate even know their councillor is serving on a Police Authority. A recent submission by the Association of Police Authority Chief

Executives to the Committee on Standards in Public Life warned, “...the extent to which [an elected member’s] individual contribution to the work of their Police Authority is visible – either to their communities or to their local authorities – is very limited.”⁷⁹

Police Authorities provide a plausible framework for budgeting and strategic planning at force level. But under the current framework of police governance, central government dominance of policing and Police Authorities’ own lack of democratic mandate prevent them from unlocking their potential.

Control and Accountability

The natural corollary of centralised priorities is centralised accountability. The role of Police Authorities as the primary accountability mechanism is entrenched in the foundations of the tripartite, though Police Authorities may never have properly fulfilled this role. However, as local policing has come to be guided by centralised targets rather than local priorities, the Home Secretary has effectively usurped the scrutiny role reserved for Police Authorities.

Home Office pre-eminence perhaps has its zenith in the Police Reform Act 2002. The Act represented a historic change in central control of local policing, giving the Home Secretary the power of dismissal and suspension over Chief Constables and imposing statutory targets through the National Policing Plan.⁸⁰ The powers handed to the Home Secretary saw David Blunkett exercising direct power over Chief Constables as never before. The 2004 dismissal of Chief Constable David Westwood when he had the full support of his Police Authority serves to illustrate the extent of central government encroachment on local policing.

The move to dismiss Westwood came in response to Humberside Police’s failure in vetting the Soham murderer Ian Huntley. Blunkett wrote to Westwood (in a letter released under Freedom of Information) informing Westwood of his decision, and asserting the Home Secretary’s responsibility “to maintain public confidence in the force”.⁸¹ Prior to the Police Reform Act 2002, this responsibility would have rested squarely with the Police Authority. The Police Authority appoints senior officers and sets local priorities, and in principle they hold responsibility for maintaining public confidence in the force.⁸²

Blunkett’s incursion prompted the Police Authority – which maintained full confidence in Westwood throughout – to pursue a legal action against the Home Office. The High Court ruled in Blunkett’s favour, finding the Police Authority’s

⁷⁹ Draft Submission by the Association of Police Authority Chief Executives to the 12th Inquiry of the Committee for Standards in Public Life

⁸⁰ Give and Take: The Bifurcation of Police Reform in Britain, Savage, S. P. *The Australian and New Zealand Journal of Criminology* Vol. 40 No. 3 pp. 313-334

⁸¹ Blunkett-Westwood letter, 22 June 2004

⁸² Counterblast: Democracy and Policing, Sharp, D *The Howard Journal* Vol 44 No.1 February 2005

effort to keep Westwood in place *ultra vires*. The presiding judge nevertheless questioned Blunkett's motives in attaining and exercising the power of dismissal, concluding that:

*it would be somewhat surprising if the real question for the Home Secretary was whether there was local public confidence in the force in question given that Parliament has conferred a power on Central Government . . . rather than only the police authority in question which, of course, is local.*⁸³

In the event, the Home Office reached a compromise with ACPO, effectively cutting the Police Authority out of the discussion altogether, allowing the Chief Constable to remain in position with the caveat that he would retire after 30 years service. Humberside residents were left with a Chief Constable who lacked the Home Secretary's support, and a Police Authority robbed of power.⁸⁴ The case is illustrative of the broader problem of Home Office control. The Home Secretary's dominance of the policing tripartite has undermined the oversight role of Police Authorities and left Chief Constables directly accountable to the Home Secretary.

A Political Force

Granting the Home Office both the responsibility for target-setting and the power of censure for chief officers has effectively turned the police service into a political tool, undermining the longstanding doctrine of police independence.

The principle insulating the police from direct intervention by government dates back to the 1829 Police Act.⁸⁵ The concept of police independence was formally articulated by the 1962 Royal Commission on the Police. Considering the unique nature of the office of constable, the committee concluded:

*The constable . . . ought to be manifestly impartial and uninfluenced by external pressures. For much of the time he is not acting under knowing orders and must rely on his own discretion and knowledge of the law. This consideration applies with particular force to police activities that are sometimes described as 'quasi-judicial', such as inquiries in regard to suspected offences, the arrest of persons and the decision to prosecute.*⁸⁶

The Commission opted against placing chief constables "under the direct control of either local or central government,"⁸⁷ and the right of officers to make critical decisions without interference from politicians was galvanised by the 1968 case of *R. v. Metropolitan Police Commissioner, ex parte Blackburn*, in which the Master of the Rolls Lord Denning defined the relationship between the Home Secretary and Met Commissioner.⁸⁸

But politicians have long sought to exercise control over the police. The 1984 miners' strike first saw politicians on the left discussing the growing politicisation of the police.⁸⁹ Jack Straw, among them, sought to introduce a private members bill transferring responsibility for policing priorities to local authorities.⁹⁰ Over the last decade, the doctrine of police independence has further deteriorated thanks to domineering Home Secretaries and politically ambitious senior officers.

In recent years, Chief Constables and senior politicians have frequently enjoyed cosy relationships. During the cash for honours inquiry Metropolitan Police

⁸³ *The Queen on the application of the Secretary of State for the Home Department v. Humberside Police Authority and Westwood*, 2004, cited in *The Idea of the Political 'Independence' of the Police: International Interpretations and Experiences*, Stenning, P 2007

⁸⁴ Counterblast: Democracy and Policing, Sharp, D *The Howard Journal* Vol 44 No.1 February 2005

⁸⁵ Chakrabarti, Op Cit

⁸⁶ Report of the Royal Commission on the Police, Willink H (Chair) 1962 (emphasis added)

⁸⁷ Ibid

⁸⁸ *Brief Encounters: A Tale of Two Commissioners*, Stenning, P in *Honouring Social Justice*, Beare, M.E. (Ed.)

⁸⁹ Chakrabarti, Op Cit

⁹⁰ *Why Accountability*, Baldwin, R *British Journal of Criminology*, Vol 27, No. 1 1987

Commissioner Sir Ian Blair voluntarily stepped back from the investigation to “ensure that his officers could conduct the investigation without any appearance of a conflict of interest”.⁹¹ Implicit in his decision was that, having vocally supported Labour’s ID card programme during a General Election campaign and allowed police cars to display Labour posters, Blair’s relationship with the Prime Minister left him politically compromised.⁹² One of Sir Ian’s most senior deputies, Assistant Commissioner Tarique Ghaffur went so far as to say publicly that “the police were in Labour’s pocket.”⁹³ Sir Ian was not unique in this respect. A number of senior officers have vocally supported politically contentious Bills and Labour policy proposals over the last decade.

The Home Secretary’s remarks in the wake of Sir Ian Blair’s resignation failed to reflect the overt politicisation of the service over the past decade.⁹⁴ The system of bonus payments available to chief officers, under which they can receive up to 15 per cent of their salaries for meeting Home Office targets, is further testimony to the extent of Home Office efforts to control policing. A sizeable number of police chiefs now refuse to accept these payments on principle.⁹⁵

The process is two-way, Home Office directives reflecting political priorities rather than scientifically driven strategy. The EU funded DOMUS project – a British-led comparative study of police accountability in France, Italy and the UK – ironically singled out crime reduction efforts in England and Wales (the only country of the three without locally elected responsibility for policing) as politically motivated.⁹⁶ Prior to the 2005 election, for example, CDRPs were instructed by the Home Office to integrate minimum 15% crime reduction targets into their strategies, which served to ground Labour’s announcement of a 15% reduction in crime over the coming three years.⁹⁷

It should come as no shock that senior officers speak openly of “people in the civil service who seem to want to break the office of constable so that they can better dictate what it is that officers do.”⁹⁸

91 For Example: Ian Blair ‘Too Close to Labour’, BBC News 17 November 2007

92 Ibid

93 <http://www.dailymail.co.uk/news/article-1092469/Sir-Ian-police-Labours-pocket-Britains-Asian-police-officer-reveals-Blair-forced-out.html>

94 ‘Holding the Police to Account’, B. Loveday http://pdf-serve.informaworld.com/2101_731194600_909063573.pdf

95 We’ve lost faith in the police, but only they can put it right, *The Times*, 10 July 2009

96 Lesson-drawing on local community safety from the Luton experience, G. Hughes, 2005 <http://www.comune.modena.it/domus/default.htm>

97 Ibid

98 Quoted in A Thinning Blue Line? *Police Independence and the Rule of Law*, Chakrabati, S, 2008 *Policing*, Volume 2, Number 3, pp. 367-374

4

The Context for Reform

The shift in police governance and accountability away from the local level is not the sole challenge facing policing in England and Wales. The failure of forces to work together in tackling cross-border and mid-level crime has equally been a focal point for recent discussion. A reformed structure of police governance must serve to close this ‘gap’ in the provision of protective services.

Policing policy does not occupy a vacuum. As much as any other public service – perhaps more than most – policing stands to suffer from spending restraint in the wake of the economic crisis. Current levels of spending may be unsustainable, and challenging cuts are a realistic possibility in the near future. Reforms must be self-funding and generate substantial efficiency savings.

Minding the Gap

The National Intelligence Model, implemented by the Home Office in 2000, categorises crime according to level of severity:⁹⁹

Level 1 – Local issues: crimes affecting a BCU or small force area. Volume crime (i.e. robbery, burglary, ASB, vehicle crime etc) is a particular issue at this level.

Level 2 – Cross Border issues: actions of criminals affecting more than one BCU or police force area. Issues are currently capable of resolution by Forces, perhaps with support from national resources.

Level 3 – Serious and Organised Crime: Operating on a national and international scale, requiring identification by proactive means and response primarily through targeting operations by dedicated units and a preventative response on a national basis.

Provision for Level 3 Protective Services is now the responsibility of the Serious and Organised Crime Agency (SOCA). Level 1 and 2 Protective Services are the responsibility of the 43 forces across England and Wales. The implementation of the National Intelligence Model has demonstrated serious failings in the current structure of policing.

The 2005 report *Closing the Gap*, by Her Majesty’s Inspectorate of Constabulary (HMIC), found that few forces met the required standard for the provision of Level 2 Protective Services.¹⁰⁰ The statutory framework for cooperation is limited, and national targets for individual forces have led Chief Constables to prioritise

⁹⁹ The National Intelligence Model, National Criminal Intelligence Service, 2000

¹⁰⁰ ‘Closing the Gap’, HMIC 2005

crime reduction within the Police Force Area, rather than expensive, joint investigations across PFA boundaries, in spite of the role played by regional trends in driving local crime levels. BCUs lack the capability to deal with cross-border crime, while forces as a whole lack the necessary resources to cope with demand.¹⁰¹

It is estimated that in a given year, the police typically target less than 6% of the 1500 plus organised crime syndicates active at force or regional level.¹⁰² This emphasises the failure of forces to share information and resources identified by the Bichard inquiry into the 2002 Soham murders.¹⁰³ There can be a lack of cooperation between forces and BCUs, with each party working towards its own targets. A Police Federation report found that:

*Officers frequently reported a lack of cooperation from other units where ‘that’s not in my remit’ was a commonly used phrase. This contrasts with the environment of ‘flexibility’ and ‘partnership’ that management is looking to achieve.*¹⁰⁴

Closing the Gap found that the current system of BCU and neighbourhood policing arrangements “provides a solid local platform for the future”¹⁰⁵ but at force level HMIC observed significant difficulties even in sharing best practice, which was “generally considered to be a local issue”.¹⁰⁶ The extent of the failures was so great that the HMIC’s 2005 report concluded:

*When viewed from the context of the range of challenges and future threats now facing the service and the communities it polices, the 43 force structure is no longer fit for purpose.*¹⁰⁷

The report suggested that forces require a minimum 4000 officers (or 6000 staff), and proposed merging forces to achieve the “critical mass to provide the necessary sustainable level of protective services that the 21st century increasingly demands.”¹⁰⁸ This proposal appeared in the 2004 White Paper, but was subsequently abandoned when it became apparent that Treasury rules meant applying caps to police precepts in precursor areas, creating a gap of approximately £250m in police funding.

Further, the expanded Police Authorities created by force mergers would be even more removed from local communities, hampering responsiveness to local priorities.¹⁰⁹ Mergers do not represent a viable solution to the Level 2 ‘gap’, particularly in the context of a service that requires stronger accountability at the local level. The proposals for reform set out in this report establish a model for a more responsive force and allow for the better provision of cross-border services.

Funding the Force

The economic crisis has seen a tightening of the public finances. Policing over the next decade will take place against a background of restraint, which must be reflected in any programme of reform for the police service. The Association of Police Authorities (APA) has discussed real term reductions in public spending of 10-15%, while the APA-ACPO expenditure-forecasting group has conservatively estimated a funding gap of £660 million by 2010-11.¹¹⁰ Worsening economic conditions could see that figure rise to almost £1 billion.¹¹¹

101 ‘Restructuring of Constabulary: Democratic Structures’, PSAEW Submission to the Social Justice and Regeneration Committee of the Welsh Assembly, 2008.

102 HMIC 2005, Op Cit

103 Bichard Report, Home Office, 2004

104 24/7 Response Policing in the Modern Police Organisation: Views from the Frontline, Chatterton, M. and Bingham, E. Police Federation 2006

105 HMIC 2005, Op Cit

106 Value Matters, HMIC, 2005

107 HMIC 2005, Op Cit

108 Ibid

109 Size Isn’t Everything: Restructuring Policing in England and Wales, Loveday, B. Policy Exchange 2006

110 See Hansard, 4 February 2009, Column 859

111 Ibid

In 2008 it is estimated that Police Authorities lost around £95 million with the collapse of Icelandic banks.¹¹² The Metropolitan Police Authority alone lost over £30 million.¹¹³ These losses might be small beer in relation to the national debt, but they compound a difficult funding round. The APA considers the latest three-year settlement the “tightest for many years”.¹¹⁴ The 2009 Budget demanded efficiency savings of 1%, which forces are struggling to make after a decade of growing spending, and at least one senior officer has voiced concern over a potential funding freeze from 2011/12.¹¹⁵

As highlighted earlier, Police Authorities can gain additional funding through council tax precepts, but the 5% ceiling on council tax increases imposes severe limits on the amount that can be raised locally.¹¹⁶ In some areas increases are limited to 3% maximum.¹¹⁷ Derbyshire Police Authority unsuccessfully challenged the ceiling this year with the support of all three parties locally and following extensive community consultation.

Consequently, Derbyshire is able to offset only £1.6 million of a £5 million shortfall.¹¹⁸ The Department for Communities and Local Government deemed this increase excessive, and has ordered savings for 2010/11 that will equate to the loss of 60 frontline officers.¹¹⁹ Similarly, Gloucestershire Police Authority has suggested that over the next year it could stand to lose 60 officers, 28 PCSOs and 50 police staff.¹²⁰

To make matters worse, policing in England and Wales is becoming more expensive. In an effort to restore confidence in the service through greater visibility, the implementation of ‘reassurance policing’ (the Government’s neighbourhood policing programme) saw real expenditure rise by 25% between 2001 and 2007. Police numbers rose throughout the period to the current record 143,000 officers and 16,500 Community Support Officers, but public confidence is dismayingly low and detection rates have remained flat.¹²¹

An effective reform programme must deliver major efficiency savings, while providing the police with the resources they need to respond flexibly and forcibly to local priorities.

112 Police authority funds in Icelandic banks, Mobbu.com, 10 October 2008

113 Iceland banks collapse: Taxpayers’ money at risk - financial crisis, Telegraph, 9 October 2008

114 See Hansard, 4 February 2009, Column 859

115 East Midlands Collaboration Plan for Policing 2009-2012

116 A People’s Police Force: Police Accountability in the Modern Era, D. Blunkett, 2009

117 See Hansard, 4 February 2009, Column 858

118 Paul Beresford MP, Hansard, 9 July 2009, c.1192

119 Ibid

120 See Hansard, 4 February 2009, Column 859

121 IPPR The New Bill: Modernising the Police Workforce

5

The Government's Proposals

The police service has geared itself towards centrally imposed priorities and is now in desperate need of guidance in re-engaging with the public and responding to community priorities. While the Government is conscious of the crisis in policing, their proposed solutions are ineffective at best. Under pressure from stakeholders, efforts to loosen Home Office control of policing have not been accompanied by a necessary increase in local accountability.

The 2003 Green Paper acknowledged a lack of accountability at the local level, leading to the proposed introduction of independent 'community advocates' to serve as a conduit between the police and the public along with an increased proportion of democratically elected members on Police Authorities. The subsequent White Paper articulated a wish to "build on community engagement initiatives already under way and ensure that all communities have the same opportunities to have a real say in the way they are policed, get more involved if they want to, and hold relevant agencies to account locally."¹²² But neither of the accountability proposals in the Green Paper made it into statute in the face of pressure from amongst others the Local Government Association, (LGA) which argued that the introduction of independent advocates would create a parallel system to that of local councillors.¹²³

On matters of police accountability, the Government has displayed a worrying tendency to defer to stakeholders with a vested interest in maintaining the status quo. Most recently on the issue of accountability, the 2008 Green Paper stated:

We will legislate to reform Police Authorities, making them more democratic and more effective in responding to the needs of the local community. We will retain the crucial role that independent members play, and they will be appointed as they are at present. ... The majority on each police authority will, however, no longer be formed from local councillors. ... Instead, people throughout England and Wales will directly vote for individuals, known as Crime and Policing Representatives, to represent their concerns locally.¹²⁴

Under the proposals, directly elected Crime and Policing Representatives would have formed a majority in Police Authorities and chaired CDRPs. However, the measures were dropped from the Policing and Crime Bill as a result of pressure from the APA, ACPO and the LGA. The Bill now requires only that Police Authorities "have regard to the views of the public".¹²⁵ Asked how this would affect the role of Police Authorities, the then APA Chairman Bob Jones replied "I do not think that it will make much difference to the way that Police Authorities operate."¹²⁶

¹²² Building Communities, Beating Crime, Home Office 2004

¹²³ Blunkett, 2009, Op Cit

¹²⁴ From the Neighbourhood to the National, Policing Green Paper, Home Office, 2008

¹²⁵ Policing and Crime Bill 2008-09

¹²⁶ Public Bill Committee, 27 January 2009, Column 11

Police Reform: The Background

- 1998 Crime and Disorder Act** – created CDRPs requiring the production of crime audits and crime reduction strategies.
- 2002 Police Reform Act** – gave the Home Secretary the power to dismiss Chief Constables with loss of pension rights.
- 2003 Criminal Justice Act** – increased police powers of detention, search and drug testing.
- 2004 Bichard Report** – identified ‘systematic and corporate failings’ in Humberside Police and ‘widespread failure to appreciate the value of intelligence’.
- 2004 HMIC Report: Modernising the Police Service** – A Thematic Inspection of Workforce Modernisation identified resistance to use of non-warranted staff for police functions.
- 2004 Morris Inquiry** – highlighted insufficient focus on human resources, called for an overhaul of Directorate of Professional Standards, centralised administrative functions.
- 2005 HMIC Report: Closing the Gap** – identified a failure to provide effective Level 2 Protective Services and recommended force amalgamations.
- 2007 Flanagan Review** – investigated ways of embedding Neighbourhood Policing and improving local accountability.
- 2008-09 Policing and Crime Bill** – initially proposed the direct election of ‘crime and policing representatives’ to chair CDRPs and sit on Police Authorities.

The Government has also moved to reduce Home Office dominance of the policing agenda through the abandonment of most centralised targets. While this change in approach is welcomed, Police Authority Chief Executives rightly observe that it is axiomatic to boosting public confidence in policing.¹²⁷ At any rate, such measures will make little impact on the attitudes and priorities of a generation of officers whose “ability to use common sense and their discretion has been removed.”¹²⁸ The Home Office’s retreat from police priority setting and oversight will not in itself provide a reorientation of policing toward local priorities: a serious accountability ‘gap’ has emerged.

Fighting Their Corner

The key stakeholders in policing have been vocal in their opposition to locally elected accountability. For the most part they are guarding their own interests. For example, the LGA response to the proposals in the 2008 Green Paper asserted that “there are already people elected at local level to represent the community and be their advocates over a range of services – councillors.”¹²⁹ The APA similarly argues that Police Authorities should provide oversight at the local level.¹³⁰ Such assertions run contrary to public perceptions: the APA’s own research finds 55% of people in favour of elected police commissioners.¹³¹

These organisations naturally seek to preserve their standing (indeed, their very existence), but they fail to provide the service they claim. The involvement of elected members on Police Authorities has been found to vary widely, and councillors have generally been ineffective in articulating local priorities and promoting responsive policing.¹³² They are not directly accountable for the work

127 Draft Submission by the Association of Police Authority Chief Executives to the 12th Inquiry of the Committee for Standards in Public Life

128 Jan Berry, quoted in A Thinning Blue Line? Police Independence and the Rule of Law, Chakrabarti, S, Policing, Volume 2, Number 3, 2008

129 Quoted in A People’s Police Force: Police Accountability in the Modern Era, D. Blunkett, 2009

130 APA/ACPO Briefing on Police Funding, October 2009

131 Public Consultation on the Policing Green Paper for the Association of Police Authorities, Ipsos MORI, 08 October 2008

132 The development of Neighbourhood Policing Sara Thornton and Lucy Mason

of Police Authorities and usually defer to Chief Constables on strategic as well as operational matters. Local Authorities are not properly constituted to provide local accountability in policing, while Police Authorities have long been the poor relation in the tripartite.

Independence and Accountability

The strongest opposition to elected police commissioners, however, has come from within the police service itself.¹³³ Senior officers recently voiced concerns over the politicisation of the service at the Police Superintendents conferences, while ACPO jointly hosted fringe events at the 2009 political party conferences, emphasising the dangers of elected commissioners politicising the service. To an extent, though,

the position of policing professionals is entirely understandable: the Government has repeatedly promised oversight and accountability and subsequently delivered overt political control.

The 1962 Royal Commission opted against placing chief constables “under the direct control of either the local or central

Government”,¹³⁴ but intended that “the lack of local control which this relationship implies will be offset by increasing a chief constable’s accountability for his actions.”¹³⁵ Under the doctrine of Operational Independence contained within the 1964 Act, “the chief constable would continue to enjoy immunity to orders, [but] would nevertheless be exposed to advice and guidance of which he would be expected to take heed.”¹³⁶

It was anticipated that “executive decisions may be made and policies followed which ought on at least some occasions to be open to an effective challenge by the public and their elected representatives issuing where necessary in Police Authority directions”.¹³⁷ But Police Authorities never evolved into the bodies they were intended to be, and the conception of independence expounded by Lord Denning was sweeping, leaving the commissioner “answerable to the law and the law alone.”¹³⁸ The ‘Denning Doctrine’ shaped the following discussion of police independence, defining Operational Independence as freedom not only from political control, but also from local oversight and advice.¹³⁹

The 1999 Patten Inquiry into policing in Northern Ireland abandoned the notion of Operational Independence in favour of Operational Responsibility, which sought to recombine independence and accountability. The Inquiry concluded:

*In a democratic society, all public officials must be fully accountable to the institutions of that society for the due performance of their functions, and a chief of police cannot be an exception.*¹⁴⁰

The 2003 Green Paper drew directly on the Patten Inquiry, but the structural changes legislated for increased control, rather than oversight. Thus, senior officers feel cheated by reforms that infringed on Operational Independence in the name

“The strongest opposition to elected police commissioners has come from within the police service itself”

133 Leave policing to the experts, Met boss Sir Paul tells politicians, Daily Mail 15 September 2009

134 Report of the Royal Commission on the Police, Willink H (Chair) 1962

135 Ibid

136 Ibid

137 Police and Government, Marshall G, 1965 cited in The Idea of the Political ‘Independence’ of the Police: International Interpretations and Experiences, Stenning, P 2007

138 *R. v. Metropolitan Police Commissioner, ex parte Blackburn* cited in The Idea of the Political ‘Independence’ of the Police: International Interpretations and Experiences, Stenning, P 2007

139 The Idea of the Political ‘Independence’ of the Police: International Interpretations and Experiences, Stenning, P 2007

140 A New Beginning for Northern Ireland, Patten C (Chair) 1999, Independent Commission on Policing for Northern Ireland

of accountability. Speaking at the September 2009 Police Superintendents Conference, Sir Paul Stephenson remarked:

I was brought up in my policing career on the inviolate principle of police Operational Independence. Sadly, in the past there have been a number of attempts to tinker with the phrase — I see no need.¹⁴¹

There is no need to ‘tinker’ with the principle of Operational Independence as originally envisioned by the 1962 Royal Commission. It implies freedom from political control, but it is entirely consistent with local accountability understood as ‘responsiveness’ (actions driven by local priorities) and ‘answerability’ (officers explaining and justifying their actions).¹⁴²

It is entirely understandable that stakeholders are anxious about increasing accountability in the service when the term has been so misused over the last decade. But accountability should not reduce independence in any way; rather, greater local responsiveness and answerability will be the necessary trade-off for increased independence.

¹⁴¹ Leave policing to the experts, Met boss Sir Paul tells politicians, Daily Mail 15 September 2009
Read more:

¹⁴² Independent Review of Policing by Sir Ronnie Flanagan, Home Office, 2008

6

A Model for Reform

Abandoning central government targets for policing must be balanced by an increase in local accountability. Communities should be able to articulate local priorities in the knowledge that their concerns will be taken seriously. Effective partnership working will be essential to the delivery of crime and disorder reduction in an era of spending restraint, and should be at the heart of a viable reform package. The introduction of elected police commissioners represents the most direct route to the delivery of accountable, responsive policing. The proposals set out in the following chapter offer the chance to renew the relationship between the police and the communities they serve.

The Need to Engage

Public confidence in the police service is at a low. While official figures show a decrease in crime levels, the public perceive an increase in crime.¹⁴³ Dating back to the introduction of PCSOs in 2002, the National Reassurance Policing Programme (NRPP) has been the centrepiece of Government efforts to tackle the reassurance gap.¹⁴⁴ Delivered at a cost of £324 million in 2008/09, ‘reassurance policing’ involves “planned police engagement with the public through higher levels of visibility and accessibility”.¹⁴⁵

NRPP pilots saw some success, but BCU and national level implementation have failed to provide noticeable increases in public confidence or police effectiveness.¹⁴⁶ The pilots confirmed that increased police visibility has a positive impact on public confidence, but an increase in officer numbers must be accompanied with responsiveness to local needs and concerns.¹⁴⁷ NRPP draws on the Chicago Alternative Policing Strategy (CAPS), a locally evolved project that worked to reduce crime through increased police responsiveness in the US.¹⁴⁸ However, while CAPS emphasised dialogue with the community through regular beat meetings, the Home Office has experienced difficulty impressing the value of responsive community engagement on police in the UK.¹⁴⁹

The nature of policing has changed in a fundamental way to distance the service from community priorities.¹⁵⁰ The police have improved efforts to inform the public, but they have become unresponsive to locally articulated priorities. Home Office research identifies substantial discrepancies between police priorities and those of local residents among forces implementing NRPP, suggesting that “the activity of neighbourhood officers was shaped by other influences”.¹⁵¹ Fewer than half (44%) of the BCUs engaged in the scheme had even attempted to analyse long-term neighbourhood priorities.¹⁵²

143 Public Consultation on the Policing Green Paper for the Association of Police Authorities, Ipsos MORI, 08 October 2008

144 Give and Take: The Bifurcation of Police Reform in Britain, Savage, S. P. *The Australian and New Zealand Journal of Criminology* Vol. 40 No. 3 pp. 313-334

145 Reassurance Policing: An Evaluation of the Local Management of Community Safety, Home Office, November 2004, p27

146 Neighbourhood Policing: The Impact of Piloting and Early National Implementation, Quinton, P. and Morris, J. Home Office 2008

147 Assymetry in the Impact of Encounters with the Police, Skogan, W. Cited in *Neighbourhood Policing: The Impact of Piloting and Early National Implementation*, Quinton, P. and Morris, J. Home Office 2008

148 See How CAPS Works, City of Chicago, 2000

149 Neighbourhood Policing: The Impact of Piloting and Early National Implementation, Quinton, P. and Morris, J. Home Office 2008

150 Counterblast: The Flanagan Report and the Future of Policing, Sharp, D *The Howard Journal* Vol 47 No.4 September 2008

151 Quinton, P. and Morris, Op Cit

152 Ibid

Research into reassurance policing conducted at the LSE found that unresponsive policing provision will not increase public confidence. Public confidence is shaped by everyday civility and cohesion and it is responsiveness to these kinds of community priority (outside of traditional police priorities) that has the biggest impact on public confidence. Perceptions of social breakdown – typified by anti-social behaviour – were found to have an effect on confidence in policing “at least as large, if not larger, than the direct statistical effect of worry about crime.”¹⁵³

Policing in England and Wales has successfully responded to Home Office targets over the last decade. The service must now move to respond to local priorities and improve public engagement if reform is to prove effective in increasing public confidence. A more responsive force would reduce the need for ongoing increases in officer and PCSO numbers. Recruitment has failed to increase detection rates, and is geared solely to increasing public confidence through increased visibility. But it has failed to achieve this, and will continue to fail unless the service becomes more responsive to local needs.

The Dutch Model: Reassurance and Responsiveness

In 2002, the Ministry of the Interior introduced a series of central targets modelled on British New Public Management reforms.¹⁵⁴ As in the UK, these targets served to distance the police from communities and reduced responsiveness to community priorities.¹⁵⁵

The Dutch experience of target-setting demonstrated that structural changes are not sufficient in themselves. In the wake of the Leemhuis Report on public confidence in the police there was a shift in thinking towards more responsive local policing and an emphasis on local accountability.¹⁵⁶ It is now recognised that trust in the police can only emerge from strong bonds between the police and the community.¹⁵⁷

Studies conducted subsequently have demonstrated that where local policing is ‘done properly’ it can have dramatic results. Responsiveness to local needs and concerns can serve as a catalyst for community intervention, providing a substantive ‘reassurance’ effect.¹⁵⁸

Police Authorities and Local Authorities lack sufficient visibility and accountability to convincingly represent the local community on policing. The police service and its partners in local crime and disorder reduction are responsible not just for the public’s confidence in local services, but for the community’s sense of security. This delicate and unique responsibility merits a direct, democratic link between service providers and the public. Only a directly elected police commissioner would adequately fulfil this role.

Handing responsibility for policing to elected representatives has, in an international context, had the effect of revitalising the bonds between the police and the community. In the UK, elected mayors such as Ray Mallon in Middlesborough or Ken Livingstone and Boris Johnson in London have served to inject purpose and direction into partnership working and responsive policing – the introduction of directly elected police commissioners would share this trend with local policing across England and Wales.

153 Crime, Policing and Social Order: On the Expressive Nature of Public Confidence in Policing, Jonathan Jackson, Methodology Institute and Mannheim Centre for Criminology, LSE

154 How Policing can Reduce feelings of Insecurity: Results from Survey Research in the Netherlands, Lasthuizen, K. et al, Police Practice and Research, Vol. 6, No. 4

155 Results-Based Agreements for the Police in The Netherlands, Sluis, A., Cachet, L. and Ringeling, A. Policing Vol. 31 No. 3, 2008

156 Out of the Blue: Police Perspectives on Europe, Governance and Accountability, de Boer, M. Police Academy of the Netherlands, 2004

157 Report from the CACP’s Institute for Strategic International Studies, 2006

158 How Policing can Reduce feelings of Insecurity: Results from Survey Research in the Netherlands, Lasthuizen, K. et al, Police Practice and Research, Vol. 6, No. 4

Identifying the Local

Police Authorities are too far removed from the communities they are supposed to represent. West Midlands Police Authority, for example, covers an area of 348 square miles and serves a population of 2.6 million.¹⁵⁹ While West Midlands Police is a large force, its situation is not atypical: 43 forces serve a combined population of over 50 million in England and Wales. Operating at such distance, Police Authorities can hardly be said to represent 'local' needs.

The Italian Model: Contracts and Crime

By the end of 2004, over 200 Italian cities had signed a formal agreement with local authority areas. These agreements charged national Government with the task of crime reduction and public order, while local Governments are responsible for the maintenance of a quiet and peaceful urban life.¹⁶⁰ The emerging model of crime prevention in Italy allows local policing strategy to shift to reflect community priorities.

Local accountability mechanisms need to operate at a much closer level to communities. Within police force areas, the most devolved unit of police governance is the Basic Command Unit (BCU). Reformed BCUs, sharing boundaries with CDRPs and local authorities would be close enough to the community to allow for real responsiveness, while covering a large enough area to prove cost-effective and allow for a strategic approach in tackling local priorities.

In its review of policing provision in England and Wales, HMIC concluded that the current system of "Basic Command Units (BCU) arrangements ... provides a solid local platform for the future."¹⁶¹ Elected Commissioners should represent a BCU area, coordinating local priorities and strategies. This proposal is in line with Police Superintendents' proposals that BCU Commanders should become the recognised face of policing in the local area, held to account by a locally elected body.¹⁶²

One former Chief Constable suggests that responsiveness would be improved by devolving responsibility for local operational decisions from Chief Constables to BCU Commanders and handing a greater degree of budgetary control to BCUs.¹⁶³ In the wake of the Flanagan Review's finding that the Home Office, Police Authorities and Chief Constables were all frustrated at the lack of financial expertise among graduates of the Senior Command Course, the NPIA's Police Leadership College has ensured that financial management features much more prominently in the training of senior officers.

Delivering independence to BCU Commanders would allow them flexibility in meeting local priorities. In the US this has served to drive innovation and reform in policing from a local level. BCU Commanders and commissioners should facilitate a style of leadership and put in place tasking structures that allow for neighbourhood officers' day-to-day tactical priorities to be determined in conjunction with communities themselves. As in the most effective NRPP pilot sites, the local policing unit would innovate and adapt in producing frameworks for engagement.

¹⁵⁹ West Midlands Police, Home Office

¹⁶⁰ Towards Città sicure? R Selmini
<http://tcr.sagepub.com/cgi/content/abstract/9/3/307>

¹⁶¹ 'Closing the Gap', HMIC 2005

¹⁶² 'Restructuring of Constabulary: Democratic Structures', PSAEW Submission to the Social Justice and Regeneration Committee of the Welsh Assembly, 2008.

¹⁶³ Michael O'Byrne, cited in Size Isn't Everything: Restructuring Policing in England and Wales, Loveday, B. Policy Exchange 2006

Proposal: Locally elected police commissioners should be introduced at BCU level, taking joint responsibility with the BCU Commander for setting policing priorities in the local area. Day-to-day tactical deployments should reflect community priorities and take account of 'signal crimes'. BCU Commanders' financial expertise should be developed through the Police Leadership College and greater resources devolved to BCU level.

The Scope of Accountability

Under our model, Chief Constables and BCU Commanders would be released from Home Office control and freed to respond to community priorities. Accountability would be increased at the local level, but this would be limited to advice and oversight: elected commissioners would have no power to give orders.

Under the doctrine of Operational Independence, police officers alone would make decisions over Deployment and Operational issues, and should broadly be free from control of priority-setting. Other questions would be settled in consultation with elected representatives and local communities, wherever practicable.

Full accountability requires both 'answerability' and 'responsiveness', constituting "the general commitment expected of democratic Governments to respond to relevant community opinion, even when a Government might believe that such opinion is incomplete or flawed."¹⁶⁴ Operational Independence does not preclude answerability and responsiveness: the responsible exercise of independent power is arguably contingent on democratic oversight. Where necessary, police officers should be held to account for strategic and operational decisions by elected representatives.

At the local level, police should be aware of community priorities, and should do their best to respond to them. Obviously there will be instances where senior officers do not feel it is the best use of resources to tackle graffiti or dog-fouling, but in those cases, officers should have a public forum in which to respond to concerns and justify their decisions. Accountability in this respect is fundamentally concerned with dialogue. The police should not be 'subordinate and obedient' but officers might reasonably be expected to be 'explanatory and co-operative.'¹⁶⁵

While priorities will be set at the local level under this model, police performance data will continue to be collected nationally. Under the reformed model of local policing Chief Constables should no longer look to the NIS for strategic priorities. The shift towards the local should nevertheless be reflected in performance measurement at the national level. As the Home Office has itself observed:

Police performance measurement frameworks must be refined to incorporate rewards for effective community engagement. An over-emphasis with measures associated with volume crime may lead to staff 'dedicated' to neighbourhood policing being abstracted to other duties.¹⁶⁶

David Blunkett argued the need for greater centralisation of policing as it is the Home Secretary who is held to account for the performance of the police at the Despatch Box. Under the model proposed in this paper, the locally elected commissioner would take on this responsibility, fostering a change in political culture at the national level. As a result, the relationship between the police and the elected

¹⁶⁴ Accountability, Scrutiny and Oversight, Uhr, J 2001, Prepared for The Commonwealth Secretariat Canberra Workshop, cited in Police Reform and the Problem of Trust, A Goldsmith, Theoretical Criminology, 2005

¹⁶⁵ Police Accountability Revisited, Marshall, G 1978 cited in The Idea of the Political 'Independence' of the Police: International Interpretations and Experiences, Stenning, P 2007

¹⁶⁶ Myhill, A 2006. *Community Engagement in Policing: Lessons from the Literature*, London: Home Office. Quoted in I. Barnes and T. Eagle, *The Role of Community Engagement in Neighbourhood Policing*, Policing, Volume 1, Number 2, pp. 161–172

representatives to which they are accountable should stand in stark contrast to the ‘master-slave’ dynamic imposed on policing by the Home Office over the last decade.

The creation of a partnership between government and police at the local level would avoid many of the problems of the centralised targets regime under which the Home Office failed to understand the needs of local policing while the police too often responded to crude targets with crude responses. Dialogue and accountability will be key to undoing the targets culture of recent years, fostering innovation at the sharp end of policing.

Proposal: Operational Independence should be safeguarded. Chief Constables and BCU Commanders should be expected to respond to community priorities and answer for their decisions. Elected commissioners should have the power to advise, not to order. The national performance management framework should incorporate a more nuanced understanding of community engagement.

The Shape of Accountability

The great success of CAPS in the US is that officers ‘co-produce’ solutions with the public, and where they fail to respond to public demands they are directly answerable through regular ‘beat-meetings’. The current framework of community engagement in the UK is ill thought out, inconsistent and often labyrinthine.

Elected Commissioners would provide a clear line of communication from the public to the police. They would be obliged to develop best practice for community engagement and public accountability, and – as in the US – would draw on the experience of trials and pilots from across the country. Under the current system, trials have resulted in promising models for community engagement, but a broader lack of local innovation in policing delivery means they have not been rolled out on a wider scale.

Under the current system, the creation of Local Authority Crime and Disorder Committees in 2006 has been the most coherent attempt to introduce an element of accountability into local policing.¹⁶⁷ The committees allow members of the public who are dissatisfied with the response the police or CDRP have provided to a specific grievance to approach their local councillor, who in turn may refer the matter to the Crime and Disorder Committee. It is a convoluted process, and one that has unfortunately done nothing to initiate dialogue between the police and the public.

In other instances, local engagement has seen some success, but there has been little effort to extend accountability to engage with the community more broadly. For example, Police and Communities Together (PACT) meetings have been held aloft as an example of the kind of community dialogue that is possible under the current system. The public attend meetings where they can learn about initiatives and voice grievances with local policing provision.¹⁶⁸ But PACT meetings have failed to see similar success on a wide scale; at present, there is no pressure on the police or CDRPs to improve engagement.

¹⁶⁷ See http://pdfserve.informaworld.com/456024_731194600_791437967.pdf

¹⁶⁸ A People’s Police Force: Police Accountability in the Modern Era, D. Blunkett, 2009

Similarly, a recent APA trial saw Warwickshire Police Authority facilitating the creation of a panel, jointly consisting of councillors and members of the public, to scrutinise the local CDRP and the BCU Commander for the area. In addition to the development of an Annual Achievement Plan and the publication by the BCU Commander of a policing ‘manifesto’, the panel held CDRP representatives to account through a series of public committee hearings.¹⁶⁹ Key to the success of these meetings was the audience’s ability to ask questions both of the panel and of the witnesses, fostering a dialogue otherwise absent from police scrutiny mechanisms.¹⁷⁰

While the Warwickshire trial provides a promising model for local accountability and community engagement, it too has not been implemented on a wider scale. There is simply no entity that can take the lead in building engagement and accountability mechanisms that are tailored to local needs. With the introduction of elected commissioners, a failure to improve the shape and visibility of local accountability will simply see them removed from office.

Under an elected commissioner, complaints procedures would be simpler and geared to the needs of the customer. For example, under the present system it is unclear whether grievances that do not pertain to an individual (e.g. the policing of a climate protest) should be taken to the Independent Police Complaints Commission, the Standards Board, the Local Government Ombudsman or the Home Office. Commissioners would gain responsibility for all local complaints procedures and act as a point of contact for grievances.

At the heart of these reforms is the fundamental principle that local communities should have ‘ownership’, in some form, of local policing provision. The success of the NRPP pilots was partly due

to the innovative approaches taken in engaging community groups, but moreover came through the development of productive dialogue with local residents. Rather than adopting a ‘we know best’ attitude, the police in the most successful sites used the views of local residents to gauge the impact of ‘signal crimes’ – those, like anti-social behaviour, which the police might not consider priorities, but which local communities do. Meetings should be regarded as community meetings attended by the police, not as policing meetings with the community as an audience.

The need to task officers according to community priorities should be reflected in the National Intelligence Model (NIM) for policing. The use of NIM was found to hold back the success of Neighbourhood Policing, where community intelligence was downgraded for the benefit of criminal intelligence. Under this model it is expected that local police units will place a greater premium on community intelligence, generating the visible impact required to provide public reassurance.

“ There is simply no entity that can take the lead in building engagement and accountability mechanisms that are tailored to local needs ”

Proposal: Commissioners should gain responsibility for increasing the visibility and accountability of local policing. Through engagement Commissioners and Commanders should determine community priorities. Improved use of the NIM should reflect priorities in tasking. Democratic accountability would simplify complaints procedures and improve the quality of response.

169 Stewart, J. D. cited in Enhancing Accountability in Local Policing, Raine, W. and Dunstan, E., Policing, Volume 1, Number 3, pp.327-341, 2007

170 Ibid

Abolishing Authorities

With the introduction of the local commissioner as the primary accountability mechanism, the role of Police Authorities needs to be reassessed. The trade-off for increased independence would be greater accountability at force level, a function that Police Authorities are demonstrably incapable of performing. Provisions for increased scrutiny from Police Authorities were set out in the Police and Justice Act 2006, but Authorities have failed to take up the challenge. The undemocratic structure of Police Authorities leaves them weak and prone to provider takeover.

Police Authorities should be abolished and replaced with Police Commissions, composed of all elected commissioners within a Police Force Area. This would provide a direct democratic link between the Police Commission and communities in the local area. In effect, Police Commissions would then perform the scrutiny role that Police Authorities were intended to provide but never have. An electoral mandate would safeguard the Commission from provider takeover, while a Lead Commissioner, elected by the Commissioners within a Police Force Area, would provide strategic direction and ensure a two-way alignment of priorities between the Police Commission and relevant CDRPs.

In safeguarding the independence of chief officers and introducing local democratic accountability, the role of Police Commissions would be more closely defined than has been the case under Police Authorities. Responsibility for force-wide budgeting and local priorities would be the responsibility of the Police Commission, while the Chief Constable would exercise greater independence in managing local policing provision. Police Commissions would continue to set the police precept (which would be collected separately from council tax) but further budgetary control would be devolved to Chief Officers.

Police Commissions would be made statutory partners in Local Strategic Partnerships, which are responsible for framing Local Area Agreements (LAAs) at County level. LAAs drive all partnership working within the area, and the Lead Commissioner would have a mandate to articulate local crime and disorder priorities in the setting of the LAA, lending partnership working greater regard for the views of local residents.

Proposal: Chief Constables should be released from Home Office oversight and given greater freedom to appoint their chief officer teams. Police Authorities should be abolished and replaced with Police Commissions composed of directly elected police commissioners within a Police Force Area. Within Police Commissions, Commissioners would coordinate priorities with local CDRPs while Lead Commissioner would ensure strategic coherence through the Local Strategic Partnership and Local Area Agreements.

Partners in Crime Reduction

Partnership working is essential to the effective provision of local policing in a period of public spending restraint, and the most successful crime reduction initiatives have involved the police working in partnership with a range of other interested parties.

Partnership working should result in the most efficient use of resources to prevent crime and respond to community priorities. The introduction of elected

commissioners would improve the responsiveness of the local BCU to the needs and priorities of partnership agencies, and would introduce much needed leadership to reduce cross-cutting priorities and provide Crime and Disorder Reduction Partnerships (CDRPs) with strategic direction.

The French Model: Politics and Partners

In contrast to the nationally driven agenda of CDRPs, the growth of contractualisation in France since 1997 has served to encourage local diversity. The spread of *contrats de sécurité* in the wake of the Bonnemaïson Report represents an increase in the power local politicians exercise over policing strategy.¹⁷¹

The emergence of a local politics of insecurity has been driven by the views of citizens and political campaigns orchestrated by the far right.¹⁷² The resulting territorialisation of policing witnessed the creation of local crime prevention councils, co-chaired by the mayor and the prefect, and in 1997 the launch of local safety contracts.

Police, courts and prisons are no longer solely responsible for the delivery of crime reduction, but - as is the intention with CDRPs - schools, health workers and housing authorities also take an active involvement. While local residents are absent from consultation and participation in safety contracts, this is specific to French political culture, and is by no means a result of the *contrat* system.¹⁷³

As the contractualisation of crime reduction has been driven from the local level, central Government has adopted a hands-off approach to target setting. The Ministry of the Interior has only one section in charge of following local partnerships, but their resources are severely limited.¹⁷⁴

CDRPs have been central to the Government's efforts to increase local accountability. The RESPECT Action Plan suggests CDRPs hold regular 'face the people' briefings - question and answer sessions with the public and the media.¹⁷⁵ But they still have limited public visibility. One survey of London residents found that only 9% had heard of CDRPs.¹⁷⁶ Partnerships were previously required only to consult their communities as part of their work to produce a strategy. In line with the duty to 'consult and involve' set out in the Local Government White Paper 'Strong and Prosperous Communities', CDRPs are now required to seek the active participation of their communities. But community engagement is limited to consultation and engagement with 'safe' community leaders, rather than hard-to-reach groups.

Moreover, CDRPs currently lack the democratic accountability that would provide a strategic focus on local priorities. Councillors with responsibility for community safety are obliged to sit on the CDRP, but there is no requirement for the elected member to take a leading role in partnership working.¹⁷⁷ The Crime and Disorder Act Review 2006 found that locally elected members had limited involvement in the working of CDRPs, resulting in partners working to their own priorities, with little strategic coherence.¹⁷⁸ Partnership working is therefore costlier and less efficient than it might otherwise be.

The Audit Commission report *Neighbourhood Crime and Anti-Social Behaviour* identified a need to shift the focus of CDRPs to "improving services at the neighbourhood

171 'The governance of safety in France: Is there anybody in charge?' J. De Maillard-
<http://tcr.sagepub.com/cgi/content/abstract/9/3/325>

172 Ibid

173 Comparing the governance of safety in Europe: A geo-historical approach, A. Edwards and G. Hughes
<http://tcr.sagepub.com/cgi/content/abstract/9/3/345>

174 De Maillard, Op Cit

175 RESPECT Action Plan, January 2006, p.28

176 'A Force for Change', Demos

177 'Delivering Safer Communities: A Guide to Effective Partnership Working', Home Office, 2007

178 See http://pdfserve.informaworld.com/456024_731194600_791437967.pdf

level”.¹⁷⁹ In light of this report, the introduction of directly elected leadership into partnership working would serve to provide a coherent set of priorities for local partner agencies as local mayors have in France. Commissioners would provide a direct link to communities, determining local priorities and chairing partnership work with a direct mandate from the community. Commissioners would facilitate cooperation and provide oversight of individual partners through a range of mechanisms to ensure commitment to local priorities.

At the police force Level the Chief Constable would coordinate priorities with Local Criminal Justice Boards (LCJBs). The membership of LCJBs is dominated by central agencies, including prisons, Crown Prosecution Service and probation, and consequently they have tended to focus on delivering national priorities – Local Authorities, while they are often represented on LCJBs, are not statutory partners. The Chief Constable, released from central constraints, would be in an ideal position to represent local priorities in the work of Criminal Justice System partners.

Proposal: Elected Commissioners should Chair local Crime and Disorder Reduction Partnerships, providing strategic direction, improving efficiency and holding partner agencies to account. The Chief Constable, removed from central constraints, should inject greater regard for local priorities into the work of Local Criminal Justice Boards.

Revitalising Local Authority

The introduction of commissioners has been opposed on the grounds that their remit would overlap with that of councillors. However, councillors lack the direct mandate for policing that commissioners would possess and have generally poor records in chairing CDRPs and serving on Police Authorities. Rather than usurping the place of councillors in managing local crime and disorder reduction, the introduction of directly elected commissioners would support the oversight roles of Local Authorities and would facilitate partnership working.

Cooperation with Local Authorities is already of great importance to the police. One former Chief Constable observed “policing works best where there is a clear link between the BCU and the political unit.”¹⁸⁰ Despite the failure of ineffective Crime and Disorder Commissions, Local Authority oversight can be an effective tool. Thames Valley Police suggests that the most testing form of accountability for their Chief Constable is to appear before all eighteen local authorities to account for his or her actions.¹⁸¹ Such measures should be encouraged, formalised and made more transparent with the support of commissioners.

The vital role that local councillors should – and occasionally do – play in the management of CDRPs, LCJBs, CDCs and LSPs places them, in a very real sense, at the heart of local policing provision. But the members who sit on CDRPs are rarely expected to chair them and service providers tend not to defer to them. A directly elected police commissioner would hold a strong mandate in working with partners, and could legitimately be said to represent and uphold community priorities.

Directly elected police commissioners would work alongside Local Authorities, adopting the leadership role in CDRPs and Police Authorities (restructured as

¹⁷⁹ Policing for the People, Conservative Party 2006

¹⁸⁰ *Changing Policing: Revolution, not Evolution* M. O’Byrne, 2001

¹⁸¹ The development of Neighbourhood Policing Sara Thornton and Lucy Mason
<http://intl-policing.oxfordjournals.org/cgi/reprint/1/2/173>

Police Commissions) that councillors are currently unable to fulfil. Commissioners would ensure that partnership working is able to accommodate Local Authorities' broader objectives, while councillors would entrench CDRP and Police Commission priorities through the negotiation of Local Area Agreements. Commissioners' involvement in the work of council Crime and Disorder Committees would allow Local Authorities to take on a greater oversight role in relation to CDRPs and local policing.

The LGA has estimated the cost of direct election for police commissioners at £48.4 million. This presumes they would be conducted as standalone elections given the close relationship that commissioners would maintain with the Local Authority, they should share terms of office with councillors and be elected at local elections. The cost of introduction would be minimal.

Further, directly elected commissioners could increase the waning turnout at local elections. The structure of local Government is argued to be a key determinant of voter apathy, studies finding that turnout is lower where responsibility is more diffuse.¹⁸² By vesting responsibility for crime and disorder reduction in an elected individual, voters have a more direct say in how local Government operates. 'Raising the stakes of elections' in this way could serve to increase turnout.¹⁸³ Further transparency would be introduced to local government and the work of Police Commissions by collecting the police precept separately to council tax.

Proposal: Elected Commissioners should work in partnership with councils, helping them to develop oversight mechanisms and coordinating priorities for Local Area Agreements and Local Criminal Justice Boards. Commissioners should be elected alongside councillors in order to promote a close working relationship, minimise costs and increase turnout at local elections. The police precept should be collected separately to council tax to ensure transparency in the working of local government.

Shared Boundaries

Encouraging partnership working at the local level merits the imposition of structural changes to the operation of police forces. Even without the introduction of elected commissioners, there is broad agreement that BCU boundaries should be made coextensive with CDRP boundaries in order to facilitate effective partnership working.

The 376 CDRPs created in 1998 were intended to link with the 370 BCUs across England and Wales. CDRP boundaries are organised around Local Authority boundaries, and in some instances they are still coextensive with police Basic Command Units,¹⁸⁴ though often a single BCU will encompass several CDRPs.¹⁸⁵

The Audit Commission initially conceived of the ideal BCU size as between 150 and 200 officers, raising this to between 250 and 300 officers by the late 1990s, prompting BCU mergers across England and Wales.¹⁸⁶ BCU boundaries were redrawn, leaving only 318 BCUs by 1999, only 120 of which were coterminous with CDRPs.¹⁸⁷ BCUs have grown in size (and declined in number) since. In 2004, there were 320 Basic Command Units across England and Wales; by the end of 2008 there were fewer than 250.¹⁸⁸

182 Municipal Institutions and Voter Turnout in Local Elections, Hajnal and Lewis
<http://uar.sagepub.com/cgi/content/abstract/38/5/645>

183 Voter Turnout in City Elections, Wood, C. 2002
<http://uar.sagepub.com.libproxy.ucl.ac.uk/cgi/reprint/38/2/209>

184 An LSE survey sets out the geographical relationship between PFA and CDRP boundaries:
http://eprints.lse.ac.uk/19902/1/Crime_and_Police_Resources_The_Street_Crime_Initiative.pdf

185 A Home Office project to group BCU 'families' sets out the relationship between BCUs and CDRPs: 'Family Origins', Home Office, 2002

186 Basic Command Units and Local Authorities: Future Mechanisms of Police Accountability and Service Delivery, Loveday, B. *International Journal of Police Science and Management*, Vol. 9 No. 4, 2007 pp.324-335

187 Bobbies on the Beat, Davies, N., *The Guardian*, July 2003,

188 PSAEW BCU Liaison Annual Report, 2008

In truth, the size of a BCU has little direct impact on its performance. Critical to a BCU's functioning, however, is a shared boundary with the local authority and CDRP. Thus the Police Superintendents Association conclude that "The requirement to engage in partnership working makes coterminosity the single most critical factor in determining whether a BCU is likely to deliver effective local policing."¹⁸⁹ Tellingly, 81% of BCU commanders believe the level of cooperation with CDRPs was the greatest determinant of BCU performance after staff competence.¹⁹⁰

Some BCUs are now party to several CDRPs. Similar problems face partnership working with Drug Action Teams, Probation and NHS bodies, scattered across CDRP and BCU areas. In order to facilitate effective partnership working, BCU boundaries should be redrawn to align them with Local Authority and CDRP boundaries. For the first time, BCU boundaries should be set in statute to ensure coextensivity with CDRPs and Local Authorities. This would result in councillors, commissioners, CDRPs and the local police all working to shared boundaries and a shared set of local priorities across 373 BCUs.

The move would almost double the number of BCUs, moving from an average of 4.66 per force to a post-reform average of almost 10, but there would be no increase in officer strength. The costs associated with estates would be offset in part through greater efficiency in the delivery of neighbourhood policing and through the NPIA's Workforce Modernisation programme. Removing specialist teams to force and regional level will generate significant savings in back-room costs. Chief Constable Chris Sims of West Midlands Police has instituted this model and has cut over 300 civilian support posts¹⁹¹. Efficiency at BCU level could be improved by granting BCU Commanders greater financial responsibility, ensuring the most appropriate use of resources.

Proposal: BCU boundaries should be set in statute and redrawn to make them coterminous with Local Authority and CDRP boundaries, facilitating partnership working and delivering BCU Commanders responsibility for a smaller geographical area. Costs would be offset by increased efficiency of neighbourhood policing, the national rollout of proven Workforce Modernisation strategies, and the removal of back-office costs.

Narrowing the Gap

There is some suggestion that a move towards greater local accountability could widen the 'Level 2 Gap' identified by HMIC as an obstacle to the future provision of policing services. Indeed, exploring the potential introduction of elected commissioners, the Flanagan Review warned:

As with all solutions that operate below the force-wide area, the main danger is fragmentation of policing. A good deal of local crime may be driven by drugs, the supply of which goes well beyond the CDRP area. The increased focus at district level may impede police action on issues that require co-ordination across a force (or several forces).¹⁹²

But the elected commissioner model set out in this paper could work within a more radically revised framework of policing in England and Wales that would

189 'Moving Policing Forward: Proposals for the Future', Police Superintendents' Association of England and Wales, March 2004

190 Fitting the Bill: Local Policing for the 21st Century, Loveday, B. and McClory, J. Policy Exchange 2007

191 Police Review Magazine, 25th September 2009

192 Independent Review of Policing by Sir Ronnie Flanagan, Home Office, 2008

provide both responsive local policing and improved capability for dealing with mid-level and cross-border crime. Moreover, a move to a restructured framework for Level 2 delivery would generate efficiency savings through shared services and better provision of protective services, improving throughput of cases.

BCUs currently contain both specialist and non-specialist officers who are deployed from the BCU to deal with both Level 1 and Level 2 crime. The majority of local policing provision is by definition concerned with Level 1 crime so if specialist officers were removed from BCUs and pushed up to force level, BCUs would be free to respond to local policing priorities, while Level 2 Protective Services would be provided at force level. Within this framework, the Chief Constable would relinquish responsibility for cross-border organised crime, focussing on the provision of local policing. This move would galvanise the community focus of local policing and facilitate a culture shift in which the Home Secretary could surrender responsibility for local policing.

BCUs would be reduced in size and focused on neighbourhood policing, anti-social behaviour reduction, and community confidence while responsibility for Level 2 Protective Services would shift to force level in a regional structure. This would promote specialisation and forces would be better equipped to deal with crime at all levels.

Holding specialist officers centrally would allow them to focus almost exclusively (with some exceptions) on the provision of Level 2 Protective Services. More radically, specialist officers could become members of a national force, deployed through a regional structure. In line with the Dutch model and PSAEW proposals, this 'laminated model' would involve the creation of a "National Police Force deployed through a regional structure".¹⁹³ To a certain extent this model parallels the inquiry into the Bristol hearts scandal, which recommended the creation of fewer, specialist centres to improve throughput by ensuring surgeons had greater experience and an improved chance of successful outcome: the same logic applies to the provision of protective services across England and Wales.

The national force would allow for the deployment of specialist resources at either force or regional level. The difficulties facing the investigation into the 2006 Ipswich murders point to the need for deployable specialist skills at a local level, but smaller forces suffer from weaknesses in resource management and at present either lack necessary specialist capabilities or otherwise maintain them at great cost.¹⁹⁴ The establishment of specialist capacity at the regional level would allow for those resources to be deployed when and where necessary without maintaining standing forces at great expense to smaller forces.

Similar proposals have been criticised on the basis that the shift to a two-tier force could adversely impact recruitment and development.¹⁹⁵ But the Dutch model demonstrates that officers move readily between municipal and national forces. The UK will retain a single police service, but it will operate at three distinct levels, capable of responding effectively to both local and cross-border crime in a way that the current structure has failed to achieve.

“Smaller forces suffer from weaknesses in resource management and at present either lack necessary specialist resources or otherwise maintain them at great cost”

193 'Restructuring of Constabulary: Democratic Structures', PSAEW Submission to the Social Justice and Regeneration Committee of the Welsh Assembly, 2008.

194 Police Workforce Modernisation, Accenture, Home Office 2007

195 'Governance in Policing', J. Godfrey

The Netherlands: A Two-Tier Force

Policing in the Netherlands consists of 25 regional forces working alongside the National Police Services Agency (KLPD). The Minister of the Interior and Kingdom Relations is responsible for overall policing and is formally head the KLPD. The KLPD is responsible for national and specialist policing – the equivalent of Level 2 and 3 services in the UK.¹⁹⁶

Public order at the local level lies within the remit of the mayor, who engages in tripartite consultations with the public prosecutor and the head of the local police force. Each of the 25 regions is overseen by a regional police board, composed of local mayors (Burgemeesters) and a chief public prosecutor. Regional forces are divided into districts and basic units. Forces are granted discretion in determining operational priorities and decision-making powers are generally delegated to the local level.¹⁹⁷

The Netherlands has around 45,000 officers, serving a population of 16 million. In 1994, the Dutch police reform programme saw sweeping organisational restructuring, creating a system of 25 regional forces operating under a national force. Recruitment, training and procurement are all administered centrally, resulting in substantial savings.¹⁹⁸

The development of standing specialist capabilities laid over a network of locally-oriented forces would allow for the continuum of response to better match the continuum of criminality. Organised crime has expanded and diversified since the 1970s, but the policing response has been inadequate at best. A move to pared-down, neighbourhood-oriented forces would allow for a more efficient response to community priorities, while freeing resources to provide a more effective response to organised crime. The proposed model represents a development on the historical 119 force structure under which low level criminality was dealt with by forces and the MPS investigated murders and serious crimes.

Throughput of cases should be improved as specialist units will no longer face difficulty in working with neighbouring forces or competing agencies. Under the present structure, there is a lack of coordination providing serious barriers to efficient coordination between forces. HMRC has complained that when drugs are interdicted at the port, it is too often the case that SOCA and local forces are unwilling or unable to coordinate arrests further down the line. Equally, SOCA has faced criticism for failing to coordinate enforcement efforts with. The Home Office, ACPO and HMIC agree that clear leadership and better coordination will be vital to tackling the £40 billion organised crime threat facing England and Wales.

In effect, the provision of protective services is already moving in this direction through the work of ACPO and the Protective Services Strategy Group. The establishment of Regional Intelligence Units in which SOCA and police officers are embedded is an attempt to narrow the Level 2 gap through the provision of specialist resources at regional level. ACPO is responsible for tasking the teams based on organised crime group mapping conducted at the national level. While it has not been legislated for, the service is informally moving towards a model of nationally coordinated regional deployment of specialist resources.

¹⁹⁶ Policing in the Netherlands, Ministerie van Binnelandse Zaken en Koninkrijksrelaties, 2004

¹⁹⁷ Think European Act Dutch: Pro-Activity, Pro-Prevention, Kwanten, C 2007, Police Academy of the Netherlands

¹⁹⁸ How Policing can Reduce feelings of Insecurity: Results from Survey Research in the Netherlands, Lasthuizen, K. et al, Police Practice and Research, Vol. 6, No. 4

Further rationalisation could see specialist policing capabilities (e.g. public order or search teams) moved into a regional deployment structure, Operation TARIAN and Wales or the East Midlands Operations Unit (EMSOU) have been pointed to by the Home Office, ACPO and Her Majesty's Inspectorate of Constabulary as model cases of regional cooperation. EMSOU, for example, delivers serious and organised crime provision for the five forces in the region.¹⁹⁹ The cost of collaboration between East Midlands forces is estimated at just over £1.5 million for 2009. Savings and additional funding as a result of shared protective services and an ongoing joint procurement exercise were just under £12 million for the same period.²⁰⁰ Rolled out nationally, regional standing capabilities would generate substantial savings.

Significant efficiency savings stand to be made through these changes. Resourcing levels for finance and HR at regional level are high, with duplication between and within forces. Large finance teams continue to operate at force and BCU level in contrast to the rollout of shared corporate services across central government.²⁰¹ The centralisation of support functions in the private sector has resulted in savings of 15-50%, while the Cabinet Office anticipates savings of 20% through the shared services programme.²⁰² A national 20% reduction in police staff excluding PCSOs would represent a saving of over £400 million.²⁰³ The cost of the proposals would be further offset by the additional efficiency savings generated through greater throughput of cases.

Proposal: A national policing agency should assume responsibility for protective services. The force should be deployed through a regional structure, providing specialist capability support to forces as required. The move would generate substantial efficiency savings through shared services and more efficient throughput of cases, while allowing for more responsive local policing.

Depoliticising the force

Much of the debate surrounding the proposed introduction of elected commissioners has touched on the fear of politicising the force. However, policing is already heavily politicised, and the introduction of elected commissioners would serve to undo the use of the service as a political tool and make it more responsive to the needs of local communities. In establishing a framework for elected commissioners to operate in, a series of checks and balances would be introduced to prevent political control of local policing.

Policing may already be a political football at the national level, but at the local level there need not be any party political element to police oversight and accountability. The role of elected commissioners differs from that of most politicians in a vital respect: they will be expected to uphold constituents' views in a single area only. To a degree, this is at odds with the existing party system. In six US states, sheriffs' elections are run on a non-partisan basis, to avoid even the suggestion of partisan bias in the exercise of their duties.²⁰⁴ The same could be the case for elected police commissioners, banning candidates from standing on a party political ticket.

199 Collaboration in the East Midlands, EMPAJC, 2008

200 East Midlands Collaboration Plan for Policing 2009-2012 www.lincs.police.uk/getFile.asp?FC_ID=1912&docID=2422

201 IPPR The New Bill: Modernising the Police Workforce

202 Cabinet Office Shared Services http://www.cabinetoffice.gov.uk/cio/shared_services/ss_in_govt.aspx

203 Based on CIPFA estimates

204 Office of Sheriff: State by State Election Information, National Sheriffs' Association http://www.sheriffs.org/userfiles/file/Office_of_Sheriff_Stateby-State_Election_Chart.pdf

The French Model: The Politics of Policing

The French experience has seen the expansion of divergent policing strategies, broadly along party political lines. Socialist mayors (e.g. J.B. Ayrault, mayor of Nantes) are inclined to adopt a 'social tranquillity' approach, while those on the right (e.g. G. de Robien, mayor of Picardie) lean towards a more aggressive 'security' model of policing.²⁰⁵ Notably, in spite of politicians' overt responsibility for policing and security, the police are not considered to be political tools – the electorate articulates local priorities through elected officials; it is the responsibility of the police to implement these as appropriate.

The more worrying threat is that extremists would use the position as an outlet for their views. Extremist parties are increasingly gaining ground in Local Authorities and the threat of providing a platform for the far-right is often raised in discussion of local accountability. David Blunkett MP warns that:

To argue that police accountability is simply a matter of responding to public opinion through the ballot box is to encourage populism, to provide a platform for extremists and to allow extremist groups to become further involved in our local and national body politic.²⁰⁶

His words echo those of police chiefs, who fear that direct elections would place extremists on Police Authorities.²⁰⁷ But the rise of extremist parties is in large part attributable both to the failure of mainstream parties to achieve 'real change' and also to the consequent increase in voter apathy. Directly elected commissioners could improve voter participation. Low turnout at local elections is a legitimate concern, but local Government structure can be a key determinant of voter apathy: where responsibility is diffuse, turnout is lower.²⁰⁸ 'Raising the stakes of elections' by vesting responsibility for a particular policy area in a directly elected figure could in fact serve to increase turnout.²⁰⁹

The US Model: Checks and Balances

Candidates for Sheriff are frequently required to hold higher minimum qualifications than for any other public office.²¹⁰ In Georgia, for example, candidates for sheriff must:²¹¹

- be a certified peace officer within six months of taking office;
- possess a two year degree or its equivalent from a college or university;
- have two years of college or two years experience in the law enforcement field; or
- have two years of educational training in the law enforcement field.

At least 29 states in the US employ the power of recall as a check on elected representatives.²¹² Of those, 10 require specific grounds for recall such as misconduct in office or failure to perform duties provided by law. In Montana, New Mexico and Washington the specific grounds include violation of the oath of office.

205 De Maillard, Op Cit

206 Blunkett, 2009, Op Cit

207 Police chiefs fear extremists winning seats on Police Authorities, The Times, 17 November 2008

208 Municipal Institutions and Voter Turnout in Local Elections, Hajnal and Lewis

209 Voter Turnout in City Elections, Wood, C. 2002

210 Preserve the Office of Sheriff by Continuing the Election of Our Nation's Sheriffs, NSA 2000

211 Professional Standards and Criteria to Hold the Office of Sheriff in the State of Florida, Hall, M. H. Florida State Legislature

212 <http://www.ncsl.org/Default.aspx?TabId=16540>

Under the Local Government Act 2000, Local Authorities are required to adopt a Code of Conduct which applies to all members and requires them to uphold principles including ‘objectivity’ and ‘respect for others’. Given the visibility of the position and the sensitivity of the remit, commissioners would be held to higher standards. They would take an oath of office requiring them to restrict their public remarks to their area of responsibility and to consider the impact on diversity and community cohesion in all their work. The position would not lend extremists either legitimacy or visibility. Where commissioners have failed to uphold their responsibility, a vote by the CDRP, Local Authority or a significant proportion of the public would be sufficient to force a recall election.

Further, the experiences of France and the Netherlands – where local mayors have responsibility for local policing – demonstrate the reality of what happens where extremists are granted responsibility for policing. In both cases, they have adopted a ‘firm and robust’ approach to policing, but they have not been able to force extremist agendas on the police force: local politicians hold the police to account; they do not exercise control over them. Democratic renewal is about holding the police to account. The intention is to foster responsiveness and where the police are unresponsive, to have them answer for their decisions.

In any case, the Office of Constable should serve as the strongest safeguard of all, rendering police officers accountable to the rule of law alone. Chief Constables cannot give orders to PCs, and commissioners would not give orders to Chief Constables. The Office of Constable is the bedrock of policing, and it constitutes the strongest check against arbitrary governance.²¹³

Proposal: Commissioners should be held to higher standards than other holders of local office, given the sensitive nature of their remit. An oath of office should restrict their use of the position as a platform for extremism, breach of which would force a recall. Commissioners would not stand on a party political ticket.

213 The Office of Constable, Police Federation, 2008

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Conclusion: A Picture of Change

The abandonment of central government targets and controls on local policing must be met with an increase in local accountability. The introduction of elected police commissioners would serve to translate community priorities into policing strategy at the local level. Working with the BCU Commander and local councillors, an elected commissioner would chair partnership working, providing much needed coherence and strategic direction for local agencies. They would takeover responsibility for holding the police to account from Police Authorities, and would be obligated to develop best practice in facilitating dialogue between the local policing unit and the community they serve. Failure would result in their likely removal from office at the next election.

Commissioners would sit in a radically revised framework of protective service delivery, with regional force collaboration and a national force overlay providing Level 2 and 3 protective services. The current 43 forces would be able to focus on local needs and priorities in building community confidence and delivering effective neighbourhood policing and tackling anti-social behaviour. Police Authorities would be abolished and replaced with Police Commissions composed entirely of locally elected commissioners and focussing on the provisions of responsive policing.

At the heart of this package of reforms is the relationship between the police and the community they serve. Over the last decade, the Government has forced policing to move away from local priorities, focussing on central targets. Public faith in the police has waned as a result, and the introduction of high visibility policing has done little to resolve it. Through the elected commissioner the police and the public will, at the local level, engage in meaningful dialogue, fostering responsive policing and developing the public's confidence in the police.

Over the last decade the Government has successfully worked to reduce levels of crime in England and Wales through the establishment of a centralised targets regime for policing. The resources poured into the service by the Home Office have seen spending and police officer numbers rise to unprecedented levels. But the status quo is unsustainable in the present economic climate: the Flanagan Review has warned that service strength could not be maintained even with a substantial increase in funding, while the Association of Chief Police Officers and the Association of Police Authorities warn of 10-20% potential funding cuts in the near future.

Moreover, the resources made available to the service are not reflected in results. Home Office micromanagement has undermined responsiveness to local priorities and weakened the historic bonds between the police and the communities they serve: Public confidence is at a historic low.

There is now widespread recognition that the structure of policing in England and Wales must be radically overhauled if it is to tackle crime and maintain public confidence through a period of diminishing public finances. In this report, Policy Exchange sets out a vision of democratic accountability driving efficiency and responsiveness in the police service, renewing the longstanding bonds between the police and the public.

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