



**ACCOUNTABLE
TO WHOM?**

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THE POLICE: AUTONOMY AND CONSENT

Michael Brogden

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The inner city riots of 1980 and 1981, together with recent political intervention by chief police officers, have focused attention on the relationship between police and public in Britain. Using original historical and contemporary material, this book documents the changes in the relationship between the police and the state from the New Police in the 1830s to the present day; and provides an explanation of the conflicts between the police and certain social groups.

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PREFACE

In the following pages you will find the result of 18 months' discussion and research by a group of people who are concerned to develop a left critique of the police — a critique which takes account of how things actually are rather than as we would wish to see them. We took as our base two resolutions passed at the 39th National Congress of the Communist Party which called for an examination of the role of the police in Britain, and crime.

Our draft was presented for discussion to the Merseyside Area Committee of the Communist Party, and then, with some changes of language and style to ensure that the issues and arguments are clearer and more readable, it has been turned into this pamphlet.

Our aims in producing this are not to lay down what we consider to be the last word on the subject but instead to open up a debate on the essence of the role of the police in society, both now and in the future.

We would like to thank the several typists who have helped with the production of the pamphlet and also those who 'translated' the jargon into readable English, and the Communist Party for the support and encouragement they have given us in taking up this interesting and important subject.

Roger O'Hara

group convenor,

on behalf of

Bob Goulden, Sylvia Thompson, Steve Munby, Les Conroy.

There is an area of concern and importance related to police accountability which we have not touched on in this booklet, that of 'Judges' Rules'. We have deliberately avoided this area for two reasons: the first is to isolate the independent functions of the police before their actions take them into a court of law; the second is that it is felt that the subject of 'Judges' Rules' would itself require a further pamphlet for justice to be done to it.

INTRODUCTION

The recent inner-city anti-police riots highlighted an issue that has attracted increasing political attention in recent years — the question of who *does* and who should control the police. The aftermath of the summer of 1981, and the debate of the Police Bill, 1983, seems to be an appropriate time to investigate the lack of democratic control over provincial policing, and to make some proposals for the future.

This pamphlet aims to clarify what is meant by “policing by consent”; in other words to look at how the police gains the support and authority that allows it to operate as it does. In the first place, we will argue that the left has underestimated the importance of the “crime problem” in affecting the way working class people see the police. As a result of this short-sightedness, the left has been unable to recognise the general level of support for some form of policing for working class communities.

Secondly, we look at accountability (or whom the police are answerable to) and suggest that the notion that a degree of local accountability exists is basically a nonsense, founded on the myth that the local Police Committee is a representative and power-wielding body. Alongside this we look at the way Home Office and Parliamentary power over the police has diminished in recent years.

We go on to explain the unique legal position of the police, and to suggest that the “common law” source of police powers of arrest and prosecution has been used to allow police independence from democratic institutions. Then, in a final section we return to the question of accountability and describe the rise of the ‘police institution’ — by which we mean the social and organisational relations between police chiefs which has provided the basis for a deal on making powers which is outside the control of any democratic channels. In the conclusion, in the hope of encouraging debate on the issue, we make several proposals for the development of a police structure that would be more democratic and more responsive to local communities’ views on the question of crime fighting.

Whenever crime and policing have been in the limelight, then so has Merseyside. When the ‘bobby on the beat’ gave way to the panda so Dixon of Dock Green was ousted by Newtown, and it was a thinly disguised Kirkby that provided the inevitable setting. More recently, when the BBC decided to show a police force actively combatting crime, its Merseybeat series was happily entertained by the local police.

More seriously, attention was focussed on Merseyside in the 1970s-early 1980s through a number of events which highlighted problems of crime, police behaviour and police accountability. “Victims of Violence”, a misnamed campaign aimed at the young blacks it alleged were responsible for ‘mugging’ was launched by well-known local right-winger Joan Jonker, and enjoyed the active support of the local Chief Constable. From a different stance, deaths or injuries in police custody — the case of Jimmy Kelly is probably the best known — triggered local and national campaigns over the issue of to whom the police were accountable, and over the police complaints procedure. Most dramatically, the anti-police riots — notably the events in Liverpool 8 — increased concern over the policing of working class communities.

The Left’s response to these events and the debates which followed was confused and contradictory. One reaction, particularly prominent in Labour Party statements, was to call for a return to the days of “the bobby on the beat”, as expressed in the vague notion of community policing.

Such an approach is based on a very romantic view of the past. It ducks important questions. It avoids looking at the different ways different social classes experience contact with the police, or at the structure of crime in big cities. Equally, it fails to look beyond the local issues to the relationship between the police institution and the way police policies and practices are affected at a national level, and tends to concern itself only with arguments about how the local police authorities could be reshuffled.

Other groups on the left have focussed their attention on what they allege is a move by the police towards a more political role, and see this as part of a movement towards a 'strong state'. But this view ignores the question of crime and the police, and tends to see any moves towards 'soft policing' as a police conspiracy, an attempt to strengthen their position by more subtle means. This sort of picture presents the police institution as a monolith, and avoids looking at differences, and differences of emphasis, within it.

In what follows we attempt to assess the past, present and future of policing from a very different angle. For us the central question is that of accountability of the police to democratic institutions within the wider framework of the class structure.

The Problem of Crime

THE PROBLEM OF CRIME

When the left has looked at the question of policing, it has never really considered the level of concern about crime among working class people. Indeed, such concern has often been dismissed as an indication of political backwardness on the part of some sections of the working class. But, regardless of the explanations of the source of crime, this concern is very real and most working class people see the police – however misguidedly – as mainly responsible for a “war against crime”. The strength of this view of the police means that criticism of the mis-use of police powers often falls on deaf ears. The awareness of a political role for the police is buried under support for the police as a defence against a common “criminal” enemy.

This viewpoint is widespread, deep-seated and should not be dismissed. While it is true – as the recent police histories point out [1] – that police activity in the towns and cities has been more concerned with controlling sections of the working class than with combatting crime, the more widespread working class viewpoint does not interpret the situation in this way. After all, the main victims of street crime are women – from housebreaking to personal violence – are usually working class and the fact that many of the offenders may be pushed into these forms of crime because of unemployment or of poverty or through racial discrimination is unlikely to be uppermost in the thoughts of those on the receiving end.

Neither should this awareness blind us to the suffering that random street robbery, hand-bag snatching and the like cause to ordinary people.

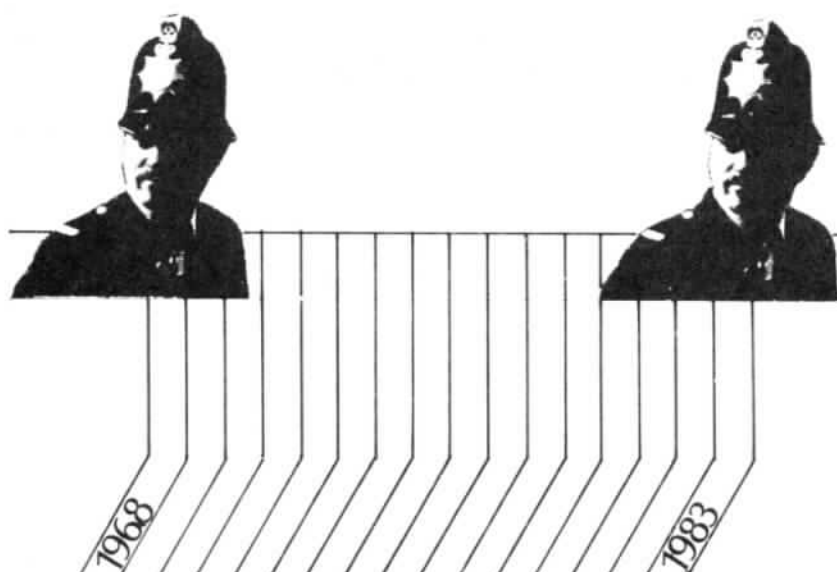
This failure to recognise the importance of crime, real or imagined, the experience of working class people, has left the field clear for racist and right wing organisations to muscle in. In Liverpool the Jonkers campaign against ‘mugging’ gained considerable working class support because it focussed on easily stereotyped groups of alleged offenders. The right wing ‘law and order’ campaign has played on distorted very real fears and concerns to sanction the harassment of youth, both black and white. Again, police violence or more commonly the implied threat of it, with the mass use of stop and search powers against young people, was tolerated because it was successfully portrayed as the only effective way to deal with street crime against working people.

This failure to recognise that the crime problem does actually exist has not been helped by the academic left and their all too easily made claims that criminal statistics are unreliable and have been twisted and exaggerated by the police to justify their actions. But it is true that the police do of course fabricate the record of crime by working class people, blowing up the public order offences of the street, while documenting little in the way of business fraud. In the words of an unusually blunt former Liverpool Chief Police Officer, . . .



“Directly you judge the efficiency of anybody upon criminal statistics which can be affected by the exercise of discretion entrusted to him, you tempt him to shape his action, not so much to fit the requirements of the individual case, as to fit nicely into the position to be presented at the end of the year.” [2]





The average beat patrol officer catches an offender in the act of housebreaking or the like once every 15 years

Police Inefficiency

High recorded crime rates are used as an excuse for the extension of police powers. But whether the figures are fiddled or not the high level of crime, especially in the inner-city gives great scope for police action that is outside democratic control. The police, who see their own picture of themselves as the prime fighters against crime mirrored in the popular press, can win widespread support for their actions against the young and unemployed and are thus able to spread their powers far beyond straightforward 'crime' into the more general area of a political defence of the capitalist state.

One way to challenge the spread of police power — the non-accountability of the police institution to democratic bodies — is to show that they are actually not very good at their job of crime fighting. More manpower (and low woman power) and more technology has had little effect in increasing the number of crimes cleared up, or in preventing crime.

As a Home Office study [3] shows, the few crimes that are 'solved' depend largely on a public response and not police action. CID work, for example, plays a major role in the solution of less than 5% of crime crimes. Most offenders succeed in their action whatever the numbers or amount of equipment of the local police. And a different study suggests that the average beat patrol officer catches an offender in the act of housebreaking or the like once every 15 years!

In the short-term, effective action against crime depends on police priorities being community priorities, with the second influencing the first, not as now when, under the various community relations schemes, the needs or demands of communities have to be fitted into the police picture of what is important. Chief Officers of police should no longer decide which types of crime are to be combatted, and to what use resources are to be put (such as Kenneth Oxford's personal hobby-horse of late night drinking, or James Anderton's of street-corner porn shops.)

So accountability to a wider public — the democratisation of policing — is not just desirable in its own right. It is also a major way to begin to make sure that the police are effective in doing the job working class people want them to do.

Democratic Accountability: the Police

Even though the police have been shown to be incompetent in dealing with the crimes which most effect working class areas, there is still a growing tendency from them to ignore pressures from outside over the priorities in their work. Control by local communities (through the local police authority), by parliament (through the Home Office) and by the law (through the courts) has all become less and less effective. The police have come to enjoy wide powers in society, powers which they are able to use at will to bolster up particular class or organisational interests.

The lack of Local Control

1879			MEMBERS OF THE WATCH COMMITTEE	
			THE WORSHIPFUL THE MAYOR, <i>Ex-officio.</i>	
			ALDERMAN J. G. LIVINGSTON, CHAIRMAN.	
			ALDERMAN JOHN PEARSON, DEPUTY-CHAIRMAN.	
			T, Esq.	*LIEUT.-COL. STEBLE.
			WILLIAMS, Esq.	*MR. ALDERMAN CHAMBRES.
			CROSS, Esq.	*MR. ALDMN. W. B. FORWOOD.
			B. GUION, Esq.	PHILIP H. RATHBONE, Esq.
			C.E. HAMILTON.	W. RADCLIFFE, Esq.
			FEEL, Esq.	W. S. GRAVES, Esq.
			*THOMAS HOLDER, Esq.	

1983		
POLICE COMMITTEE		Magistrates
Councillors		
D Craig	S T Moss	Mr F T Allen JP
J M Gallagher	R G Paterson	Lt Col G F Appleton OBE OSIJ TD DL JP
J F George	K W Porter	Mr G E Beer JP
N C Goldstein	H Himmer	Lt Col J G Bryson OBE JP
Hilary Hodge	B Simpson	Mr R H Cozens JP
D S Kean	J Stuart Cole	Mr A Globe JP
P Longworth	T Talbot	Mr J R Harrison JP
J Maguire	A H Thomas	Mrs B G Jordan JP
A S Moore MBE	J Thompson	Mr J Mottram OBE JP
Margaret Simey	G Bundred	Mr W L Norcott JP



Many of the arguments now being voiced about local control over the police hark back to a nineteenth century utopia when local forces were apparently accountable to democratically elected councillors and aldermen. But that golden age never existed.

In Liverpool the New Police, the first major development since London's Metropolitan, were a creation of the local merchants. In contrast to industrial cities like Leeds and Manchester, where the police acted on behalf of the local manufacturers (for example, in strike-breaking activity), the main role of the early police in Liverpool was to prevent the lower classes from spreading into the merchant district of Toxteth Park, and to protect the merchants' goods from pilferage on the dockside or in the streets. It is particularly ironic, given the events in Toxteth in the summer of '81, that a major function of the Liverpool police has always been to watch over and control the inner-city residents on the streets and in recreation, on the instructions of the dominant class.

In Liverpool, the Watch Committee, increasingly a dumping ground for the older and more conservative councillors, slowly lost its power as the importance of local wealth declined. For example, the docks diminished in their importance to the economy and merchants — the Holts, Tates, Gladstones and their ilk — broke their personal ties with the city and moved away. Control of the police now shifted from being a local matter to one which mirrored the concerns of a national ruling class.

This happened in several stages. For example, the 1919 police strike in the city alerted the Home Office to the danger that local influence over policing might create conflict with national interests. To avoid the dangers of the Labour Movement and the police unions working together in situations like the Liverpool one, the work of the police had to be standardised and control from the top increased. Links between police forces and local communities had to be broken.

Thus the Home Office started to use their 50% grant to Watch Committees as a weapon; if newly elected socialist leaders of local authorities seemed to want to keep some local control over the force, then they were threatened with the grant being withdrawn. One example of this is the events in St. Helens in 1927 when the council sacked an authoritarian Chief Constable, partly because of his bullying tactics on the side of an employer during a coal strike. The Home Office forced the council to re-instate him by withholding the grant and threatening the council with bankruptcy.

This shift of power away from local government was completed by the 1964 Police Act, though much of this was merely a formal recognition of what had already happened. The Act left the new police authorities with powers that were largely meaningless:—

1. The right to sack the Chief Constable — but only with the agreement of the Home Secretary.
2. The right to oversee complaints — but without the right to take action on them.
3. The right to call for reports over policing policy — but not police operations. In any case, the Chief Constable has the right to decide which matters are policy and which are operational. And his decision can only be overturned by the Home Secretary, something which hasn't happened since the 1940s.
4. More general control over the funding of the local force. But his power has been almost meaningless too, because the members of police authorities have failed to realise that the numbers and resources required depend not on some clear-cut blueprint but on the whim of the Chief Constable. So his demands have very rarely been challenged.

As well as this the Home Office, to avoid any danger of 'political interference' in the police, insisted that a third of the elected councillors serving on the police authorities should be replaced by magistrates from the local bench.

All this, plus the development in the 1970s of police forces covering larger areas and cutting across traditional boundaries, has meant that the remnants of local control over the police have disappeared. Some Labour councillors believe that some local power can be wrested back by taking advantage of the 1964 Act's vagueness about the difference between policy and operations. But their approach doesn't recognise that this Act was not just something that fell from the sky, which just happened to lead to the loss of local control, but instead was a direct consequence of changes in the economic structure of the country, which had dramatically increased central state interference in local affairs. So, in Liverpool, the demands for a return to local control of the police which arose in the aftermath of the riots are doomed to fail, simply because they don't see that the fight for control has to be at this central or national level, and that nothing will be achieved by just tinkering with the local authorities or by replacing an authoritarian Chief Constable with a more paternalistic one.

Control over the Police through the Central State:

In the nineteenth century the local manufacturers and merchants and the national ruling class tended to share the same interests and concerns. So there was little need for Parliament or the Home Office to interfere in local affairs. But gradually the Home Office developed four different means of controlling the local forces — through the Grant; the Inspectors of Constabulary; the Home Office Circulars; and the general standardisation of police regulations.

1 The Grant

The use of the Police Grant as a weapon is on the decline. Its hey-day was in the 1920s, when it was used to bring Watch Committees to heel when, for example, they chose to use the rates for unemployment benefits and poor relief instead of for funding the local police. But since the Second World War and the increased importance of international business and so on, the influence of the national employing classes on central government, and therefore over the police, became weaker and less direct. The Grant sanction fell into disuse, and no local police force in the last 30 years has been threatened with loss of funding if it doesn't fit in with Home Office policies.

2 The Inspectors of Constabulary

The Inspectors of Constabulary carry out an organisational inspection of the local forces each year (though they do not look at the financial side, and the arrangement also does not include the Metropolitan Police). Up until the 1950s, the Liverpool Inspection would usually consist of tea and buns and a parade in Sefton Park, followed by a quick trip round the area police stations to assess the brightness of boots and buttons, the cleanliness of the local stations and other matters of vital community importance. Since 1964 — and re-emphasised by the Royal Commission on Criminal Procedure in 1981 — the Inspectors have been given wider powers and have tended to be used as the Home Secretary's trouble-shooters. For example in South and West Yorkshire in 1980 and in Merseyside after the riots, to attempt to cool the Police Authority's anger with the Chief Constable. But they have no real powers and in any case they are all ex-chief officers themselves, and are part of the 'old boys club' of the police institution.

3 Home Office Circulars

The Home Office tries to influence local forces by the use of circulars — for example over the interpretation of a new piece of legislation, or over the setting up of new Drugs or Community Relations Units.

But they are for guidance only, and are not backed up by the force of law. Anyway, the Home Office doesn't issue them unless they have previously been 'cleared' with the Chief Constables first, so they can't really be described as a means of direct control. The Home Office rarely initiates policy guidance to local forces.

The Home Office has a certain amount of influence through a number of central bodies such as the Police Negotiating Board, the various police training colleges, the Regional Crime Squads and Forensic Science Laboratories but these touch only slightly on the key issue of policing policy.

Finally, the other possible channels of influence tend to be silted up. MPs who question the Home Secretary over local issues of policing are regularly and monotonously informed that this is a matter

for the local chief officer to decide. The police are the only state institution which the Ombudsman does not have powers to investigate.

So, in practice, the police institution has carved out for itself a space that is free from any control by the formal democratic machinery of the courts, local councils or parliament. Neither the individual city police force nor the national police institutions are actually accountable to any of these bodies. Whether the police act within the law, or outside it, the electorate have no way to supervise them.

Police Autonomy

When chief officers are asked to justify the police's peculiar position of being 'outside democracy', they will usually reply by talking either about public support (embracing that odd notion of the 'silent majority'), or, about the police's relationship with the law. The idea of public consent to policing is very overworked. Chief officers will always talk about demonstrations of public support for the police; an occasion like the injury of police officers by a terrorist bomb, and police stations are reportedly flooded with 'phone calls of commiseration. But such responses are usually class based – for example, the £250,000 collected for police charities after the 1926 General Strike came from readers of the Times.

Often, the public opinion polls are brought into the argument – a kind of democratic accountability via the pollster's questionnaire. Repeatedly these polls have suggested widespread support for the general notions of policing in British society, from all social classes. But this is really hardly surprising. It is only when the evidence is studied more closely that the 'ifs or buts' begin to creep in. Big class differences appear in views of the purpose of policing; people living in suburban areas see the main role of the police as one of keeping public order, while inner-city residents tend to view personal crime as the major problem, (and, of course, when they don't receive that type of police work are persuaded that the will is there, but the resources aren't). Again, age and race play a part in affecting the extent to which support for the police is wholehearted. Generally, it can be said that is people's experience of the police is second-hand, then their support is readily forthcoming. It is those who have first-hand experience who express more doubts.

But the major problem with the idea of 'policing by consent' is that it provides the rationale for police community involvement schemes; it grants police forces the right to draw up their own list of 'community problems', to provide their own answers, and to try and shape communities to blend in with their own picture.

Who gets arrested — Accountability to the Law

The major defence of police officers to criticisms of the force's undemocratic nature is for them to state their position in law. Again and again senior officers have claimed that the British police are the best in the world because of this responsibility to the laws of the land.

It is worth looking at the ideas that underlie this argument. Under traditional English law all citizens have the right to arrest assumed offenders and to prosecute them in the courts. Historically, police powers to arrest and prosecute are the same citizen powers, based on common law. During the nineteenth century the police – whose rights and duties have never been laid down by Act of Parliament – took over these powers in the name of efficiency, and private citizens arrests and prosecutions gradually began to disappear. On the strength of this, former Chief Police Officer, John Alderson, can claim that police forces are bodies of 'citizens in uniform'. These ideas about the source of police power have a number of effects:—

First, if the police's powers come from the community itself, and are thus naturally in tune with its needs and values, then they are simply acting on behalf of local communities when carrying out aspects of law enforcement. So it follows that the police see themselves as having a natural relationship with the local communities that is in itself democratic, and any elected body can seem to be interfering in this relationship between citizen and citizen-in-uniform.

Secondly, the right of citizen's arrest and prosecution under common law in England and Wales is personal power which no-one can over-rule, whether they be other citizens or political organisations. If police officers have these powers then they must also be legally free from external democratic controls. In English law, a police authority or even a Chief Constable cannot prevent an arrest or prose-



cution by a police officer who is convinced he is acting lawfully. In reality, of course, the chief police officers can apply heavy pressure to prevent this right being used, by offering organisational rewards – promotion, training, leave, desirable postings etc. – to make sure that patterns of arrests and prosecutions fit in with what he wants. The fact that these police powers stem from common law can be used as a legal shield to prevent elected representatives intervening in police work.

Thirdly – and this is almost unique in England, Wales and Northern Ireland – this common law means that the local chief constable can decide not only who is arrested but also who is prosecuted and under what charge. In other capitalist countries and in Scotland there is a safety net in the form of the Public Prosecutor, who acts as a safeguard against undue police powers. The Royal Commission on Criminal Procedures came out against chief constables wielding this unique double power.

While there is some truth in the historical arguments that police powers arose from common law, the idea that present day police powers are equivalent to some national citizens' power is plainly rubbish. Police officers enjoy rights under certain Acts that ordinary people obviously don't – rights ranging from stop-and-search to forcible entry. The police enforce the law with the aid of a powerful, well-equipped and well organised back-up team. But what 'citizen' has at his or her fingertips the power of the SPG, access to private computerised information on fellow citizens, or a team of highly qualified legal experts?

Finally, police officers are legally obliged to carry out certain duties. For example, unlike the citizen they cannot legally walk away from a situation where the law is being broken.

So, on a number of counts, the use of the citizen-in-uniform theme to explain and justify police independence is a con. It is designed to portray the idea of responsibility to elected bodies merely as part of the bandwagon of minority pressure groups, and to challenge this by putting forward the idea of accountability to a mythical type of community which exists only in the minds of the police, and which thus chooses to ignore class differences.

Because police powers come from common law, there has never been any formal declaration of the proper purpose of police work, (no Act of Parliament has ever laid down the details of what it should be about.) A chief police officer, armed with the common law weapon, and under the all embracing banner of preventive policing, can go into the community with the intention of upholding particular ideas and values, while by-passing the principle of democratic control over his actions.

Discretionary Enforcement and Judicial Controls

Not only does the common law basis of police powers free the police from outside control, but it also allows them to pick and choose which laws are going to be enforced. And in this they are backed up by the courts. The courts require chief police officers to enforce the law. But the judicial system, of which the courts are a part, is aware that all laws cannot be enforced all the time. So the judicial controls over police work also require the police to be selective in which laws they enforce. The courts will not interfere with police action unless particular laws are never enforced. Apart from that, chief officers are free, as far as the courts are concerned, to choose which offences they are going to come down heavily on. So the way is paved for bias against particular classes or organisations.

Secondly, the judiciary can have some effect on police arrest and prosecution practices by the way they react to court evidence. For example, they can rule out police evidence if they think it has been obtained improperly, or they can give a derisory sentence to display their displeasure at a particular prosecution. But actions like these are very rare. Normally, court language – the notions of ‘reasonable evidence’ and ‘suspicion’ and terms like ‘helping with enquiries’ – is so vague as to allow police officers a lot more room to manoeuvre in the court room situation. The courts generally give the benefit of the doubt to police actions, (though they might seem dubious to the outsider), as long as they can be seen to fit in with this deliberately woolly phrasing.

Thirdly, for a small number of offences – from murder to assaults on a police officer – the Director of Public Prosecutions must give permission for a prosecution to go ahead. But this is very rarely withheld and, as a form of restraint, it exists largely on paper. So there are actually very few legal restraints over police work. Police officers do not need to break the law when they enjoy so much freedom of action with it.

The Use of the Police Caution

The lack of direct legal controls over police work, and the permissiveness of English law, means that the Chiefs and their different police forces are free to use their own judgement and to be very selective. The number of people prosecuted in each of the 43 police areas of England and Wales probably has more to do with the biases of the local force than the extent of local crime.

Taking the year 1977-78 as an example, the Merseyside Police only prosecuted three cases of forcible rape for every five in the similarly sized police areas of Greater Manchester and the West Midlands. Its prosecution of more trivial offences also varies – dealing with twice as many pedal cycle offences as the West Midlands and four times as many as Greater Manchester. In other words the variation in crime

**In the vast majority of cases
the power to prosecute or not to prosecute
is solely in the hands of the local chief officer**

rate between police areas is largely a result of the way English law allows the police to choose how they operate. In the vast majority of cases the power to prosecute or not to prosecute is solely in the hands of the local chief officer.

Similarly, the increasing use of the police caution – towards presumed young offenders and towards motorists – offers police officers the advantage of freedom from legal constraints. In such cases even the formality of a court appearance is dropped, in favour of an unequal bargaining relationship between police officer and suspect. In the large number of cases affecting young people there is often quite heavy pressure on the accused to admit the offence and avoid going through the long drawn out and degrading process of the courts.

Finally, police powers are equally flexible in relation to control on the street. Although the ‘sus’ law has now disappeared, the continued use of local police ‘stop and search’ powers, (which are likely to be applied nationally under the new Police Act), means that the police are still armed with their traditional weapon for controlling the young people of the inner city. In practice, the use of the ‘stop’ power demands that the passer-by proves his or her innocence, all the advantage lies with the patrolling officer. Harassment of the street population is definitely one of the powers that the police have been granted.

The Rise of the Police Institution

Changes in the Nature of the State

The disappearance of the last remnants of democratic accountability – whether to local or central government, of the police institution has to be seen in the light of changes in the nature of the state as a whole. The local police of England and Wales were originally in the business of carrying out the work of the local ruling class. As capitalism developed enterprises outgrew their local roots and businesses established themselves at a national level; likewise, the police came to carry out the dictates of the national ruling class. We are now at a third stage – one at which the police institution has become largely independent of a national dominant class, and instead tends to work to maintain the social conditions that international capitalism requires. The police executive – its own top brass – is now more or less independent of national considerations. In this section we will briefly outline the history and character of this new police executive.

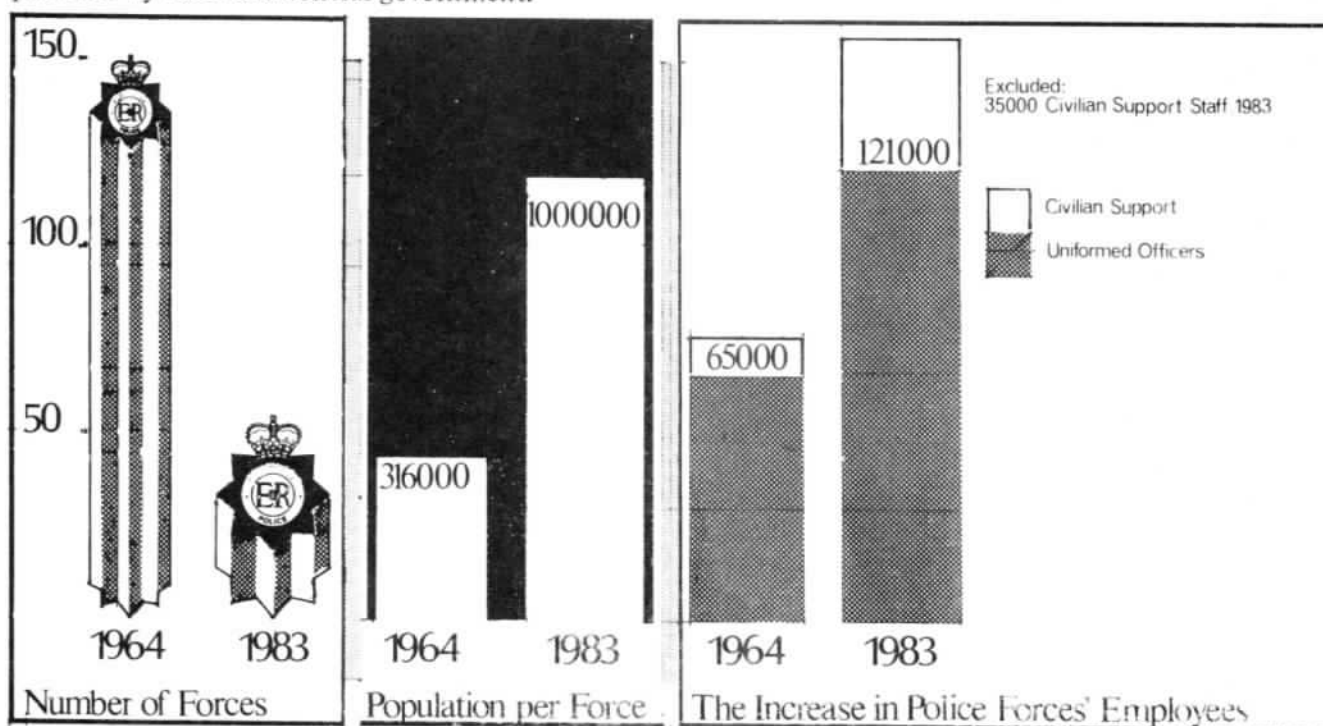
Recent Developments

The trends towards bigger police forces covering larger geographical areas has vastly increased the resources available to individual chief officers. In 1964 there were 126 police forces in England and Wales. In 1983 there were 43 police forces, now bigger than ever and more cut off from their (largely mythical) local roots. In 1964, only one force had more than 3,000 officers. In 1983, eight forces are in that category. Similarly, in 1964 the average population of the provincial police areas was 316,000. Presently, the average population of a police area is over one million.

This trend towards amalgamated forces has been matched by an increase in resources and particularly in manpower. Police members have more than doubled in the last quarter century. In 1982 there were approximately 121,000 uniformed officers in England and Wales and some 35,000 civilian support staff, as compared with 65,000 uniformed and 10,000 civilian employees in 1964. (As an aside, the private security industry has grown from almost nothing in 1964 to some 100,000 employees at the present time).

Chief officers have control – with virtually no outside supervision – massive organisations of police officers, with an equally massive increase in the financial resources open to them.

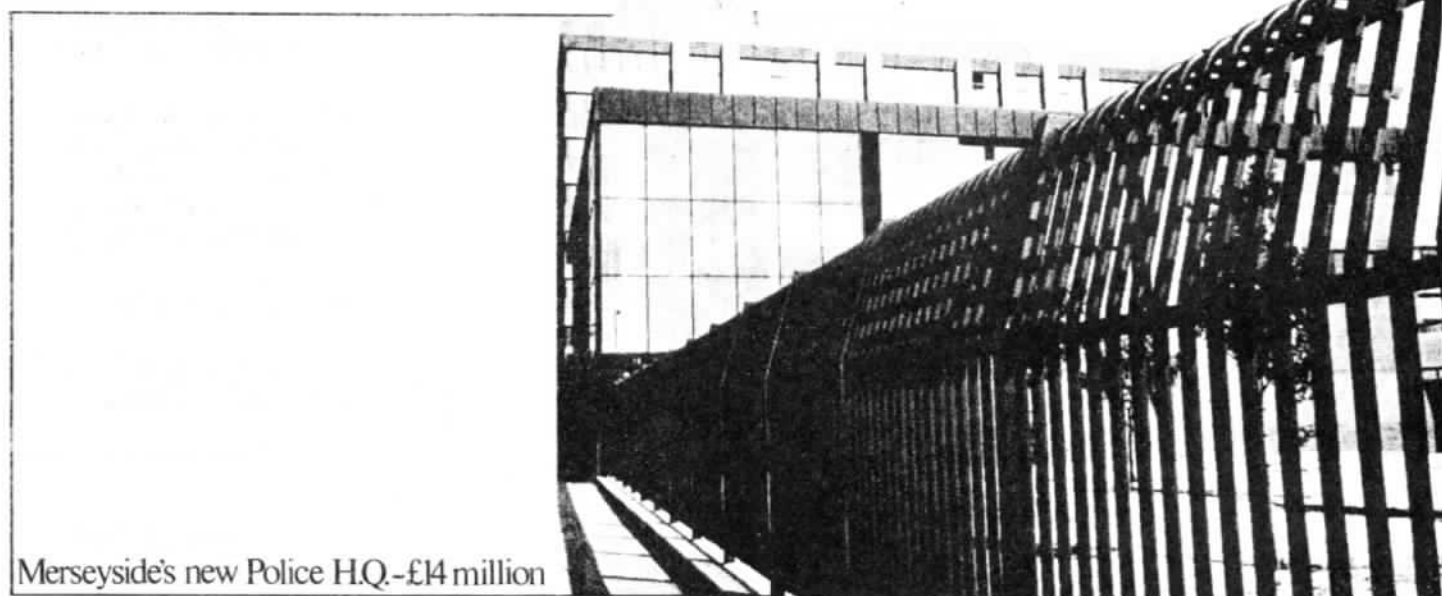
This concentration of manpower and resources in the hands of a small number of powerful chief officers has been accompanied by important changes in the way cash and other resources have been provided by local and central government.



The Re-direction of Resources

The economic crisis in which international capitalism finds itself has had an obvious impact on the provision of all sorts of services at a local level. In particular, the shift of industry from the traditional areas of Britain to countries where labour is cheaper has meant a dramatic fall in revenue from taxation, and this has led to central government controlling local government expenditure much more closely. Expenditure has been both cut and directed into particular fields. In Liverpool, these two trends are well illustrated by a comparison between the police and the various social services. While the Merseyside Police were recruiting several hundred new officers (in the ill-founded belief that they would have some affect on the area's level of recorded crime), and taking possession of a lavish multi-million pound headquarters, the Liverpool Social Services Department was working with a 25% staff shortage, and the Housing Department had been forbidden to start any new projects for two years. Nationally, central government's insistence on the importance of police work has resulted in continuing astronomical rises in police salaries, turning policing into the highest paid manual occupation. (Ironically, the growing inefficiency of police work — as judged by the conviction rate — would, if linked to productivity, have resulted in a massive decrease in police wages.)

The numerical growth of the police, the power vested in the hands of the small band of chief officers and the underlying influence of the economic crisis have all meant that individual police officers have the power to manipulate various aspects of the way society runs. The ability of the chiefs to grab a



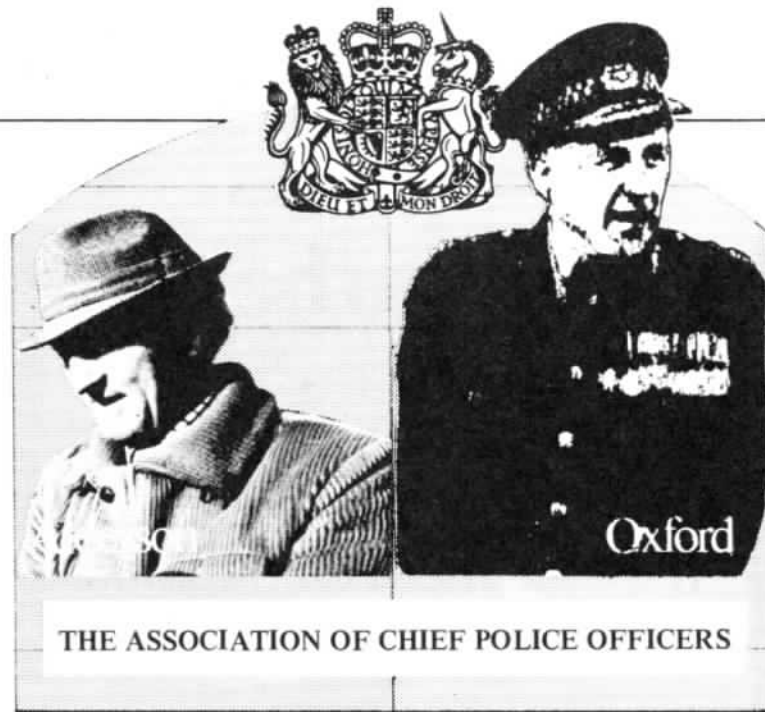
Merseyside's new Police H.Q.-£14 million

major share of the money going, actually means in practice that the resources won by working class action — in the fields of health care, social services and housing — are now diminishing. But of greater importance is the dangerous growth of the organised body of chief officers as the administrative agents of the interests of international capital; namely, the Association of Chief Police Officers.

The Association of Chief Police Officers

Numbering some 200 command level officers from the forces of England, Wales and Northern Ireland, ACPO has provided the means whereby all the different aspects of police power can be expressed in one powerful voice. While chief police officers are still very much masters of their own house locally, increasingly they clear any new policing policy, possible controversial policing practice or development of special squads, with their colleagues in ACPO. That organisation is police power in its concrete form.

Unhindered by legal restrictions (unlike the union of the lower ranks — the Police Federation) its meetings are secret (though paid for by public funds) and its minutes are confidential. Policing policy is thrashed out behind closed doors of the conspiratorial ACPO meetings, rubber-stamped by the Home



the occasional maverick

Office, and put into practice by local chiefs. Although the occasional maverick may rear his head — whether on the liberal left (such as the former chief officer of the Devon and Cornwall force) or the authoritarian right (such as Kenneth Oxford or the increasingly isolated James Anderton) — there is a general agreement of ACPO about the over-riding political purpose of police work: the defence of the state and the preservation of a particular form of social order.

Crime work is the means by which the police make sure of continued public support from all social classes. But the political role of ACPO (and therefore the police institution as a whole) is becoming an increasingly major feature of policing in Britain. Thus, independence from democratic constraints is being accompanied by a growing political role.

What is to be done?

Community policing/Legal powers/ The Local Police Authority/ Police Complaints/Recruitment/ Internal Police Organisations

The continuing debate on the Police Act 1983 means that interventions have to take place now about how a police institution which is both accountable and responsive to democratic bodies can be built. We set out here some of the key requirements for such a re-building, and we start from the idea that the police have a major role to play in fighting the types of crime that directly affect working class communities.

I Community Policing

As it is presently carried out in its various forms in different parts of Britain, community policing is little more than a glossy public relations exercise.

But some form of community policing is important; socialist societies as well as capitalist societies need some sort of protection through law enforcement. Police officers who relate to the community – and not to some monolithic police organisation – are necessary for the defence of working class people against particular forms of crime. But such community policing must be based on a number of principles

- 1) Community consultation and consent must exist at all stages of its development. In agreement with the Scarman Report (on the events in Brixton), and against the Home Office/ACPO proposal, we argue that a statutory consultative procedure, in other words one that can be enforced by law, be imposed upon police chiefs.
- 2) The community must make the local police aware of which crimes they consider it most important to combat, whether it be action against petty thieves or the misnamed 'muggers', or against kerb crawlers.
- 3) In recognition that crime-prevention starts with the community and it is not just a police job, police officers would enter youth clubs, housing associations, tenant groups and the like only by direct invitation – not because, as at present, they have unique access to the money, organisation or power.



2 Legal Powers

As we showed earlier, the peculiar legal position of the police in Britain gives them unequalled powers as compared with continental and American forces. These powers can only be controlled by a number of legal changes:

- i) The new Police Act should spell out that the police's main role is crime-fighting in the narrow sense, and that the police, being just one of a number of bodies concerned with crime, do not have the right to extend their work into the home, school or recreation under the banner of 'preventative policing'. It should be made plain that police duties stop where the work of teachers, social workers and the like, starts.
- ii) As the Royal Commission on Criminal Procedure recommends, the police must be stripped of their unique powers of prosecution. For far too long the police have used these selectively, for example against workers in industrial disputes, and against those who the police have decided are responsible for crime – the black, the young and unemployed.
- iii) The police must be stripped of their common law status, and their duties spelt out clearly. Only then will local police forces become responsible to the representatives of the community, whether through elected local representatives or through democratic bodies at a national level. Chief police officers will then no longer be able to hide behind the notion that they are merely citizens-in-uniform enforcing the law impartially, while in reality they are upholding the particular interests of the dominant class.
- iv) New legislation must lay down limits to the amount of flexibility allowed to police officers on the beat. Tight guidelines, backed up by the law, must be introduced to limit the independent initiative of the patrolling officer.
- v) Finally, all the legislation which allows the police officer to be judge as well as arresting officer should be repealed. This applies particularly to cautioning, to street 'stops', and to the new form of the 'sus' law.

3 The Local Police Authority

Local police authorities have always been undemocratic in nature, have never been properly equipped to supervise the behaviour of the local police and are in any case now dying on their feet. Their restructuring is long overdue, and we argue that the following are necessary if they are to be re-created as meaningful *authorities*:

- i) They must be independently elected and no longer dependent on nominations from the local council or magistrates bench.
- ii) They must have complete control over the police budget.
- iii) They must have their own expert staff, completely separate of the police organisation, whose role will be to:
 - a] consult with local communities about where police energies should be directed.
 - b] give the police authorities advice about the effectiveness of the various strategies being used to combat crime.

Police Complaints

Although there are moves afoot at the moment to make the complaints procedure more open these do not go nearly far enough. Too often the huge number of complaints is used as an excuse for the failure



to develop proper community monitoring of the system. But part of the reason for this large number of complaints is the present lack of accountability of the force as a whole. Under a democratic form of accountability, it is probable that the number of serious complaints will go down as police officers' actions become more open to questioning by the community. In any case, the new Complaints Procedure Procedure ought to include the following points:—

- i) There should be a democratically responsible body — whether from the re-styled police authority or separately elected by the local community — whose sole brief should be to investigate whatever complaints it thinks fit. It should have its own staff to advise and guide it through what will probably be quite a complicated process. Obviously, this body would only be able to investigate a selection of the complaints, but the very fact that it has far-reaching powers of investigation should make sure that fewer complaints arise.
- ii) Police officers against whom complaints are made should be given the normal access to legal aid. And complainants should be allowed the same access to expert advice that the police enjoy.
- iii) Records of complaints against individual officers should be kept, and reviewed regularly by the external investigating body.
- iv) With Scarman, we argue that a proven racist act by a police officer should be dealt with by automatic dismissal.

Recruitment

There is an increasing trend for recruitment to take place at age sixteen, through the cadet system, and evidence shows that such recruits form the bulk of the higher ranks of the force. Recruits taken into the force at this early age are immediately isolated from class, community and trade union experience. They become detached from, and often hostile to, the communities they serve. So we would suggest the following changes in recruitment policy:

- i) The trend to recruit at 16 years should be reversed in favour of more mature and experienced entrants.
- ii) Recruits should be selected by a body made up of members of the new police authority and experienced police officers.
- iii) The training period should be longer and better structured so as to give recruits more experience of community needs and values.
- iv) Recruitment on the basis of physique — minimum height and so on — should be scrapped, as the effect is racist and sexist and largely irrelevant to real community police work.
- v) A compulsory part of police training should include an understanding of the particular problems of minority groups in society, and of the inequalities experienced by women in certain crime procedures.

Internal Police Organisations

At present, policing is run by a tightly-knit clique of senior police officers in the Association of Chief Police Officers, whose activities are not open to questioning from the public. In contrast, rank and file police officers are prevented from voicing fully, and acting upon, their occupational and class interests because the Police Federation is prevented by law from normal trade union activity. We suggest:

- i) ACPO's existence should be officially acknowledged by statute. This would give way to public over-seeing of its activities. And individual senior police officers must at early stages consult democratic bodies at the local level about their plans.
- ii) The Police Federation must have its union rights restored and be free to negotiate and take part in the sorts of action that are open to other workers in state employment.

POLICE AND CRIMINAL EVIDENCE BILL, 1983

Currently progressing through Parliament with the benefit of the mass Tory majority the new Police Bill threatens a further extension of police powers.

While it contains an apparent intention to strip the police of one major item of authority, the power of prosecution, the sum total of the Bill's provisions represents an extension not a diminution in police power.

In two areas in particular, the Bill seeks to come to terms with illegal and deviant police practice, not by controlling those practices more effectively, but by extending the law to make legal what is illegal.

For example, the Bill extends the stop-and-search powers of the police from a stop on the basis of suspicion of carrying stolen goods, to include the power to stop on suspicion of carrying an offensive weapon. Given that anything — from a cheque card to a leather belt — have on occasions been held by the courts to be offensive weapons, a new general power of stop has been created. Any item can retrospectively be defined as a weapon to justify a stop for which no good reason was present prior to the event. As the recent Metropolitan Police Studies Institute report demonstrates, nearly half of all present stops are illegal. The new offensive weapon clause allows for an easy rationalisation of the stop in those 90% of cases for which no good reason has in the past been presented.

Similarly, common police practice of keeping suspects for a period of time at the station 'helping with enquiries' (that euphemism for an arrest where no substantive evidence is present), is legitimised by the power to hold suspects incommunicado and delaying their access to legal powers for up to 36 hours.

Where police officers break the rules of interrogation and, for example, obtain a forced confession, that evidence is still to be admitted in the courts. The Bill creates an entirely new power for a magistrate or judge to permit police to search premises occupied by somebody *not* suspected of an offence. It does nothing to improve public consultation or police accountability. Even the proposal for an independent prosecution service remains a statement of pious intent not a basis for actual implementation. It is a bill which in effect surreptitiously increases police powers and decreases the rights of the citizen without the slightest serious attempt at justification.

REFERENCES

1. See for example Wilbur Miller's *Cops and Bobbies*, 1977.
2. From the Liverpool Chief Officer's Report in 1909.
3. See amongst several sources for evidence of police inefficiency — J.M. Hough and K.H. Heal 'Police Effectiveness: Some Popular Misconceptions'. Home Office Research Bulletin 7 — 1979.

Drafted by a Working Party of Merseyside CPGB.



18 Appendix

SOME FURTHER READING

Books

M. Brogden

S. Hall (et al.) *Policing The Crisis: Mugging, the State and Law and Order*. Macmillan 1981.

Pamphlets

D. Down. *Law and Order: Theft of an Issue*. Fabian Society. No. 490. Sept. 1983.

Articles

'The Growing Police Challenge' — S. Sedley. *Marxism Today*, April 1981.

'Brixton and After' — B. Kirsh. *Marxism Today*, July 1981.

'Policing in the Eighties' — Interview, John Alderson. *Marxism Today*, April 1982.

'Striking Back' (Use of race in crime statistics). — Bridges & Gilroy. *Marxism Today*, June 1982.

'Laying Down the Law' — S. Benton. *New Statesman*, March 1982.

RESOLUTION ON POLICE & ARMED FORCES

(37th National Congress CP 1981)

"Congress instructs the NEC to elaborate comprehensive policy to deal with the threat that the army and police and organisations of the state pose to attempts to build a socialist society in Britain. The fundamental basis of the BRS could be frustrated if the reactionary forces within the police and army should choose to challenge a socialist government. Because such forces are so entrenched, the Party must motivate the Labour Movement to tackle these questions now and not wait until the future election of a left government.

The Congress instructs the NEC to initiate an in-depth study of the police (including Special Branch) and the armed forces — and for a subsequent public campaign for full unionisation within the armed forces and full political rights amongst the armed forces and the police.

RESOLUTION ON INNER CITIES

(37th National Congress 1981)

"The violent disturbances in Britain's inner cities during 1981 are a new factor in British politics.

Structural changes in the economy, decline in manufacturing industry and the incidence of multi-deprivation underlie the crisis.

Although mass unemployment and economic and social crisis are at the heart of such unrest, these disturbances cannot be reduced to economic causes alone.

The riots have been extremely complex in their roots, actual events and effects.

Revolt against the police has been a central feature. There has been a shift in policing policies towards highly centralised methods, one of whose aims is the potential control of whole areas.

Politically motivated Chief Constables have emerged.

Hardline policing, abrasive and pre-emptive methods and an authoritarian and racist police culture have been a major cause of the riots.

Policing policies in recent years have increasingly treated whole areas of the inner cities as essentially criminal, regarding their inhabitants, especially young black people as criminals. The experience of urban decay and unemployment patrolled by a police force which both harasses local people and fails to deal with the problems of crime in the area, has inevitably led to an explosion of anger.

Institutional racism in housing, in employment and in most forms of social and political life, is a daily feature of the social existence of black people. But it is most sharply experienced in the street and the authority in the street is the police.

Violence against black people has escalated alarmingly in the last two years and has been increasingly characterised by a form of terrorism involving danger to property, fire bombs, causing actual bodily harm, and even murder. Yet, fascists who commit these acts are allowed to march the streets to demon-

strate race hatred, and are protected for doing so by the police.

Upheavals have tended to take place in the community where the left is particularly weak in terms of its organisation, theory and style of politics. A special weakness has been its inability to build alliances between the Labour Movement and inner-city populations and black people.

Communists and all progressive people need to take urgent action to:

1. Develop policies and campaigning for democratic accountability and control of the police force, alongside efforts to solve the problem of crime in the community on the basis of democratic involvement of the people in the area in responsible and effective action on the issue.
2. To consciously develop a political relationship with black people's organisations by offering help and support to Defence Committees and by paying specific attention to the situation of black people on the estates and at work, in the trade unions and on the street.
3. To facilitate the development of Black Advisories within the Party, if so desired by black comrades.
4. Give far more attention to campaigning actively in the community on the problems confronting them. Make a major objective the task of building an alliance between all democratic organisations in the communities both to deal with the immediate problems and to campaign for more resources and a change in policies towards the inner-cities.
5. To work in the Labour Movement for the promotion of the TUC's 'Regenerating Our Inner-Cities' – in particular to develop the sections on unemployment, the police and racism.
6. To contribute to the development of an inner-city component of the AEPS through the Morning Star, Party journals, education classes and public meetings.
7. To develop a major campaign in 1982 on policing around the Democratic Charter and the Charter of Demands on the Police and Racism, to screen out overt racists, to fight for accountability and community involvement in police policy and an attack on authoritarian and racist police cultures, to work for the appointment of race relations advisers to local authorities.

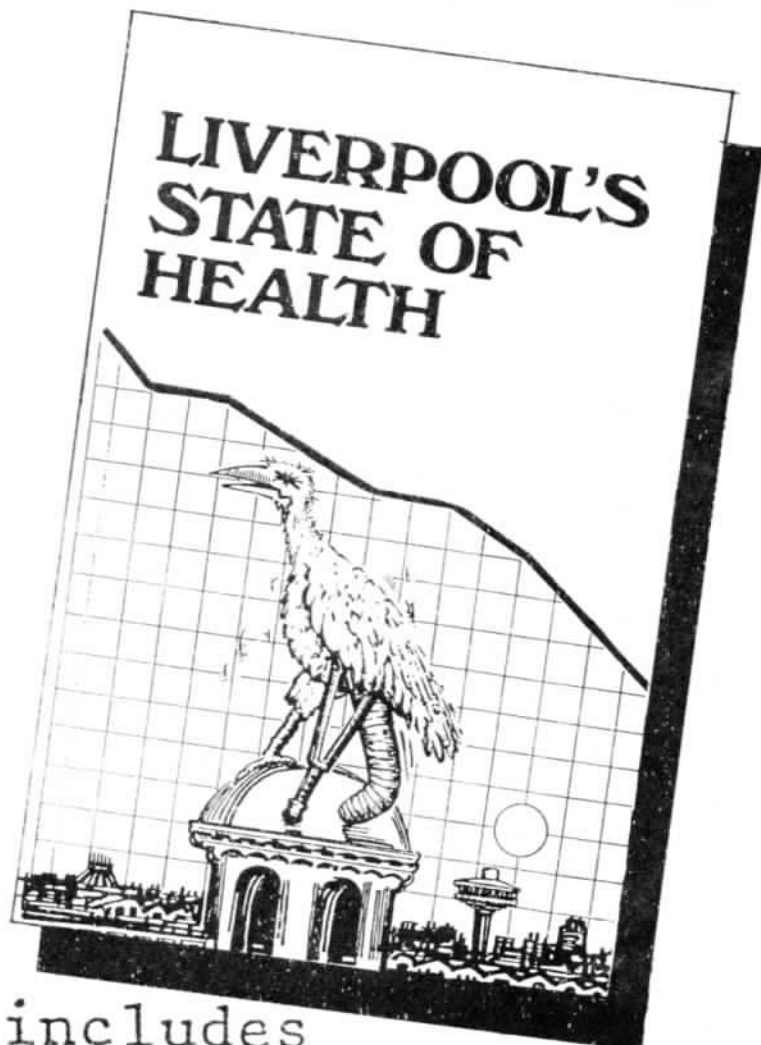


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This book is Discussion Paper no 2 issued by the GLC Police Committee Support Unit.

The GLC Police Committee:

- publishes *Policing London* newsletter six times a year (free to Londoners; subscription rate otherwise is £5 pa individuals and voluntary groups or £10 pa institutions and libraries)
- issues reports on matters concerning policing, public order and law enforcement in London
- makes grants to groups or projects in Greater London concerned with the above areas.

Discussion Paper no 1 was *A New Police Authority for London. A Consultation Paper on Democratic Control of the Police in London* (free).

If you wish to be put on the mailing list for *Policing London*, receive copies of Discussion Paper no 1 or Police Committee reports, or be sent details of the work of the GLC Police Committee, including grant applications, please write to:

GLC Police Committee Support Unit
Room 602 County Hall, London SE1 7PB
Tel: 01-633 5944 (answerphone outside office hours).

The GLC Police Committee will be campaigning against the new Police Bill. Details of the campaign, including leaflets and posters, are available from the above address.

GLC Police Committee Support Unit