

Police accountability in the New Labour era

Kate Lloyd reviews the structural changes in police accountability mechanisms and points out the need for greater public awareness and debate.

Perhaps it is no surprise that police accountability mechanisms have undergone so much change since New Labour came to power. Police accountability has always been problematic and no less so now than before. The second Oxford Policing Policy Forum, building on the first (see Faulkner *et al*, 2006), attempted to unravel some of the complexities of putting police accountability into practice and this article draws on its deliberations in the context of some of the major shifts in policing policy over the last ten years, including the centralising tendencies of government, the development of a performance management system, and the introduction of the Independent Police Complaints Commission (IPCC).

As well as the law itself, which defines and limits police actions, the police operate within a complex tripartite structure of police accountability and governance: chief police officers, police authorities and the Home Secretary. Chief officers are accountable for day-to-day operations; police authorities for agreeing strategic priorities, setting the annual budget and for ensuring the efficient and effective use of taxpayers' money; and the Home Secretary for setting the legislative and performance management framework within which police forces must operate.

Government objectives

In practice, this relationship has never been an easy one. It splinters lines of accountability, with no person or body holding overall responsibility for police effectiveness. Although locally accountable, police authorities have only limited mechanisms for scrutinising their forces and ensuring their activities reflect local priorities. Under New Labour, the relationship has been further strained by efforts to improve performance management from the centre. In addition to the statutory functions performed by Her Majesty's Inspectorate of Constabulary, there is a Police Standards Unit, a Police Performance Assessment Framework, a National Intelligence Model and now a National Policing Improvement Agency, a new non-departmental public body dedicated to improving police performance. Chief officers, despite holding operational control, are increasingly buffeted by government objectives and performance indicators in determining their decisions (Loveday, 2000; Reiner, 2000) and the powers of police authorities have been undermined by statutory powers that allow Home Secretaries to

suspend Chief Constables, if necessary, against the will of the police authority (recall the public row between David Blunkett and Humberside Police Authority in 2004).

The public tend to think of police accountability in terms of how transparently and fairly complaints of misconduct against individual officers are dealt with, so it is no surprise that there has also been significant structural change in this area over the past decade. Following concerns (and reports by Liberty and KPMG) that the Police Complaints Authority was neither transparent nor fair (not least because police officers were used to investigate complaints against other officers), the government set up the Independent Police Complaints Commission (IPCC) in 2004. Serious complaints, like those resulting from police shootings or deaths in custody, are now handled by independent investigators who can, during investigations, invoke the powers of police constables in the course of their duties. Although it is still too early to assess the impact of the new system, there is some evidence to suggest that the increased accessibility of the system means that more people are complaining (IPCC, 2006b). However, the IPCC still uses retired and seconded police officers to carry out its independent investigations and, unlike for example the Police Ombudsman for Northern Ireland, the majority of complaints are still investigated by the police themselves. In 2004-05, for example, the IPCC carried out less than 1% of all complaint investigations (IPCC 2006a and 2006b).

Somewhat paradoxically, whilst some government policies have led to the centralisation of public service delivery, other policies are working in the opposite direction. Statutory crime and disorder reduction partnerships require the police to work with other local agencies and members of the community to deliver community safety services and the national 'roll out' of the neighbourhood policing programme should lead to greater powers being vested in local police authorities. The 'community call to action' and the 'overview and scrutiny committees' to be set up under the *Police and Justice Act 2006* will enable community members to call on police authorities to take action if they are dissatisfied by the service they receive.

Moves towards greater local accountability, although often welcomed, are not unproblematic. Greater local accountability should include the

public having a greater say in what policing priorities should be, but is this helpful where the public are ill-informed about levels of crime and how the criminal justice system works? Many people believe that 'more bobbies on the beat' will reduce crime, even though research indicates this is not necessarily the case (Wakefield, 2006), and that crime levels are rising when in fact volume crime (particularly as measured by the British Crime Survey) has been falling for some years. Without being better informed about what the police already do, what they are resourced to do and what they are most appropriately trained to do, the public's misplaced beliefs could translate into ineffective or inappropriate prioritising of certain police activities over others.

The answer, however, is not to give up on the public, but rather, as discussed at the first Policing Policy Forum, a national debate on policing so that the public is better informed about the realities of crime and policing (Faulkner *et al.*, 2006). Improving local accountability by increasing the number of elected representatives on police authorities (or their equivalent), or requiring the police to be accountable to local sheriffs or city mayors, have been put forward as antidotes to the centralising tendencies of government. This does not however necessarily address the need for public engagement at community level.

And that still leaves the issue of how to hold the police to account for the activities they increasingly undertake at the national and international levels. What role should the public play in holding bodies like the new Serious Organised Crime Agency and Europol to account? How far can such organisations be expected to be transparent and where does transparency give way to other public interests, such as national security and the requirements of international cooperation? And what about the private security industry, increasingly used to supplement public policing (e.g. custody provision) – how should it be held to account and what role, if any, should the public play in this?

The British police service's mandate, based on the principle of 'policing by consent', can only be sustained if, as an organisation and as individuals, they are held to account for their actions and decisions. In terms of handling police misconduct, a crucial component of policing by consent, there has been a major overhaul of the system, but one must ask whether the reforms have gone far enough. More widely, problems within the formal structure of police governance continue as police authorities struggle to become effective channels for public scrutiny as the government objectives continue to drive policy and practice from the top down. Too often changes in policing policy, which have occurred with little or no public debate, have been driven by high profile external crises, such as the public inquiry that followed the murder of Stephen Lawrence, which had a galvanic impact on policing. Although highly complex, the issue of police accountability needs further thought and discussion, not only among experts, but also in classrooms, pubs, offices and communities across the country. Such discussions are essential as the accountability of the police reflects and shapes the kind of country in which we live.

Kate Lloyd is Policy Officer for The Police Foundation.

This article arises from discussions that took place at the 'Oxford Policing Policy Forum' late last year. Jointly hosted by The Police Foundation and the University of Oxford, the forums bring together academics, practitioners, and politicians to discuss key policing issues. A full report of proceedings can be found on The Police Foundation website at www.police-foundation.org.uk

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