



BACKING UP THE POLICE

How might the services of constables legitimately be supplemented?

During the 1980s there were periodic calls for a Royal Commission on the Police. The Government resisted them. But the pace of change was forced nevertheless. The Criminal Justice and Public Order Bill and The Police and Magistrates' Courts Act were preceded by the Runciman Report and the White Paper on *Police Reform* respectively. And the current Home Office Review of Core and Ancillary Tasks was preceded by the Sheehy Report. Yet these exercises either **assumed** what the role of the police is or adopted different views. This is partly what has caused consternation to the police associations and local authorities and this is what prompted the setting up, jointly by the Police Foundation and the Policy Studies Institute, of the Independent Committee on the Role and Responsibilities of the Police under the chairmanship of Sir John Cassels. At the beginning of August the Committee published a Discussion Document. What follows is a sketch of one of the ideas contained in the Document.

A radical rethink

The Committee has concluded that in some respects the Government is not thinking radically enough about policing. Though the Committee underscores the importance of preserving aspects of the British policing tradition, and not making changes without widespread consultation, experimentation and evaluation, their central argument is that the police service faces a dilemma which, if not faced squarely, puts much that is valuable about the police service at risk by default. How, the Committee asks, can the apparently insatiable demand by the public for more policing, and the public's reasonable demand that they and their property be better protected, be satisfied given: that there will continue to be need for limits on public spending; that what the public demands, and what politicians will continue to feel impelled to supply, may not significantly impact the level of crime; and that further extension of police powers and the reach of the law could have unwanted consequences.

This question follows the Committee's appraisal of trends in crime and policing and their observation that 'law and order' policy has been partly politicised to the extent that expenditure on so-called 'law and order' services has been substantially

increased while spending on other public services, services which arguably have as much or greater impact on patterns and levels of crime, has been reduced or held constant, and new criminal law introduced in response to every passing 'law and order' exigency. Yet the growth in police resources and powers has stemmed neither the incidence of crime nor the expansion of the commercial security industry and the emergence of voluntary self-help community defence initiatives of various kinds. There is a genuine danger, the Committee asserts, that we shall end up with the worst of all possible worlds: an increasingly centralised state police service armed with ever-growing legal powers alongside an increasingly anarchic unregulated array of private police or security services in the hands of sectional interests.

A way forward

In a section of their Discussion Document entitled 'The Way Forward' the Committee propose that the relationship between the public police services (or sworn police constables) and other forms of 'policing' be developed and more closely defined in order that they better complement each other. By these means, it is suggested, more cost-effective police services may be delivered and the large measure of trust which, though somewhat diminished in recent years, still exists for the public police, can be extended to complementary police personnel and services.

The Committee argues that this approach means we must face up to the question: What powers should remain the preserve of constables? They suggest a limiting principle. Only constables, or other Crown servants responsible for policing within designated locations, should have the power to: arrest, detain and search citizens, and search and seize property under statutory powers; bear arms and exercise force for the purpose of policing; and have the right of full access to criminal records and criminal intelligence for the purposes of operational policing.

Then, by applying this limiting principle, the Committee asks how might the services of constables legitimately be supplemented? Two illustrative examples are offered to stimulate debate.

Options for change

First, there might be established local patrolling forces, accredited by and to some extent under the direction of the public police, or the local police authority.

Unsworn 'police' patrols might carry out many administrative tasks which currently burden the police. Such patrol forces could comprise approved personnel who might be employed by the constabulary, the municipality, local community groups or private security companies. But whatever their employment status such personnel would carry out their duties according to a legally enforceable contract, compliance with which might be monitored by sworn officers, and they would have to be vetted and their employing organisations regulated.

A second possibility is the creation of 'designated' patrol officers within constabularies. These officers, might, after appropriate training, be authorised to exercise certain limited 'street' powers, which might include the power of arrest for minor public order offences, drunkenness and a certain carefully defined property offences such as theft from a shop. They might also have the power to search for stolen goods and weapons, or to deal with the regulation of traffic, or licensing offences.

The point of canvassing these options, which might be regarded as points at either end of an 'ancillary police patrol' continuum, is to explore how the public demand for an enhanced local uniformed police presence might cost-effectively be supplied within an overall police system which has legitimacy, which does not involve counter-productive over-reach of the law and which delivers equitable services. Policing by constables is relatively expensive partly because of the constables' legal powers and potential omniscience with which their training must be compatible. Ancillary patrols with fewer powers would need correspondingly less investment. Yet the evidence suggests that the public would generally defer to their uniformed presence and most of the local incivilities which lead the public to want a uniformed presence require neither legal powers or force. Indeed there is a powerful case for having an enhanced preventive presence of authority **and** more parsimonious use of the law.

Rod Morgan is Professor of Criminal Justice and Dean of the Faculty of Law at the University of Bristol. Tim Newburn is Senior Research Fellow at the Policy Studies Institute and is Research Advisor to the Independent Committee.

Copies of the Committee's Discussion Document are available from the Police Foundation, 1 Glyn Street, Vauxhall, London SE11 5RA.