

PCCs, neo-liberal hegemony and democratic policing

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Introduction

'[N]eo-liberal policing in its starkest form' is how Robert Reiner (2013: 175) has described the coalition government's approach to policing, whilst the flagship policy of directly elected Police and Crime Commissioners (PCCs) is said to be a shift away from the democratic governance of policing which is 'disguised by a fig leaf of populism' (Reiner, 2013: 174). Much of Reiner's recent work (e.g. see Reiner, 2007; 2010; 2013) has been greatly concerned with the impact of 'neo-liberal hegemony' on policing, crime, democracy and justice, and it is through this lens that he views the unfolding drama of PCCs.

In this article I follow Reiner's lead by arguing that, if we are serious about making policing more democratic, it is essential to engage with the coalition's policing policies, including PCCs, in a manner which explicitly recognises, foregrounds and contests the influence of hegemonic neo-liberal logic on this area of policy¹, and on criminal justice and community safety more broadly. I argue that the introduction of PCCs has been rhetorically and legislatively 'packaged' in such a way as to bolster some enduring myths about the relationship between policing and democracy, and that political objections raised against PCCs have largely failed to robustly contest these myths. The retention of these myths tends to favour the depoliticization of what is, and always has been, an inherently political activity. Rendering policing apolitical in this way is highly compatible with the dominant neo-liberal ideology which is currently being imposed across the criminal justice system,

¹ Ian Loader (2013), on the other hand argues that it is not particularly helpful to see coalition police reforms as primarily a matter of neo-liberalism finally catching up with the 'last unreformed public bureaucracy'. This interpretation, Loader suggests, neglects the central aspect of the coalition's agenda for policing: the determination to turn police forces into more effective, more efficient, more single-minded crime fighting machines, with PCCs as one of a number of policies seen to be key in effecting this transformation. For Loader, then, it is the problems generated by what he calls the 'sociologically illiterate' conception of policing as 'crime-fighting' which require urgent analytical attention and contestation. Sociologists and criminologists should, in Loader's view, continue to work to support the 'progressive cause' of 'democratizing policing', but, it is implied, this work can be pursued without the need to foreground a critique of neo-liberalism's influence on this area of policy.

and which threatens to dismantle democratic accountability in this area of policy altogether, replacing it with populism, consumerization, commodification and the (supposed) innovation of the market. One key policing myth, which is in urgent need of analytical attention, is that of the democratic value of 'operational independence'. The article concludes that whilst this ill-defined doctrine may harbour some important principles, it is frequently invoked automatically and complacently as if it were a self-evidently valuable and uncontroversial liberal constitutional safeguard, rather than the usefully ambiguous buttress deployed by the police and government as a way of avoiding unwanted interrogation of their activities.

The article is structured as follows. The first part of the article functions as a reminder of what is at stake when we talk about governing the police. It is argued that policing is a relatively open-ended, necessarily selective, inherently political and potentially grievously intense 'form of governing' (Neocleous, 2000), the true nature of which is cloaked in a misleading but, for some, convenient, mythical narrative. The second part of the article focuses on the democratic governance of policing and the introduction of PCCs. The third and final part of the article explores the principle of 'operational independence', concluding that in order to progress towards a more satisfactory account of 'democratic policing' it may be necessary to dispense with this 'sacred cow' of policing.

Governing 'policing', governing 'the police': What is at stake?

The distinction between 'policing', and the state organizations we know as 'the police', is well-established. Historically the term 'police' referred to 'the legislative and administrative regulation of the internal life of a community to promote general welfare and the condition of good order ... and the regimenting of social life' (Neocleous, 2000: 1). 'The police', on the other hand, have been defined as 'the bureaucratic and hierarchical bodies employed by the state to maintain order and to prevent and detect crime' (Emsley, 1991: 1). In England such bodies were brought into existence in a form recognisable as a forerunner of the contemporary establishment during the 19th century, but were regarded as only one aspect of a much broader set of social institutions and conditions which were seen as important in helping to maintain order within the country's borders (Reiner, 2013: 164).

Historical accounts of the introduction of the 'new' police in England in the 19th century (for example see Storch, 1976) suggest that their activities were frequently concerned with disrupting or curtailing those activities of the labouring classes which were regarded as disruptive to good order, good taste and good working habits as viewed from the perspective of the middle and upper classes. Such accounts suggest that from their origins, rather than merely exercising the law in order to secure 'general order' (the state of relative peace and safety which is required for complex societies to function (Reiner, 2010)), police officers have been involved in 'governing' the activities of sections of the population perceived by other (usually more privileged or powerful) sections as behaving in a manner detrimental to a 'particular' (bourgeois, capitalist) conception of the well-ordered society characterised by 'specific patterns of inequality and dominance' (Reiner, 2010, see also Neocleous, 2000).

Traditional police historians have preferred to portray the 19th century introduction of the 'new' police as a 'rational' response to evident problems of increasing crime and disorder. These traditional portrayals downplay the extent to which the police have focused on regulating the activities of particular classes or sections of society in order to produce 'particular order' and have provided historical narratives which instead emphasise necessity, rationality and progress: the police as the obvious response to rising criminality, the protectors of civilised society (Emsley, 1991; Reiner, 2010). Despite the convincing revisionist assault on these narratives, this orthodox history of policing retains a powerful influence, being invoked in the oft-cited imaginary 'thin blue line' as all that separates civilised society from the state of violent dog-eat-dog 'anarchy' which would, it is suggested, inevitably ensue were the police not in place to 'fight crime' (what Reiner (2010: 22) calls 'police fetishism', the tendency to regard the police as a 'vital functional prerequisite of social order').

This common-sense understanding of the police as a necessary invention with a clear, unambiguously positive, purpose (fighting 'crime') may have 'deep and affective appeal' (Loader, 2013), but it is misleading. It is misleading because it also reflects what Reiner (2013: 162) has called a kind of 'intellectual amnesia' by failing to take into account classic sociological work on policing which shattered some of the traditional 'myths' about the police work (that their work mainly focuses on crime control, that they can effectively and

equitably control crime, that their work is politically uncontroversial and socially benign). Available evidence suggests that it is much more illuminating to see policing, as Reiner (2010) suggests, as a particular component of 'social control'. Policing's part in this wider project is to effect social control through surveillance, investigation, direction and enforcement activities backed up by the omnipresent threat that state police officers can take actions including temporary detention (stop and account, stop and search, arrest) and the use of physical force, as well as there being a possibility of official legal sanction or punishment. As such, though the police may draw much of their authority and symbolic meaning from the law (Neocleous, 2000), as well as from the (socially constructed) notion of 'crime', the coercive powers at their disposal facilitate their pursuit of a wide range of 'social control' objectives which are not strictly legally-defined, not necessarily concerned with crime, and possibly not even formally stated.

There are almost unlimited opportunities for the police to 'uphold the law' and 'keep the peace' (Jones, Newburn and Smith, 1994), and many laws are framed so as to leave significant room for individual officers and/or their supervisors and senior managers to exercise discretion in deciding what, who and where to police (Jefferson and Grimshaw, 1984: 140). Studies of 'cop culture' and officer behaviour indicate that officers develop their own informal tests to determine which individuals require and deserve coercive attention, and that these tests are frequently based not on specific criminal behaviours, or on the law, but, for example, on visible markers of social status, or the failure of individuals to display sufficiently deferential attitudes towards officers themselves (Loftus, 2010).

As police resources are never unlimited, police forces are permanently and necessarily constrained in terms of the vigour and thoroughness with which particular types of offences and offenders can be pursued. Chief constables and other senior officers will cut their cloth in such a way as to maximise their force's capacity to respond to the types of incident and crime which they consider to be deserving of priority attention. Incidents and crime types regarded as less of a priority will receive less resource. As such, policing is always selective, and the suppression of crime and anti-social activity is always 'incomplete' (Jefferson and Grimshaw, 1984). The direction of the selectivity which inevitably occurs is likely to reflect dominant political ideologies and prevailing organisational and occupational cultures, as well as some combination of: (1) the results generated by various forms of (more or less

satisfactory) 'consultation' with communities; and (2) the demands (or 'calls for service') placed upon the police by private citizens and by individuals employed to deliver various forms of 'policing' within private spaces (e.g. security guards, bouncers). Policing, then, is and always has been a selective, ideologically conditioned 'form of governing' rather than a neutral and equally distributed 'exercise of the law' (Neocleous, 2000).

In 21st century Britain aspects of policing are increasingly carried out by a plural range of providers, meaning that individuals employed in both public and private sector organizations and paid for from a mixture of public and private funds can to some extent exert surveillance and control over their fellow citizens (see Loader, 2000). So, whilst legitimate recourse to physically coercive measures (which ultimately 'back up' policing as a form of social control) remains (with the exception of prison and immigration personnel) largely located with individuals situated within state-funded hierarchical bureaucracies, a much wider range of individuals and organizations work with and call upon those state bureaucracies and thus shape the policing 'gaze', helping to determine the who, what and where of policing, and participating in the inevitable 'selectivity'.

The public police, then, are inevitably organised and oriented towards meeting objectives which, though they may seem to be 'common-sense' are not strictly legally-defined, and may support 'particular', as opposed to 'general', order. Citizens whose activities conflict with these objectives (or whose personal characteristics make them more susceptible to raising 'reasonable suspicion' that they are involved in activities which conflict with these objectives) may be detained against their will, using force if necessary, and may then be drawn into the wider criminal justice system of prosecution and punishment with all the attendant harms and disadvantages which that brings. What is at stake, then, when we talk about governing the police, is how a relatively open-ended, selective (and thus also political) and intense 'form of governing', which is likely to be unequal in the distribution of its coercive attentions and the benefits which they bring, which is cloaked in a mythical narrative stressing necessity, rationality and impartiality, and which has the potential to have a significant impact on citizens' lives, should (and can) itself be governed.

Towards democratic policing? Competing models of police governance

Ever since the 1964 Police Act ushered in the tripartite system for governing the police there has been on-going debate in England and Wales about how and to what extent the police should be subject to some form of direction, and by whom. Periodically, from the 1950s through into the 1990s, these debates erupted into heated conflict. By and large these eruptions tended to occur when policing tactics or operations bore down particularly heavily on working class or ethnic minority communities, or on sections of those communities. In other words debate heated up when the police were perceived to be being overtly 'selective' by directing their attentions towards 'governing' particular groups and activities in a manner which had more to do with giving expression to prejudice, pursuing non-crime government (or indeed police) objectives or supporting particular class interests, than with upholding the law.

Against this backdrop, the 1980s were marked by particularly heated debates about whether the governance of the police should be achieved on the basis of what Marshall (1978) has called an 'explanatory and cooperative' relationship between chief constables and their police authorities or whether, rather, chief constables should be 'subordinate and obedient' to locally elected representatives (see Reiner, 2010). Perhaps unsurprisingly, Labour local authorities, drawing their core support from groups perceived to be being disproportionately subjected to the coercive attentions of the police, were particularly vocal in advocating for the influence of police authorities to be extended. However the Conservative government of the day, supported by chief constables, tended to favour the status quo, citing the democratic importance of ensuring that the police remained 'operationally independent' of elected politicians (McLaughlin, 2007).

The 1990s saw the rise of a third model for achieving the governance of policing, which Reiner (2010) has described as 'calculative and contractual'. This model hinged upon the adoption of performance measures and the setting of performance targets, and had its roots in the 'New Public Management' (NPM) approach to public services. This approach championed the adoption of a 'business-like' mind-set throughout public services, with a particular focus on efficiency and effectiveness in the pursuit of clear and measurable objectives which were reflective of the demands made by the public as 'consumers'. In

other words it was an approach which was steeped in the kind of neo-liberal logic and values which also fed into the Sheehy Report, the White Paper on police reform, and the Police and Magistrates' Courts Act 1994. This act has been described by commentators as instituting the effective quango-isation of police authorities, leaving them 'depoliticized and managerialized' (McLaughlin, 2007: 183).

The introduction of directly elected police and crime commissioners (PCCs) in England and Wales (included in the Conservative party manifesto for the 2010 general election and subsequently announced as part of the legislative programme which would make up the coalition agreement between the conservatives and liberal democrats) has brought a new twist to the tangled history of police governance. Arguing that police authorities were too distant and faceless, a situation which was producing an alleged 'democratic deficit' in local policing, the Conservative party proposed that voters in each police force area should be able to elect a single individual to ensure that the police would be responsive to the priorities of local people. This approach, it was suggested, would mean that the public, not civil servants, would be the 'ultimate judge' of their local policing, replacing 'bureaucratic' (target-based, NPM-style) accountability with 'democratic' accountability (Herbert, 2011).

The initial flurry of furious concern which accompanied the announcement of PCCs (and which focussed mostly on the dangerous 'politicization' of policing which it was said they would engender) has been replaced by an air of cautious resignation, and even optimism that some PCCs might actually produce positive results for local communities. However, whilst the coming of PCCs initially appeared set to rekindle some classic debates about police governance and democratic policing, thus far most commentary has mainly served to highlight the substantially unresolved nature of these debates, without advancing them. It is instructive, therefore, to consider how PCCs measure up against some existing scholarly accounts of democratic policing.

Peter Manning's 2010 book *Democratic Policing in a Changing World* suggests that policing which is 'democratic' is procedurally fair, equal in its distribution of coercion and service, and does not exacerbate inequality or harm the least well off. All of these things, Manning suggests, are supportive of a way of policing which is essential to the health of democratic society. For Manning, then, 'democratic policing' is about what the police do, how they do

it and what impact it has in terms of outcomes. Democratic policing, then, is about actions and outcomes.

Earlier work by Jones, Newburn and Smith (1994) presents 7 principles of 'democratic policing'. Like Manning, Jones et al emphasise the importance of equity, and the delivery of a good policing service which operates as a 'public good', helping to maintain democratic society. However, Jones et al's principles also make space to admit that democratic policing must be: responsive to citizens' representative bodies (as long as this does not undermine equity or service delivery); shaped in a manner which does not concentrate too much power or influence in the hands of one individual or group; transparent; open to redress; and solicitous of public participation in discussions about policing policy. So policing should be democratic in terms of its actions, outcomes, input and oversight, although, crucially, input and oversight (responsiveness, public participation, redress and so on) are placed lower down the order of priority than actions and outcomes.

So, these scholarly conceptions of 'democratic policing' place a higher value on the actions and substantive outcomes generated by policing, than on the mechanisms in place to make it responsive and accountable. This is because they see policing as a public good, part of what makes democratic society possible. However, when the coalition government talked about making policing more democratic through the mechanism of PCCs it should be clear that this is not what they had in mind. Indeed, in stark contrast to the principles of democratic policing as set out by Jones et al, the political rhetoric surrounding the adoption of the PCC model for addressing the 'democratic deficit' in policing, has prioritised, above all, responsiveness - 'your voice' will be heard – and effectiveness. The PCC model identifies the 'democratization' of policing with facilitating public input into shaping policing priorities, and ensuring that the police are held to account for their effectiveness at pursuing these priorities. As such, there is very little, if any, emphasis placed on the need for PCCs to scrutinise whether police forces are fair and equal in their distribution of coercion and protection, and in the manner in which they wield their considerable powers.

In the PCC understanding of what makes policing democratic, then, policing is regarded as a business-like service which must be responsive to its consumers and efficient and effective at addressing their concerns. Whilst the coalition government may claim that

centrally-imposed targets have been abolished, it is clear that after many years of operating within a target-based environment, many of the trappings of the 'calculative and contractual' model of police governance are still very much in place and available to be utilised as tools by means of which PCCs (and the public) can check the 'performance' of their police force. These tools, then, may be used to focus the mind of chief constables and render them, if not 'subordinate and obedient' to their PCCs, certainly acutely aware of the indicators which may be used to determine whether their own 'performance' is of the requisite standard to avoid dismissal. Meanwhile, PCCs themselves only have to fear an 'explanatory and cooperative' level of governance via the relatively toothless Police and Crime Panels (Reiner, 2013: 171) (although they will, of course, also be subject to the much revered 'discipline' of the electoral process at four yearly intervals).

By emphasising the role of PCCs in setting policing priorities the PCC model explicitly foregrounds the 'selectivity' of policing, but it fails to acknowledge the flipside of this selectivity: that the task of 'upholding the law' is always incomplete. The presence of choice is emphasised whilst the potential for conflict is not: the citizen is reimagined as the consumer of policing services who has a legitimate right to make demands of the police, without being required to acknowledge the rights, needs and demands of other groups which may conflict with their own preferences. Policing is therefore represented as a non-political activity – a matter of protecting 'goodies' from 'baddies'.

This representation of the police as non-political is only enhanced by the 'crime-fighting' conception of the police role which Loader (2013) suggests is the goal of the coalition's reform programme, but which I consider to be more a strategic device to aid the neo-liberal colonisation of policing. For what (unless you are a sociologist, criminologist or other critically-inclined thinker) could be more straightforward and uncontroversial than pledging to 'fight crime'? Indeed, seeing the police as 'crime-fighters' could be said to have the additional advantage of conjuring up a new commodity: *non-crime*. If the purpose of policing is the production of *non-crime* then all that remains in the brave new neo-liberalised world is to assemble the most efficient and effective machinery for producing the right kinds of *non-crime* to satisfy the relevant (law-abiding, electorally-engaged) consumers.

This leaves us with the curious situation whereby under the PCC model, policing is simultaneously rendered political, in the sense that we are able to exercise our vote, and yet at the same time it is depoliticized, through the narrow rhetorical focus on efficiency and effectiveness at fighting crime and the tendency to ignore the fact that suppression of crime is always 'incomplete', and therefore always potentially unequal. Indeed, if policing is deemed to be primarily about preventing, detecting and punishing the self-evident 'bad thing' of 'crime', then the scope of political debate about it is narrowed. We lose sight of the much broader set of questions which are at stake when an organization with the power to use coercion and physical force in order to govern certain sections of the population is placed under the direction of an individual whose political survival depends upon them being able to attract votes from the majority of those who turn out to vote. In the currently reigning model of police governance, then, in defiance of the cumulative weight of sociological and historical research, it is regarded as 'democratic' to expunge politics from policing discourse.

The rhetorical and legislative packaging of PCCs, then, seeks to reconstruct policing in line with the 'sociologically illiterate' (Loader, 2013) myths which have long frustrated attempts to: (1) make the police more accountable to the citizens they serve, and (2) align police activity more closely to the preservation of a democratically defensible conception of the public good, as opposed to the maintenance of a particular form of order benefitting certain private interests. These myths include those dealt with in the first part of the article: (1) that the introduction of the public police was an inevitable and rational response to the evident social 'bad' of crime; (2) that the police are primarily concerned with crime; and (3) that the police impartially uphold all aspects of an impartial law to create generally beneficial order. Contesting these myths I argued that the police have always been engaged in the attempt to maintain a 'particular' conception of good order which has tended to be tolerant of significant levels of inequality and injustice and to favour the interests of certain groups. Furthermore, the police have limited resources and will therefore always have to be selective in terms of where they target those resources. Inevitably this leads to certain types of deviant or disorderly activities, and certain types of people, receiving more police attention than others: the coercive and potentially punitive force of policing is not equally distributed amongst the population, nor is it equally

distributed across all types of law-breaker or harm-maker. However, there is a further enduring myth of policing which I did not deal with earlier, and to which I will turn my attention now: the doctrine of 'operational independence'.

'Operational independence': sacrosanct or sacred cow?

In this final part of the article I argue that the notion of 'operational independence' has thus far functioned as a (distracting) focal point, or lightning rod, for expressing criticism of, concern about and opposition towards PCCs. Yet, despite often being described as 'sacrosanct' (see for example May, 2011), and referred to in almost reverential tones as a taken-for-granted 'good thing' for democratic policing², there are some compelling reasons why we should examine claims of this kind more closely and try to think more critically about what exactly the 'sacred cow' (Loader, 2013) of 'operational independence' entails and implies.

Operational independence is not (as is often implied) a long-standing and well-defined principle, nor is there a long historical tradition of chief constables operating entirely independently of other elected and appointed local officials (Jones et al, 1994; Emsley, 2012). What is the case is that as political representatives of the working class increasingly gained elected office, established political elites and their supporters became concerned about the dangers of permitting extensive local control of the police to continue, fearing that such control would increase the power of trade unionists and socialists: 'It is no accident that the doctrine of the independence of the police became established at the time of the depression' (Jones et al, 1994: 12-13).

Furthermore, the oft-cited, precedential ruling of Lord Denning that chief constables are 'answerable to the law and the law alone' (R. v. Metropolitan Police Comr., Ex parte Blackburn, [1968] 1 All E.R. 763) has been heavily criticised as thoroughly inadequate, given that chief constables must always operate in a context of scarce resources which effectively prevent them from upholding all laws, all of the time (Jefferson and Grimshaw, 1984). As Jones et al (1994: 13) suggest with respect to the earlier Fisher vs. Oldham Corporation

² For example, prior to PCCs being introduced, the principle of 'operational independence' was described as essential by such unlikely bedfellows as the Association of Chief Police Officers (ACPO, 2010) and the director of campaign group (Chakrabarti, 2008).

([1930] 2kb 164) ruling, the legal arguments for operational independence rest upon 'an over-simplified view of police discretion' and tend to ignore the significant external constraints which condition the circumstances under which police discretion is exercised.

More recently, Stenning (2007: 186) has identified 6 areas of decision-making where the issue of the operational independence of the chief constable may arise: (1) resourcing; (2) organizational structure and management; (3) organizational policies; (4) priority setting; (5) resource deployment; (6) specific operational decision-making. Under both the current system of PCCs, and the 'tripartite system' they replaced, chief constables have significant control over (2), (3), (5) and (6), but their decisions are always constrained by their lack of control over (1) and should, in theory at least, be shaped by systems for 'priority setting' (4) which take place in public and according to the wishes of the public. In other words, no police officer, from constable to chief constable is ever entirely unconstrained in their decision-making.

Whilst the government declined to explicitly define 'operational independence' they did set out what appears to be a fairly unambiguous statement of the scope of the chief constable's power to 'direct and control'³. The terms of the statutory instrument the Policing Protocol make clear that chief constables are exercising their 'direction and control' in a somewhat constrained environment: they must make decisions 'within the framework of the objectives and priorities set by the PCC' (who, let us not forget, has the power to 'hire and fire' them) and they will have to do so with whatever level of resources

³ The inevitable existence of constraints on operational decision-making is acknowledged within the legislation which introduced PCCs. Although the primary legislation (Police Reform and Social Responsibility Act 2011) did not explicitly use the term 'operational independence', the Act was complemented by secondary legislation in the form of a statutory instrument called the 'Policing Protocol'. The Protocol states that 'operational independence' is 'a fundamental principle of British policing' (p.6) but declines to provide a definition, instead arguing that the idea is sufficiently well-defined in primary legislation and common law (i.e. the Denning ruling). The Protocol thus appears to reject the desire expressed by the Home Affairs Select Committee for operational independence to be formally defined and to accept the position favoured by both the government and ACPO that 'the concept of operational independence is not defined in statute' (p.6) referring to HMIC's contention that the idea 'by its nature, is fluid and context-driven' (p.7). However, the Protocol does provide specific direction on the aspects of police work which should be considered to be under the 'direction and control' of the Chief Constable, including: (i) decisions concerning the configuration and organisation of policing resources (or) the decision whether, or whether not, to deploy officers and staff; (ii) total discretion to investigate or require an investigation into crimes and individuals as he or she sees fit; (iii) decisions taken with the purpose of balancing competing operational needs within the framework of objectives and priorities set by the PCC; (iv) operational decisions to reallocate resources to meet immediate demand; and (v) the allocation of officers' specific duties and responsibilities within the force area to meet the strategic objectives set by the PCC.

the PCC thinks are appropriate. However, the policing protocol does leave an ambiguous space when it raises the notion that chief constables are free to 'direct and control' the reallocation of resources 'to meet immediate demand'.

Perhaps it is this space that Her Majesty's Chief Inspector of Constabulary, Tom Winsor, is thinking of when he argues that whilst a chief constable must 'turn his mind' to the goals set out for him by his PCC, and 'factor them into' the decisions he makes, 'he is not bound to divert his resources to meet them if he concludes that doing so would undermine his other obligations, and in particular his over-riding duty to ensure that the law is upheld in his policing area' (Winsor, 2013: para 53). In other words, Winsor is suggesting that the law, not the views of the public as expressed through the PCC, should be the primary determinant of local policing activity. The Chief Constable's 'overriding duty' is 'to uphold the law in his policing area' (Ibid: para 54).

The problem with Winsor's interpretation of the protocol is that it fails to acknowledge that, as discussed above, policing is always selective and that 'the law alone' does not provide sufficient guidance for selections to be made. Someone has to choose which laws should be prioritised for 'upholding', someone has to formulate a view on the most pressing forms of 'immediate demand', and the history and sociology of policing suggest that these choices are frequently informed by the political ideologies of dominant groups, as well as by prevailing organisational and occupational cultures within the police (which have, arguably, themselves evolved in response to the tasks and identities specified for officers by dominant ideologies).

The Patten report on policing in Northern Ireland (Independent Commission on Policing in Northern Ireland, 1999) suggested that the idea of 'operational independence' lent itself too readily to helping chief constables avoid scrutiny. In concluding this article I would like to add to this suggestion that the principle of 'operational independence' also lends itself rather well to obscuring the well-established fact that policing activity is rarely shaped by the 'law and the law alone', it is shaped by ideas about who, what and where are most in need of policing. Sometimes these ideas exist, are expressed and implemented at senior levels within government and the police, and sometimes they emanate from and have an effect on frontline policing custom and practice. Either way it is these ideas and decisions,

their sources of support and their effects on the ground, with which supporters of democratic policing should be most concerned.

If we too readily accede to the frequently made assertion that democratic policing requires respect for the ill-defined principle of operational independence then we collude in the maintenance of some of those very myths of policing which tend to undermine democratic accountability, most notably the myth that the police impartially uphold an impartial law (i.e. the foundational myth that policing is not 'political'). This is a myth which is particularly convenient for those who wish to see the neo-liberal colonisation of policing succeed. For neo-liberal logic rests on the linked assumptions that there is a broad consensus about the kinds of outcomes which public services should pursue, and that the mechanism of the market will help to produce innovation and efficiency in the production of these outcomes. The vague principle of 'operational independence' reinforces the depoliticized understanding of policing which flies in the face of the historical and sociological evidence, and which may underpin the creeping neo-liberalisation of policing, as part of the much broader neo-liberalisation project taking place across public services. Perhaps, then, we need to urgently heed Reiner's (2010) advice that 'democratic policing can be approximated to only in a context of social, not just liberal and certainly not neo-liberal – democracy' (Reiner, 2010: 14). For where the inherently political nature of policing is denied, as both 'operational independence' and neo-liberal logic dictate that it must be, then there can be no democracy in policing.

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