Democracy (re)imagined: Some proposals for democratic policing

Liz Turner, University of Liverpool

Introduction

The introduction of directly-elected ‘Police and Crime Commissioners’ (PCCs) by the Conservative party-led coalition government formed in 2010 was hailed as the most significant change to the structures for the governance of police forces in England and Wales since the Police Act of 1964 (e.g. see Jones, Newburn and Smith, 2012; Raine and Keasey, 2012; Lister, 2013). The government claimed that the change would ensure that the Police were held ‘democratically’ accountable to local communities rather than ‘bureaucratically’ accountable to Whitehall (Herbert, 2011). Inevitably this prompted comment from politicians, the media, campaign groups, academics and the Police themselves. Much of the comment focused on the potential for the Police to become increasingly ‘politicised’ and for PCCs to threaten key liberal safeguards such as the ‘operational independence’ of the Police (e.g. see ACPO, 2010; Joyce, 2011; Farthing, 2012; Millen and Stephens, 2012; Lister, 2013), whilst the widely predicted poor turnout for ill-timed and underfunded elections became the focus of much subsequent criticism (see Garland and Terry, 2012). However, some cautiously welcomed the demise of the low visibility, and often low impact, oversight provided by the old police authorities, expressing an interest in whether the introduction of PCCs had the potential to nurture more creative experimentation in the area of public engagement (e.g. see Loader, 2014), and perhaps even allow more socially progressive approaches to policing to emerge (e.g. see Loader and Muir, 2011; Reiner, 2013).

The introduction of PCCs seemed initially to offer an opportunity to revisit and rework some classic debates from the 1980s about police governance and accountability. These debates took place against a backdrop of significant social and political divisions and social unrest that often fed into intense disagreement between police authorities and ‘their’ Chief Constables about the appropriate use of police resources (see Jefferson and Grimshaw, 1984; Spencer, 1985; Simey, 1988). However, rekindling and advancing the often rather incendiary debates of that era has not proven to be central to scholarly considerations of PCCs thus far. Instead, for the most part discussion and analysis of PCCs has focused on somewhat more prosaic matters, such as critiquing the conduct of the PCC elections (Berman, Coleman and Taylor, 2012; Garland and Terry, 2012); tracing the history and underlying rationales of reforms of police governance (Joyce, 2011; Newburn, 2012; Raine and Keasey, 2012; Davies, 2014; Gilling, 2014); considering whether Police and Crime Panels (PCPs) can effectively hold PCCs to account (Chambers, 2014; Lister, 2014); and examining whether PCCs will impinge upon ‘operational independence’ (Lister, 2013; Winsor, 2013). All of these matters are of course important when it comes to understanding aspects of the impact of this particular policy, but they do not and cannot amount to a meaningful engagement with the politics of policing or what we might mean when we refer to ‘democratic policing’. Ironically, then, a policy which was allegedly problematic because it would ‘politicise’ policing has, thus far, attracted few explicitly political analyses.

As Lister and Rowe (2014: 15) have observed:

’a troubling aspect of the new governance model is that it risks conflating appeals for “democratic policing” with an unhelpfully narrow set of electoral arrangements. Whether
enhanced local accountability of the Police is provided through a directly elected office is clearly an important consideration for those who wish to nurture democratic policing. It is not, however, the only criterion against which the democratic credentials of policing should be measured.

Responding to this conflation of election-based arrangements for the governance of local police with ‘democratic policing’ more generally, this chapter makes some proposals for a more ambitious and extensive (re)imagining of what we mean when we talk about ‘democratic policing’.

The purpose of the chapter is to provoke reflection and debate on whether the aspiration towards ‘democratic policing’ requires an expansion and reorientation of the study of policing. The chapter is structured as follows. Firstly I outline the case for a social justice-based conception of ‘democratic policing’. Secondly I consider some definitions of policing, and identify a safety-based definition as most useful for thinking about ‘democratic policing’ as policing for social justice. Thirdly I make some proposals for reorienting the study of policing by including a broader range of scholarship within the mainstream, and by decentring the police organisation by challenging key elements of police mythology. I conclude with proposals for further research in three areas: (i) identifying threats to social justice; (ii) addressing the forms of policing most appropriate for addressing these threats; and (iii) considering what does the police’s ‘capacity for decisive action’ makes them particularly good (and bad) for in contemporary society.

**Beyond elections: for a social justice-based understanding of ‘democratic policing’**

What exactly we mean by ‘democracy’ has long been the subject of intense debate. Whilst some politicians and citizens in the Western world have often adopted a fairly complacent stance, seeing ‘democracy’ as something that ‘we’ have achieved but which has yet to be achieved in other parts of the world (Arblaster, 1994), many campaign groups and political theorists are much less sanguine about the extent to which we should see extant social and political arrangements in Western societies as adequately democratic. As Reiner (2013) has pointed out in his own discussion of the introduction of PCCs there are good reasons for wondering whether we are currently experiencing a period of plutocratic rule ‘of the rich, by the rich, for the rich’. Meanwhile, Crouch (2004) suggests that we are living in a time of ‘post-democracy’, where the traces of democracy remain in our ways of thinking and talking about our political system, but where in reality citizens have few opportunities and extremely limited power to shape the kinds of societies in which they are living.

To provide a convincing account of the kinds of principles, practices and institutional structures that might be appropriate for democracy it is useful first to reflect upon why it is that we think we ought to favour it. For some the answer might simply be that legitimate authority over people can only be exercised with the consent of those same people. We should favour democracy, then, because it is the most rational way to assign authority. However others have suggested somewhat more positive reasons for valuing democracy. Young (2000) argues that we favour and value democracy because it is seen as the best means we have to promote the self-development and self-determination of peoples which are essential to social justice. Democracy and justice then are seen to be mutually dependent, neither being possible without the presence of the other.

A view of democracy as inextricably entwined with justice is evident in some recent attempts to identify the characteristics of ‘democratic policing’. For example, both Jones et al (1994) and
Manning (2010) argue that whether or not police officers act fairly and equitably in their dealings with the public, and whether policing is supporting the production of socially just outcomes, are as, if not more, important for democratic policing, than the kinds of mechanisms in place to ensure that the Police are responsive to ‘public opinion’. Indeed, one of the primary concerns articulated about the switch to PCCs has been a concern that police forces will have to respond to majoritarian pressures by adopting superficially appealing populist approaches that are detrimental to unpopular minorities and thus to social justice more broadly. Wood (2014) suggests that the potential for such a situation to occur demonstrates the existence of a clear tension between ‘liberal’ and ‘democratic’ values, and highlights the need to ensure that the balance between the two is carefully struck. However, as Wood acknowledges, this apparent tension rests on a rather narrow understanding of democracy as ‘electoralism’. So the kind of ‘democratic pressures’ which Wood refers to might, perhaps, be better understood as pressures emanating from an electoral system which is only superficially democratic (and may even be, in Crouch’s (2004) term, ‘post-democratic’).

If we adopt a conception of democracy which treats an orientation towards social justice as fundamental (as proposed by Young (2000)) then we can avoid at least some of the apparent tension between so-called ‘liberal’ and ‘democratic’ values pointed to by Wood (2014). In Young’s (2000) theory of democracy decision-making rests on the equal inclusion of all those affected by a decision in some form of discussion and deliberation about the matter at stake. The deliberation must, in Young’s account, be free from domination and be carried out by participants who are oriented towards giving reasons for their views and preferences and taking into account the views and preferences of the other participants. Justice is ‘built in’ to this process because participants will inevitably have to appeal to some kind of ‘principles of justice’ in order to construct legitimate arguments about what should be done. For Young, the whole purpose of the process of democratic communication, then, is ‘the transformation of private self-regarding desire into public appeals to justice’ (Young, 2000: 51). Similarly, Dryzek (2000: 46-47) suggests that when participants in deliberation must publicly defend their positions they will know that they must do so with respect to the public interest, rather than their own self-interest, and therefore they must present themselves as ‘public-spirited’. This may have the effect of making them become more ‘public-spirited’ in order to maintain their own sense of their integrity.

What Young and Dryzek’s accounts of deliberative forms of democracy make available to us is a way of understanding democracy as not merely something which citizens have a right to expect, but also as something which imposes responsibilities on them. There is no room in a democracy for the adoption of policies and practices which are unduly oppressive and clearly detrimental to the interests of unpopular or vulnerable minorities purely on the basis that such policies and practices reflect the self-interested (and frequently unreflective and under-informed) preferences of the majority. Under the more deeply democratic conditions of inclusive, non-dominated deliberation, the expression of self-interested preferences is considered to be an illegitimate form of political persuasion and the views and preferences of minorities and vulnerable groups must be taken into account. Democracy is identified with the pursuit via inclusive mechanisms of just solutions to the problems which arise under social and political conditions of diversity and value pluralism, rather than with the aggregation of individualised, self-interested preferences. Social justice, in the sense of people having equal opportunities to thrive and develop and to play a part in determining the conditions of their own existence, is seen as an essential component of democracy (Young, 2000: 31-2).
The identification of democracy with social justice provides a useful starting point for thinking more imaginatively about what democratic policing might mean. It supports Manning’s (2010) claim that policing should at the very least not exacerbate already existing inequalities or compound the disadvantages experienced by the most vulnerable. Furthermore, as observed by both Manning (2010) and Jones et al (1994), democratic policing must clearly be effective at combatting those social ills which damage both the life experiences of individuals and communities and the fabric of democracy itself. Whilst responsiveness to citizens is an important aspect of ‘democratic policing’, then, so too are matters of fairness and practical efficacy in securing the necessities for social justice. To summarise, by drawing on radical deliberative theories of democracy we can arrive at a much broader and more ambitious conception of what ‘democratic policing’ might mean, and transcend the limitations of narrow election-centred approaches. Following this line of reasoning through to its conclusion, then, ‘democratic policing’ refers to policing which first and foremost provides effective support for social justice, a condition where citizens have equal opportunities to thrive and develop and to play a part in determining the circumstances of their own existence (Young, 2000). Next I identify a definition of ‘policing’ which will prove useful for thinking about ‘democratic policing’ as policing which is supportive of social justice.

**Policing, police and the creation of public safety**

Historically the word ‘police’ referred to something much more expansive than an organisation for controlling crime and maintaining order. It was associated with the notion of a system for ordering and managing a well-run society (Reiner, 1992; Neocleous, 2000). The advent of modern police organisations has led to a narrowing of the meaning of the words police and policing, coupled with a chronic ambiguity in their usage. Some uses of the words policing and police encourage a frustrating circularity in definition, implying that ‘policing’ is simply whatever ‘the police’ do, and whatever ‘the police’ do is ‘policing’. In recent years sociologists working in this area have sought to make a clear theoretical distinction between the activity of ‘policing’ and the institution ‘the police’ (e.g. see Rawlings, 2002; McLaughlin, 2007; Reiner, 2010) as it is increasingly suggested that there has been a ‘transformation’ or ‘pluralization’ of policing (see Bayley and Shearing, 1996; Loader, 2000; Jones and Newburn, 2002; White and Gill, 2013) with public police organizations described by some as having lost their ‘monopoly’ on policing (e.g. see Bayley and Shearing, 1996; Crawford, 2008). Whilst there is an ongoing debate about the extent to which the apparent trends should be regarded as novel (and, indeed, threatening) what is not in dispute is that it is possible, and frequently theoretically desirable, to draw a distinction between the activity of ‘policing’ and the organization ‘the Police’.

McLaughlin (2007: 113) suggests that under the unstable, fragmented and fragmenting conditions of postmodernity, critical police scholars must recognise that “[p]olicing” is a socially necessary function but a state-structured police bureaucracy is not’. In fact, it seems to me, when we reclaim the activity of ‘policing’ from the institution of ‘the police’ we can start to think more creatively about what we should, as citizens of a democracy, be able to expect from both the activity and the state institution. Reiner’s (2010: 5) definition of the term ‘policing’ as referring to systems of surveillance and detection linked to the threat of sanction where deviant behaviour is discovered can potentially encompass a range of institutional arrangements for regulating conduct, including institutions outside of the state police organization. An even wider definition is provided by Bayley and Shearing (1996: 586), who refer to policing as ‘the self-conscious process whereby societies
designate and authorize people to create public safety’. Clearly this ‘process’ may well encompass the systems of surveillance referred to by Reiner, but what Bayley and Shearing’s definition adds is that it explicitly aligns policing with the production of an identifiable ‘good’, which is to say the production of ‘safety’. And it is in this broad definition of policing, as oriented towards safety that I think we can start to find the means to reimagine ‘democratic policing’.

I have argued above that we should understand democracy as intrinsically linked to social justice. As such, if we accept Bayley and Shearing’s definition of ‘policing’ then we can identify ‘democratic policing’ with the creation of ‘safety’ from the kinds of things which threaten individual self-development and/or the capacity of communities to determine their own destinies. This is, to be sure, a very far-reaching definition of safety, and one which overflows both the definition suggested by Bayley and Shearing (1996), and the more limited expectations people generally have of the public police. However if we are serious about reimagining democratic policing along social justice lines it seems to me that we must develop a more expansive conception of what Bayley and Shearing (Ibid: 593) refer to as ‘the “bottom line” of safety’.

This more expansive definition resonates with the term ‘human security’ coined by the United Nations Development Programme to capture ‘the legitimate concerns of ordinary people who sought security in their daily lives’ (UNDP, 1994: 22). The concept of ‘human security’ has been criticised for, amongst other things, being ‘extraordinarily expansive and vague’ (Paris, 2001: 88), however it does have the advantage of recognising that harm can take many forms, and that the types of worries and travails which loom large in many people’s everyday lives are frequently not associated with intentionally-inflicted criminal harms, but rather with difficulties accessing, maintaining access to, and feeling secure in one’s access to personal, material, social and political resources and rights (for example adequate incomes, paid work, shelter, food, health care, a healthy environment, basic human rights, freedom from state repression). Reimagining the ‘“bottom line” of safety’ in ‘human security’ terms decouples ‘safety’ from ‘crime’, and also emphasises that ‘policing’ (the creation of ‘safety’) can take place in the absence of ‘the police’. In a way, then, this reverts to the broader understanding of policing evident in historical usage of the term. This links ‘policing’ through an expanded conception of ‘safety’ to the broad definition of ‘democratic policing’ (as orientated towards social justice) which I have outlined above. In the next part of this chapter I make some proposals for reorienting the study of policing in order to accommodate the expanded definition of policing proposed above.

(Re)imagining democratic policing: reorienting the study of policing

Research on policing and the police has embraced a range of approaches, which have been adopted for a variety of reasons, by researchers with very different intellectual and political objectives (Manning, 2005; McLaughlin, 2007; Reiner, 2010). In recent years, a great deal of research has been preoccupied with ‘evidence-based policing’ and in particular with identifying ways in which the police can be effective at ‘crime control’ (Reiner, 2010). This trend has seen ‘critical and theoretical’ research take a back seat to research which is ‘pragmatic [and] policy-oriented’ (Reiner, 1992: 55; 2010: 14). Yet, as Reiner (1992: 777) has noted, the recurring crises of legitimacy and identity experienced by the police from the latter part of the 20th century onwards have come about as a result of ‘deeply rooted structural trends’ which require critical, sociological analysis. Under these conditions, McLaughlin (2007: ix, emphasis added) suggests, ‘it has never been more important to
forge a critical police studies ... capable of conceptualizing policing developments against socio-cultural, economic and political transformations’. This project seems all the more urgent if ‘democratic policing’ is to be successfully (re)imagined along the lines outlined above.

In this part of the chapter I argue that to pursue ‘democratic policing’ in the sense of policing for social justice, the study of policing needs to be reoriented in at least two ways. Firstly, a wider range of perspectives, topics and approaches need to be brought into mainstream discussions of policing. Secondly (and relatedly), the hierarchical, uniformed, state bureaucracies which we call ‘police’ need to be decentred from the study of policing, and the mythology which surrounds these organisations needs to be dismantled.

‘Policing for a Better Britain’? Broadening the horizons of policing scholarship

Published in November 2013, Policing for a Better Britain (Stevens, 2013) was the final report of the ‘Independent Commission on Policing’ set up by the Labour party to ‘examine the roles and responsibilities of the Police service in England and Wales’™. Chaired by a former Commissioner of the Metropolitan Police (Lord Stevens of Kirkwhelpington), the commission was, perhaps, always unlikely to deliver any major surprises or departures from the status quo in its findings or recommendations. Yet, the final report did turn out to be rather striking in terms of the issues it left largely unexamined. The report made only rather limited reference to matters including police violence, routine weaponisation (e.g. the increased use of Tasars), deaths in police custody or following contact with the police, police manipulation of and apparent failures to investigate the media (e.g. historic revelations in relation to Hillsborough and more recent allegations in relation to the Metropolitan Police investigation of News International), the policing of protest events (e.g. student fees and anti-fracking protests), police involvement in the surveillance of peace and environmental campaigners, and the apparently close relationships between the police and various private business concerns and interest groups (e.g. see Ball, 2013; Lewis and Evans, 2013; The Guardian, 2013; Whyte, 2015). These issues, and the structural political and organisational contexts within which they have arisen, all seem to be highly relevant for a thoroughgoing discussion of what ‘democratic policing’ should and should not involve.

One can speculate about a range of causes for the omissions in the final report of the Stevens’ Commission (2013), but what seems clear is that those who have contributed to the Commission’s final report have not been minded to make explicit reference to the structural context within which the inquiry took place. As a result, the deep social divisions and inequalities of wealth and power which place limits on the extent to which ordinary citizens are able to exert any meaningful influence over the broad ideological and material conditions under which they must live their lives, are rendered largely invisible. Furthermore, the Police-centric focus of the work of the Commission has meant that those who have contributed to its final form have avoided any overt challenge to the notion that state police organizations in roughly their current form are necessary, and that their myriad objectives (the so-called ‘omnibus role’) are, broadly speaking, legitimate.

Ensuring that policing is ‘democratic’ is treated in the Commission report (Stevens, 2013) (and in the companion volume of academic papers (see Brown, 2014) which helped inform its production) as a matter of implementing the most appropriate legal frameworks for governance and accountability’. This approach indicates the broadly ‘liberal constitutionalist’ (cf. Kinsey, Lea and Young, 1986: 164)
orientations underpinning the report, which include a consensus view of society, a commitment to a view of both the police and the law as politically impartial and an assumption that the state police organisation as currently constituted is an essential and legitimate institution and should form the starting point for studying policing. The liberal orientations described above combine to produce a number of quite significant blind spots (or perhaps more accurately ‘dark corners’) in the mainstream of policing scholarship.

To avoid being accused of using a broad brush to paint a straw-man I should clarify that I am not suggesting that liberal policing scholarship has not provided and cannot provide genuinely important and interesting insights into contemporary policing and police organizations, including criticisms of aspects of police activity and of the institutional structure of policing. Indeed, quite the opposite: some research falling within this tradition has provided important conceptual resources and empirical insights that enable us to move towards a more fully developed conceptualisation of ‘democratic policing’ (and examples have been referred to above). Rather, what I wish to suggest is that the criticisms of the police which emerge from the liberal tradition of policing scholarship are, conspicuously, not placed in the context of the structural conditions of neo-liberal capitalism that create and maintain the injustices, harms, inequalities and social divisions which render policing an intensely and inherently political activity. Thus, whilst it has yielded significant and useful empirical and conceptual gains, the overall product of liberal policing scholarship as a tradition remains, I suggest, on its own inadequate to the task of (re)imagining ‘democratic policing’ in the manner which I have proposed.

However, whilst the broadly liberal orientations described above characterise many of the dominant voices raised in mainstream British policing scholarship this is not to say that nobody is challenging the picture they paint, or attempting to shine a light into the dark corners of policing to which they give only a rather cursory glance. Indeed, some academics (as well as campaign groups and journalists) have long sought to point out the significant harms and humiliations caused to some vulnerable and marginalised groups by police activity (and inactivity) (e.g. see Scraton, 1982; Choongh, 1998; Pemberton, 2005; Tombs and Whyte, 2007; Tombs, 2008) to highlight repressive and intrusive police interventions in political protest movements (e.g. see Power, 2012; Evans and Lewis, 2013; Jackson and Monk, 2014), and to reveal the extent to which the police, and policing more broadly conceived, have been involved in serving the interests of powerful establishment groups as opposed to the wider public (e.g. see Whyte, 2015).

The problem, then, is not that critical research is not taking place, or that critical insights are not coming to light, rather it is that these are not being adequately taken into account by the mainstream of policing scholarship. There are, it seems to me, two ways in which this occurs. Firstly, where critical research focuses on things which the police do which we might think they should not be doing (for example causing the deaths of citizens or protecting corporate interests by spying on trade unionists and environmental activists), mainstream liberal policing scholars have shown a tendency to carry on regardless, without engaging with the ways in which police violence and subversion of democratic rights undermine the institution’s putative legitimacy and impartiality (a tendency which pervades the report of the Stevens’ commission (2013), and the accompanying academic volume (Brown, 2014). Secondly, some scholars providing critical insights of relevance to policing but which may concern aspects of policing in which the police are not directly concerned are not actually seen (sometimes even by themselves) as ‘policing’ scholars. As a result of both these
tendencies, it seems, research which could pose a robust evidence-based challenge to liberal assumptions about the necessity and general righteousness of the state police in roughly their current form, or about the health of our democracy, is permitted to languish in a critical (or as some have called it, ‘Left-Idealist’ (Kinsey, Lea and Young, 1986: 164)) ghetto. This is to the significant detriment of discussions about ‘democratic policing’.

One salient example of the second way in which mainstream policing scholarship neglects relevant research can be found in the work of Steve Tombs and Dave Whyte, who have written extensively on the death and damage caused by ‘safety crimes’ (see Tombs and Whyte, 2007; Tombs, 2008). These crimes are, they note, treated as a ‘sub-category’ of criminal offences which are usually dealt with through regulatory agencies, rather than by the police. As such they tend not to be seen as ‘real crime’ (Tombs and Whyte, 2007: 93). Correspondingly, it seems, the empirical and theoretical insights provided by Tombs and Whyte tend not to be seen as insights which are specifically about policing or the police, and neither of these researchers would, I suspect, consider themselves to be policing scholars per se. However, if, as I have proposed above, the primary objective of ‘democratic policing’ should be the creation of forms of safety which enable human development and self-determination then the insights provided by research such as that carried out by Whyte and Tombs most certainly are relevant for a thorough reimagining of what ‘democratic policing’ might mean.

Acknowledging the breadth and variety of research both on, and of relevance to, policing and the police, even where that research may chip away at treasured liberal assumptions about society, democracy and the police, is an essential starting point for thinking deeply and critically about ‘democratic policing’.

However, broadening the horizons of policing research in the way outlined here requires a quite fundamental adjustment in the current position of the police in relation to policing research. It requires nothing less than decentring the police by cracking open the mythological carapace which has kept them centre stage for so long.

Decentring the police: counteracting police mythology

The symbolic importance of the police is premised upon an assemblage of myths which provide cover for both their inadequacies and their excesses and limit the influence of the kind of radical criticism needed to (re)imagine both their role, and policing more generally. Preeminent amongst these myths is the characterisation of the police as having been established in order to deal with rising crime, and as having been primarily concerned with this task throughout their history and right up to the present day. Along with this preeminent mythological cloak come various additional mythological accoutrements, including the notion that the police are politically impartial because their activity is shaped by the law rather than by special interests and the belief that the police can control crime effectively without generating undesirable side-effects in the shape of repressive and discriminatory practices with the potential to criminalise, alienate and otherwise injure already vulnerable and socially-excluded groups.

The historical and contemporary accuracy of these myths has been repeatedly highlighted in the policing research literature (Reiner, 2010; Loader, 2014). Revisionist historical accounts of the emergence of the ‘new’ police in nineteenth century England (for example see Storch, 1976) suggest that rather than dealing with ‘crime’ per se police activities were frequently concerned with 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. Twentieth century sociologists, meanwhile, have long argued that in their day to day work the police are not first and foremost either law enforcers or ‘crime-fighters’ (e.g. see Banton, 1964; Manning, 1977; Bayley, 1994; Bittner, 2005 [1974]; Dixon, 2005; Westley, 2005 [1970]; Loader, 2014).

Bayley (1994: 20) argues that uniformed ‘patrol officers’ are primarily engaged in responding to calls for assistance from the public, using the threat of law enforcement to ‘interrupt or pacify situations of potential or ongoing conflict’. The fact that police can invoke the law, and that their legal powers facilitate the use of force in order to gain compliance with their instructions, means that they have what Bittner (2005 [1974]: 164-5) calls ‘a unique and powerful capacity to cope with all kinds of emergencies’. The law, then, is not something which provides a specific direction for police work rather it provides the police with certain capacities which shape public demand for their services. As Westley (2005 [1970]: 138) notes the police are ‘a group who can be assigned that which no other group can perform’, namely intervening in situations where ‘decisive action’ is required (Bittner, 2005 [1974]).

Even a report by Her Majesty’s Inspectorate of Constabulary (HMIC, 2012), for all that it gamely represents itself as contradicting sociological orthodoxy in order (presumably) to bolster the Home Secretary’s promise ‘to turn police into real crime fighters’ (May, 2011), indicates that police officers in England and Wales still spend a good deal of their time attending incidents in which no crime has in fact occurred. Indeed, one of the report’s ‘key findings’ is that police overwhelmingly spend their time ‘on crime or stopping things that the public feel are dangerous or wrong and should cease immediately’ (HMIC, 2012). Whether or not this is a deliberate echo of Bittner’s (2005 [1974]: 161) famous claim that police attend incidents which involve ‘something-that-ought-not-to-be-happening-and-about-which-someone-had-better-do-something-right-now!’ is not clear, though the similarity is striking.

What we know about the effectiveness of police activity at reducing crime is also less than convincing, with a recent review suggesting that there is no conclusive evidence that ‘traditional’ tactics of random patrol, stop and search and rapid response have any effect at all on crime (Karn, 2013). Attempts to develop and test approaches which will allow the police to be more effective at reducing crime (for example targeting ‘hotspots’, intelligence-led and problem-oriented policing and partnership working) are argued to have shown some potential (Karn, 2013), but one might wonder whether the resources which are currently being expended on ‘evidence-based policing’ are better understood as a welcome and rational development, or as a desperate bid to find a way in which the police can finally live up to their own mythology. Certainly it seems likely that the enthusiastic championing of evidence-based policing by police leaders, politicians and academics will do little to dissuade the public from what Loader (1997: 11) refers to as their ‘affective attachment to the “policing solution”’. Indulging this attachment keeps the police at the centre of debates about policing, crime and safety, their enduring ‘symbolic power’ stifling attempts to find alternate ‘ways of speaking and acting vis-á-vis crime and social order’ (Ibid).

But, if the police are not effective at reducing crime, and are not primarily engaged in upholding the law or fighting crime, then we might well ask what are they doing and why does the mythology surrounding them suggest that they are doing something else? One plausible response to these questions can be found in the fact that portraying the police as crime fighters casts a veil over the
inherently political nature of police work which, in the end, always involves decisions about what, where, who and how to police. Resource constraints dictate that the suppression of crime and enforcement of law is always selective and ‘incomplete’ (Jefferson and Grimshaw, 1984). Thus, the law does not determine police action, but rather is used by police officers as a resource for pursuing objectives which they can, within limits, define for themselves (Bayley, 1994; Bittner, 2005 [1974]). Choongh (1998: 625) notes that these objectives can and often do include extracting what officers consider to be due deference from ‘subordinate sections of society viewed as anti-police and innately criminal’, in particular the poor, homeless people, unemployed people, ethnic minorities, gypsies and travellers. In fact, studies of police behaviour indicate that officers often use their own informal tests to determine which individuals require and deserve coercive attention. Their judgements are frequently based less on specific criminal behaviours than on visible markers of social status, or the failure of individuals to display sufficient respect towards officers’ authority (see Loftus, 2010). In other words, in their normal day to day routines the police act most frequently and visibly against some of the most disadvantaged, vulnerable and marginalised sections of society, often in connection with quite trivial offences, or indeed no specific criminal offences at all.

Meanwhile, the police are neither commonly expected nor regularly seen to act against the individuals and organisations responsible for causing some of the most far-reaching and catastrophic harms of everyday life in 21st century Britain, including companies who allow their workers to be seriously injured and killed, or the environment to be seriously degraded, by failing to adopt safe working practices (see Tombs, 2008), and the architects of the global financial crisis which has precipitated catastrophic cuts to vital social services in this country (prosecutions of the odd criminally-errant banker not withstanding). At the same time the police do act against those who seek to mount effective political campaigns highlighting social divisions, inequalities and environmental concerns. Recent examples of police activity in this area have included aggressive public order police responses to a succession of protests by student, anti-austerity and environmental campaigners and the ongoing series of revelations about close relationships between the police and private corporations, and the involvement of the police in extensive surveillance of activist groups and trade unionists (see Ball, 2013; Lewis and Evans, 2013; The Guardian, 2013; Whyte, 2015). In other words, there is strong evidence that the police often serve the interests of particular groups in society by concentrating resources and attention on apprehending the perpetrators of certain types of ‘crime’ and maintaining a particular, dominant, conception of order (Reiner, 2010).

All of that being said, the police also intervene and take control in circumstances where it is hard to imagine which other group could do so. If we accept that their defining characteristic is their ‘right to use coercive force’ (Klockars, 1985: 12) we must acknowledge that their particular strength is their ability to take ‘decisive action’ which may not be opposed by citizens (Bittner, 1970: 40 cited by McLaughlin, 2007: 53). Of course, police can cause considerable harm in the course of behaving decisively, which is precisely why critical studies of the consequences of coercive and violent police action are essential for any consideration of ‘democratic policing’. But there are circumstances in which the police’s unique authorisation to use coercive force (and the knowledge that the public have of the police’s authorisation to use force) is essential in providing an effective response to an unfolding emergency. There is, then, still a need to value the public police, and accept that the public police perform some important social functions which few of us would wish to be without.
However, the continued centrality and symbolic importance of the police in discussions of policing serves to promote, make visible, and dramatize, a particular set of harms (intentionally-caused criminal harms) and a particular set of responses to those harms (police use of force, criminalisation). As well as failing to reflect what the police actually spend much of their time doing (dealing with calls for service from the public, resolving conflicts, asserting their authority over marginalised groups) this deflects attention away from both the overtly political ‘high policing’ (cf. Brodeur, 1983) functions of the police and from the harms (including corporate and state violence, exploitation, poverty, environmental degradation) which are not generally considered to be police business (despite being potentially far more fundamental to the wellbeing of society). Thus, the symbolic dominance of the police over discussions of policing makes it difficult to broaden the horizons of these discussions in the ways I have proposed above. In order to pursue democratic policing, then, the activity of policing needs to be reclaimed from the literally and symbolically violent institution of the police.

**Conclusion: Towards a pro-democratic agenda for policing research**

In this chapter I have attempted to sketch the outlines for an ambitious (re)imagining of ‘democratic policing’. It clearly goes far beyond the rather limited aspiration to ‘democratise’ the Police via the ballot box, as adopted by the Coalition Government. It also, whilst clearly drawing on elements from the existing literature, goes beyond most previous proposals as to how to develop democratic policing, even those radical commentators of the 1980s who, although they favoured more participative approaches in police governance in order to ensure representation for the views of minority groups, were still rather Police-centric (see Jones, Newburn and Smith, 1996). I have attempted to weave together some radical democratic theory, with a social harm perspective on crime, with insights from more conventional policing sources. Undoubtedly it will be perceived as a challenge by those who are more or less content with the current constitution, both institutional and ideological, of policing, police organisations and, indeed, the broad field of police studies in this country. I hope however that it has suggested some possible fruitful areas for further research and analysis which may help to put flesh onto the bones of the ideas outlined here, and may even provide additional momentum to existing campaigns in favour of approaches to policing that promote rather than undermine social justice and democratic self-determination. To my mind there are three empirical research questions which should provide the backbone of any attempts to take this initial, preliminary exercise in (re)imagining further:

1. What are the main threats to safety, social justice and self-determination in today’s society?
2. What forms of policing are best suited to addressing these threats?
3. What does the public police’s ‘capacity for decisive action’ make them particularly good (and bad) for in society today?

Clearly some of the evidence needed to start to address these questions is already available, but much more remains to be done. The objective here is to shift the analytical gaze away from the police (as fascinating as they are) and onto ‘safety’ as the ultimate product that we expect policing to deliver. The production of ‘safety’ is clearly a goal which one would hope is shared by police organisations, and therefore the suggested research agenda does not preclude collaboration with the police. Nonetheless it is an agenda which has the potential to yield some challenging and
unpalatable findings for police organisations. The question is whether police organisations, and the researchers who stake their careers on researching on, with and for them, are willing to consider whether, as Robert Peel suggested to parliament back in 1828, we now require ‘a new mode of protection’ (quoted in Critchley, 1967: 48).

AUTHOR’S NOTE: Many thanks to Barry Goldson and Ian Loader for their very helpful feedback on the first draft of this chapter.

References


Lewis, P and Evans, R (2013) Undercover: The True Story of Britain’s Secret Police (London: Faber and Faber)


---

1 Two exceptions to this are Reiner (2013) and Wood (2014).

2 For example, the final report of the Independent Police Commission (Stevens, 2013) used the word ‘police’ in its title, stated that it was an ‘independent inquiry focusing on the future of policing’ in its subtitle, and then in further introductory text stated that its ‘overarching objective is to examine the roles and responsibilities of the Police service in England and Wales’.

3 Indeed, if we consider Robert Peel’s statement (after the passage of the Metropolitan Police Act 1829) that ‘I want to teach people that liberty does not consist in having your house robbed by organised gangs of thieves, and in leaving the principal streets of London in the nightly possession of drunken women and vagabonds’ (quoted in Critchley, 1967: 54), then we can see that Peel refers to a very specific and narrow conception of safety, and one which arguably provides only a rather limited amount of ‘liberty’.

4 http://independentpolicecommission.org.uk/

5 The Labour party has since pledged to introduce the report’s final recommendations (Cooper, 2013), which include proposals for replacing PCCs with governance arrangements incorporating lower tier local authorities,
and possibly directly-elected Local Policing Boards and some form of ‘participatory budgeting’ involving local
people. vi This formulation of their work is, as Manning (1977: 15) has argued, an ironic ‘legitimating theme’. It is ironic
because the police’s manifest failure to either spend significant proportions of their time dealing with crime, or
to make a clearly identifiable impact on the amount of crime means that ‘their stock is oversold’. vii To observe that the police are often concerned with rather trivial offences is certainly not to deny the
considerable suffering that such offences can cause to individuals and communities, particularly those who
experience them on a regular basis. viii For example, the use of mounted police charges and the controversial containment technique of ‘kettling’,
against students protesting the rise in university tuition fees; the significant use of police resources and abuse
of powers of arrest in order to disrupt protests against ‘hydraulic fracturing’ test sites in Manchester and
Sussex; and the capacity of the police to use the offence of ‘aggravated trespass’ legislation as a way to
criminalise peaceful but disruptive direct action. ix For example, following a peaceful direct action protest by environmental activists at the gas-fired West
Burton power station there were allegations that the police passed papers relating to the case directly onto
the owners EDF so that they could pursue civil action against them (Ball, 2013). Similarly, police dealing with
protestors against the cull of Badgers in Gloucestershire were filmed stating that their details could be passed
to the National Farmers Union to enable them to pursue a private prosecution (The Guardian, 2013).