



POLICING THE FUTURE

Police Reform and the Police and Magistrates' Courts Act 1994

In June 1993 the Government published its White Paper on Police Reform.¹ Just over one year later, in July 1994 the House of Commons gave its approval to the Police and Magistrates' Courts Bill which essentially encapsulates the proposals outlined in the earlier White Paper. Although the Government has not achieved all that it sought to implement, particularly in terms of police authority membership, legislation will enable it to put in motion a number of changes which could fundamentally affect both the role of the police and that of central government in relation to it.

The Police and Magistrates' Courts Act 1994

The major changes can be briefly described. In 1995 local police authorities (LPAs) will become free-standing authorities. They will no longer be, as now, in the shires, a committee of the county council. Free-standing LPAs, which already exist in the Metropolitan areas as a consequence of the 1985 Local Government Act, will precept on the local council(s) and will receive a direct grant from the Home Office. Police authorities will in future be much smaller bodies. Although there will no doubt be some need for flexibility, the average membership of LPAs will fall from around forty-six to seventeen. Of these, three will be magistrates and five will be nominees. Nine members will be locally elected councillors. The nomination process will not be controlled by the Home Secretary directly, who will not, as was intended, be able to directly appoint the chairman of the LPA. An arcane nomination process will allow the Home Secretary to indirectly select nominees from a short list drawn up initially by the LPA and forwarded to Queen Anne's Gate.

The LPA will have 'one-line budgets'. This effectively means that spending responsibilities will fall, in future, to the chief constable. In future, LPAs will not be responsible for any direct services and although they will remain the employers of civilian staff the chief constable will have responsibility for civilians on a day-to-day basis. The smaller 'more businesslike' LPAs will have a new responsibility which will be to develop, in conjunction with the chief constable, a Local Policing Plan. This may assume

some significance, if only because the chief constable will be held to account for the Plan by the LPA. The LPA will, in turn, be directly answerable to the Home Secretary for both the Plan and the extent to which the local police force fulfils it.

Chief Constables' Freedom

In line with the Audit Commission's recommendations, the detailed controls now exercised by the Home Office over police spending will be relaxed. Decisions about capital and current spending will be made, in future, by the chief constable who will no longer need to seek central department approval. It will be the chief constable's responsibility to decide on spending priorities within the context of the Local Plan, in terms of the number of police officers employed, police vehicles and police stations. This is a radically new freedom for chief officers from which some might flinch. This new freedom given to chief constables makes even more interesting the planned introduction of fixed contracts for ACPO rank officers in the future. The renewal of contracts for ACPO ranks will be a responsibility of the LPA based, presumably, on the extent to which they achieve local objectives jointly established in the Local Policing Plan. It is also clear that performance measures will play a large part in determining contract renewal.

Police Performance

Police performance and its measurement remain central features of the Police and Magistrates' Courts Act 1994 as with reforms in other public services. This was probably best summarised by a Conservative Junior Minister who, in congratulating the Home Secretary in sustaining the momentum of the 'vital police measures' set out in the Bill, stated that these were about: "Priorities, performance, objectives, targets and achievements".² The commitment to measurable performance indicators is reflected in the requirement of the LPA to provide the Home Secretary

with data on a quarterly basis, about the performance of the local police service. This data form the basis of national league tables from which the public can make a judgement as to the efficiency and effectiveness of 'their' local force. Managerial accountability and public dissemination of information will, together, provide the Government concludes, a more effective police service than could be achieved through local electoral accountability. The new LPAs will set local targets and objectives and will monitor police performance in relation to these. Together the Local Plan and the ability to set objectives (and also agree contracts) would appear to give the LPA substantial responsibilities. To balance this, the Government has played safe by introducing something new



The Metropolitan Police

to local policing in England and Wales. This novel development is the introduction of Key National Police Objectives set by the Home Secretary himself.

Key National Objectives

Key national objectives will effectively set the parameters of policing in England and Wales into the future. Just how significant these objectives are likely to become was made clear in the final House of Commons debate on the Police and Magistrates' Courts Bill.³ Pressed by the Opposition to respond to criticism that national objectives will always override local priorities and were a means of centralising responsibility for police, the



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Home Secretary stated that there would be: "An inescapable connection between the Home Secretary's Key Objectives and the LPAs performance targets." If, indeed, people were to be able to establish how their police force performed against the objectives then, the Home Secretary added, the performance targets set by the LPA would necessarily have to relate to the key objectives set by himself. There is, therefore, no question that local objectives and priorities will be subservient to the Key Objectives set by government. Local targets and priorities will, therefore, be linked to National Objectives and will not be independent of them.

Some indication of just how significant the Home Secretary's Key Objectives will be in future has been provided already by a recent HMIC Report on Gwent Constabulary.⁴ In his 1994 Report, HMIC comments that the force had accepted the Home Secretary's Key Objectives 'in their entirety'. The Report added that: "All force and local priority plans will reflect these objectives, a requirement which has been reinforced by the circulation to all stations of printed posters highlighting these issues." Key Objectives set by the Home Secretary include for 1994/95 the increase in the number of detections for violent crimes and an increase in the number of detections of domestic burglaries. These new targets will, no doubt, be met. Improving clear-ups for burglary and violent offences will probably involve the resurrection of some rather dubious past police practices. Secondary clear-up by means of TIC and prison visits is likely to be rehabilitated, irrespective of HMIC interest in primary clear-up rates. No doubt chief officers will make the necessary arrangements to achieve performance targets. Already it is reported that the Metropolitan Police are visiting criminals after they have been sentenced to persuade them to own up to more crimes in order to improve police clear-up figures for burglaries. In London, the clearance rate achieved by means of post-sentence visits has increased by 17% in the last year. The view expressed by one Labour spokesman in the House of Commons concerning the Government's performance plans which was that crime figures 'were among the most creative and least natural statistics in the world' would appear to have received early confirmation. But as with other public services, the Government's concern with outputs, which increasingly resemble some of the more bizarre achievements of

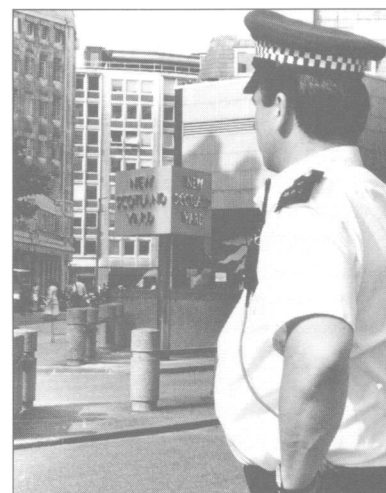
Communist command economies, will require chief officers to fix the figures and get the results.

Elsewhere the Police and Magistrates' Courts Act 1994 will also enable the Home Secretary to speed up amalgamations of police forces. Appeals procedure has been drastically curtailed. Although the Government denied its plans for amalgamation, it refused to accept any amendment to clauses giving the Home Secretary unilateral powers to merge police forces. ACPO expects proposals on mergers to surface some time in 1995. They are likely to be justified by reference to local government reorganisation following the Banham Review of Local Government.

The Police and Magistrates' Courts Act 1994 also seeks to reorientate police work away from a service role towards 'crime fighting'. Throughout the debate over both the White Paper and the Police and Magistrates' Court Bill, the Home Secretary made frequent references to the police as 'crime fighters'. The Government see the police as a primary agency of crime control and crime clear-up rates loom large in terms of performance measures. To encourage the police to fight crime, the Home Secretary established an internal Home Office Review of Police Core and Ancillary Tasks led by a Home Office official. The Review will identify core tasks and ancillary tasks. Ancillary tasks will be removed from the police. These will include such activities as executing warrants, warning witnesses, interview transcription and coroner's duties. A number of 'outer core' duties which would include crime prevention advice, liquor licensing, missing persons and community/safety education could be contracted-out.

Howard's Way

The Home Office Internal Review suggests that inner core tasks would include foot and vehicle patrol, riot control and operations targeting crime as primary police duties. After Key National Objectives, ACPO argues that the Core Tasks Review represents the biggest threat to the police force in England and Wales. The Review, ACPO claims, threatens to remove many service functions which provide regular and positive police contact with the community from the police. Additionally, if functions are removed ACPO believes that police establishments are likely to be reduced in turn. The Police Federation has claimed already that a



Kirsty Cunningham

reduction from the current 126,000 police officers to around 80,000 by the end of the decade is now likely. Certainly, police funding is expected to fall in line with the reduction in police functions. In a speech to the 1994 ACPO conference, the Home Secretary was to deny that functions previously held by the police would be privatised. A report in *The Times* (7/7/94) which followed his speech, contrasted it with an earlier speech made to the British Security Industry Association just days before in which the Home Secretary had outlined a future of further growth for the private security industry. The expectation must therefore be that the expansion of an unregulated private security sector will be one consequence of the Home Office Review of Police Core and Ancillary Tasks. This would be at the expense of the public service but would be wholly in keeping with government strategy for all public services where it has sought to encourage private sector provision in the delivery of services which were, until now, monopolised by the public sector.

Barry Loveday, is Principal Lecturer in Criminal Justice Studies at the Institute of Police and Criminological Studies at the University of Portsmouth.

Footnotes

1. Police Reform, Cmd. 2281, 1993.
2. HOC deb., Police and Magistrates' Courts Bill, 5/7/94, col. 286
3. HOC deb., Police and Magistrates' Courts Bill, 5/7/94, col. 197.
4. A Report of HMIC. Gwent Constabulary. Home Office, 1994, para. 2.10