

The politics of police accountability seemed very different only twenty years ago. In the context of the drift into a 'law and order' state, a polyphony of complaints about policing practices and decision-making processes formed into a full-blooded political debate about how and to whom the police might be held democratically accountable. In Parliament, Jack Straw introduced Private Members' Bills in 1979 and 1980 to amend the 1964 Police Act to make police authorities responsible for

Constables vociferously demanding more powers, officers and resources.

Unswerving Conservative patronage for the 'boys in blue' in a period of serious public disorder and industrial conflict, a battery of legislation, including the abolition of the metropolitan police authorities, and the coming of a new realism on crime within the Labour party in the mid to late 1980s disrupted and eventually silenced this heated controversy about policing and police accountability. But, as the

boundaries of public police work. We are witnessing the latest 'expansion and intensification through normalization' of broad security, intelligence gathering and policing powers. Because the legislation is presented as being necessary to target the latest folk devils - global multi-functional supergangs - all political parties are competing to establish their 'tough' credentials in the war on crime. In this 'law and order' climate little attention has been paid to devising appropriate constitutional safeguards and forms of accountability. Recent history suggests that this legislation will not be the end of the story. We can expect that various police agencies and their political patrons will continue to campaign for more resources and powers to target yet more groups, both home and abroad, deemed to pose a threat to the interests of the state.

Alongside these national developments a network of overlapping and inter-locking inter-governmental Committees working parties and steering groups are attempting to hammer out Europe-wide policies on 'law and order', including police and judicial co-operation on extradition, money laundering, drug traffickers, terrorists and asylum seekers. A hard core of powerful EU states are also attempting in the on-going Maastricht treaty review to establish a European police force with cross border authority, powers and operational intelligence flows. Concerns about freedom of information, data protection, legal constraints and democratic oversight have been filtered out on (not in the) 'public interest' grounds. Thus there is the potential of these emergent levels and modalities of policing detaching themselves from all democratic checks and balances.

Local concerns

At the local level too there are a number of troubling issues. The contentious 1994 Police and Magistrates Courts Act managerialised the relationship between the Home Office, Chief Constables and the restructured police authorities. The Labour Party condemned the legislation

Past tense: future tense

Eugene McLaughlin and Karim Murji take a look at police accountability, then and now.

devising general policing policies for their area.

Labour controlled local authorities questioned the policing of inner-city areas, and subsequently launched a sustained bid to establish *ex-ante* control and *ex post* scrutiny of local policing. In many urban locales community groups voiced concerns about the policing of black communities, public order policing, political policing, inter-agency policing and what E P Thompson in 1979 described as the increasingly 'loud and didactic presence in the media' of various police representatives and Chief

political 'blow back' from the miscarriages of justice and debates in the 1990s around the structure, functioning and financing of the police have shown, the vexed issue of accountability has not gone away.

National and trans-national concerns

The 1990s have undoubtedly witnessed an acceleration in the development of a national and trans-national policing paradigm. In the past two years the British Government finally firmed up legislative proposals to: (a) allow a restive MI5 to become involved formally in the fight against crime; (b) transform the regional crime squads into a unified quasi-FBI style national crime force which will operate alongside a remodelled National Criminal Intelligence Service; and (c) place the surveillance practices of the police on the same statutory footing as MI5. These realignments and re-taskings have introduced new constitutional ambiguities and a significant blurring of the



David Kidd-Hewitt

as a centralising measure which would (1) make Chief Constables subordinate to the Home Office (2) sideline local authority representation on the police authorities (3) undermine local crime prevention measures and (4) have a damaging effect on community policing. If Labour do get into government it will be interesting to see if any proposals are brought forward to change the current arrangements. Will there also be any moves to address the anomalous position of the Metropolitan Police, which is still without a democratically constituted police authority? The necessity for such an authority is explicit in the failure of politicians to get to grips with the Commissioner, Sir Paul Condon, for controversial 'get tough' initiatives such as Operation Eagle Eye and the serious flaws in the force's financial management systems. This is something that the largely moribund and ineffectual Police Consultative Groups were unable to do.

Organisational concerns

'Race', gender and sexuality, as in the 1970s, continue to define the sharpest edges of the case for greater democratic accountability. But in the 1990s the debate is no longer just an external one, concerned with the over-policing of black people and the gay community and the police's response to women as victims of crime. Rather issues of 'otherness' have become internal to the police organisation and the numerous cases and allegations of institutionalized racism and sexism within certain police forces suggest that the assertion of some senior officers that 'race, gender and sexuality are no longer issues for the police service' requires some revision.

Another aspect of the 'unchanging-forever changing' nature of police accountability debates is the effectiveness of the organization's disciplinary rules and procedures and the formal complaints machinery. Continuing high levels of mistrust of the 'independent' Police Complaints Authority have led to a notable rise in the number of civil cases taken against the police. The

Metropolitan Police alone has paid out millions of pounds in damages and legal costs. In almost all of these cases the Commissioner accepted no liability or responsibility for what had occurred. Community demands that the officers concerned should face disciplinary charges have often been rejected.

What's left?

Hence, the issues that fuelled the campaign for democratic accountability in the 1970s and

1980s are still present, but recent developments have added to the problem in a variety of complex ways. What we appear to be seeing is a scenario where 'high' meta-policing stands outside democratic scrutiny while 'accountability' at the local level and in the organisation has been reconstituted and reworked within an increasingly managerialist discourse. The lack of a critical political analysis that can think through and make sense of these multi-layered developments makes the picture

that we have sketched here a generally gloomy one. In the absence of a political will to make the principle of democratic accountability meaningful to changed circumstances, now as twenty years ago, we have to rely on a few monitoring groups here and there to carry on 'watching the watchers'.

Eugene McLaughlin is a Senior Lecturer at the Open University and Karim Murji is a Senior Lecturer at Roehampton Institute London.

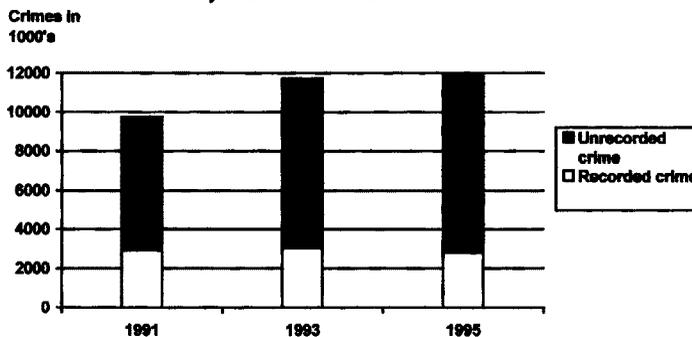
SENTENCING AND CRIME TRENDS 1991-1995

The last four years have seen a 'natural experiment' in sentencing, with an increase in the prison population since December 1992 of almost 40%. In the run-up to the election can we expect to see the crime statistics deployed as evidence that "prison works"? After all recorded crime was 8% lower in 1995 than in 1992, and the most recent statistics (12 months to June 1996) show virtually no change over the previous 12 months.

Before any politicians are tempted to take a quick trick on this, they should pause to consider the central - but little-publicised - finding of the 1996 British Crime Survey. (The BCS, a large biennial sample survey, yields an index of crime trends which is unaffected by changes in victims' preparedness to report crimes and in police recording practices.) The survey suggests that between 1991 and 1995 police recording practices changed: a markedly smaller proportion of crimes reported to the police found their way into the recorded police statistics in 1995 than in 1991. The net result is that the police figures mask a steady rise in crime since 1991.

The chart shows BCS trends and those of the police statistics for the subset of crime types where comparisons can be made. The police figures show a 4% fall between 1991 and 1995. The underlying trend, as measured by the BCS, was 23% - a rise which closely tracks the annual post-war average rise in police statistics of 6%.

Crime trends, 1991 to 1995



So what lies behind the change in police recording practice? Conspiracy theorists would suspect chicanery and political manipulation at Queen Anne's Gate. A more plausible explanation lies in the deployment of statistical performance indicators to measure police performance. The drive for fuller accountability has been spearheaded by the Audit Commission, though the Home Secretary also publishes annual PI targets. Like any other rational organisation, the police service has responded by giving a good account of itself.

Note: The graph draws on figures in Home Office Statistical Bulletin No. 19/96 and on figures for 1991 and 1993 supplied by the Home Office Research & Statistics Directorate. The figures for 1991 and 1993 are marginally different from those in Home Office Research Findings Nos 2 and 14, as population multipliers were updated.

Professor Michael Hough, Criminal Policy Research Unit, South Bank University